

The Corporation of the Township of Nipissing
45 Beatty Street
Nipissing ON P0H 1W0
Telephone 705-724-2144 Fax 705-724-5385
www.nipissingtownship.com

AMENDED *** AGENDA ***

Tuesday, September 16, 2025 Amended: September 15, 2025

START TIME 6:30 p.m.

- 1. Disclosure of pecuniary interest.
- 2. Staff and Committee Reports.
- 3. Resolution: Adopt the Minutes of the September 2, 2025 Council Meeting.
- 4. Resolution: Accept Resignation of Appointed Member to the Powassan District Union Public Library Board.
- 5. Resolution: Support for a Moratorium on Aerial Spraying of Glyphosate.
- 6. Resolution: Re-Schedule Council Meeting Date in October.
- 7. Resolution: Accept a Quote for the Museum Office Building Foundation Repair.
- 8. Discussion: Draft Volunteer Appreciation Policy.
- 9. By-Law: Zoning By-Law Amendment legally described as Part of Broken Lot 25, Concession 2, Reference Plan 42R-20631 and 42R-7846, 89 Cedar Crescent.
- 10. Correspondence.
- 11. Accounts to pay.
- 12. By-Law: Confirming Proceedings of Council at its meeting held September 16, 2025.
- 13. Adjournment.

Council meetings will be held in person at 2381 Highway 654, Township of Nipissing Community Centre and virtually utilizing the Zoom platform; and will be livestreamed to the Township of Nipissing YouTube channel.

https://www.voutube.com/channel/UC2XSMZgRNHbwVppelfKcEXw

MINUTES

TOWNSHIP OF NIPISSING Tuesday, September 2, 2025

A Special meeting of the Township of Nipissing Council was held on Tuesday, September 2, 2025, starting at 5:30 p.m. The meeting was held in person at the Township of Nipissing Community Centre, and livestreamed to the Township of Nipissing YouTube Channel.

Present: Councillors Lisa Chalapenko, Shelly Foote, Stephen Kirkey, and James Scott.

Regrets: Mayor Dave Yemm

Staff: Fire Chief-MLEO-CEMC Will Bateman; Land Planning and Technology Administrator John-Paul

Negrinotti; and Municipal Administrator-Clerk-Treasurer Kris Croskery-Hodgins. **Guests:** Ed Veldboom, Russell, Christie, LLP and Jamie Robinson, MHBC Planning.

Disclosure of pecuniary interest: None.

R2025-148 L. Chalapenko, J. Scott:

That this part of our meeting will be closed to the public as authorized by Section 239(2)(e) of the Municipal Act, 2001, c. 25, for consideration of the following subject matter:

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

Purpose of this Closed Session: Council to receive legal opinions regarding a planning matter.

Time: 5:33 p.m. **Carried.** Will Bateman left the meeting.

R2025-149 J. Scott, S. Kirkey:

That we resume to an open public meeting. Time: 5:50 p.m. Carried.

R2025-150 L. Chalapenko, J. Scott:

That the meeting be adjourned. Time: 5:51 p.m. **Carried.**

Mayor:

Municipal Administrator:

Minutes prepared as per Section 228 (1)(a) of the Municipal Act, S.O. 2001, c. 25. Clerk to record, without note or comment, all resolutions, decisions and other proceedings of the council. Minutes to be approved by Council at the next regular Council Meeting.

MINUTES

TOWNSHIP OF NIPISSING Tuesday, September 2, 2025

A regular meeting of the Township of Nipissing Council was held on Tuesday, September 2, 2025, starting at 6:30 p.m. The meeting was held in person at the Township of Nipissing Community Centre, and livestreamed to the Township of Nipissing YouTube Channel.

Present: Councillors Lisa Chalapenko, Shelly Foote, Stephen Kirkey, and James Scott.

Regrets: Mayor Dave Yemm

Staff: Fire Chief-MLEO-CEMC Will Bateman; Operations Superintendent Dan MacInnis; Land Planning and Technology Administrator John-Paul Negrinotti; Deputy Clerk-Administrative Assistant Kristin Linklater; Deputy Treasurer-Office Assistant Kim Turnbull; and Municipal Administrator-Clerk-Treasurer Kris Croskery-Hodgins.

Disclosure of pecuniary interest: Councillor Shelly Foote declared a Pecuniary Interest for the Accounts Payable. Her personal business is listed in the accounts listing.

Committee Reports:

None.

R2025-151 J. Scott, L. Chalapenko:

That the minutes of the regular Council Meeting held August 12, 2025, be adopted as published. **Carried.**

R2025-152 J. Scott, S. Kirkey:

WHEREAS the Northern Ontario Resource Development Support (NORDS) pilot program was introduced to help Northern Ontario municipalities address infrastructure pressures resulting from natural resource sector activities;

AND WHEREAS the funding provided through the NORDS pilot program was very well received by the municipal sector, as it delivered timely and much-needed financial support to many communities across the North;

AND WHEREAS the program allowed for the strategic stacking of multi-year allocations in order to support large-scale infrastructure initiatives critical to community development, health and safety, and economic growth;

THEREFORE BE IT RESOLVED THAT the Council of the Township of Nipissing requests the Government of Ontario to make the Northern Ontario Resource Development Support (NORDS) program a permanent fixture of its support to Northern municipalities;

AND FURTHER THAT the Province consider expanding program eligibility to recognize the significant impact that agricultural equipment and operations have on municipal infrastructure in rural communities, and expand the scope of the program to include these activities. **Carried.**

R2025-153 L. Chalapenko, S. Kirkey:

WHEREAS the municipal taxation and finance software utilized by the Township of Nipissing will no longer be supported after December 31, 2025;

AND WHEREAS transition efforts to TownSuite software have been in process since April 2022 without a successful conversion of data for Township needs;

NOW THEREFORE Council of the Township of Nipissing authorizes the termination of service agreement with TownSuite effective December 31, 2025;

AND THAT the Quotation received from MuniSoft be accepted, software cost \$25,860, conversion cost \$10,750, to be supported from the Modernization Grant reserve. **Carried.**

R2025-154 J. Scott, L. Chalapenko:

THAT we accept quote #250808D3AK and #250826K from M&G Fencing Inc. for a combined total of \$46,840.00 before applicable taxes for the provision and installation of single rail steel beam guiderail along the Stone Cutter's Road culvert and South River Road culvert. **Carried.**

R2025-155 S. Kirkey, J. Scott:

WHEREAS a request has been received from the District of Parry Sound Social Services Administration Board for the use of the Township of Nipissing Community Centre for one day per month to provide community support services locally;

AND WHEREAS Council passed User Fee By-Law 2024-33 to charge fees for permits and services offered by the Township including rental fees for the Township of Nipissing Community Centre; AND WHEREAS waiving the fees for the Community Clinic supports Council's Strategic Plan and the Community Well Being Plan of 2024;

NOW THEREFORE the half day rental fee for the Township of Nipissing Community Centre be waived once a month for the District of Parry Sound Social Services Administration Board to offer a community clinic. **Carried.**

R2025-156 L. Chalapenko, J. Scott:

THAT we authorize Councillors Shelly Foote, Lisa Chalapenko and Steve Kirkey; Staff members Kris Croskery-Hodgins and Kristin Linklater to attend the 2025 Northeastern Municipal Council Workshop, October 21st and 22nd, 2025 in Sudbury. **Carried.**

R2025-157 L. Chalapenko, S. Kirkey:

WHEREAS Council supports the initiatives of the Commanda Community Centre and the valuable supports it provides to the community;

AND WHEREAS Council has received a request for funding support from the Commanda Community Centre Board;

NOW THEREFORE Council approves a \$500 donation to the Commanda Community Centre to assist in offsetting operating costs. **Carried.**

R2025-158 S. Kirkey, L. Chalapenko:

WHEREAS a safety concern was submitted to Council from a concerned citizen regarding fishing taking place from public beach areas;

AND WHEREAS Council identifies this activity as a potential safety risk to those utilizing the beach area;

NOW THEREFORE the purchase and placement of "No Fishing in Beach Area" signs are authorized by Council for Link's Beach and Wolfe Lake Beach;

AND THAT a By-Law restricting these activities to appropriate locations be researched and created for review of Council at a future meeting. **Carried.**

R2025-159 S. Kirkey, J. Scott:

THAT we Authorize the submission of a Grant Application to the Office of the Fire Marshal for a Fire Department Cancer Prevention, Minor Infrastructure Modernization, Lithium-Ion Incident Response Grant. **Carried.**

R2025-160 L. Chalapenko, J. Scott:

THAT we authorize Councillors James Scott, Steve Kirkey, Shelly Foote and Staff Kris Croskery-Hodgins to attend the District of Parry Sound Municipal Association's Fall Meeting Friday, September 26, 2025. **Carried.**

R2025-161 L. Chalapenko, S. Kirkey:

That we approve the Fall Newsletter 2025 for circulation, as presented. Carried.

R2025-162 S. Kirkey, L. Chalapenko:

That we receive the correspondence report as presented. Carried.

Councillor Foote declared pecuniary interest as her personally owned business is listed in the Accounts Payable. Chair of the meeting was handed to Councillor Stephen Kirkey and Councillor Foote left the room.

R2025-163 L. Chalapenko, J. Scott:

That the statement of accounts dated: August 12, 16, 21 and 27, 2025.

Totaling \$774,558.02 be approved. **Carried.**

Councillor Foote returned to the Council table and assumed Chairperson position of the meeting.

R2025-164 S.Kirkey, J. Scott:

That we pass By-Law 2025-24, being a By-Law to confirm the proceedings of Council at its meeting held on September 2, 2025.

Read the first, second and third time and passed this 2nd day of September, 2025. **Carried**.

R2025-165 L. Chalapenko, S. Kirkey:

That the meeting be adjourned. Time: 6:53 p.m. Next regular meeting to be held September 16, 2025. **Carried.**

Mayor:

Municipal Administrator:

Minutes prepared as per Section 228 (1)(a) of the Municipal Act, S.O. 2001, c. 25. Clerk to record, without note or comment, all resolutions, decisions and other proceedings of the council. Minutes to be approved by Council at the next regular Council Meeting.



RESOLUTION

DATE: September 16, 2	025
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NUMBER: R2025-

Moved by

Seconded by

THAT we accept the resignation of Brenda Lennon as Council appointee to the Powassan District Union Public Library Board;

AND THAT we advertise the vacant position for interested applicants.

