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**231099 - Calvin Twp – Boileau Consent – Smith Lake**

Date: April 10, 2026

To: Donna Maitland - CAO/Clerk/Treasurer  
Municipality of Calvin, 1355 Peddlers Dr., R.R.#2, Mattawa, ON. P0H 1V0

From: Steve McArthur, MCIP, RPP  
Senior Planner (Tulloch Engineering) - Planner of Record for the Township of Calvin

**Re: Planning Policy Review - Proposed Consent to Sever by GGPS Ltd. on behalf of Jean Boileau, Concession 7, Part of Lot 20, Smith Lake (Water Access Only) PIN 49110-0176, Calvin Township**

Dear Ms. Maitland,

Pursuant to your request to review the proposal for lot creation by GGPS Ltd. on behalf of Jean Boileau, on Smith Lake in Calvin Township, TULLOCH, as your Planner of Record, offers the following Provincial and Municipal Planning Policy review for Council's consideration prior to the East Nipissing Planning Board (ENPB) making a decision on these applications for Consent to Sever for the purpose of lot creation as regulated under Section 53 of the *Ontario Planning Act*.

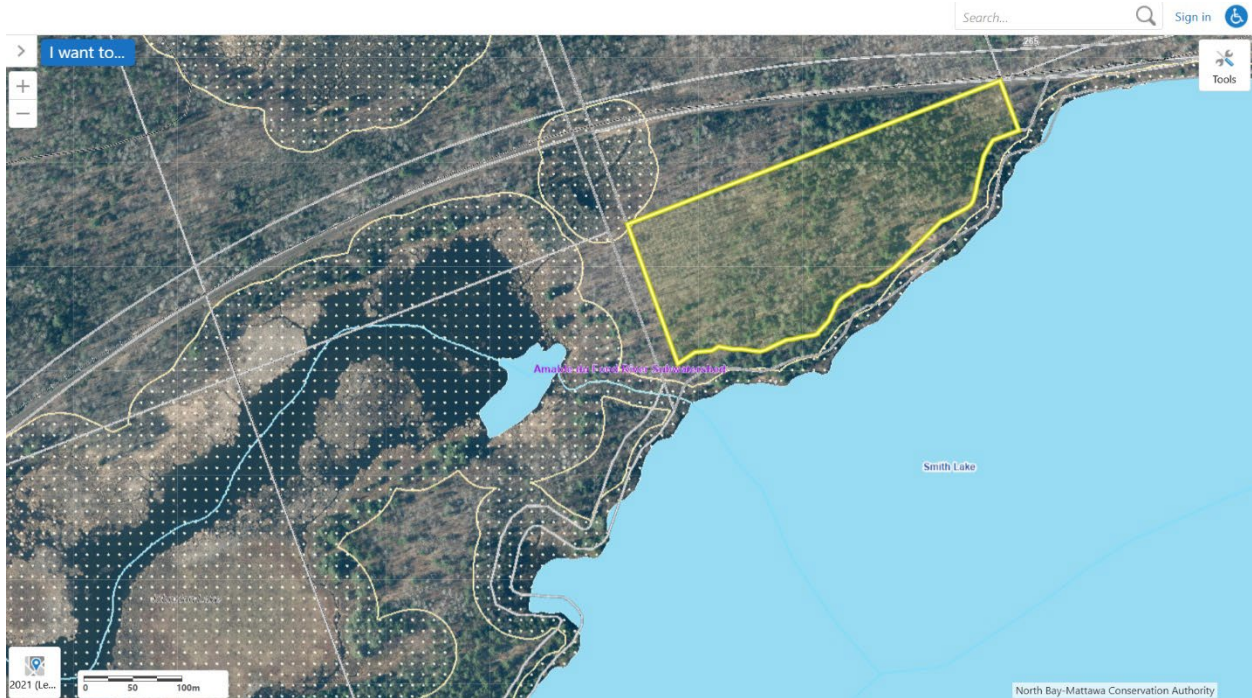
Section 53 of the Act, and the associated Ontario Regulations, outline the process required for dividing land, boundary adjustments, or long-term leases. The process involves pre-consultation, submitting a complete application (deemed) to the local municipality/planning board, public notice, a public hearing, and potential conditions before a final certificate is issued. Approval Authorities (Councils, Planning Boards) are required to make decisions that are consistent with Provincial Policy and are in conformity with Official Plans.

