



Township of Lake of Bays Municipal Offices
Phone (705) 635-2272 Fax (705) 635-2132

COUNCIL MEETING FOR *PLANNING MATTERS ONLY*
of
The Corporation of the Township of Lake of Bays
March 24th, 2009
MINUTES

There was a regularly scheduled meeting of Council held for *Planning Matters Only* immediately following the Committee of Adjustment meeting held at 9:00 a.m., on March 24th, 2009 in the Council Chambers of the Township of Lake of Bays Municipal Offices, Dwight, Ontario.

Attendance:

Acting Mayor: Margaret Casey

Councillors: Ben Boivin (District – Franklin/Sinclair/Finlayson)
Nancy Tapley (Franklin)
Ruth Ross (Ridout)
Philip Cote (McLean)
Virginia (Ginny) Burgess (Sinclair/Finlayson)

Absent: Janet Peake

Planner: Stefan Szczerbak
Deputy Clerk: Kelly Stronks

1. MEETING CALLED TO ORDER

The meeting was called to order at 9:37 a.m., on March 24th, 2009, by Acting Mayor Casey.

2. APPROVAL OF AGENDA

A supplementary information package for items already on the agenda was provided to each Council member.

Resolution 2(a)/03/24/09

Councillor Boivin and Councillor Burgess

Be it resolved that the Agenda for the Council Meeting for Planning Matters Only, dated March 24th, 2009, be adopted.

Carried

3. DISCLOSURE OF PECUNIARY INTEREST

Nil

4. DEPUTATIONS / DELEGATIONS

Nil

5. MINUTES

(a) To Be Adopted

- (i) Council Meeting for Planning Matters Only Minutes – February 24th, 2009

Resolution 5(a)(i)/03/24/09

Councillor Ross and Councillor Tapley

Be it resolved that the Council of the Corporation of the Township of Lake of Bays adopt the minutes for the Council Meeting for Planning Matters Only for the meeting dated February 24th, 2009 as circulated.

Carried

(b) To Be Received

- (i) Committee of Adjustment Meeting Minutes – February 24th, 2009

Resolution 5(b)(i)/03/24/09

Councillor Boivin and Councillor Ross

Be it resolved that the Council of the Corporation of the Township of Lake of Bays receive the Committee of Adjustment minutes for the meeting dated February 24th, 2009, as circulated.

Carried

6. REPORTS AND BY- LAWS

(a) Planning

(i) By-laws

- (a) By-law: **09-28**
Files: **Z 41/08 LOB (Jesin)**
Type: Amendment to By-law 04-181
Applicants: Isaac Jesin
Agent: Jerry Jesin
Civic Address: 1086 Burlmarie Road
Lot/Con/Ward: L 14, C 8, McLean, on the South Branch of the Muskoka River
Roll No.: 040-007-06700

- Mr. Gord Laxson, architect, was present to represent the application
- Mr. Szczerbak presented the staff report, and noted that the revised draft by-law was in the agenda and reflected the proposed screened porch fronting cabin "F"
- Councillor Tapley reiterated her comments from the previous meeting that this would give the impression of two storey bunkies and asked that when by-law 04-181 is being updated that bunkies be given a gross floor area, not just a footprint area, in order to address this
- No one was present in the gallery who wished to speak to the application
- Acting Mayor Casey read the following:

By-law 09-28 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Jesin)(1086 Burlmarie Road)(McLean).

By-law 09-28 was read a first, second and third time and finally passed.