For Against

CHALAPENKO FOOTE KIRKEY SCOTT YEMM

Carried



RESOLUTION

DATE:

September 16, 2025

NUMBER:

R2025-

Moved by

Seconded by

WHEREAS the Province of Ontario, through the Ministry of Natural Resources and Forestry, has made public the plans to aerial spray glyphosate-based herbicides in the Nipissing Forest;

AND WHEREAS scientific evidence since Health Canada's last assessment of glyphosate in 2017 has linked glyphosate-based end-use products to cancer, metabolic and neurological diseases, reproductive toxicity, and ecosystem harm;

AND WHEREAS alternative methods of forest management are available that provide a safer result;

AND WHEREAS there has been significant public concern expressed over the continued use of the glyphosate-based herbicides;

NOW THEREFORE the Council of the Township of Nipissing supports the Municipality of West Nipissing in requesting the Province of Ontario cancel the aerial spraying plans and revisit the safer options available, and conduct further research and provide updated risk assessments on the use of glyphosate-based herbicides.

For Against

CHALAPENKO FOOTE KIRKEY SCOTT YEMM

Carried



RESOLUTION

DATE:

September 16, 2025

NUMBER:

R2025-

Moved by

Seconded by

That the Regular Council Meeting scheduled for Tuesday, October 21, 2025 be rescheduled to Tuesday, October 28, 2025 to allow for Council members to attend the 2025 Northeastern Municipal Council Workshop.

For Against

CHALAPENKO FOOTE KIRKEY SCOTT YEMM

Carried



RESOLUTION

DATE: September 16, 2025

NUMBER: R2025-

Moved by

Seconded by

WHEREAS the Office Building of the Nipissing Township Museum has been identified as requiring extensive foundation repairs to allow for continued use of the building;

AND WHEREAS previous attempts at grant funding for the project have been unsuccessful;

AND WHEREAS a quote for the block work repair required has been received at \$10,000.00 from Barton Masonry and the additional material and staff time have been calculated at approximately \$10,990.00, providing a total of \$20,990.00 not provided for in the 2025 Budget;

NOW THEREFORE Council authorizes the acceptance of the quote and performance of the work required to repair the foundation and allow for continued operation of the building with the required funds being utilized from the Operating Reserve of the Township.

For Against

CHALAPENKO FOOTE KIRKEY SCOTT YEMM

Carried

Volunteer Appreciation and Gifts Policy

PURPOSE:

The purpose of this policy is to establish a consistent, transparent, and equitable framework for recognizing and celebrating the contributions of volunteers who dedicate their time, skills, and energy to the Township of Nipissing. Volunteers play a vital role in the success of municipal programs, events, and services, and their efforts strengthen the fabric of our community. This policy is designed to ensure that appreciation is expressed in a fair, fiscally responsible, and meaningful way. In doing so, it reinforces the value of volunteerism, demonstrates the Township's gratitude, and encourages continued community engagement.

SCOPE:

This policy applies to all individuals who volunteer their time and expertise in service to the Township, regardless of the length of time or the type of commitment. This includes, but is not limited to:

- Members of Township Boards, Committees and Advisory Groups
- Participants in special events and community programs coordinated by the Township
- Individuals engaged in other Township led initiatives where volunteer support is essential

By encompassing a broad range of volunteer roles, the policy ensures that recognition is inclusive and reflective of the diverse ways community members contribute.

RECOGNITION CYCLE

- Volunteer appreciation gifts under this policy will be presented once per Council term, typically during the third year of the four-year term.
- This timeline is intended to make the gesture of appreciation significant and memorable, acknowledging sustained contributions over a meaningful period.
- While formal gifts are reserved for the third year, other recognition activities such as certificates of appreciation, public acknowledgments at events, or features in municipal newsletters or on municipal social media platforms may occur annually to maintain regular expressions of gratitude.

BUDGET ALLOCATION

- Each year, as part of the annual municipal budget process, **Council will establish a Volunteer Appreciation Budget**.
- A dedicated portion of this budget will be set aside specifically for the third-year volunteer appreciation gifts, ensuring that adequate funding is secured well in advance.

- The total budget allocated for third-year recognition will be determined by Council, taking into account available financial resources, community priorities, and the number of eligible volunteers.
- Careful budget planning ensures the Township can offer quality, thoughtful gifts without placing undue strain on Township finances.

GIFT GUIDELINES

Gifts presented to volunteers should be:

- **Meaningful** reflecting the value of the volunteer's contributions and showing genuine appreciation.
- Inclusive suitable for volunteers of varying ages, backgrounds, and roles.
- Locally Supportive where possible, sourced from local businesses or artisans to strengthen the community economy.

Acceptable gift types include:

- Tangible items such as plaques, branded apparel, or locally sourced goods.
- Gift cards for businesses or services, allowing volunteers to choose something personally useful or enjoyable.

Cash awards are not permitted to maintain the non-compensatory nature of volunteer recognition and to clearly differentiate appreciation from remuneration. All gifts must remain within the approved budget.

ELIGIBILITY

- To be eligible, volunteers must have actively contributed during the current Council term.
- Volunteers who have already received a third-year gift in the current term are not eligible to receive another gift under this policy.
- Those who receive reimbursements for approved expenses remain eligible, as reimbursements do not constitute compensation but rather cover out-of-pocket costs incurred while volunteering.

SELECTION AND APPROVAL

- Township Staff and Council members will jointly recommend gift recipients and appropriate gift types.
- Recommendations will be based on a combination of factors, including the duration of service, the impact of the volunteer's contributions, and the nature of their involvement in the community.
- **Final approval** for both recipients and gift types reses solely with Council, ensuring the process remains accountable and consistent with Township priorities.

PRESENTATION

- Gifts may be presented at a dedicated Volunteer Appreciation Event hosted by the Township, which serves as an opportunity for volunteers to be celebrated collectively and for the community to witness their contributions being acknowledged.
- Alternatively, presentations may take place at a Public Council Meeting or during a significant community gathering, offering a public platform to showcase volunteer achievements.
- Presentations will be supported by municipal communication channels such as the Township website, newsletters, or social media platforms to share recognition widely and to inspire others to volunteer.

TRANSPARENCY AND REPORTING

- Prior and subsequent to the gift presentation, Township staff will prepare a formal report outlining:
 - The number of volunteers recognized.
 - The specific types and values of gifts provided historically and suggested.
 - The total cost and per-recipient cost historically and suggested.
- This report will be entered into the public record, ensuring transparency, accountability, and an ongoing record of the Township's commitment to volunteer recognition.

POLICY REVIEW

This policy will be reviewed at least **once per Council term**, ideally during the third year in conjunction with the recognition process, to ensure it remains current, relevant, and effective.

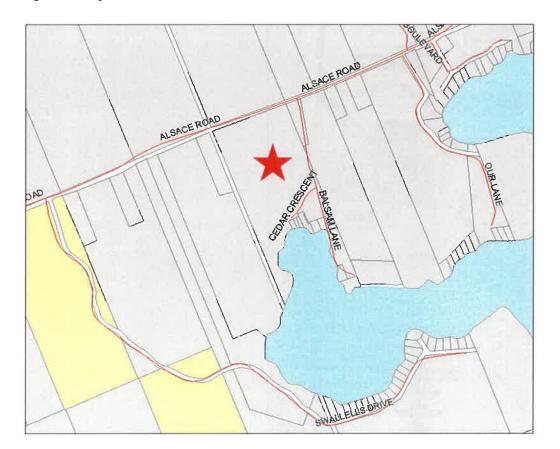
Any amendments or changes to the policy require **formal Council approval**, maintaining governance oversight and consistency.

TOWNSHIP OF NIPISSING			
Report	John-Paul Negrinotti	Application	ZBA 2025-03
Prepared For:		Number:	
Report	Jamie Robinson MCIP, RPP and	Applicant:	Tulloch Engineering c/o
Prepared By:	Patrick Townes, BA, BEd		Steve McArthur
Location:	89 Cedar Crescent	Owner:	Peter Henry Aultman
	Part Lot 25, Concession 2		
Application	Zoning By-law Amendment	Report Date:	September 16, 2025
Type:	-		

A. PROPOSAL/BACKGROUND

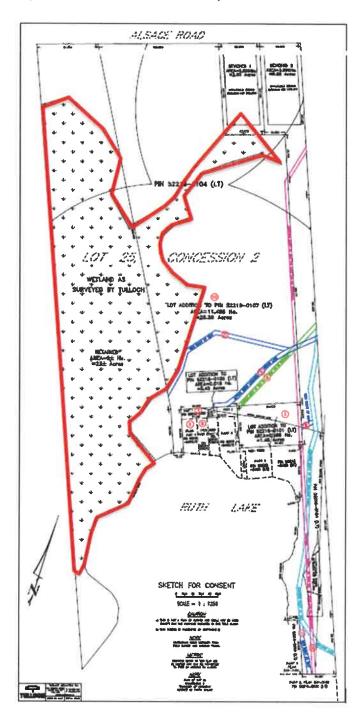
An application for a Zoning By-law Amendment has been submitted for the subject lands located on Cedar Crescent, which are legally described as Part of Broken Lot 25, Concession 2, Reference Plan 42R-20631 and 42R-7846, in the Township of Nipissing, municipally known as 89 Cedar Crescent. The application was submitted by Steve McArthur of Tulloch Engineering who is applying on behalf of the owner, Peter Henry Aultman. The general location of the subject lands is shown on Figure 1.

Figure 1: Subject Lands



The purpose of the Zoning By-law Amendment application is to satisfy the conditions of approved Consent applications C2025-07, C2025-08, and C2025-09. A copy of the planning report that was prepared for the Consent applications is attached to this report for reference. The purpose of the proposed amendment is to rezone a portion of the subject lands to the Environmental Protection (EP) Zone to implement the new wetland boundary that was recommended by the owner's environmental consultant. The new wetland boundary is outlined in red on Figure 2.

Figure 2: New Wetland Boundary



The subject lands are designated as Shoreline, Rural and Environmental Protection in the Official Plan. The lands that are designated Environmental Protection are identified as an unevaluated wetland in the Official Plan. The unevaluated wetland features are located within the Environmental Protection (EP) Zone in the Zoning By-law and the remainder of the subject lands are located within the Rural (RU) Zone, the Shoreline Residential (SR) Zone, the Limited Service Residential (LSR) Zone.

The surrounding land uses primarily include rural residential, shoreline residential, and rural land uses. The subject lands are currently vacant and there is one existing driveway located off of Cedar Crescent.

The owner submitted a Wetland Mapping and Bird Nesting Assessment with the Consent application. A condition of provisional Consent was included that states the following:

h) Approval of a Zoning By-law Amendment to implement the new wetland boundary (to be rezoned to the Environmental Protection (EP) Zone) and to rezone the shoreline lots to avoid split zoning;

Following a discussion with the owner and the applicant, it was agreed that the split zoning can remain on the subject lands as there are no impacts to what development would be permitted, nor on the minimum zoning provisions that would apply based on the existing split zoning amongst the lots that were provisionally approved.

The purpose of the Zoning By-law Amendment is solely to deal with the implementation of the Environmental Protection (EP) Zone as a result of the new wetland boundary. Following review of the original Wetland Mapping and Bird Nesting Assessment, it was noted that the environmental consultant did not provide a recommendation for a minimum development setback from the new wetland boundary. As a result, additional information was provided in a letter from Tulloch Engineering, dated September 4, 2025. The Wetland Mapping and Bird Nesting Assessment and the letter dated September 4, 2025 are attached to this planning report for reference.