The following reviews that policy consistency and conformity and offers recommendations, options and conditions for Council and the ENPB's consideration.

### **Location and Lot Description**

The subject lands are legally described as Concession 7, Part of Lot 20, in the Municipality of Calvin. No civic address was given as part of this review. The subject property is illustrated in Figure 1. It is located on the northern shoreline of Smith Lake in the Municipality of Calvin. A desktop review shows the subject property is mostly tree covered lands with existing dwelling(s) including a bunkie, a dock and a shed.

**Figure 1 – Property location and existing structures with Surrendered Areas identified (Source: NBMCA)**



## Proposal Description

According to the Planning Submittal Report provided by the Agent GGPS Ltd. making the application on behalf of the Owners, the proposal: *“seeks to create three new waterfront, water access only lots on the north shore of Smith Lake... Access to the land is by water and snowmobile dependent on the season. Mr. Boileau (Owner) currently has one parking permit to park on Suzanne’s Road, being the municipal road allowance providing public access to Smith Lake. The land could potentially be accessed over land along municipal road allowances between Concessions 8 & 9 and the road allowance between Lots 20 & 21. This option has some challenges with respect to site conditions and railway crossing.”*

## Planning Analysis

Section 2.6 of the East Nipissing Official Plan, Lot Access Criteria, outlines the requirements for access that must be considered when creating new lots. It reads: *“development (which includes lot creation) shall be by one of the following means:*

1. *Frontage on an improved year-round maintained Municipal road;*
2. *Frontage on a seasonally maintained Municipal road for seasonal land uses only;*
3. *Frontage on a provincial highway subject to obtaining all required approvals from MTO for land use, entrances, drainage and implementing any highway or entrance improvements resulting from any required traffic or drainage or stormwater management studies.*

Wherever feasible, access shall be via an interconnecting improved Municipal road. Frontage on a municipally unopened road allowance may be permitted for infill development only where the road meets appropriate maintenance standards right-of-way width, travelled surface width, height clearances and slope required for regular and emergency vehicle use (see diagrams) and only where the abutting property owner(s) have entered into a maintenance agreement under Section 35 of the Municipal Act as a condition of development.”

Section 2.6 goes on to add a policy framework for Council to consider when a proposal is received for creating lots that do not meet the above criteria:

“Landlocked access for new development shall not be permitted. Access may be exempted for development on an island or water access only lot where access to a parking area on the mainland or same lake, owned or described in a registered easement and being in the same name and interest as the island or water-access lot.”

The proposal by GGPS Ltd. on behalf of Jean Boileau, is not in conformity with Section 2.6 of the East Nipissing Planning Board Official Plan. The applicant has not produced the registered easements for parking and access as required. Although this could be made a condition of consent, this is not recommended for reasons that will be discussed in later sections of this review.

The agent is not a Registered Professional Planner (RPP) and therefore attempts to dismiss this municipally-adopted and provincially-approved policy via his ‘interpretation’. His interpretation is wrought with inaccuracies and misleading statements. In his ‘Planning Submittal Report’ Mr. Goodridge states that:

**Figure 2 – Opinion provided by Paul Goodridge, OLS (Source: Planning Submittal Report - March 21, 2026)**

A strict reading of this policy section would appear to require that parking for water-access only lots can only be by means of ownership or registered easement. This does not take into consideration the possibility that parking can be achieved through private marinas (none of which exist on Smith Lake) or by permit on municipal lands. Municipalities are reluctant to encumber their lands with registered easements that may prohibit or greatly complicate future use and development of the property. A permit system does not necessarily constrain the Municipality should the parking area need to be re-located in the future.