(b) By-law: **09-13**
Files: **Z 51/08 LOB (Martin & Wraith)**
Type: Amendment to By-law 04-180
Applicants: Geoffrey Martin & Marnie Wraith
Civic Address: 1002 Wawa Lane
Lot/Con/Ward: L 24, C 13, Ridout, on Lake of Bays
Roll No.: 030-011-12700

- Ms. Marnie Wraith, applicant, Mr. Paul Greenaway, contractor, and Mr. Lanny Dennis, planning consultant, were present to represent the application
- No one was present in the gallery
- Mr. Szczerbak presented the staff report, and read comments that comments that had been received from Frank Dennis and Gord Henderson
- Councillor Tapley noted that the proposed end cap had been down to 140 sq ft, and that it was now up to 180 sq ft, and that there had been questions regarding cribbing which needed clarification
- Mr. Szczerbak noted that a letter that had been received from the previous owner of the property, and that he had been unclear as to the size of end cap that used to be there, and that it could have been 10 x 14 ft or 10 x 18 ft. Mr. Szczerbak stated that the dock was not extending further out, and that all that needed to be determined was the size of the end cap
- Ms. Wraith advised that they had reduced the size of the end cap to 10 x 18 ft because they thought that it would meet historic precedence, and the letter from the previous owner backed this up. She advised that the size is the minimum required to safely construct the cribs and meeting the requirements of the Ministry of Natural Resources
- Councillor Boivin noted that with this proposal that the end cap and dock would be entirely on the correct side of the property line. Ms. Wraith confirmed this and that this would reduce potential congestion in this area by doing so
- Councillor Tapley referred to the old sketch that showed a series of 8 x 8 ft cribs, and asked why there was only 2 ft of space between them. Mr. Greenaway advised that ideally there would be an 8 ft space between, that that what is actually proposed are two 6 x 8 ft cribs with an 8 ft space between them
- Mr. Dennis stated that his clients had made an effort to reduce the size of the end cap, the dock is low profile, not like a boathouse, so that when looking towards the shore from the lake, it would be difficult to ascertain the slight size increase in size of the end cap. He observed that other docks in this area were longer than the 20 metre limit in order to achieve enough water depth, and that another dock nearby has an end cap of 30 x 30 ft
- Acting Mayor Casey read the following:

By-law 09-13 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Martin & Wraith)(1002 Wawa Lane)(Ridout).

By-law 09-13 was read a first, second and third time and finally passed.

(c) By-law: **09-39**
Files: **Z 07/09 LOB (Mansell Properties Ltd.)**
Type: Amendment to By-law 04-180

Applicant: Mansell Properties Ltd.
Civic Address: 1211 Mansell Road
Lot/Con/Ward: L 5, C 6, Sinclair
Roll No.: 020-006-02100

- Ms. Dorothy Eastmure, applicant's representative, was present in the gallery to represent the application
- No one was present in the gallery
- Mr. Szczerbak reviewed the staff report and noted that the applicant is also taking advantage of the Conservation Land Tax Rebate Program, which required that the land be zoned appropriately. He noted that letters of support from had been received from Wendy and Lon Kimmel, as well as the Bella Rebecca Community Association
- Councillor Tapley expressed her delight and reported that this property was part of the Mansell property complex, which was the first property to request and receive a heritage designation from the Lake of Bays Heritage Committee, that the buildings on the affiliated property were 97 yrs old, and would be receiving a heritage rebate as a result, and that it would be part of the Doors Open heritage building tour
- Acting Mayor Casey read the following:

By-law 09-39 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Mansell Properties Ltd.)(1211 Mansell Road)(Sinclair).

By-law 09-39 was read a first, second and third time and finally passed.

(d) By-law: **09-40**
Files: **Z 08/09 LOB (Jakobek)**
Type: Amendment to By-law 04-180
Applicant: Joe Jakobek
Civic Address: Trout Lake Road - vacant
Lot/Con/Ward: L 17, C 11, Ridout
Roll No.: 030-011-02303

- Mr. Joe Jakobek, applicant, was present to represent the application
- No one was present in the gallery
- Mr. Szczerbak reviewed the staff report and advised that staff had no concerns with the approval of the application. He noted that a letter of objection had been received from June Haist
- Councillor Tapley asked if the stairs formed part of the shoreline activity area. Mr. Szczerbak advised that they are located within the area as approved by Council under development permit application DP 101/08 LOB
- Councillor Boivin asked if the removal of any vegetation was required to accommodate the stairs. Mr. Szczerbak advised it was minimal
- Acting Mayor Casey read the following:

By-law 09-40 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Jakobek)(Trout Lake Road - vacant)(Ridout).