B. POLICY & REGULATORY REVIEW

B1. Provincial Planning Statement

All applications made under the *Planning Act*, must be consistent with the Provincial Planning Statement (PPS). The subject property is considered Rural Lands in the context of the PPS. Section 2.6.1 c) identifies residential development, including lot creation that is suitable for the provision of appropriate sewage and water systems, as a permitted use within Rural Lands. The proposed lots are to be used for residential purposes.

Section 4.1 of the PPS provides for the long-term protection of Ontario's natural heritage features and areas. No Provincially significant natural heritage features are present on or adjacent to the subject lands. However, there is an unclassified wetland feature identified on the

west portion of the subject property, and there was also bird nesting habitat identified on Schedule B of the Official Plan. The Township's Official Plan includes policies regarding unclassified wetlands. As a result, a Wetland Mapping and Bird Nesting Assessment was completed by Tulloch Engineering in support of the Consent application. It was determined that there would be no impact on the features or their functions provided that the mitigation recommendations outlined in the report are implemented. The mitigation measures are proposed to be implemented through a Consent Agreement.

Following the environmental work that was completed, Tulloch Engineering provided a new wetland boundary on the subject lands, which is outlined in red on Figure 2. The original report that was prepared did not specify any minimum setbacks for future development from the new wetland boundary, and therefore staff requested clarity on this point. Following review of the September 4, 2025 letter from Tulloch Engineering, Tulloch acknowledged that zoning a wetland is an appropriate mechanism to safeguard the feature from future development; but then goes on to say that no buffer should be applied. Further, the letter indicates that an Environmental Impact Study should be completed prior to development within 30 metres of the new wetland boundary.

Beyond zoning and setbacks, we are not aware of any other Planning Act "mechanisms" that would trigger the need for an Environmental Impact Study.

Based on the conclusions of the September 4, 2025 letter provided by Tulloch Engineering, it would appear that there are three options to deal with the new wetland and associated minimum setback for future buildings and structures:

- 1) Zone the wetland and all land within 30 metres as the EP Zone.
- 2) Zone the wetland as the EP Zone and require a 30 metre building and structure setback from the EP Zone boundary.
- 3) Provide an Environmental Impact Study that recommends an appropriate setback for development to be included in zoning and/or any additional mitigation measures.

It is recommended that a decision on the Zoning By-law Amendment be deferred to provide the owner and the agent time to review this planning report and address the items above.

Alternatively, if Council would like to make a decision, we recommend that Option #2 outlined above be undertaken based on Tulloch's recommendations that an Environmental Impact Study should be completed for any development proposed within 30 metres of the wetland. We recommend that a 30 metre development setback be applied from the limits of the wetland boundary and the Environmental Protection (EP) Zone.

Section 5.2 of the PPS outlines policies for natural hazards and that planning authorities shall identify hazardous lands and hazardous sites and manage development in these areas, in accordance with Provincial guidance. Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may, however, be permitted in lands with hazardous forest types for

wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards. A Wildland Fire Risk Assessment was completed by Tulloch Engineering in support of the previous consent applications and determined that development may proceed, provided that mitigation recommendations outlined in the report are implemented. These items will be included in a Consent Agreement.

B2. Township of Nipissing Official Plan

The subject lands are designated as Shoreline, Rural and Environmental Protection on Schedule A of the Official Plan. A portion of the subject lands is identified as containing an unclassified wetland and there is also a bird nesting area identified on Schedule B of the Official Plan.

Both the Shoreline designation and the Rural designation in the Official Plan permit residential uses. The proposed lots are either already used for a residential use or are proposed to be used for a residential use.

Section 4.22.1 of the Official Plan include policies regarding Wildland Fire. In areas identified on Appendix 'B' as having a hazardous forest type, development application must be supported by a risk assessment that identifies mitigation measures. A Wildland Fire Risk Assessment was completed by Tulloch Engineering in support of the consent applications and determined that development may proceed, provided that mitigation recommendations outlined in the report are implemented. The recommendations include restrictive vegetation removal windows to minimize impacts on bird nesting, maximizing vegetation retention by utilizing existing roads and trails, and minimizing damage to vegetation by delineating project boundaries. These items will be included in a Consent Agreement.

Section 5.2 of the Official Plan applies to lands adjacent to natural heritage features. Section 5.2.1 of the Official Plan provides that adjacent lands are the lands relevant to which impacts of a development must be considered. Development and site alteration on adjacent lands is not permitted unless it has been demonstrated through the completion of an Environmental Impact Study that there will be no negative impacts on the natural features and their ecological functions. The effect of a development proposal on features must be considered when the proposed development is within:

- 120 metres of the boundary of a Provincially Significant Wetland or unclassified wetland in excess of 2 hectares;
- 50 metres from the boundary of a provincially or regionally significant earth Area of Natural and Scientific Interest;
- 120 metres from the boundary of a provincially or regionally significant life science Area of Natural and Scientific Interest;
- 120 metres from the boundary of a fish habitat area.

The PPS does not include policies regarding unclassified wetlands, however the Township Official Plan does include policies regarding development within or adjacent to unclassified wetlands. Section 2.5.3.3. of the Township Official Plan states "The Zoning By-law shall establish"

development setbacks from Natural Heritage features and land within the Environmental Protection Designation that protect the area from potential development impacts." Restrictions for proposed development within 120 metres of an unclassified wetland (or less if supported by an Environmental Impact Study) are appropriate based on the Official Plan.

Following the environmental work that was completed, Tulloch Engineering provided a new wetland boundary on the subject lands, which is outlined in red on Figure 2. The original report that was prepared did not specify any minimum setbacks for future development from the new wetland boundary, and therefore staff requested clarity on this point. Following review of the September 4, 2025 letter from Tulloch Engineering, they acknowledge that zoning a wetland is an appropriate mechanism to safeguard the feature from future development; but then goes on to say that no buffer should be applied. Further, the letter indicates that an Environmental Impact Study should be completed prior to development within 30 metres of the new wetland boundary. It appears that based on the recommendations that a 30 metre setback should be applied unless a lesser setback is supported by the findings of an Environmental Impact Study. Beyond zoning and setbacks, we are not aware of any other Planning Act "mechanisms" that would trigger the need for an Environmental Impact Study and no other recommendation has been provided by the agent.

In summary it is our opinion that zoning needs to be used as a tool to implement Tulloch's recommendation that an Environmental Impact Study be completed for any development proposed within 30 metres of the wetland (EP Zone) boundary. The conclusions of the PPS section also apply to this section.

B3. Township of Nipissing Zoning By-law 2020-20

The subject lands are located within the Rural (RU) Zone, the Shoreline Residential (SR) Zone, the Limited Service Residential (LSR) Zone and the Environmental Protection (EP) Zone. The EP Zone reflects the identified unclassified wetland on the subject lands. The existing and proposed uses are residential and are permitted in the applicable zones.

The purpose of the Zoning By-law Amendment is to rezone a portion of the subject lands and to zone the new wetland boundary as the EP Zone. The draft Zoning By-law Amendment has been prepared to show the new wetland boundary as the EP Zone and then the text of the draft amendment states that no buildings or structures shall be permitted within 30 metres of the wetland (the EP Zone).

If the proponent is not supportive of the 30 metre development setback, the application could be deferred until an Environmental Impact Study is completed to recommend an alternative development setback from the limits of the wetland and EP Zone.

C. RECOMMENDATION

Following the review of the Zoning By-law Amendment application and the information that has been submitted to the Township, it is recommended that a decision on the Zoning By-law

Amendment be deferred to provide the owner and the agent with time to review this planning report and to consider the options to move forward.

Alternatively, Council could approve the Zoning By-law Amendment that includes a 30 metre development setback from the limits of the wetland (EP Zone).

Respectfully submitted,

MHBC PLANNING

Patrick Townes, BA, BEd Associate Jamie Robinson, BES, MCIP, RPP Partner

NOTICE OF A COMPLETE APPLICATION AND A PUBLIC MEETING FOR A ZONING BY-LAW AMENDMENT

PLEASE TAKE NOTICE that The Corporation of the Township of Nipissing has received an application to amend Zoning By-law 2020-20. The application was deemed complete on August 21, 2025. The application affects lands located on the subject property locally known 89 Cedar Crescent and is legally described as Part Lot 25, Concession 2.

The applicant is submitting the Zoning By-law Amendment application to satisfy the conditions of approved Consent Applications C2025-07, C2025-08 and C2025-09. The purpose of the proposed amendment is to rezone a portion of the subject lands to the Environmental Protection (EP) Zone to implement the new wetland boundary that was recommended by the owner's environmental consultant.

AND PURSUANT to Section 34 (10) of the Planning Act, the application file is available for review at the Municipal Office, between the hours of 8:30 am to 12:00 pm and 12:30 pm to 4:30 pm on regular weekdays. Please contact the Municipal Administrator-Clerk-Treasurer to arrange to review this file.

FURTHER TAKE NOTICE that the Council for The Corporation of the Township of Nipissing will be holding a Public Meeting under Section 34 of the Planning Act, R.S.O. 1990, Chapter 13, as amended, to inform the public of a proposed Zoning By-law Amendment.

DATE AND LOCATION OF PUBLIC MEETING

Date:

September 16, 2025

Time:

6:30 p.m.

Location:

Township of Nipissing Community Centre, 2381 Highway 654

ADDITIONAL INFORMATION AND MAP OF LAND SUBJECT TO THE APPLICATIONS

A Key Map showing the land to which the proposed amendment applies is provided as part of this Notice. The purpose of this meeting is to ensure that sufficient information is made available to enable the public to generally understand the applicant's proposed Zoning By-law Amendment. Any person who participates in the meeting shall be afforded an opportunity to make representations in respect of the application, in accordance with the above measures. Council will then use the information collected at this meeting to make a decision on the Zoning By-law Amendment.

Should you desire to express your approval or objection to the application, you may submit comments in writing to the below contact in advance of the Public Meeting. Please provide written comments by September 15, 2025.

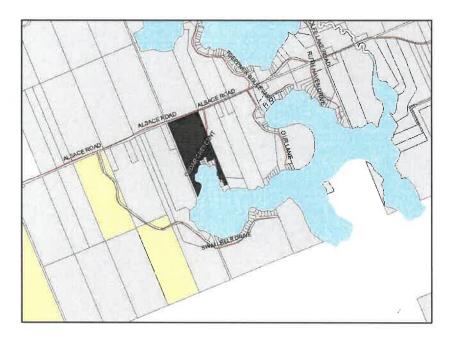
If you wish to be notified of the decision of the Council of The Corporation of the Township of Nipissing on the proposed Zoning By-law Amendment, you must make a written request (with forwarding addresses) to the Municipal Administrator-Clerk-Treasurer of the Township of Nipissing at the Township of Nipissing Office, 45 Beatty Street, General Delivery, Nipissing, Ontario, POH 1WO. Telephone (705) 724-2144 or email at admin@nipissingtownship.com.