When considering the interpretation of policy, one must look both at the written statement as well as the past practice of the Municipality. In this instance, it has been the practice of the Municipality to provide parking areas for both the public at large as well as water-access only lots on Suzanne’s Road. The owners of water-access only lots are provided parking on a permit basis with appropriate fees charged for the service. In fact, Mr. Boileau currently has a permit to allow him to park for access to his land. The Roads Superintendent for the Municipality has concurred with my recommendation that should these lots be approved, a condition of approval would be that a notice be registered on title to the lands under the authority of Section 119 of the Land Titles Act informing prospective purchasers of this requirement or that they meet the requirements of the written policy. In my opinion, the intent of the policy is being met.

Respectfully, Mr. Goodridge contradicts himself in his analysis of this applications conformity to Section 2.6 of the Official Plan. In his own words he suggests that: *“the land could potentially be accessed over land along municipal road allowances between Concessions 8 & 9 and the road allowance between Lots 20 & 21. This option has some challenges with respect to site conditions and railway crossing.”* As previously stated, ENPB OP policy says that access shall be via improved municipal road wherever feasible. Mr. Goodridge appears to suggest to the Approval Authority that this road access policy could be met, but it is difficult, so the Approval Authority should permit water access only instead. This is not accurate.

First, as per policy, frontage on a municipally unopened road allowance may be permitted for infill development only. Infill development is defined as the development of vacant or underutilized lots, or the redevelopment of existing properties, within already built-up areas. Within the jurisdiction of the East Nipissing Planning Board (covering Calvin, Mattawan, and Papineau-Cameron), infill development is specifically characterized by Residential Infilling, meaning the construction of new dwellings on vacant lots that have been bypassed in previous development, such as within existing subdivisions. This statement is misleading and inaccurate as it is not an infill situation as defined in the OP, and therefore it is not an option for accessing these lands.

Even if it were an option from a Policy perspective, the Agent has provided no plan on how this unopened road allowance could be upgraded to meet appropriate maintenance standards including right-of-way width, travelled surface width, height clearances and slope required for regular and emergency vehicle use, nor has he produced a maintenance agreement with abutting property owner(s) as required under Section 35 of the Municipal Act as a condition of development. Lastly, no agreement for a vehicular crossing with the Railway has been provided. It is clear and logical to conclude that road access is not a real, viable option as Mr. Goodridge has represented in his ‘Planning Submittal Report’.

**Figure 3 – Imagery demonstrating that road access to subject lands is not feasible (Source: NBMCA, 2026)**



With the acceptance that road access is not a real or viable option for accessing these lands, it is important to therefore analysis the request to create Water Access Only lots from a policy perspective. To reiterate, Section 2.6 states that: *“Landlocked access for new development shall not be permitted. Access may be exempted for development on an island or water access only lot where access to a parking area on the mainland or same lake, owned or described in a registered easement and being in the same name and interest as the island or water-access lot.”*

By nature, this policy suggests that the ENPB should not permit development (including lot creation) on properties that are landlocked. We have demonstrated in the above analysis that this property is landlocked as road access is not a viable or feasible option. The ENPB and Municipality of Calvin Council should therefore decide if creating these landlocked lots is in conformity with their Official Plan and further, if they are in the best interest of the Municipality.

It is understood through conversations with staff that recent approvals for Water Access Only lot creation may have been granted by the ENPB (File #2025-13). If these granted severances have not yet been perfected, it is recommended that the ENPB address the issue of non-compliance with OP Section 2.6 by requiring the applicant to register an easement on-title as part of any offsite parking and access to water access only lot that was approved. Pre-consultation and planning due diligence in advance of accepting and processing an application by the Secretary of the ENPB can avoid these errors now and in the future. If the ENPB practice has been to approve these applications without regard to OP policy conformity, then they are opening themselves to more applications like the one being proposed here.