By-law 09-40 was read a first, second and third time and finally passed.

(e) By-law: **09-41**
Files: **Z 09/09 LOB (Kerr)**
Type: Amendment to By-law 04-180
Applicant: Robert Kerr
Agent: Tom Stead

Civic Address: 2 Zephyr Island (water access)
Lot/Con/Ward: L 21, C 2, Franklin, on Lake of Bays
Roll No.: 010-017-04300

- Mr. Tom Stead Sr. was present to represent the application
- Mr. Szczerbak reviewed the staff report and advised that staff had no concerns with the approval of this application. He noted that any septic requirements would be looked at by the building department prior to issuing a building permit in order to ensure that it can accommodate the bathhouse
- Councillor Tapley stated that she had been by the island recently and that it was heavily vegetated and this building would not be seen
- Acting Mayor Casey read the following:

By-law 09-41 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Kerr) (2 Zephyr Island – water access)(Franklin).

By-law 09-41 was read a first, second and third time and finally passed.

(ii) **Council Variations to Development Permit By-law 04-180**

(a) File: **DP 01/09 LOB (2144096 Ontario Inc. – Trader's Crossing)**
Applicant: 2144096 Ontario Ltd.
Civic Address: 1462 Old Hwy 117
Lot/Con/Ward: L 14 & 15, C 14, Ridout, on Lake of Bays
Roll No.: 030-011-05500

- No one was present to represent the application
- No one was present in the gallery who wished to speak to the application
- Mr. Szczerbak advised that a notice had been sent out advertising that this application was going to be heard at this meeting, but that the agent had requested a deferral until April 28, and that staff had sent out a revised notice advertising the new meeting date. He noted that this was just a verbal report to update Council

(b) File: **DP 03/09 LOB (Lischkoff)**
Applicants: James & Debbie Lischkoff
Civic Address: 1049 Ralston Road
Lot/Con: L 12, C 8, Finlayson, on Tasso Lake
Roll No.: 020-014-00400

- Ms. James Lischkoff, applicant, was present to represent the application
- Mr. Szczerbak reviewed the staff report and advised that staff had no concerns with the approval of the application, and noted that a re-vegetation plan has been received from professional arborist Pavey Tree
- Councillor Boivin asked if the existing dock was to remain once the proposed new dock was built. Mr. Szczerbak stated that it would be removed
- Councillor Tapley asked if the open portion between the two hatched areas was to be re-vegetated, or were they just exchanging like for like. Mr. Szczerbak stated that the applicants were only re-vegetating the portion identified, but that in the proposed new section of shoreline activity area, they were not intending to clearcut, simply remove some of the trees and prune for a view

- Councillor Tapley noted that the report by Pavey Tree referenced “old” hemlocks, and she stated that 150 yrs old is not old for a hemlock and was hoping there wasn’t an intent to remove these
- Acting Mayor Casey read the following:

Resolution 6(a)(ii)(b)/03/24/09

Councillor Cote and Councillor Burgess

WHEREAS the applicants have submitted Development Permit Application DP 03/09 LOB (Lischkoff) in order to seek relief from:

- a) Section 5.1.1 (k) (Maximum Shoreline Activity Area), increase from 23 metres to 41 metres)

of Development Permit By-law 04-180, in order to permit the relocation of an existing and legal and non complying shoreline activity area, located in Pt. Lot 12, Conc. 8, Finlayson Ward, on Tasso Lake (Lischkoff) (1049 Ralston Road) (Finlayson) (020-014-00400);

AND WHEREAS the Council of the Corporation of the Township of Lake of Bays considers the notice of this application to be sufficient;

NOW BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays is satisfied that the criteria as outlined in Schedule C of the Development Permit By-law has been fulfilled, and hereby **APPROVES** the proposal in accordance with the attached sketch subject to the following conditions:

1. That the works be carried out in accordance with plans submitted: January 9th, 2009 and marked: DP 03/09 LOB;
2. That the permission granted herein shall lapse two years from the start date of construction/development, unless the work for which the permission has been given has been completed. If the works have not been completed by the aforementioned date, an extension to this condition may be required and all on-going and future work must cease until an extension to this permit or a new development permit is obtained. What shall be deemed as “complete” is within the sole discretion of the Township of Lake of Bays;
3. That the Township of Lake of Bays be notified 48 hours prior to the commencement of any works and be notified of the completion of the project;
4. All lighting facilities shall be directed downwards and be required to minimize the impact on lake views, night skies and environmental features; and
5. That a shoreline buffer shall be established and maintained abutting any portion of a shoreline that does not form part of the shoreline activity area. A shoreline buffer shall be a minimum of 15 metres (49.2 ft) in depth measured inland from ordinary water’s edge, unless otherwise specified in this by-law. All other provisions of the By-law must be complied with.
6. That the recommendations contained in Pavey Tree Arborist Report dated March 2nd, 2009 be implemented with respect to

increased planting density preferred tree species and selective vegetation removal and thinning to promote the development of a healthy shoreline yard.

Carried.

(c) File: **DP 04/09 LOB (Scott)**
Applicant: Wayne Scott
Civic Address: 1006 Steep Rock Road
Lot/Con: L 11, C 5, Finlayson, on Tasso Lake
Roll No.: 020-014-09500

- No one was present to represent the application
- No one was present in the gallery who wished to speak to the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with the approval of the application, and recommended that no shoreline activity area be identified in order to maintain the majority of the shoreline in a natural state
- Councillor Tapley noted that a privy was currently being used and asked if a septic system was proposed. Mr. Szczerbak advised that they did receive approval for a septic system from the building department, and the bunkie would be connected as well. Councillor Boivin stated his concern with where the bed would be going given the steepness of the lot. Mr. Szczerbak advised that the building permit has been issued and the design is in accordance with the Ontario Building Code
- Councillor Ross noted that the driveway switches back and forth and appears to be on the neighbouring lots at times, and asked if there was a right-of-way. Mr. Szczerbak advised that he was not sure
- Acting Mayor Casey read the following:

Resolution 6(a)(ii)(c)/03/24/09

Councillor Ross and Councillor Boivin

WHEREAS the applicants have submitted Development Permit Application DP 04/09 LOB (Scott) in order to seek relief from:

- a) Section 5.1.1 (d) (Minimum Shoreline Yard Setback), reduce from 30 metres to 24.4 metres; and**
- b) Section 5.1.1 (j) (Maximum Building Height – Other Accessory Structure – a sleeping cabin), increase from 4.5 metres to 7 metres**

of Development Permit By-law 04-180, in order to permit the construction of a private accessory sleeping cabin, located in Pt. Lot 11, Conc. 5, Finlayson Ward, on Tasso Lake (Scott) (1006 Steep Rock Road) (Finlayson) (020-014-09500);

AND WHEREAS a shoreline activity area has not been identified in order to prevent the removal of any shoreline vegetation without further approval under By-law 04-180;

AND WHEREAS the Council of the Corporation of the Township of Lake of Bays considers the notice of this application to be sufficient;

NOW BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays is satisfied that the criteria as outlined in Schedule C of the Development Permit By-law has been fulfilled, and

hereby **APPROVES** the proposal in accordance with the attached sketch subject to the following conditions:

1. That the works be carried out in accordance with plans submitted: January 9th, 2009 and marked: DP 04/09 LOB;
2. That the permission granted herein shall lapse two years from the start date of construction/development, unless the work for which the permission has been given has been completed. If the works have not been completed by the aforementioned date, an extension to this condition may be required and all on-going and future work must cease until an extension to this permit or a new development permit is obtained. What shall be deemed as “complete” is within the sole discretion of the Township of Lake of Bays;
3. That the Township of Lake of Bays be notified 48 hours prior to the commencement of any works and be notified of the completion of the project;
4. All lighting facilities shall be directed downwards and be required to minimize the impact on lake views, night skies and environmental features; and
5. That a shoreline buffer shall be established and maintained abutting any portion of a shoreline that does not form part of the shoreline activity area. A shoreline buffer shall be a minimum of 15 metres (49.2 ft) in depth measured inland from ordinary water’s edge, unless otherwise specified in this by-law. All other provisions of the By-law must be complied with.