If a person or public body would otherwise have the ability to appeal the decision of the Council of The Corporation of the Township of Nipissing to the Ontario Land Tribunal but the person or public body does not make an oral submission at a Public Meeting or make written submissions to The Corporation of the Township of Nipissing before the Zoning By-law Amendment is passed, the person or public body is not entitled to appeal the decision.

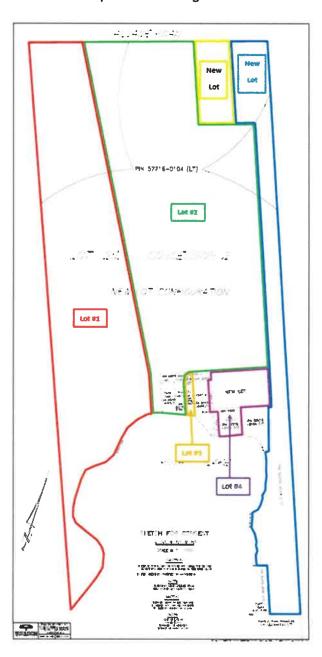
If a person or public body does not make oral submissions at a Public Meeting or make written submission to The Corporation of the Township of Nipissing before the Zoning By-law Amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Kris Croskery-Hodgins, Municipal Administrator-Clerk-Treasurer, Township of Nipissing

KEY MAPS SUBJECT LANDS



Proposed Lot Configuration



Corporation of the Township of Nipissing Part Lot 25, Concession 2, 89 Cedar Crescent

BY-LAW NO. 2025 -

"Being a By-law to Amend Zoning By-law 2020-20, as amended"

WHEREAS the Corporation of the Township of Nipissing has received an application to amend Zoning By-law 2020-20 as amended;

AND WHEREAS Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes the Council of a municipality to pass Zoning By-laws to regulate the use of land, buildings or structures in accordance with Section 34(1) of the Planning Act Planning Act, R.S.O. 1990, c.P.13.

NOW THEREFORE the Council of the Corporation of the Township of Nipissing enacts that By-law 2020-20, as amended, is hereby amended as follows:

1. That Section 5.23 shall be added following Section 5.22. Section 5.23 shall read as follows:

"5.23 SPECIAL ZONE NO.23 (Part Lot 25, Concession 2, 89 Cedar Crescent)

Notwithstanding any other provision of this By-law, on the property located on Part Lot 25, Concession 2, 89 Cedar Crescent, in the Township of Nipissing, the following applies:

5.23.1 Zone Boundaries

The zone boundaries of the Special Zone No. 23 (SZ 23) are identified on Schedule 'A' to this By-law. The permitted uses and regulations of the Environmental Protection (EP) Zone shall apply to Special Zone No. 23 (SZ 23).

5.23.2 Regulations

Within the Special Zone No. 23 (SZ 23), the following provisions shall apply:

- a) No buildings and structures shall be permitted within 30 metres of the Special Zone No. 23 (SZ 23)."
- 2. Schedule A to Zoning By-law 2020-20 shall be amended in accordance with Schedule 'A', attached hereto.

Read a first and second time on the _____ of ______, 2025.

Read a third time and finally passed on the of, 2025.
Mayor
Municipal Administrator-Clerk-Treasurer

SCHEDULE 'A'
Part of Broken Lot 25, Concession 2, Reference
Plan 42R-20631 and 42R-7846 Concession 2,
Township of Nipissing, District of Parry Sound



Lands to be rezoned to the Special Zone No. 23 (SZ 23) Zone

This is a	Schedule 'A' to Zoni this day of	ing By-law 2025
Mayor		



Planners | Surveyors | Biologists | Engineers

September 04, 2025 TULLOCH Project 242951

Peter and Deborah Aultman 89 Cedar Crescent Powassan, ON P0H 1Z0

Re: Environmental Protection Designation mapping adjacent to wetlands at 89 Cedar Crescent, Township of Nipissing

Dear Mr. and Mrs. Aultman,

In October of 2024 our environmental team reported on wetland mapping undertaken to OWES standards at your 89 Cedar Crescent property, in Nipissing Township. This mapping was undertaken by an MNR-trained OWES professional who was accompanied by a member of our geomatics team who surveyed the identified wetland boundary. It is our understand that the Township of Nipissing seeks to include those mapped wetlands into their EP zoning, which is not uncommon, and that MHBC Planning, on behalf of the Township, has requested clarification as to whether any buffers around the wetland should also be incorporated into this EP zoning designation.

We accept that re-zoning wetlands to EP is an effective way to safeguard them from future development, but do not advise the incorporation of wetland buffers into EP zoning designation. This is opinion is based on the following observations:

- These wetlands have not been identified as Provincially Significant in <u>provincial mapping</u> or <u>Township Official Plan Schedule B</u> mapping.
- There are no restrictions on development adjacent to unclassified wetlands in the Provincial Planning Statement or the Official Plan of the Township of Nipissing.
- Where wetlands are found to be Provincially Significant, the Provincial Planning Statement, and Section 5.2.1 of the Township Official Plan, still allow for development in adjacent areas where it is demonstrated that there will be no negative impacts on the natural features or their ecological functions. A buffer incorporated into zoning precludes a proponent's ability to undertake the necessary steps to design a development and undertake the necessary studies (such as an Environmental Impact Study) that could satisfy the PPS and the Official Plan.



- The administrative actions proposed at this time (lot creation and rezoning), do not impact the environment.
- Section 2.5.3.3. of the Township Official Plan states "The Zoning By-law shall establish
 development setbacks from Natural Heritage features and land within the Environmental
 Protection Designation that protect the area from potential development impacts." This
 suggests that Zoning By-laws are an intended mechanism for limiting site development in
 adjacent areas, as opposed incorporating a setback directly into the EP designated area
 itself.

We understand that the Township seeks to protect wetland areas, including limiting development in proximity, such as per Section 5.8.1 of the Official Plan. It is also understood that adjacent areas are defined per Section 5.2.1 of the Official Plan as including those areas within 120m of Provincially Significant Wetlands and unclassified wetlands greater than 2ha in area. We agree that, per Ontario's Natural Heritage policies, impacts to wetlands become a consideration when site alteration is proposed within 120m of the boundary. As opposed to expanding EP designated areas to a set distance from a feature, we recommend that project-specific impacts be assessed once site alteration is proposed. No site alteration is being proposed at this time.

It is commonplace in other municipalities, and in the policies of Conservation Authorities that administer the Conservation Authorities Act, to place emphasis on reviewing and limiting site alteration proposed within 30m of wetlands. We recommend that emphasis be placed on ensuring sufficient buildable envelope exists within new lots to ensure that future lot development, per the zoning, is feasible without the need to alter areas within 30m of the wetlands. Should future site alteration be proposed within 30m of a wetland, we recommend that an Environmental Impact Study be completed by a qualified professional to assess and mitigate potential impacts. The scope and scale of that study should be proportionate to the extent of the proposed alteration and its intended proximity to the wetland boundary.

When taken together, this approach will ensure that future site alteration in close proximity to the wetlands is unessential to future lot development but, should it be proposed, mechanisms are in place to ensure it is adequately mitigated and justified.

Sincerely,

Kelly Major, M.Sc. EP Senior Ecologist

Environmental Professional (ECO Canada)



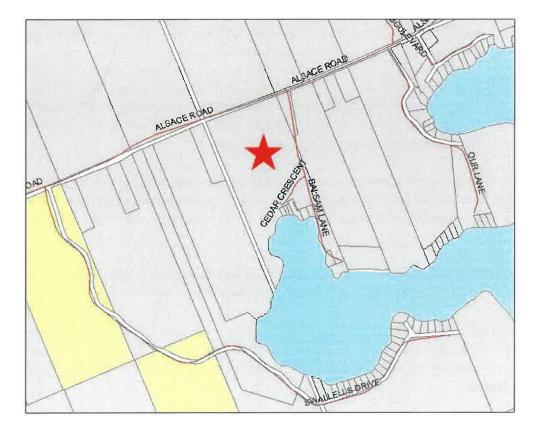


TOWNSHIP OF NIPISSING			
Report Prepared For:	John-Paul Negrinotti	Application Number:	C2025-07, C2025-08, and C2025-09
Report Prepared By:	Jamie Robinson MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Tulloch Engineering c/o Stephen McArthur
Location:	89 Cedar Crescent Part Lot 25, Concession 2	Owner:	Peter Henry Aultman
Application Type:	Consent and Easements	Report Date:	July 15, 2025

A. PROPOSAL/BACKGROUND

An application for Consent, Lot Additions and Easements have been submitted for the subject lands located at 89 Cedar Crescent, which are legally described as Part Lot 25, Concession 2, in the Township of Nipissing. The owner of the subject lands is Peter Henry Aultman, and the application has been submitted by Tulloch Engineering (c/o Stephen McArthur). The general location of the subject lands are identified on Figure 1.

Figure 1: Subject Lands



The subject lands are designated as Shoreline, Rural and Environmental Protection on Schedule A of the Official Plan. A portion of the subject lands is identified as containing an unclassified wetland and there is also a bird nesting area identified on Schedule B of the Official Plan. The subject lands are located within the Rural (RU) Zone, the Shoreline Residential (SR) Zone, the Limited Service Residential (LSR) Zone and the Environmental Protection (EP) Zone. The EP Zone reflects the identified unclassified wetland on the subject lands. The surrounding land uses primarily include rural residential development and shoreline residential development on Ruth Lake.