With regard to Section 2.6, specifically the required registered easements as part of any offsite parking and access to water access only lots, Mr. Goodridge writes that: *“a strict reading of this policy section would appear to require that parking for water-access only lots can only be by means of ownership or registered easement.”* To clarify, there is no ‘appearance’. This is what is required by the Policy. He goes on to add his opinion and interpretation as to how this Policy can be bypassed. He mentions that the parking can be achieved through private marinas – and then states immediately afterwards that there are no private marinas on Smith Lake. This statement serves no purpose. He then states that parking can be accommodated on municipal lands – yet has not produced those registered easements to accommodate parking on municipal lands.

Again, the agent contradicts himself by suggesting that easements on municipal lands may not be a good idea – as quoted from his cover letter: *“Municipalities are reluctant to encumber their lands with registered easements that may prohibit or greatly complicate future use or development...”*. As Planners of Record whose role it is to advise Calvin Council on land use matters, we completely agree with this statement. Encumbering municipal lands with registered easements in favour of third parties in perpetuity is not in the best interest of the Municipality or its citizens. This will be expanded on in the Conclusion section of this policy review.

Mr. Goodridge’s suggestion to address the issue of not being in conformity with Section 2.6 is to use a permit system:

**Figure 4 – Opinion provided by Paul Goodridge, OLS (Source: Planning Submittal Report - March 21, 2026)**

When considering the interpretation of policy, one must look both at the written statement as well as the past practice of the Municipality. In this instance, it has been the practice of the Municipality to provide parking areas for both the public at large as well as water-access only lots on Suzanne’s Road. The owners of water-access only lots are provided parking on a permit basis with appropriate fees charged for the service. In fact, Mr. Boileau currently has a permit to allow him to park for access to his land. The Roads Superintendent for the Municipality has concurred with my recommendation that should these lots be approved, a condition of approval would be that a notice be registered on title to the lands under the authority of Section 119 of the Land Titles Act informing prospective purchasers of this requirement or that they meet the requirements of the written policy. In my opinion, the intent of the policy is being met.

This statement speaks to the aforementioned issue of ignoring policy conformance. The Agent suggests that: “a permit system does not necessarily constrain the Municipality should the parking area need to re-located in the future.” Planning Act decisions made by the ENPB are forever. Creating lots without deeded, registered easements on-title to address offshore parking and access is not good planning and potentially exposes the Municipality of Calvin to potential issues, including liability, in the future.

If Council decides that it is in the best interest of the Municipality to allow these lots to be created AND to lease parking spaces on municipal lands for the required access exemption as per Section 2.6 of the Official Plan, there is already a proper process in place to approve this. The Municipality of Calvin should require that registered easements be produced, at no expense to the Municipality, in the same name and interest as the island or water-access lots – even if these easements are on municipally-owned lands. This would ensure compliance with your Official Plan.

At the conclusion of this policy review we have included recommended conditions that could form part of the Consent approval should Council decide to support the lot creation. It is understood that the Municipality of Calvin’s Fee By-law is in the process of being updated to reflect the requirement to collect fees annually for these offshore parking spots. The recommendations in the appendix of this review will reference those fees to be collected annually as well.

### **Other Considerations**

It should be noted that this application should not have been deemed complete by the East Nipissing Planning Board (ENPB) Secretary according to the Board’s rules, regulations and processes. A checklist for a complete application is included in the Consent Application itself and it includes sketch requirements. The sketch provided by GGPS Ltd. on behalf of Jean Boileau was missing the following requirements as per the Consent Application form:

- 2 copies of sketch/plan, in metric units, showing all EXISTING and PROPOSED building(s) and structure(s) on subject lands.
- Sketch/plan must include the following:

- The location and dimensions of all existing and proposed buildings and structures on the land intended to be severed and the land intended to be retained [including location of sewage disposal system(s) and well(s)]
- The approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- The approximate location of all natural and artificial features (*for example, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that;
  - Are located on the subject and adjacent lands; and in the applicant's opinion, may affect the application;
- The current uses of the land that is adjacent to the subject land (*for example, residential, agricultural or commercial*);
- The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or R.O.W.;
- If access to the subject land is by water only, the location of the parking and docking facilities to be used...