Carried.

(d) File: **DP 07/09 LOB (Cabral)**
Applicant: Tony Cabral
Agent: John Gallagher of John P. Gallagher & Associates
Civic Address: Kelly Road - vacant
Lot/Con: L 13, C 9, McLean
Roll No.: 040-013-05900

- Mr. John Gallagher, agent, was present to represent the application
- Mr. Szczerbak presented the staff report and noted that this application was not requesting a variation to any provisions of the by-law, and was brought before Council because of their previous request that it be reviewed by them further to their review of rezoning application Z 01/09 LOB. He recommended provisional approval of the application, and that a new resolution had been prepared that reflected this to replace the one in the report
- Councillor Boivin asked if the septic area had been determined i.e. prior to moving of the dwelling onto the lot. Mr. Szczerbak stated that he did not believe there had been an application submitted to the Building Department yet, but that it appeared there was adequate area for a septic
- Councillor Tapley asked if there was any consideration given to relocating the structure closer to the westerly side lot line. Mr. Szczerbak noted that the applicant was willing to move the proposed dwelling further from the easterly side lot line and closer towards the front lot line
- Councillor Cote asked about the small piece of Cabral property located at 1042 Kelly Road, as he recalled that this was property was also involved in discussion at the last meeting

- Councillor Tapley asked about the intentions for this lot, even though it isn't part of this application. Mr. Szczerbak advised that because this particular lot is located within the Comprehensive Zoning By-law area, there is no restriction on vegetation removal, nor to hardening of the shoreline i.e. patio, etc. Councillor Tapley asked if a dock would still be allowed given that the by-law previously didn't allow a dock to be located on a property that couldn't accommodate a dwelling as a main use
- Mr. Gallagher stated that they could move the cottage closer to the front lot line, and regarding the fence proposal they would consider some buffering along the easterly lot whether its plantings or a fence. He noted that they have agreed to meet on-site to determine the location, type of fence, etc. He noted that the road frontage is adequate, and that the driveway location was designed in order to maintain a buffer from Kelly Road and a curving driveway helped accomplish this. Mr. Szczerbak noted the presence of a hydro line, which requires certain setbacks under the Ontario Building Code, so this restricts the location of the dwelling and the could not go closer to the westerly side lot line

The following persons in the gallery spoke:

Mr. Lanny Dennis of Wayne Simpson & Associates, consulting planner for Janice Keay & Steve McBroom, 1063 Kelly Road:

He advised that he had met with several landowners after the public meeting on January 27, 2009 that dealt with the previous rezoning application, and he had recommended that they not appeal the decision. He proceeded to quote Township Official Plan policy regarding the retention and maintenance of vegetation, low profile of buildings, etc, and land use compatibility policies. He stated his appreciation of what the applicant's agent was trying to accomplish with a meandering driveway, but that it also brought it closer to his client's property. He advised that he had spoken with Mr. Gallagher regarding having the proposed building footprint staked and to meet on site to discuss its location. He stated that the concern his clients was that the proposed dwelling location was at the top of a slope overlooking their cottage, and the construction impacts. Mr. Dennis brought Council's attention to a sketch he had provided that showed the proposed dwelling in relation to the Keay/McBroom property

Mr. Chris Frostad, 1050 Kelly Road

He advised that their property is located beside the small sliver of property of the other Cabral property at 1042 Kelly Road. He noted that this may not be the proper forum but didn't know where else to express his concern regarding the development that had already been undertaken on this property. He stated that they object to any ongoing or further development on this property as it directly affects their property because it was so close. Acting Mayor Casey acknowledged that this was not the proper forum, and that he should talk to staff regarding his concerns.

Mr. Szczerbak advised that landowners were entitled to use their property within the realm of the by-law, and recommended that Mr. Frostad contact him if further development was taking place that they were concerned about. Councillor Tapley referred to the Line Fences Act and that this may be a solution for them.

