

Agenda
Town of Three Rivers
Special Council Meeting

March 11, 2019, 6:00 pm
Lower Montague Community Centre

Pages

- 1. Call to Order**

- 2. Approval of Agenda**
Possible Motion:
To approve the agenda as presented.

- 3. Disclosure of Conflict of Interest**

- 4. Delegations, Special Speakers and Public Input**

5. Items to be Addressed

5.1 Rezoning for 56 Unit Apartment

APM is requesting a spot rezoning of a portion of PID 934364 to allow for the construction of a 56 unit apartment building. The unit will be accessed via the right-of-way to MacIntyre Ave. The attached plan shows the area of the proposed rezoning and access to such. Planning has met and discussed this proposal with representatives of the developer and has met with residents of the area. Please see the attached letters and minutes leading up to the recommendation to Council. The latest round of letters were sent to the same people as the first round even though the only properties now within the 200' notification zone are the Superstore property, the Canadian Tire property and the Mormon Church property. The original motion for recommendation was to approve the rezoning request with access to Main Street only. The motion was made but several members expressed concern that this motion may do one of two things: it may either squash the development because of the extra financial burden, or it may lead to a road being put through from Main Street to MacIntyre Ave. Making the developer put the road 2/3 of the way through may make completing the road more of a possibility than leaving the proposed development with access to MacIntyre. This vote went to a tie which was broken by the Chair with a vote against the motion.

The following motion was passed at the March 7/19 Planning Board meeting:

"To recommend the rezoning as proposed with driveway access for the development off MacIntyre Ave only."

5.1.1 Planning Board Minutes	3
Attached are the minutes from the Planning Board meetings on this rezoning.	
5.1.2 Communications received with respect to the first proposal (apartment right behind houses on MacIntyre Ave.)	11
5.1.3 Communications received with respect to the second proposal (apartment moved closer to Superstore property)	17

6. Decision of Council

Council will need to make a decision on whether to accept the recommendation of the Planning Board and approve the rezoning, reject the recommendation for rezoning, or approve something different.

7. Adjournment



Planning Board

Minutes

Date: February 19, 2019

Time: 11:00 am

Members Present Jim Bagnall
Daphne Griffin
Debbie Johnston
Dot Campbell
Bob Smith

Staff Present Andrew Daggett

Others Present Councillors John MacFarlane, Alan Munro, Cameron MacLean,
Cody Jenkins, Mayor MacAulay, CAO Jill Walsh, Andy Daggett,
APM representatives Cain Arsenault and Brian Gillis, Kathy
Ehman, Mark Baker

1. Call to Order

Chair Bagnall called the meeting to order at 11:01.

2. Approval of Minutes

There were no minutes attached.

3. Items to be Addressed

3.1 Rezoning for 56 unit apartment

Dot Campbell declared a conflict on this item.

Cain Arsenault and Brian Gillis from APM gave those present a presentation of the proposed development. They answered questions on the layout and arrangement of the apartments, why they need to use MacIntyre Ave for access, and that there are 2 other 4 story buildings in Montague now (Beck's Furniture and the Riverhouse Inn). They explained that this development would help bring/retain people in this area, and that having people makes it more feasible for existing services to survive and new ones to develop. When asked if APM would be back next year to request more rezoning, Mr. Gillis stated that they could only deal with what they had in front of them right now. APM has owned the property for 20 years and is only now looking to develop it, so there is no way to know how long it would be before the next proposal or what it would be. Mr. Arsenault answered questions about the access and stated that the master plan for the area always included a through street from MacIntyre Ave to Main Street but that it was too expensive to include in this project. Mr. Gillis stated that the time frame for this project was being controlled by the Province and they need to get started in the next 30 days in order to access the funding and stay on target. He also suggested that the rezoning is the first step in the project and that there would still have to be a development application with stamped plans submitted for approval.

New letters to be sent out to home owners within 200' of the subject property advising them of the new plan and new Special Meeting time and location.

