



*The Corporation of the Township of Perry*

**MINUTES**

**PUBLIC MEETING**

Part of Lot 1, Plan M-77, designated as  
Part 3 on Plan 42R-15010, at 439 North Bay Lake Road;  
and Lot 2, Plan M-77, at 445 North Bay Lake Road (West)

Wednesday, October 19, 2016  
7:03 p.m.

Council Chambers  
(1695 Emsdale Road, Emsdale, ON)

Any and all Minutes are to be considered Draft until approved by Council at a  
Regular Meeting of Council

**In Attendance:**

**Council Members:**

Mayor Norm Hofstetter  
Councillors: Jim Cushman, Jeff Marshall,  
Margaret Ann MacPhail and Les Rowley

**Municipal Staff:**

Beth Morton, Clerk/Administrator  
Kim Seguin, Treasurer/Tax Collector

**Members of the Public:**

Sign in sheet on file

**Resolution No. 2016-359**

**Moved by: Les Rowley**

**Seconded by: Jim Cushman**

***Be it resolved that*** the Council of the Township of Perry does hereby now adjourn from this Regular Meeting at 7:03 p.m. to commence a 'Public Meeting' for the purpose of hearing comments from members of the public with regard to a proposed Zoning By-law Amendment for lands legally described as Part Lot 1, Plan M77, designated as Part 3 on Plan 42R-15010 and Lot 2, Plan M77 in the Township of Perry (West).

**Carried**

Mayor Hofstetter as the Chair advised that this is a Public Meeting to hear public comments and answer questions regarding the proposed Zoning By-law Amendment for lands legally described as Part of Lot 1, Plan M-77, Township of Perry, designated as Part 3 on Plan 42R-15010 located at 439 North Bay Lake Road; and Lot 2, Plan M-77, Township of Perry, located at 445 North Bay Lake Road to allow for relief from the yard requirements and vegetative buffer to accommodate the repairs and relocation of a dwelling and installation of a septic on Part of Lot 1; and to allow for a dwelling and installation of a septic on Lot 2.

He outlined how the Public Meeting would be conducted. He stated that the Clerk would advise as to when, how and to whom notice of the public meeting was circulated and confirm proper notice was given.

He noted that the public meeting is not a public debate on the matter. The public will be afforded the opportunity to provide their comments or questions. He outlined that persons in favour of the application would go first. Those in opposition to the application would follow. He also advised that people providing comments or questions are asked to present them through him as the Chair.

He then noted that Council will have the opportunity to question the applicants, planning consultants or agents. He also advised that Council will consider the Zoning By-law at a future Meeting of Council once Council has had the opportunity to review the comments received and further information is obtained by the Township's Planner Jim Dymont and North Bay Conservation Authority. He stated that all persons addressing Council must state their full name, full mailing address and postal code and must direct their comments through the Chair.

Mayor Hofstetter then requested that the Clerk advise as to how and to whom notice of the public meeting was circulate.

The Clerk advised that Notice of this Public Meeting was given by posting the application on the Township's website, [www.townshipofperry.ca](http://www.townshipofperry.ca) on September 23, 2016; forwarding it to all persons and public bodies as prescribed under the *Ontario Planning Act* Regulation, including owners within 600 feet of the applicant's property; and to those requested. Notice was also posted at the Municipal Office.

Mayor Hofstetter then declared this to be a public meeting to deal with the proposed Zoning By-law amendment.

Mayor Hofstetter asked the applicant or their representative to provide their comments on the proposal. The applicant, James West stood and advised that he made the application as the current dwelling is serviced with an outhouse. He is wanting to install a septic system for proper treatment.

Mayor Hofstetter questioned Mr. West about the fill and demolition material at the lot. Mr. West advised that the fill came from a neighbouring lot and local pit. Local 3 doors down supplied some of the material. Demolition material to be cleaned up and he will be contouring the drainage through the lot line. Mr. West noted that the most recent material dumped on his property was without his permission and he is trying to determine who dumped those loads.

Mayor Hofstetter then invited members of the public to speak on the proposed Zoning By-law Amendment.