### More East Nipissing Official Plan, 2021 Considerations

Any *Planning Act* decision made by member municipalities of the East Nipissing Planning Board (ENPB) must conform to the ENPB Official Plan.

Per **Section 2.11, Coordination**: *“land use planning decisions affect and are affected by many stakeholders and by shared landscapes and resources. A coordinated, integrated and comprehensive approach to land use planning which considers these and other criteria will lead to more equitable and well-rounded decision-making.”*

**Section 7.4, Planning Applications**, states that: *“Prior to filing an application, applicants will be required to meet with the Municipality and/or Planning Board where the application is proposed to ascertain the requirements for the submission of applications (e.g. required studies and information, fees, peer review, agency and public consultation etc.)... All studies and other information required by the East Nipissing Planning Board and a Municipality to determine compliance with this Plan shall be provided in support of the application.”*

### Planning Analysis

Per **Section 7.4 Planning Applications**, the proposal by GGPS Ltd. on behalf of Jean Boileau, is not in conformity with Section 2.6 of the East Nipissing Planning Board Official Plan. The applicant has not produced the registered easements for parking and access as required.

**Section 2.2, Growth and Development**, reads: *“The intent of the Plan is to maintain the rural character of the Planning Area where low density residential development will prevail intermixed with resource-based activities, resource-based recreational uses and other rural land uses. Development is intended to occur on large lots (having a minimum 0.8 ha) with large frontages (30 m). The focus of new development in the Rural Policy Area will be infill on vacant lots of record and in areas serviced by existing roads and municipal services...”*

**Section 2.5 of the Official Plan, Lot Creation Policies**, *“Lots shall be of a size and shape to suitably accommodate: • all existing and new buildings, accessory uses and structures. Consideration should also be given to potential future expansion. • individual on-site water and sewage services and stormwater facilities including an adequate separation distance between a drilled well and a septic tank or sewage disposal system • access, parking and loading facilities • snow storage • setbacks from roads, water bodies and physical constraints, and • to provide a sufficient land area to allow development where constraints exist such as topography, organic soils, rock, slopes, wetlands, narrow bays and peninsulas, flooding hazard or erosion hazard or to accommodate North Bay-Mattawa Conservation Area Regulation Limits.”*

### Planning Analysis

The agent has indicated a Flood Elevation of 177.0m (CGVD28) but has not shown it on the sketch to inform Council's support (or lack thereof) and, by extension, the ENPB's decision.