4. Other

4.1 MacIntyre Ave to Main Street through street

Brian Gillis suggested that it may be worthwhile for the Town to contact TIE and start discussions about the through street from MacIntyre Ave to Main Street. Having the street completed might expedite further development in the area, and the time may be right to explore options and possibilities with the Province.

Moved By Debbie Johnston

Seconded By Bob Smith

Contact the Dept of Transportation, Infrastructure and Energy (TIE) and request a meeting to discuss a possible street from MacIntyre Ave to Main Street.

Carried

5. Adjourn

The meeting was adjourned at 11:46.

Moved By Debbie Johnston

Motion to adjourn.

Carried

Chair Jim Bagnall



Planning Board

Minutes

Date: March 7, 2019

Time: 5:15 pm

Members Present Jim Bagnall
David Mabon
Daphne Griffin
Debbie Johnston
Bob Smith

Staff Present Andrew Daggett

Others Present 11 gallery members including Mayor MacAulay, CAO Walsh,
and Councillors Cameron MacLean and Ronnie Nicholson.

1. Call to Order

Chair Bagnall called the meeting to order at 5:17 pm.

2. Approval of Minutes

There were no minutes attached to approve.

3. Items to be Addressed

Chair Bagnall gave an overview of the process and the purpose for the meeting. He explained that this meeting was for the Planning Board to hear from the public and make a decision on what recommendation would be forwarded to the Council from the Planning Board.

3.1 Rezoning for 56 unit apartment

The Chair asked Andy Daggett to read the correspondence received (an email from Lyman Douglas, a letter from Donald Sutherland and a letter from the Montague Volunteer Fire Department) after the last round of letters were sent out to residents. Mr. Daggett explained that the latest round of letters were sent to the same people as the first round even though the only properties now within the 200' notification zone were the Superstore property, the Canadian Tire property and the Mormon Church property. The email from Mr. Douglas and the letter from Mr. Sutherland were opposed to the rezoning. The letter from the Fire Department stated that the FD were not opposed to development but would like to be consulted on developments that require rezoning or variances. Mr. Daggett also explained that he had met with representatives of Transportation, Infrastructure and Energy (TIE) and APM to discuss the possible future development of the property. TIE reps accepted the plan as proposed but agreed that a street would need to be built to Provincial standards if any further development was proposed for the property around the apartment complex. They also expressed that the extra traffic from the proposed apartment would not create traffic issues for MacIntyre Ave. The Chair then asked the Board members present about their concerns and received the following responses:

Daphne Griffin - expressed that she was hoping for more detail from the Province with respect to further development.

Debbie Johnston - agreed with Ms. Griffin.

David Mabon - no further comment.

Bob Smith - expressed an understanding about the concern for residential privacy and felt there needed to be better planning.

Chair Bagnall then opened the floor to the public to bring forward their comments.

3.1.1 Dianne Collins

Mrs. Collins wondered why the access to the apartment couldn't be from Main Street. It was explained that the developer stated it would be an extra \$350,000 to come from Main Street and the financing for the project didn't support the extra cost.

Mrs. Collins also wondered why the apartment couldn't be built in the commercial zone. It was explained that the developer had

expressed his desire to leave the commercial area for commercial development.

3.1.2 Boyd Munn

Mr. Munn expressed that he would not have purchased his property and built there if he had known that the property owned by Mr. Banks would be rezoned as R-3. He expressed that Mr. Banks had purchased the property as R-2 and it should remain as such.

3.1.3 Donald Sutherland

Mr. Sutherland wondered why citizens weren't invited to the last Planning Board meeting with APM. He said he found out about the meeting from the media, and although the meeting was advertised on the website, he thought letters should have been sent out to the residents.

Mr. Sutherland also expressed concern about the ownership and maintenance of the "driveway" to the apartment and wondered if the Town/Province would be responsible for such. It was explained that the driveway was private and would only be taken over by the Town/Province if it was brought up to Provincial standards and turned over.

3.1.4 Billy Power

Mr. Power stated that he built his home in 1972 under the impression that the area would be residential. He thinks that the access to the proposed apartment complex should be from Main Street and questioned if the Board had received any correspondence in favour of the rezoning. He was informed that none in favour had been received.