Mr. Dan Nixon, 1062 Kelly Road

He stated that all in attendance for this matter seem to be confused by the process, but he is encouraged by the progress made thus far. He stated that there have been rumours of a swimming pool and tennis court for the property, and asked if there was any way to see a total finalized plan in order to avoid coming before Council every couple of months. Mr.

Szczerbak offered to meet with them outside of the meeting to discuss the process.

Mr. Trevor Petch, 1051 Kelly Road

He advised that he is directly across the road from the subject property, and is a year round resident. He noted that a volleyball court had been erected and that trees had been removed to accommodate this, and that is why there are now very few trees to remove in the proposed path the cottage is to be moved on. He stated his desire to be part of the meeting on Friday to meet with staff and agents regarding the driveway location, as his entrance could be affected. Mr. Szczerbak deferred to Mr. Gallagher to decide this, as he feared that if too many attended demands may become unreasonable, and that there had to be give and take between all parties.

Ms. Linda Danby, 1037 Kelly Road

She stated that they have been reactive, and want to be more proactive as to what the Cabrals plan for the property. She stated that her understanding was that the by-law is a general guideline, and was glad to hear there was going to be an on-site meeting to discuss specific circumstances of this property.

Mr. John Gallagher, agent:

He addressed Mr. Frostad regarding the other lot, and stated that he doesn't believe there are any development rights and that there won't be a house on it. He stated that the meeting is at 1:00 on Friday and that he could attend if he likes. He stated that he was wary of meeting with Mr. Dennis to address his clients' issue, as this may result in another landowner expressing concern because it may also affect them. Mr. Szczerbak stated that at the meeting, everyone has to be reasonable with their requests and there has to be give and take, and that he felt that the Cabral's had already been generous in their reconsideration of their proposal.

- Acting Mayor Casey read the following:

Resolution 6(a)(ii)(d)/03/24/09

Councillor Boivin and Councillor Burgess

WHEREAS the applicants have submitted Development Permit Application DP 07/09 LOB (Cabral) in order to permit the development of the subject property located in Pt. Lot 13, Conc. 9, McLean Ward, on Lake of Bays (Cabral) (Kelly Road - vacant) (McLean) (040-013-05900);

AND WHEREAS the Council of the Corporation of the Township of Lake of Bays considers the notice of this application to be sufficient;

NOW BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays **PROVISIONALLY APPROVES** the application, subject to receipt and approval, to the satisfaction of the Township, of:

- i) a revised development plan displaying a reasonable increase to the rear yard and easterly side yard setbacks in accordance with Section H.20 of the Township Official Plan; and
- ii) receipt of a favourable Unassumed Road Improvement Agreement (if necessary);

then Council would thereby be satisfied that the criteria as outlined in Schedule C of the Development Permit By-law has been fulfilled, and

hereby **APPROVES** the proposal in accordance with the attached sketch subject to the following conditions:

1. That the works be carried out in accordance with revised plans submitted: *(to be determined)* and marked: DP 07/09 LOB;
2. That the permission granted herein shall lapse two years from the start date of construction/development, unless the work for which the permission has been given has been completed. If the works have not been completed by the aforementioned date, an extension to this condition may be required and all on-going and future work must cease until an extension to this permit or a new development permit is obtained. What shall be deemed as “complete” is within the sole discretion of the Township of Lake of Bays;
3. That the Township of Lake of Bays be notified 48 hours prior to the commencement of any works and be notified of the completion of the project;
4. All lighting facilities shall be directed downwards and be required to minimize the impact on lake views, night skies and environmental features; and
5. That a natural buffer shall be established and/or maintained within any yard as indicated on the attached Schedule.
6. A privacy fence shall be constructed along the easterly shared lot line in an effort to ensure compatibility between the two parcels.
7. Any future vegetation removal or site alteration on the subject lands will require an amendment to this development permit.
8. All other provisions of the By-law must be complied with.

Carried.