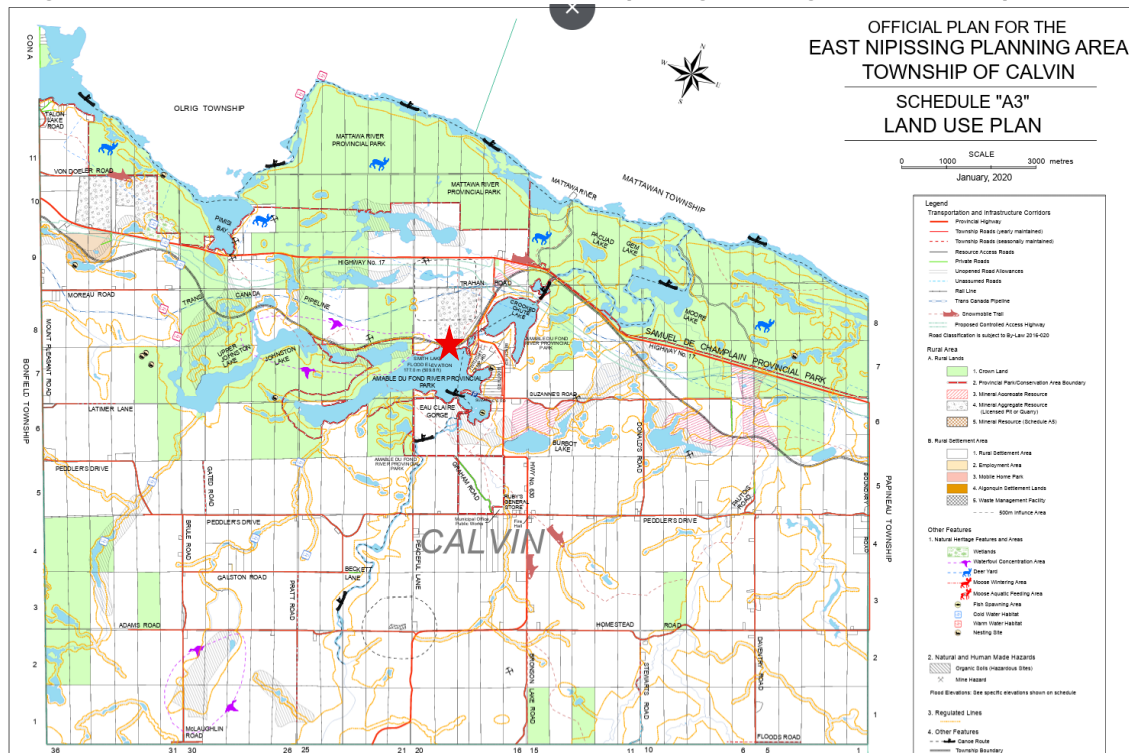
The Agent has also not supplied comments from the NBMCA in terms of Onsite Sewage System Review – Planning Act Proposal. The required information in this application for an Onsite Sewage System Review – Planning Act Proposal allows the North Bay-Mattawa Conservation Authority (NBMCA) to review planning proposals in accordance with Part 8 of the Ontario Building Code (OBC), NBMCA policies for lot creation, municipal zoning by-laws and other applicable laws. It is the responsibility of the applicant to include all relevant information and documents that establish compliance with such law(s). It is important to note that NBMCA is not the approval authority for planning applications. NBMCA does, however, consult with the appropriate approval authority to ensure they receive the proper information needed to make a decision.

**Section 2.8.6, Mine Hazards**, states that: *“Development of lands on, abutting or within 1 km of a mine hazard shown on a Land Use Schedule to this Plan shall only be permitted once the area of the mine hazard has been evaluated for its safety for construction or use. Subject to consultation with the Ministry of Energy, Northern Development and Mines a technical report may be required to assess the need for rehabilitation and remediation under the Mining Act and where required, such rehabilitation shall be carried out as a condition of a land use planning approval.*

### Planning Analysis

Per **Section 2.8.6**, two (2) Mine Hazard sites are within 1km of the subject lands as per Schedule A3.

Figure 5 – Schedule A3 Land Use Plan for the East Nipissing Planning Area – Township of Calvin



★ - Denotes location of subject lands

**Section 6.4, Mineral Aggregates**, states that: *“the intent of the Plan is to recognize and protect mineral aggregate resources and existing extraction operations from development and land uses that could interfere with the current or future development of these resources... Incompatible land uses will not be permitted within the influence area or separation distances set out in Section 2.9 and Table 2 of the Plan.”*

### Planning Analysis

The subject lands about properties designated as ‘Mineral Aggregate Resource’ in the Official Plan.