Bob Nimigon – 32 Maple Drive, Emsdale, Ontario – Mr. Nimigon requested one month extension for further review. The culvert and run off from culvert goes down side of new driveway and past outhouse to the lake. Dirty fill is going into the lake; and the fill placed at the lot is dirty with blocks and other material. Tree stumps are laying there leeching into the lake. This is causing great concern. Two loads came in on Monday with huge big rocks, when will it settle. Also, when he built, at the beginning stages he installed filter cloth. This is a steep ravine and no filter cloth was installed at the lot, should it not be done? Is it not code? Large and smaller trees have been removed, not good for the eco system. Cottage driveway is at the rear. It appears the driveway will need to go over septic. He is concerned with cars across the septic and two septics at the ravine culvert. Bay Lake is a healthy lake, people look after it well. Worried about the Clear Lake problem. Bay Lake is at capacity for cottages, it is full. Rental cottages are also an issue on the lake. Concerned that one cottage will be residential and the other as a rental. The northeast section of the lot is very steep. It needs fencing. Testing is expensive and we don't need an issue. Look at Williams. They had two lots and put septic on one and home on the other. The Township, the Lake Association, and North Bay Mattawa Conservation Authority all were happy. To sum it up, the Township could be setting a precedent if they open this up.

Bill Paterson – 501 North Bay Lake Road, Emsdale, Ontario – Mr. Paterson is concerned they are creating a lot. Looks like a severance being snuck in. At the time of the Official Plan Bay Lake was considered at capacity. He is concerned that where they are placing cottage, that is not an official lot. When was the lake capacity study done? He requested the yard requirements and vegetative buffer information. He is concerned about the lot being clear cut, for the build and rebuild of the cottages. Lake water sampling from a previous clear cut were high for a while due to the removal of the buffer. Vegetative buffers are there for a reason. As a property owner and resident of Bay Lake, we are seeing large places with better septics, but it is becoming an issue with large rentals overloading septic systems. There are environmental and social concerns. The residents don't want this.

David Adams – 101 Maple Drive, Bay Lake, Township of Perry – Mr. Adams noted that this application is a major concern and he repeats Mr. Paterson's concerns. We have a Zoning By-law and Official Plan for a reason. For every property wanting an amendment, it make the environment suffer. Allows for effluent into

the lake when the buffer is not controlled. Small lot, hill, personal not appropriate for two dwellings and two septic.

Mr. West was given an opportunity to speak again to address some of the concerns. He said he purchased with the intent of two cottages. Intent is to build two and sell one. He is not sure when the By-laws came into place. His intent is to take care of the lake. He lives in Emsdale and respects the lake. He had put a silt fence up, but took it down a month ago when the kids were swimming. He could have placed two trailers on the lots with no septic and outhouse, but his intent was to preserve the lake and would like the support to move forward. He will install filter cloth when he returns in 19 days.

Mayor Hofstetter advised that the By-laws do not allow for trailer use as such. Mr. West said was not intention, providing example that he was wanting to preserve the lake.

Mayor Hofstetter asked the Clerk what letters have been received with respect to the application.

The Clerk advised that there was nine letters received today in objection to the application. They are as follows:

Doug Varty – 555 North Bay Lake Road, Township of Perry - I am not in a position to attend the Council meeting on Wednesday, but I want to go on the record opposing this amendment.

First, to my knowledge both of these lots were bought recently from the Lambert estate and the purchasers of these lots should have done their due diligence on these lots before purchasing, rather than buying them and then trying to amend a by law to suit their interests.

I have to believe this bylaw was put in place for sound reasons including to protect the lake and the environment. Therefore, I oppose these applications on the basis that unless an environmental study is produced to the contrary, that these will have adverse environmental impact.

I would also be interested in knowing over the past 5 years - how many similar amendment applications have been submitted to Council regarding Bay Lake properties and how many of those have been approved.

Allison and Mike Orzel – 471 North Bay Lake Road, Township of Perry

This letter is regards to a Zoning By-law Amendment to adjacent lots at 439 North Bay Lake Road. We are in disagreement with this by-law amendment. The

intent of this property was to have one cottage and one septic system. Although there now seems to be two lots on this piece of property, the intent of the seller was to have it sold as one lot.