The purpose of the applications is to create two (2) new lots on the subject lands, to complete three (3) lot additions and to register access easements. An overview of the applications that have been submitted is included below:

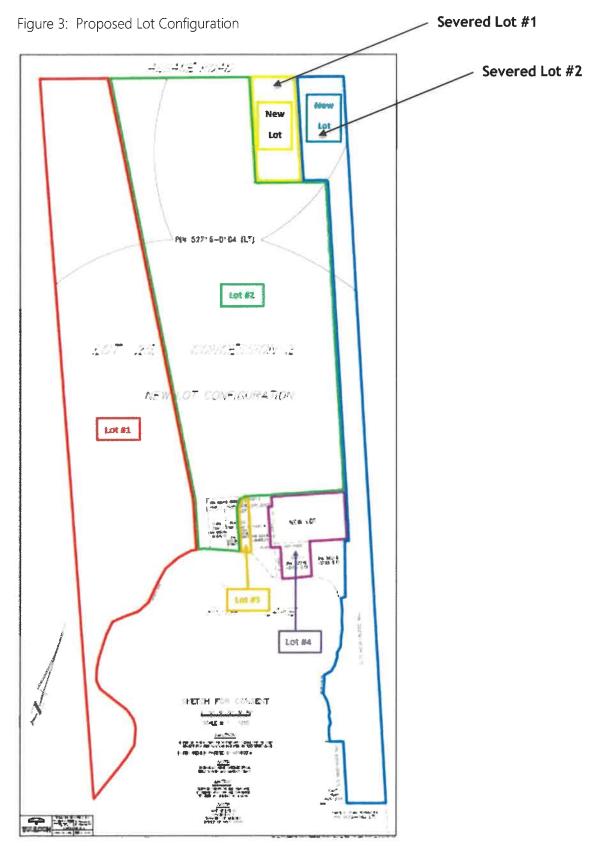
- C2025-07: Consent (Lot Creation)
 - o The owner is proposing is to create two (2) new lots on the subject lands. One of the proposed lots has lot frontage on Ruth Lake and has frontage and access on Alsace Road. The other proposed lot has lot frontage on Alsace Road. The proposed two new lots are shown on Figure 3.
- C2025-08: Consent (Lot Additions)
 - o The owner is proposing a total of three (3) lot additions on the subject lands. Lots #2, #3 and #4 are proposed to be enlarged as a result of the proposed lot additions. The current lot configuration for these lots is shown on Figure 2 and the proposed lot configuration are shown on Figure 3.
- C2025-09: Easements
 - o The owner is proposing easements in order to correct existing access issues for all surrounding properties and to ensure all the proposed lots have legal access. The proposed easements are shown on Figure 4.

The owners and applicant conducted pre-consultation meetings with Township staff and planning staff to review the proposed applications. Various drawings were submitted to show the existing and proposed lot configuration for the subject lands, as well as the proposed easements.

The existing lot configuration on the subject lands is shown on Figure 2. Each of the lots are assigned a Lot # that will be referenced throughout this Report.

The proposed lot configuration on the subject lands is shown on Figure 3. This figure shows the resulting lot configuration following the proposed lot creation and lot additions. The same numbering has been carried forward to identify the proposed lots. There are only two (2) new lots being created.

The proposed easements are shown on Figure 4. The purpose of the easements is to ensure that every lot on the subject lands (and adjacent properties) have legal access.



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Figure 2: Existing Lot Configuration

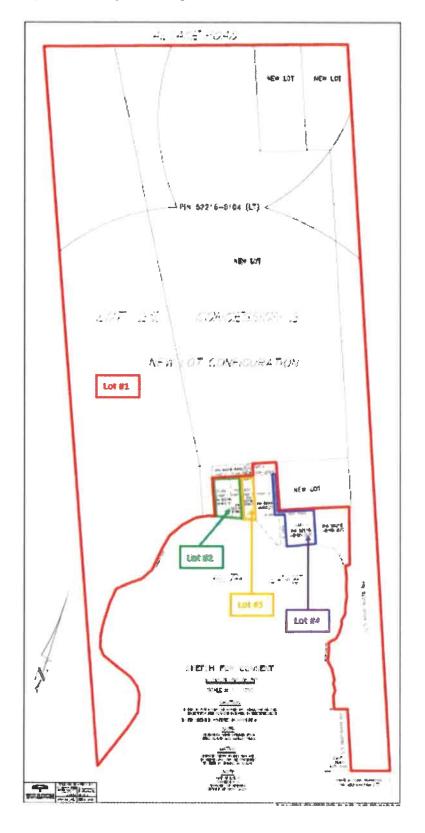


Figure 4: Proposed Easements (Right of Ways)

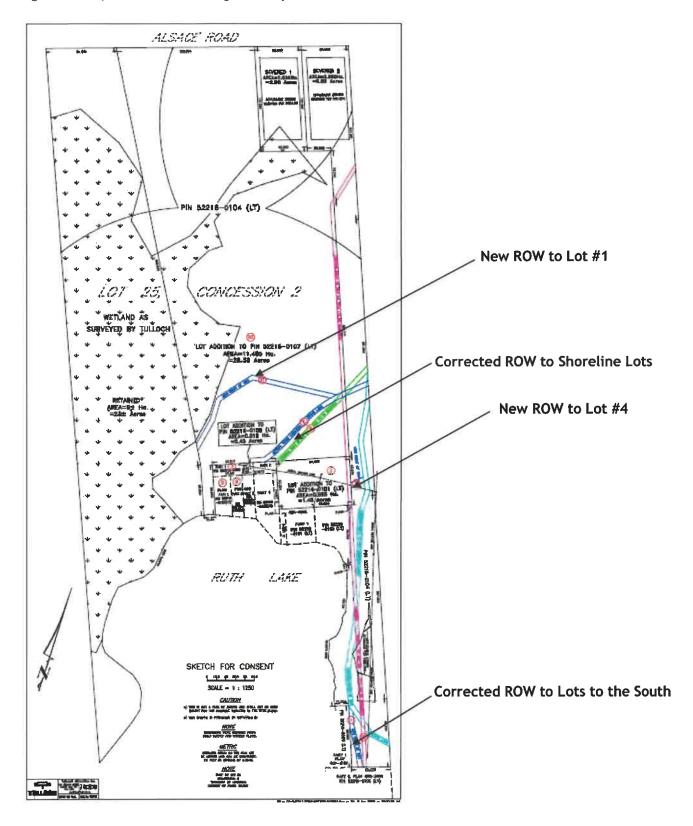


Table 1 provides a summary of the existing lot configuration and the owners of the lots subject to the applications. An estimate for the lot area and lot frontage is also provided on Table 1, based on the information that has been submitted with the applications.

Table 1: Existing Lot Configuration

Property #	Owner	Approximate Lot Area	Approximate Lot Frontage
Lot #1	Aultman	25.5 hectares	165 metres on the smallest
			frontage of Ruth Lake
Lot# 2	Aultman	0.2 hectares	40 metres on Ruth Lake
Lot #3	Piekarski	0.1 hectares	17 metres on Ruth Lake
Lot #4	Dooreleyers	0.26 hectares	38 metres on Ruth Lake

Following the proposed lot creation and lot additions, the approximate lot areas and lot frontages are provided on Table 2.

Table 2: Proposed Lot Configuration

Property #	Owner	Approximate Lot Area	Approximate Lot Frontage
Lot #1	Aultman	9 hectares	360 metres on Ruth Lake
Lot# 2	Aultman	11.5 hectares	55 metres on Ruth Lake
Lot #3	Piekarski	0.12 hectares	17 metres on Ruth Lake
Lot #4	Dooreleyers	0.6 hectares	38 metres on Ruth Lake
Severed Lot #1	Aultman	0.8 hectares	61 metres on Alsace Road
Severed Lot #2	Aultman	4 hectares	165 metres on Ruth Lake

The following is a summary of the resulting lot configuration:

- Lot #1 is smaller as a result of a lot addition and has lot frontage on Ruth Lake.
- Lot #2 is larger as a result of a lot addition and has an increased lot frontage on Ruth Lake.
- Lot #3 is slightly larger as a result of a lot addition and there is no change to the lot frontage on Ruth Lake.
- Lot #4 is larger as a result of a lot addition and there is no change to the lot frontage on Ruth Lake.
- Severed Lot #1 is a new lot and has lot frontage on Alsace Road.
- Severed Lot #2 is a new lot and has lot frontage on Ruth Lake.

The proposed and new easements (right of ways) are identified on Figure 4. The refinements to the existing right of ways will ensure legal access to each of the resulting lots.

B. POLICY & REGULATORY REVIEW

B1. Provincial Planning Statement

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All applications made under the *Planning Act*, must be consistent with the Provincial Planning Statement (PPS). The subject lands are considered Rural Lands in the context of the PPS. Section 2.6.1 c) identifies residential development, including lot creation that is suitable for the provision of appropriate sewage and water systems, as a permitted use within Rural Lands. The creation of the lots and the existing and proposed uses on the lots are permitted in the context of the PPS. The proposed new lots that are to be vacant appear to be large enough to accommodate a well and septic system in the future.

Section 4.1 of the PPS includes policies regarding the long-term protection of Ontario's natural heritage features and areas. No Provincially significant natural heritage features are present on or adjacent to the subject lands. However, there is an unclassified wetland feature identified on the west portion of the subject lands, and there was also bird nesting habitat identified on Schedule B of the Official Plan. As a result, a Wetland Mapping and Bird Nesting Assessment was completed by Tulloch Engineering in support of the applications. It determined that there would be no impact on the features or their functions provided that the mitigation recommendations outlined in the report are implemented. These include restrictive vegetation removal windows to minimize impacts on bird nesting, maximizing vegetation retention by utilizing existing roads and trails, and minimizing damage to vegetation by delineating project boundaries. Mitigation measures will be included in the Consent Agreement which is recommended as a condition of provisional Consent.

Section 5.2 of the PPS outlines policies for natural hazards and that planning authorities shall identify hazardous lands and hazardous sites and manage development in these areas, in accordance with Provincial guidance. Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may, however, be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards. A Wildland Fire Risk Assessment was completed by Tulloch Engineering in support of the applications and determined that development may proceed, provided that mitigation recommendations outlined in the report are implemented. These include vegetation management practices and building materials. Mitigation measures will be included in the Consent Agreement which is recommended as a condition of provisional Consent.

The proposed applications are consistent with the PPS.

B2. Township of Nipissing Official Plan

The subject lands are designated as Shoreline, Rural and Environmental Protection on Schedule A of the Official Plan. A portion of the subject lands is identified as containing an unclassified wetland and there is also a bird nesting area identified on Schedule B of the Official Plan.

Both the Shoreline designation and the Rural designation in the Official Plan permit residential uses. The proposed lots are either already used for a residential use or are proposed to be used for a residential use.

Section 6.7.4.1 of the Official Plan identifies criteria that must be met in considering an application for Consent. The criteria and comments regarding conformity with the criteria are provided in Table 3.

Table 3: Official Plan Consent Criteria (Section 6.7.4.1)

Criteria	Comments
(a) consents may be granted only when the proposed severed and retained land fronts on a public road which is maintained on a year round basis by a public authority;	Severed Lot #1 and Severed Lot #2 have frontage on Alsace Road which is a maintained road.
(b) notwithstanding item (a) above, consents for residential uses may be considered for lands with frontage on Lake Nipissing or the navigable portion of South River between Lake Nipissing and Chapman's Chute provided that: (i) the proposed use is accessed by only water; (ii) suitable provision has been made on the mainland for public docking and public automobile and boat trailer parking or it has been confirmed that suitable docking and automobile and boat trailer parking will be provided by a private commercial marina establishment; and	Not applicable.
(c) the size of any parcel of land created by consent should be appropriate for the use and no parcel shall be created which does not conform to the policies of this plan or the requirements of the implementing Zoning By-Law;	The proposed lot areas and lot frontages are appropriate for the existing and intended uses. It is noted that following the lot additions, some of the lots will have split zones, primarily between the SR Zone and the LSR Zone. It is recommended that a Zoning Bylaw Amendment clean up the zoning so that each of the properties is located within one Zone.
(d) the minimum lot area and frontage shall generally be 4,000 square metres and 60 metres respectively. Lots with water frontage	Severed Lot #1 and Severed Lot #2 meet the minimum requirements referenced in this policy.