**Table 2** in the Official Plan sets out the influence area where exposure to nuisance factors by residents and other sensitive land uses (including residential/recreational) should be minimized and the minimum separation distances designed to ensure land use compatibility. All standards shall be applied on a reciprocal basis between land uses to ensure that whether the major facility or the sensitive land use is established first, that the alternative land use or use which is secondly proposed is appropriately separated and any adverse effects mitigated. The distances mentioned in **Section 4.21.2, Pits and Quarries**, are different than the 1000m influence area in Official Plan because the Zoning By-law - as applicable law - seeks to limit proximity to the minimum D-series setback requirements on existing lots of record where residential use is permitted as-of-right. Official Plan policy is intended for the establishment of new lots and for implementing ‘provincial guidance’ for establishing new sensitive receptor ‘principle of use’ rules.

## Conclusion

For the reasons outlined in the preceding planning policy review, it is the author's opinion that this application for Consent to Sever for the purpose of creating three (3) new water-access only lots, plus retained, should not be supported by the Municipality of Calvin Council. It is recommended that a Resolution to this effect be drafted by the Clerk and presented to Council for their consideration, and that a copy of the Resolution, along with a copy of this planning policy review be provided to the East Nipissing Planning Board and to the Ministry of Municipal Affairs.

This proposal and application is not complete and is not in conformity with the Official Plan. Additional studies, pre-approvals from commenting agencies and/or other relevant information which may be required in support of the application has not been supplied by the Applicant or Agent. As per the ENPB Official Plan, these studies/reports should include, at minimum:

1. Land Use Compatibility/Influence Area Study [2.9, 6.4.3]
2. Mineral Aggregate Resource Assessment [6.4.2]
3. NBMCA Onsite Sewage System Review – Planning Act Proposal

In summary, without the benefit of additional studies prepared by qualified professionals any consideration of consent to sever for the purpose of creating new lots on the subject lands is premature and would not be consistent with or conform to the PPS 2024 or ENPB Official Plan.

If Council decides to support the proposal in contradiction to applicable Provincial and Municipal policies, the attached Appendix A includes some wording for proposed Conditions of Consent that can be included in decision by the East Nipissing Planning Board.

Respectfully submitted,



**Steve McArthur, MCIP, RPP**  
**Project Manager | Senior Planner**  
**TULLOCH Engineering – Planner of Record for the Municipality of Calvin**

## APPENDIX A – Recommendations

### Option 1 –

That the Council for the Municipality of Calvin, by Resolution, **not support** the application proposed by GGPS Ltd. on behalf of Jean Boileau, Concession 7, Part of Lot 20, Smith Lake to create three (3) Water Access Only lots plus retained from PIN 49110-0176 in Calvin Township for the reasons outlined in the Planning Policy Review prepared by Steve McArthur, MCIP, RPP, Senior Planner (Tulloch Engineering) - Planner of Record for the Township of Calvin – dated April 10, 2026.

### Option 2 –

If the Council of the Municipality of Calvin, by Resolution, **chooses to support** the application proposed by GGPS Ltd. on behalf of Jean Boileau, Concession 7, Part of Lot 20, Smith Lake to create three (3) Water Access Only lots plus retained from PIN 49110-0176 in Calvin Township, the following Conditions are recommended to be included in the written decision:

THAT provisional approval of Consent application 2026-01 by the East Nipissing Planning Board be issued with the following condition(s):

1. That the Consent approval applies to the creation of three (3) new Water Access Only Lots on Smith Lake from lands described as Concession 7, Part of Lot 20, Smith Lake, PIN 49110-0176 in Calvin Township;
2. That the Applicant provide written clarification as to how the application is in conformity with the Official Plan, specifically Sections 2.2, 2.5, 2.6, 2.8.6, 2.11 & 6.4;
3. That comments from the North Bay-Mattawa Conservation Authority (NBMCA) be provided to confirm the feasibility of installing a sewage system on each new lot and the retained;
4. That a Consent Agreement be registered via Easement to provide an Onshore Parking Agreement to be registered on the title for each new lot, plus retained; and
5. That the Applicant be in good standing with the Municipality of Calvin and that proof be provided to the East Nipissing Planning Board of such prior to a Certificate of Consent being issued.