The two lots individually are undersized to meet the requirements for a building and septic system as the by-law is presently written. Allowing two buildings/septic systems will put unnecessary stress on this parcel of land. The lake is at capacity and we do have to do our part in keeping it healthy. We are not opposed to one dwelling being erected, but would not like to see two in that location.

Alan Davidson and Lee Davidson – 605 North Bay Lake Road, Emsdale, Ontario - It has come to our attention that a proposal has been made to rezone a property at 439 North Bay Lake Road, Lot 1 and 2 into two cottages and two septic systems. This rezoning would require accommodation of the current guidelines in order to allow the applicants to carry through with these plans.

As cottage owners on Bay Lake and members of the Bay Lake Property Owners' Association, we are very much aware of the fragility of the health of our lake environment. We have been very proactive in maintaining this asset of ours and are very much aware of the implications of changing the current zoning regulations. We are at capacity as far as the number of cottages and homes that are on the lake and especially on a lake that has a very slow overturn of water. We have, over the last number of years, paid to have the waters tested and have been proud of the great results that have been seen. Any areas that have shown any indication of small amounts of contamination have been monitored and the causes discovered and dealt with. In fact, we have received support for our lake environment programs from the Muskoka Watershed Commission because we flow into their area and it is in their interest to continue to have clean water flow from us to them.

The location of this address is in a narrow waterway on our lake. Any further additional aseptic systems. Especially on such a narrow lot would, we feel, be detrimental to the health of that part of the lake with possible contamination into the rest of the lake. We do not want a repetition of the scare that Clear Lake had with the blue-green algae.

Any contamination resulting from excessive nutrients flowing from additional septic systems could result in a lowering of property values.

Many of us come up to Perry Township to escape from the overcrowding caused by 50 foot lots in our urban areas and we do not wish to see that situation repeated at Bay lake.

We are unable to attend the meeting this Wednesday, as we have closed the cottage for the season and have responsibilities at home. We thank you for your consideration of this matter.

Elaine Danyer – 509 North Bay Lake Road, Township of Perry - I am writing this letter to voice my concern and opposition to the proposed amendment of the zoning by-law at 439 North Bay Lake Rd.

My reasons are simple.

1. Bay Lake is already **over-capacity** for a lake of its size. We need more natural shoreline areas and larger buffer zones, not less.
2. If approved, this amendment will create a **dangerous precedent** and many future problems for council.

The owners that are presenting this application should have been aware of the existing by-laws prior to purchase of the *single* lot. The particular area in question is already densely developed. As well, the specific lot size, depth and topography do not lend itself well to an exemption from the existing by-law.

We value our lake and want it to remain healthy, both for aquatic life as well as the community.

I strongly urge Council to reject the proposed amendments.

Bill Paterson – 501 North Bay Lake Road, Township of Perry - My wife Janice was assisting Mrs. Lambert in her banking etc. the last two years of her life and she can only recall getting tax bills on **3 lots**. Does this mean that the township was only getting taxes on three lots out of 4 that belonged to the Lamberts. Also, when Janice and Patricia saw you about “deeming” the lots into one property, there were **only 3 lots** discussed, and the hesitation on Patricia’s part was only because you said the third lot with the cottage on it would cost more due to higher legal costs because of the cottage which was too large to be considered a Bunkie. I believe you called up a township property map on your computer that showed the **three lots**. I also understand that Mrs. Lambert, at Janice’s suggestion, had all **three** tax bills put on the Pre-authorized payment plan so that she wouldn’t have to continue writing cheques every due date.

As the other two lots were sold from the estate to the Orzel and Collins families, that left one lot only that the applicant purchased. Our objection, as Bay Lake property owners, is to the severing of a part of an existing Lake Front lot,

something the Township promised not to allow and should not allow considering the well documented over crowded condition of Bay Lake.