Criteria	Comments
(except water access only lots) shall also abut a public road which is maintained on a year round basis by a public road authority for a minimum continuous distance of 20 metres; except, in a Stratum 1 Deer Yard as outlined in Section 5.7.3 and Schedule 'B' of the Official Plan, the minimum lot frontage shall be 90 metres and the minimum lot size shall be 1 hectare.	Other lots that do not meet these requirements are being enlarged following the lot additions and therefore there are no concerns from a proposed lot area and lot frontage perspective for all proposed lots.
(e) for waterfront lots, consents should be granted only if it has been established by the MOECC that the water quality of the waterbody is capable of accepting further development;	Not applicable.
(f) consents should not be granted when access to the site creates a traffic hazard because of limited sight lines, curves, or grades of existing development as set out in accepted traffic engineering standards;	There are no traffic hazards anticipated as a result of the applications. The owner is applying to update existing right of ways to ensure each lot subject to the applications has legal access.
(g) consents should be granted only when it has been established by the Building Inspector or delegate that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a sufficient and potable water supply and, where applicable, to permit the installation of an adequate means of sewage disposal;	A condition of provisional Consent has been included to require confirmation from the North Bay-Mattawa Conservation Authority that there are suitable locations for a septic system on the new proposed lots.
(h) recommendations shall be requested from all relevant agencies prior to a decision being made;	Any agency comments may be reflected in the conditions of provisional Consent.
(i) the lots should not adversely affect areas of mineral aggregate or forestry production, recreational uses or environmentally sensitive areas; (j) the lots should be reasonably well proportioned and of regular shape and dimension;	The proposed lots would not adversely affect areas of mineral aggregate or forestry production, recreational uses or environmentally sensitive areas. The configuration of the proposed lots is appropriate.
(k) the creation of the severed and retained lot(s) will not have the effect of preventing access to or land locking any other parcel of land; and	The proposed applications will not affect existing access to any other lands. The owner is applying to update existing right of ways to ensure each lot subject to the applications has legal access.

Criteria	Comments
(I) it shall be the policy of this plan to permit a maximum of two consents (i.e. the creation of two new lots plus the retained remainder of the parcel) from any parcel in existence on or before October 11, 1996. This policy shall not apply to development in Settlement Area.	Based on this policy, the creation of two (2) new lots is permitted.
(m) New lot creation must provide confirmation that sufficient capacity exists for treatment capacity for hauled sewage.	Required as a condition of provisional Consent.
(n) New development in the vicinity of a provincial highway that does not have lot frontage on the highway may only gain access using a new or existing municipal road in a manner that is satisfactory to the MTO. A maximum of one entrance per lot shall be permitted. Back lots that do not have frontage on a provincial highway will be restricted from using the highway entrance(s) on an adjacent property.	Not applicable.
(o) New lots (severed and retained) having a lot area less than 0.8-hectare shall only be permitted if supported by a hydrogeological study demonstrating that a smaller lot area is appropriate.	Not applicable.
(p) Among the Township's goals is to make the Settlement Areas of Nipissing, Commanda, and Sunset Cove the focus of development. The total number of new lots permitted to be created by consent within the combined Rural and Shoreline designations within any calendar year shall be limited to a maximum of 10, provided that the consent(s) conform(s) to all other applicable sections of this plan.	Less than 10 lots have been created this calendar year.

Section 4.22.1 of the Official Plan include policies regarding Wildland Fire. In areas identified on Appendix 'B' as having a hazardous forest type, development application must be supported by a risk assessment that identifies mitigation measures. A Wildland Fire Risk Assessment was completed by Tulloch Engineering in support of the applications and determined that development may proceed, provided that mitigation recommendations outlined in the report are implemented. A summary of the mitigation recommendations was provided in the PPS section of this Report.

Section 5.2 of the Official Plan applies to lands adjacent to natural heritage features. Section 5.2.1 of the Official Plan provides that adjacent lands are the lands relevant to which impacts of a development must be considered. Development and site alteration on adjacent lands is not permitted unless it has been demonstrated through the completion of an Environmental Impact Study that there will be no negative impacts on the natural features and their ecological functions. The effect of a development proposal on features must be considered when the proposed development is within:

- 120 metres of the boundary of a Provincially Significant Wetland or unclassified wetland in excess of 2 hectares;
- 50 metres from the boundary of a provincially or regionally significant earth Area of Natural and Scientific Interest;
- 120 metres from the boundary of a provincially or regionally significant life science Area of Natural and Scientific Interest;
- 120 metres from the boundary of a fish habitat area.

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Section 5.7.1 of the Official Plan includes policies regarding significant wildlife habitat, including bird nesting sites. Section 5.7.1 states the following:

Significant Wildlife Habitat, such as bird nesting sites or deer yards, are important because of the species it supports. It is the policy of this Plan to protect significant wildlife habitat. New development or site alteration in or adjacent to significant wildlife habitat shall not be permitted unless it has been demonstrated through an EIS that the development will not result in negative impacts on the natural features or their ecological functions.

The subject lands contain a portion of an unclassified wetland which in excess of 2 hectares and a bird nesting site, and therefore a Scoped Environmental Impact Study (Wetland Mapping and Bird Nesting Assessment) was submitted with the applications. A summary of the technical reports was provided in the PPS section of this Report.

The proposed applications conform to the Official Plan.

B3. Township of Nipissing Zoning By-law 2020-20

The subject lands are located within the Rural (RU) Zone, the Shoreline Residential (SR) Zone, the Limited Service Residential (LSR) Zone and the Environmental Protection (EP) Zone. The EP Zone reflects the identified unclassified wetland on the subject lands.

The existing and proposed uses are residential and are permitted in the applicable zones. It is noted that following the lot additions, some of the lots will have split zones, primarily between the SR Zone and the LSR Zone. It is recommended that a Zoning By-law Amendment clean up the zoning so that each of the properties is located within one Zone.

The recommendations from the Wetland Mapping Assessment included an expanded and refined wetland boundary, following the field investigations on the subject lands. The boundary

of the wetland is shown on Figure 4. It is recommended that the refined boundary of the wetland be included in an expanded Environmental Protection (EP) Zone on the subject lands. This is the appropriate land use planning mechanism to restrict future development for the current and future owners in the long term, to protect the wetland feature that has been identified through the site-specific study by the applicant.

The proposed lots that are to be vacant will have an adequate building envelope, incorporating the new boundary of the wetland and the applicable setbacks of the zones. A building envelope adjacent to the shoreline location on Severed Lot #2 has been identified on Figure 4.

The new severed lots and the resulting lots following the lot additions comply to the lot standards of the Zoning By-law. The minimum lot area for the RU, SR and the LSR Zones is 0.8 hectares, and the minimum lot frontage is 60 metres.

Proposed Lots #3 and #4 do not meet the minimum standards for the LSR Zone, however the lots are getting larger in terms of lot area and therefore in accordance with Section 3.23 c) of the Zoning By-law, comply to the Zoning By-law:

Undersized Lots Resulting From Boundary Adjustment or Lot Addition Lots which have been increased in frontage or area following adoption of this By-law as a result of a Planning Act approval, but still do not comply with minimum area or frontage requirements of this By-law, may also be used in accordance with Sub-section (b) and furthermore no zoning amendment shall be necessary to legalize the undersized lot.

A Zoning By-law Amendment is recommended as a provisional condition of Consent to implement the new expanded wetland boundary to the Environmental Protection (EP) Zone and to "clean-up" the existing zoning of the existing shoreline lots to avoid properties with split zoning.

C. RECOMMENDATION

The proposed applications have been reviewed with consideration of the provisions of the *Planning Act* and the applicable policies of the PPS and Official Plan. Following a review of the applications and the material that has been submitted, the proposed applications are consistent with the PPS and conform to the Official Plan, subject to the recommended conditions of provisional Consent.

The owner and the applicant have demonstrated that each of the proposed lots are suitable for the existing and/or proposed residential use, and that there are adequate building envelopes for the proposed new/vacant lots. Further, the proposed easements will correct the right of ways that are currently established and ensure legal access to all the affected properties.

On the basis of the review and analysis contained herein, it is recommended that the Committee of Adjustment provisionally approve Consent applications C2025-07, C2025-08 and C2025-09 subject to the following conditions, to be completed to the satisfaction of the Township:

- a) A copy of the Reference Plan(s) to be deposited in the Land Registry office that is substantially in compliance with the application sketch for the proposed lots and easements;
- b) The original executed transfers (deeds), both duplicate originals and one photocopy per Consent;
- c) A schedule describing the proposed new lots (Severed Lot #1 and Severed Lot #2) and the lot additions, and naming the applicable grantor and grantee attached to the transfers for approval purposes;
- d) Any travelled road situated on the subject lands shall be transferred to the Township for road purposes (if applicable);
- e) Entrance permit from the Township (where applicable);
- f) Written confirmation that sufficient capacity exists for treatment capacity for hauled sewage to the satisfaction of the Township;
- g) Written confirmation from the North Bay-Mattawa Conservation Authority to demonstrate that there are suitable locations for a septic system on the new proposed vacant lots;
- h) Approval of a Zoning By-law Amendment to implement the new wetland boundary (to be rezoned to the Environmental Protection (EP) Zone) and to rezone the shoreline lots to avoid split zoning;
- i) Consent Agreement to be registered on title to include the recommendations and mitigation measures provided in the Wetland Mapping and Bird Nesting Assessment and the Wildland Fire Risk Assessment; and,
- j) A Certificate in the appropriate Form prescribed in O.Reg. 197/96, Schedule 1, for signature of the Township of Nipissing Committee of Adjustment Official (Secretary-Treasurer or Chairperson).

Respectfully submitted,

MHBC PLANNING

Patrick Townes, BA, BEd Associate Jamie Robinson, BES, MCIP, RPP Partner





Wetland Mapping & Bird Nesting Assessment

Project #: 242951

Peter and Deborah Aultman

89 Cedar Crescent, Township of Nipissing

09 October 2024





Planners | Surveyors | Biologists | Engineers

October 9, 2024 Project: 242951

Peter and Deborah Aultman 89 Cedar Crescent Powassan, ON P0H 1Z0

Re: OWES Wetland Mapping and Bird Nesting Assessment – Lot 25, Concession 2 Township of Nipissing, District of Parry Sound

Dear Peter and Deborah Aultman.

TULLOCH Environmental, a division of TULLOCH Engineering Inc. (TULLOCH) was retained to perform a mapping of wetlands and assessment of bird nesting habitat at the site of proposed new lot creation located at 89 Cedar Crescent, in Powassan, Ontario (the 'Site', Figure 1). The proposed site plan can be seen in Figure 2. All mapping herein was scoped to the footprint of the proposed new lots on the Site.