(iii) Other

a) Report

**Subdivision Application No. S2006-7
Muskoka River Shores Subdivision**

Part Lots 17 & 18, Con. 6, McLean Ward, on the South Branch of the Muskoka River

- No one was present respecting the application
- Mr. Szczerbak presented the staff report and advised that the District of Muskoka would be holding a public meeting on Wednesday, April 22, 2009 in Baysville
- Councillor Burgess noted the area designated as Open Space and asked if this would remain as such. Mr. Szczerbak advised that it would, and it would remain primarily in a natural state and would have some trails on it
- Councillor Cote stated that he thought that these lots were within 150 to 200 ft of a pit. Mr. Szczerbak advised that staff had looked at this, and that one of the properties in question was not designated under Aggregate Resources Act, so that landowner has lost his right to extract. Respecting the other pit, Mr. Szczerbak advised that it was beyond the 500 metre required buffer. Councillor Cote advised that he thought the one property (Vanclieaf) was still active and had recently fenced in the extraction area. Mr. Szczerbak advised that staff had not received a copy of the license from the Ministry of Natural Resources

- Councillor Tapley asked that staff double check the status of the pit on the Vancleef property. Mr. Szczerbak advised that he had spoken with the owner of the pit several weeks ago, and that he is aware that he had missed the deadline for applying for a license under the Aggregate Resources Act and that he is operating without a license. Mr. Szczerbak advised that he would investigate this further
- Acting Mayor Casey read the following:

Resolution 6(a)(iii)(a)/03/24/09

Councillor Burgess and Councillor Boivin

BE IT RESOLVED that the Council of the Corporation of the Township of Lake of Bays directs staff to forward correspondence to the District of Muskoka's Planning and Economic Development Department advising that the Township has no objection to the draft approval of plan of subdivision application S2006-7 (Muskoka River Shores), located in Lots 17 & 18, Con. 6, McLean Ward, now in the Township of Lake of Bays, subject to the following conditions:

1. That the Plan of Subdivision be "red-lined" to include a separate Block containing the proposed driveway for the purpose of providing access to the proposed lots and also to ensure the future landowners share the future maintenance of the road to each of the proposed lots.
2. Easements and/or rights-of-ways for access, utilities, drainage or other purposes shall be granted to the Township of Lake of Bays, or any other authority or party as may be required.
3. Prior to final approval being granted, the owner shall pay to the Township cash-in-lieu of all of the parkland dedication in accordance with the Planning Act, R.S.O., as amended and By-law 04-39 (By-law respecting the conveyance of land for park purposes within the Township of Lake of Bays).
4. Prior to final approval being granted, the portions of this property subject to the Comprehensive Zoning By-law No. 04-181 shall be removed from this By-law and therefore subject to the Development Permit By-law No. 04-180.
5. Prior to final approval being granted, the entire property shall be subject to a site specific amendment to the Development Permit By-law No. 04-181 which shall include at a minimum the following requirements:
 - a. re-designate the open space for its intended use;
 - b. provide specific locations for permitted shoreline structures outside of the identified sensitive fish habitat.
 - c. limit permitted shoreline structures to only docks and reduce the distance a dock can project out into the water;
 - d. increase both the minimum shoreline yard setback and vegetation protection area from the shoreline to 30 metres;
 - e. increase the minimum shoreline yard setback and vegetation protection area to not less than 15 metres from the identified top of the defined bank on Lots 6 and 7.
6. Prior to final approval being granted, or any site alteration being undertaken, whichever is the earliest, the owner shall provide the Township of Lake of Bays and the District of Muskoka with a

satisfactory final stormwater management and construction mitigation plan prepared by a professional engineer. The plan will include, but is not limited to, a coordinated approach for the design and construction of the proposed private driveway, an assessment of the subsurface drainage conditions, and the consideration of applicable Best Management Practices, as described in the preliminary Stormwater Report by Tulloch Engineering dated July, 2006.