Randy and Brenda Webber – 799 Bay Lake Road, Township of Perry - We agree with the concerns which the Orzel family have expressed. We are particularly concerned that lake capacity will be exceeded if this bylaw is passed and it results in similar requests from other owners looking for similar concessions. Bay Lake is beyond capacity and this type of division will add more pollution pressure in an area of the lake which is crowded with residences.

Steve Morris – 62 Frank Lane, Township of Perry - Any concerns I have about this proposed zoning amendment are based on maintaining and protecting the health of Bay Lake.

Bay Lake is a relatively small lake with a slow turn-over of its water. Intensifying stress on this ecosystem, by allowing exceptions to existing standards, will make it difficult to maintain the quality of the water and puts at risk the health and diversity of life in the water. The recent loss of Bay Lake's Trout Lake designation should not be a reason to reduce building restrictions, but rather a warning signal to maintain or even strengthen building standards.

In this time of easy communication, buyers have every opportunity to get all the information they need before purchasing property. And there are building options and septic technologies that make it unnecessary to compromise municipal standards, creating higher densities and reducing shoreline protection.

I believe amendments of this nature rarely create a situation that is more stringent, more eco-friendly, safer, cleaner or healthier. Therefore, I ask Council to seriously consider the immediate and future implications of granting the proposed amendment when making your decision. Thank you.

Sarah and David Adams - 101 Maple Drive, Bay Lake, Township of Perry - We respectfully wish to oppose the approval of the Application for Zoning By-Law Amendment for the property at 439 North Bay Lake Road.

We would urge the Mayor and Members of Council to visit this site and try to imagine the impact that such development would have on the lake. It is not a large area, with a deep slope. In our opinion, disturbing this area and allowing erection of new building(s) would be a travesty and very ill-advised for the environment.

To ignore the yard and buffer zone requirements as set out in the By Laws of 2014 will further threaten our water quality, fish habitat, natural beauty of the

shoreline and further crowd that narrow waterway between the main shore and the island opposite,

Furthermore, we would like to recommend that new property owners on Bay Lake should at the onset be advised of the desirability of not disturbing the shoreline. As you will recall from the Hutchinson Report conducted for Clear Lake, deforestation and urbanizing lake shore properties has a negative impact on water quality, Over the past couple of years (at least) two properties on Bay Lake have been clear-cut, In our opinion, it behoves Council to try to "nip this in the bud" when property changes hands.

Thank you for consideration of our input in this regard.

Glen and Sherry Vey, 58 Frank Lane, Township of Perry - We are not available to attend tomorrow's Council meeting and would like it to be noted that we oppose this Proposed Zoning By-Law Amendment.

It has been our understanding that Bay Lake was deemed to be at capacity and that no further development would be permitted.

In the absence of further environmental impact information/assessment, we believe that this development will be detrimental to the overall environment and health of the lake.

Mayor Hofstetter asked if there were any questions or comments from Council on the proposed Zoning By-Law Amendment. No questions or comments from Council came forward from Council at this time. Further may come forward after a further review of the Planner and North Bay Mattawa Conservation Authority.

Mayor Hofstetter advised that those wishing to receive further notice of the Notice of Decision of the Zoning By-law must make a written request as per previous instructions. He advised that Council will be considering the by-law at a future Regular Meeting of Council and outlined that once Council makes a decision on the by-law, there is a 20 day appeal period from the date of decision of the by-law during which time any person may appeal the decision of Council to the Ontario Municipal Board.

Having received no further questions or comments from the Public or Council members, Mayor Hofstetter declared this public meeting to be concluded and presented the following resolution:



**Resolution No. 2016-360**

**Moved by: Jeff Marshall**

**Seconded by: Margaret Ann MacPhail**

***Be it resolved that*** the Council of the Township of Perry does hereby now adjourn from this Public Meeting at 7:47 p.m. in order to recommence the Regular Council Meeting of October 19<sup>th</sup>, 2016.

**Carried**

Dated this 2nd day of November, 2016.

Original Signed by Norm Hofstetter  
Norm Hofstetter, *Mayor*

Original Signed by Beth Morton  
Beth Morton, *Clerk-Administrator*