Wetlands are subject to development constraints according to the Ontario Provincial Policy Statement and the Township of Nipissing. For planning purposes, wetlands are typically defined and mapped according to guidelines within the Ontario Wetland Evaluation System (the 'OWES').

Many species of birds receive protections under the Migratory Birds Convention Act and their Regulations. This Act provides for the protection of the birds, their eggs and their nests.

Defining 'Wetland'

The term wetland is variously applied operationally, regulatorily, and colloquially. For planning purposes in Ontario, the Ontario Wetland Evaluation System ('OWES') is typically adopted to delineate wetland boundaries and evaluate wetlands based on their biological, hydrological, and social significance.

The OWES defines wetlands generally as:

"Lands that are seasonally or permanently flooded by shallow water as well as lands were the water table is close to the surface; in either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants."



The OWES favours a plant-centric approach to defining wetland boundaries. Specifically, the OWES defines the boundary of a wetland according to the "50% wetland vegetation" rule, whereby a wetland is denoted to begin where 50% or more of the relative plant cover is dominated by wetland plant species. Soils information can also be collected to complement plant observations.

Under natural conditions wetlands can, by this definition, vary greatly in scale from several square meters to several square kilometers in area. Operationally, the OWES sets out certain minimum areas that serve as benchmarks for wetland classification. Specifically:

- The OWES considers individual areas of wetland formation to be Wetland Units.
 The OWES does not typically evaluate the significance of Wetland Units that
 are less than 2.0ha in area unless that unit exhibits particularly important
 ecological functions or is required to maintain connectivity among other
 (larger) wetland units.
- The OWES breaks down and describes Wetland Units according to Vegetation Communities which are sub-sections of the wetland with a common plant community composition and structure. The minimum size of an OWES Vegetation Community is 0.5ha.

Based on these definitions, the minimum mappable wetland size under the OWES framework is 0.5ha.

An alternative means of defining 'wetland' in this province is the Ontario Ecological Land Classification ('ELC') system. The ELC system applies a soil-centric means of classifying wetland presence and defining wetlands to ecosite. Specifically, attributes of soil substrate texture and coloration (e.g., mottles and gley) are used to determine the soil moisture regime and then infer wetland presence. Once again, these conditions can exist on scales of several square meters to several square kilometers in area. The ELC system also adopts a minimum 0.5ha for mappable ecosites.

It is important to note that not all wetlands support standing water. Wetlands also develop in areas prone to seasonal flooding (such as in the spring) or where water tables are high enough to affect the rooting zone of local vegetation.

Our wetland evaluations are performed by environmental professionals trained in the OWES. For the purposes of wetland mapping, TULLOCH adopts the OWES definitions with a minimum community size of 0.5ha unless otherwise stated. Mapping is therefore plant-centric, with soils and topographic data collected as needed to supplement plant community observations.

Methods

The Site was visited on October 2, 2024, by Valerie Murphy (Senior Environmental Specialist) with TULLOCH and Ben Young (Survey Technician) with TULLOCH. Ms. Murphy is trained by the MNRF in the OWES system and is recognised by that Ministry as a qualified OWES Evaluator.

The Site was walked for the identification of upland and wetland vegetation communities. The species composition and structure of these communities were noted and photographed. The





transition areas between these communities (i.e., ecotones) were then identified. Once within an ecotone, the exact location where the apparent relative plant dominance shifted from upland to wetland species was found and GPS waypointed. Waypoints were collected in this manner at intervals of approximately 10 to 20m. Waypoints were collected with the assistance of a Garmin GPSMAP 65S handheld GPS. Soil characteristics were assessed on Site using an Edelman Auger. In the OWES system, soil properties such as effective texture, moisture regime, and depth to watertable can supplement plant community observations. Soils were characterized according to finger assessments outlined in the *Field Guide to Substrates of Ontario*.

Site observations were supplemented by several layers of spatial Geographic Information System (GIS) data obtained from Land Information Ontario (via the Ontario GeoHub) and reviewed for this Site, specifically:

- 'Wetlands': A high-level provincial approximation of known or suspected wetlands across Ontario. Data provided by the MNRF.
- 'Ontario Hydro Network Waterbody' A high-level provincial approximation of known waterbodies across Ontario. Data provided by the MNRF.
- 'Ontario Hydro Network Watercourse' A high-level provincial approximation of known watercourses across Ontario. Data provided by the MNRF.
- 'COOP 2016 DEM' Digital Elevation Modeling created by the Central Ontario Orthophotography Project provided approximate Site topographic contours at 1m intervals.

Aerial imagery was obtained from **ESRI Online** and from **Google Earth Pro** which depicted the Site over the course of several years and during various seasons. Specifically, TULLOCH reviewed and compared spring imagery (leaf off) with that of summer (leaf on).

All mapping and spatial measures were performed in QGIS.





Wetland Results

The following sections outline the results of this assessment. All figures are provided in Attachment I. All field photographs are provided in Attachment II.

Wetland presence / absence was confirmed and mapped on site based on four lines of on-site evidence, specifically: (1) prevalence of wetland plants, (2) wetland soil indicators, (3) shallow water table indicators, and (4) site topography (Figure 3). On-site observations were supplemented with provincial data obtained from Land Information Ontario (Figure 4). Note that provincial mapping is generally not field verified.

Wetland Vegetation Communities

A mappable wetland was encountered on the Site; see Figure 3.

An extensive swamp wetland exists within the western portion of the Site with a small section extending into the centre of the Site. This wetland system is included within provincial LIO data (Figure 4). On-site OWES mapping found wetland boundaries that differed from those assumed by LIO, but still conformed closely to provincial DEM topography. Specifically, the OWES mapped wetland does not extend as far into the property as the LIO mapping suggests.

The wetland was classified as a mix of tall tree swamp and tall shrub swamp (Figure 3). The tall tree swamp portion was minor in nature and the wetland was dominated by tall shrub ecosite. The tall tree swamp was dominated by an overstory of Black Ash trees with an understory of Speckled Alder and ferns. The tall shrub ecosite was dominated by Speckled Alder with an understory of graminoids and fern species (Table 1; Photo 1 and 2).

Areas of standing water were observed in multiple locations throughout the Site, within the OWES wetland boundary (Photo 3).

Soils were assessed at seven locations across Site (Table 2). The *Field Guide to Substrates of Ontario* classifies soil into 'moisture regimes' based on the soil's 'effective texture' and soil discolorations (i.e., 'mottles and gley') indicative of ephemeral or permanent water table saturation. All soils were found to have a Loamy Sand effective texture throughout the site with organic soils within sections of the wetland. Moisture regime classifications ranged from '3' (very fresh) in upland areas to '7' in wetland areas indicating wet soils. Pockets of organic soils were observed, and peat deposition ranged from 47cm to 113cm in the pockets of organic soils.





Table 1 – Dominant and sub-dominant plant species observed within the wetland fragments. See Table 3 for plant species encountered across the remainder of the Site.

Form	Common	Latin Name	OWES Wetland Indicator?*	Tall Tree Swamp	Tall Shrub Swamp
Trees	Balsam Fir	Abies balsamea	Р	X	
	Black Ash	Fraxinus nigra	Υ	Х	Х
	Red Maple	Acer rubrum	Р	Х	
	Larch	Larix laricina	Υ	X	X
	White Birch	Betula papyrifera	N	Х	
Shrubs	Speckled Alder	Alnus incana	Υ	Х	X
	Willow species	Salix species	Υ	Х	Х
	Wild Red Raspberry	Rubus idaeus	N	Х	Х
Herbs & Forbs	Jewel Weed	Impatiens capensis	Υ		Х
	Aster species	Ateraceae	N	X	Х
	Bunchberry	Cornus canadensis	N	Х	X
	Goldthread	Coptis trifolia	Υ		X
	Canada Goldenrod	Solidago canadensis	N	Х	Х
	Rough-Stemmed Goldenrod	Solidago rugosa	Р	Х	Х
	Cloudberry	Rubus chamaemorus	Υ		Х
Ferns & Allies	Sensitive Fern	Onoclea sensibilis	Υ	Х	X
	Wood Fern	Dryopteris carthusiana	Р	Х	Х
	Cinnamon Fern	Osmunda cinnamomea	Y	Х	Х
	Meadow Horsetail	Equisetum pratense	N		Х
Grasses	Graminoids		Р	Х	Х
/Sedges	Sedge species	Carex species	Υ	Х	Х
Mosses	Sphagnum Species	Sphagnaceae species	Р	Х	X

^{*}Wetland indicator plant species as classified by the OWES system.





^{&#}x27;Y' (Yes) = A wetland indicator, which is an obligate wetland species rarely found outside of a wetland.

^{&#}x27;P' (Possible) = A plant species that is common to wetlands, but that can also grow upland.

^{&#}x27;N' (No) = A plant species that is not attributed to wetlands.

^{&#}x27;U' (Upland) = A plant species that is rarely found within wetlands, and a good indicator of upland conditions (a TULLOCH classification).

Table 2 - Soils information collected on Site.

	Location 1	Location 2	Location 3	Location 4	Location 5	Location 6	Location 7
Excavated Profile Depth	113cm	35cm	61cm	58cm	70cm	63cm	47cm
Depth to Watertable	N/A	N/A	NA	15cm	NA	NA	NA
Depth of Organic Peat	113cm	2cm	NA	NA	9cm	21cm	47cm
Depth to Mottles / Gley	NA	12cm / NA	15cm / NA	28cm / 36cm	62cm / NA	32cm / NA	NA
Effective Texture	Organic	Loamy Sand	Loamy Sand	Clay	Sandy Loam	Loamy Sand	Organic
Moisture Regime	8 (Wet)	6 (Wet)	6 (Wet)	6 (Wet)	3 (Very Fresh)	5 (Very Moist)	8 (Wet)
Photo Number	Photo 4	Photo 5	Photo 6	Photo7	Photo 8	Photo 9	Photo 10





Organic Hazard Lands

While undertaking soil profile samples, two pockets of organic soils (113cm and 47cm depth) were identified on the Site.

Additional organic hazards may exist within the remainder of the large swamp located along the western boundary of the Site.

Watercourses

A watercourse is present on Site near the southern edge of the OWES assessed wetland boundary. The watercourse was not inspected, however, was identified where it meets the shoreline of Ruth Lake.

Upland Results

This Site contains upland ecosites through the central portion of the Site to the eastern property boundary (Photo 11). The upland plant community is described in Table 3. This report is not intended to be an assessment of upland habitat, but some upland plant community information was collected as a contrast to the wetland fragment plant communities described above.



Table 3 - Dominant and sub-dominant plant species observed within the upland plant community.