- 7. Prior to final approval being granted, the owner shall ensure that the proposed access to the property is designed by a qualified engineer and that a qualified engineer oversees the construction of the driveway. The construction must follow the recommendations of the Stormwater Management Report required by the previous recommendation No. 6. The construction of the driveway must be located entirely within the Road Allowance between Lots 6 & 7 and confirmed by a professional surveyor. The design and construction must also accommodate the passage of emergency vehicles. The owner shall apply for and receive an Unassumed Road Improvement Agreement to permit the construction of the driveway on the public road allowance.**

- 8. Prior to final approval being granted, the owner shall enter into a subdivision agreement authorized by the Planning Act, R.S.O. 1990, as amended, with the Township of Lake of Bays, and the agreement shall be registered on title and shall provide that the owner agrees to satisfy all the requirements, financial and otherwise, of the Township of Lake of Bays concerning a) the payment of development charges, b) the provision of adequate roads, c) services, d) drainage, e) construction mitigation plans, amongst other matters. Specifically, the subdivision agreement should contain at a minimum the following provisions satisfactory to the Township of Lake of Bays which will:**
 - a. require that the proposed driveway to the waterfront lots be designed by a qualified engineer and that this design be included in the final stormwater management and construction mitigation plan required in Condition No. 4. The road shall be designed and constructed to ensure the safe passage of emergency vehicles. A qualified engineer shall also oversee the construction of the road.**
 - b. prior to the registration of this plan, the owner shall have a professional surveyor confirm the driveway be located entirely within the unopened Road Allowance;**
 - c. require the owner to establish a road maintenance agreement prior to the conveyance of the proposed lots.**
 - d. require the owner to enter into an Unassumed Road Improvement Agreement which would include receipt of an entrance permit (if applicable) onto Heney Lake Road to the satisfaction of the Director of Public Works.**
 - e. implement the recommendations of the Fish Habitat Impact Assessment prepared by FRi Ecological Services dated September, 2004;**
 - f. implement the recommendations of the Floodplain Assessment prepared by Wayne Simpson and Associates and reviewed by Bill McMullen; and**
 - g. implement the recommendations of the final construction mitigation and stormwater management report required by condition 4.**

Carried.

b) Report Public Lands Act and Crown Roads

- Mr. Szczerbak presented the staff report
- Councillor Burgess asked if the Ministry of Natural Resources would allow a developer to purchase a Crown road if the municipality was not prepared to accept it. Mr. Szczerbak advised that he would have to ask this of the Ministry of Natural Resources, but noted that it had to be realized that other users utilize these roads i.e. forest companies, snowmobile clubs, etc., and there could be compatibility issues. He advised that there may be some long term issues with this, as these roads are built into forest management plans
- Councillor Boivin strongly suggested that MNR would never sell a road, as most of these roads access Crown lands and otherwise those lands would be landlocked. If MNR was to sell a road to the municipality, which maintains public roads, they are still achieving public access. He noted that there is an extensive Crown road that goes to Camp Lake, and that there has always been a push to get the Township to assume it
- Ms. Wendy Gibson of the Lake of Bays Association stated that the staff report reinforces that they were all on the right path in refusing the Marnoch Conservancy development proposal. She noted that there was a lack of definition between remote tourism and ecotourism, and that this had been extensively looked at by the District's Planning and Economic Development, whose strategy recklessly used the term ecotourism and that this needed to be addressed
- Acting Mayor Casey agreed this was a valid comment and it would be looked at in the review of Official Plan policy in the future

7. CLOSED SESSION

NIL

8. BUSINESS ARISING FROM CLOSED SESSION

No matters to discuss from Closed Session.

9. CONFIRMING BY-LAW

By-law 09-42, being a by-law to confirm the proceedings of the meeting of Council held on March 24th, 2009.

By-law 09-42 was read a first, second and third time and finally passed.

10. ADJOURNMENT

Resolution 10(a)/03/24/09

Councillor Burgess and Councillor Cote

Be it resolved that the Council of the Corporation of the Township of Lake of Bays adjourn at 12:30 p.m. to meet again on April 14th, 2008, at 1:00 p.m. in the Council Chambers of the Municipal Office, Dwight, Ontario.

Carried

Mayor

Deputy Clerk