Form	Common	Latin Name	Wetland Indicator?
Trees	Sugar Maple	Acer saccharum	N
	Trembling Aspen	Populus tremuloides	Р
	White Birch	Betula papyrifera	N
	Beech	Fagus grandifolia	N
	White Spruce	Picea glauca	Р
	Balsam Fir	Abies balsamea	Р
Shrubs	Wild Red Raspberry	Rubus idaeus	N
	Choke Cherry	Prunus virginiana	U
Herbs	Canada Goldenrod	Solidago canadensis	N
	Meadow Horsetail	Equisetum pratense	N
	Common Strawberry	Frageria virginiana	N
	Rough-Stemmed Goldenrod	Solidago rugosa	Р
	Wild Sarsaparilla	Aralia nudicaulis	N
	Aster Species	Asteraceae species	N
	Bunchberry	Cornus canadensis	N
Ferns &	Bracken Fern	Pteridium aquilinum	U
Allies	Royal Fern	Osmunda regalis	Y
	Wood Fern	Dryopteris marginalis	N
Grasses	Manicured lawn		N

^{*}Wetland indicator plant species as classified by the OWES system.

Bird Nesting Results

This Site contains upland and wetland ecosites that may offer suitable habitat for nesting of migratory birds. The General Nesting Period for this Site (Nesting Zone C3) is considered by Environment Canada to be from April 12 to August 27 in forested habitats, April 17 to August 27 in open areas, and April 12 to August 15 in wetlands. The *Migratory Birds Convention Act* (MBCA S.C. 1994, C.22) and the *Ontario Fish and Wildlife Conservation Act* (FWCA S.O. 1997, C.41) prohibits the disturbance and destruction of most birds, their nests and eggs. Environment and Climate Change Canada has developed a number of tools, including the general nesting calendars (https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods/nesting-periods.html) and avoidance guidelines (https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/guidelines.html) to support compliance with the Act.

The Site provides for migratory bird nesting habitat. Residential and seasonal dwelling development is a relatively low impact land use that will retain migratory bird nesting habitat within any newly created lot.





^{&#}x27;Y' (Yes) = A wetland indicator, which is an obligate wetland species rarely found outside of a wetland.

^{&#}x27;P' (Possible) = A plant species that is common to wetlands, but that can grow upland as well.

^{&#}x27;N' (No) = A plant species that is not attributed to wetlands.

^{&#}x27;U' (Upland) = A plant species that is rarely found within wetlands, and a good indicator of upland conditions (a TULLOCH classification).

The following mitigations are recommended for the development:

Restrictive Timing Window Vegetation removal should only occur while birds are not breeding on Site. Clear trees outside of the General Nesting Period which is considered by Environment Canada to be April 12 to August 27 in forested areas in Nesting Zone C3. Clearing of vegetation should take place from August 28 to April 11.

Maximize Vegetation Retention The retention of vegetation on Site should be a priority. Limit the removal of vegetation to only what is necessary by making use of existing roads and trails on Site and by incorporating existing vegetation into the site plan. It is recommended that the regreening of disturbed areas wherever possible take place using native plant species.

Minimize Damage to Vegetation Work on Site should be undertaken in a manner that minimizes damage to adjacent trees and vegetation. This includes clearly delineating Project boundaries (e.g. with flagging, stakes and fencing), ensuring adjacent trees are not damaged by the operation of machinery, and soils adjacent to retained trees are not compacted by machinery (which damages root systems).





Closing

OWES certified professionals at TULLOCH have undertaken professional wetland mapping (to OWES definitions) at 89 Cedar Crescent, in Powassan, Ontario (Figure 1). Wetlands at this location are managed according to policies set out by the Township of Nipissing Official Plan.

This mapping was performed at the site of a proposed severance intended to create new building lots (Figure 2). A mappable wetland was encountered on Site (Figure 3).

The Site also provides for nesting habitat for migratory birds. Recommendations are provided in this report to direct work to remain in compliance with the *Migratory Birds Convention Act* and *Fish and Wildlife Conservation Act*.

Observations made in this report are representative of the Site conditions as they existed at the time of the field investigations.

We are pleased to provide this letter as a record of our scoped observations and assessment. Should you have any questions, please contact TULLOCH.

Sincerely, TULLOCH Environmental

Valorie Murphy

Report prepared by:

Valerie Murphy

Senior Environmental Specialist OWES Wetland Evaluator

Attachments:
Attachment I – Figures
Attachment II – Photos



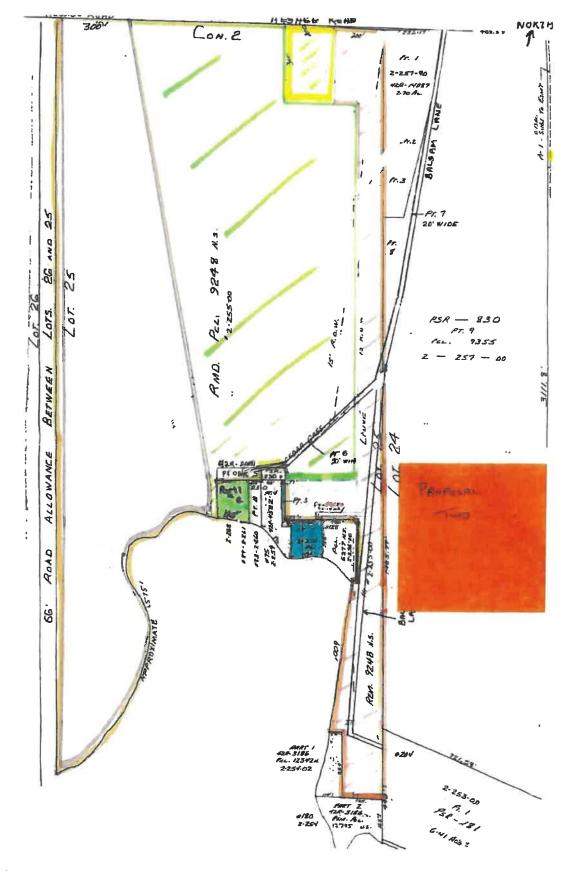


Attachment I Figures

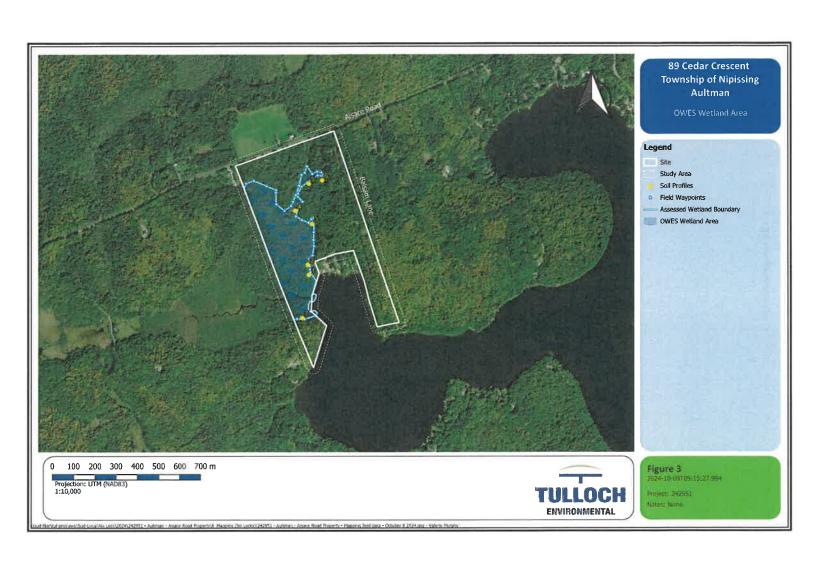


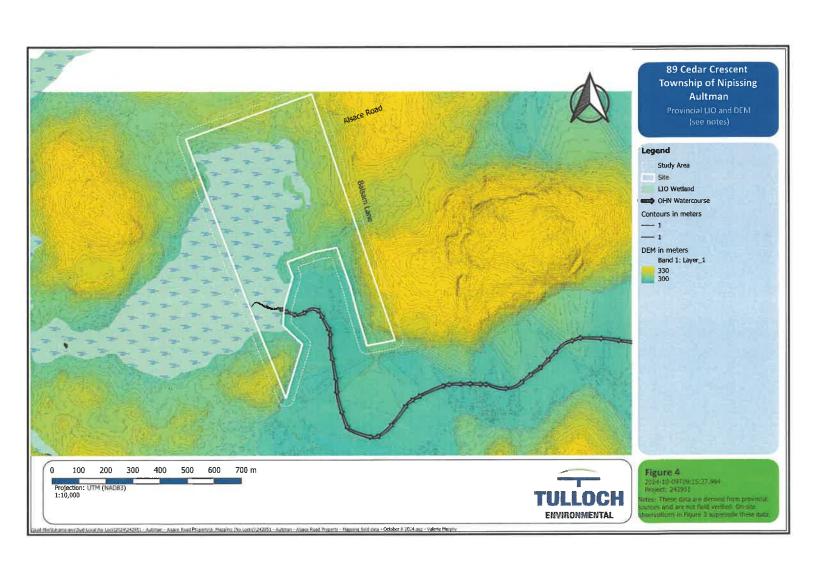






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Attachment II Photos







Photo 1 – Tall tree swamp







Photo 2 - Tall shrub swamp







Photo 3 - Standing water within tall shrub swamp



Photo 4 - Soil profile 1



Photo 5 - Soil profile 2







Photo 6 - Soil profile 3



Photo 7 - Soil profile 4



Photo 8 - Soil profile 5



Photo 9 - Soil profile 6



Photo 10 - Soil profile 7







Photo 11 - Upland ecosite











TOWNSHIP OF NIPISSING RESOLUTION

DATE:

September 16, 2025

NUMBER: R2025-

Moved by

Seconded by

That we receive the correspondence report as presented.

Against For

YEMM CHALAPENKO FOOTE KIRKEY SCOTT

Carried



TOWNSHIP OF NIPISSING RESOLUTION

DATE: September 16, 2025

NUMBER: R2025-

Moved by

Seconded by

That the statement of accounts dated: August 30, September 3, 5, 10, and 11, 2025.

Totaling \$201,674.72 be approved.

For Against

YEMM CHALAPENKO FOOTE KIRKEY SCOTT

Carried



TOWNSHIP OF NIPISSING RESOLUTION

DATE:	September	16,	2025
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Number: R2025-

Moved by

Seconded by

That we pass By-Law No. 2025-2 , being a by-law to confirm the proceedings of Council at its meeting held on September 16, 2025.

Read the first, second and third time and passed this 16th day of September, 2025.

For Against

YEMM CHALAPENKO FOOTE KIRKEY SCOTT

Carried



TOWNSHIP OF NIPISSING RESOLUTION

DATE: September 16, 2025

NUMBER: R2025-

Moved by

Seconded by

That the meeting be adjourned. Time: p.m. Next regular meeting to be held October 2, 2025.

For Against

YEMM CHALAPENKO FOOTE KIRKEY SCOTT

Carried