3.1.5 Norman Coffin

Mr. Coffin stated that he purchased his house with the impression that the area would be residential. He also stated that he thinks the access to the apartment should be through the property being donated to Inclusions East. Mr. Coffin also expressed concern that the developer might clear the rest of the property and hoped that this would not happen as the trees provide a buffer between the proposed apartment area and the residents.

3.1.6 Jock Beck

Mr. Beck expressed that the Town needs a long range plan for development. He also expressed that reaching the top floor of a four story building would require a ladder truck and that they are about \$3,000,000 to purchase.

3.1.7 Ronnie Nicholson

Councillor Nicholson stated that he did not support the development next to the current homes but that he would support it as now proposed.

3.1.8 Gerry Martell

Mr. Martell stated that he purchased his home as an R-2 and hoped that the buffer zone between the proposed apartment and the current homes would remain R-2.

Moved By Daphne Griffin

Seconded By Bob Smith

To recommend the approval of the rezoning conditional on access being from Main Street only.

Defeated

The motion was made but several members expressed concern that this motion may do one of two things: it may either squash the development because of the extra financial burden or it may lead to a road being put through from Main Street to MacIntyre Ave. Making the developer put the road 2/3 of the way through may make completing the road more of a possibility than leaving the proposed development with access to MacIntyre. This vote went to a tie which was broken by the Chair with a vote against the motion.

Moved By Debbie Johnston

Seconded By David Mabon

To recommend the rezoning as proposed with driveway access for the development off MacIntyre Ave only.

Carried

4. **Other**

5. **Adjourn**

Moved By Debbie Johnston

Seconded By Daphne Griffin

Motion to adjourn.

Carried

The meeting was adjourned at 7:14.

Chair Jim Bagnall

Montague, P.S.I.

Feb 6 / 2019

Dear Mr. Daggett,

In response to your letter of Jan 21/2019 regarding the rezoning of the property PID 934364 from R2 to R3 to allow the building of a 50 unit apartment building.

When Paul & I originally bought this property in the 1990's we were told it was zoned R2 and nothing bigger than a duplex would be built on it. We divided the property and built our retirement home on part of it with that understanding. If we had known it may be rezoned to R3 we would not have built on it. I've bought the property in good faith - where is the justice in this? If you want other people to build in the town stick by your own bylaws!

We certainly have many concerns about the project

- ① Our properties will decrease in value!
- ② There will be too much traffic on the street - 50 units x 2 cars each - too much for a residential area!
- ③ Increase danger to children on the street.
- ④ Increase noise in the area.
- ⑤ People walking across private property.
- ⑥ How tall will the buildings be?

- 11
- (7) How close to the property lines will it be built?
 - (8) Will a "good fence" be built between properties?
 - (9) Will there be a "green space" or trees between properties?

Other reasons not to clog the street with traffic are:

- (1) Hospital
- (2) Paramedic Base
- (3) Ambulances leaving and going to the hospital.
- (4) Two Group Homes (one on each end of street)
- (5) Drug store
- (6) Medical Center
- (7) Mormon Church.

The big question is why is an apartment building being built in a subdivision?

Another question is why can't the approach to the building be from Main Street? - Block off the streets after the driveway to the building to stop traffic going onto Mac Intyre Ave.

We were discouraged and disgusted to find out an apartment building is proposed for the area. It starts with one apartment building and grows to two or three. There will probably be land for expansion.

Both Paul & I like to see growth in the town and area. This is a beautiful part of the province.

I've ask the people who decide whether this
be done use "Common Sense" I'm sure there
are more appropriate areas that will suit these
buildings.

Thank You
Paul & Diane Cullen
423 MacLure

P.S. Further more these people pay no
municipal property tax for 10 years in the town.

Our property tax for one year is \$3,100.⁰⁰
For 10 years we will pay over \$30,000! Is this fair!
Think about it!

February. 2019

This is a submission regarding Property # 934364, Montague, PEI, for a 50 unit apartment building.

We are very surprised to see a request to change this property from R2 to R3.

For this to occur the issue of traffic must be addressed.

MacIntyre Avenue is a dead end street about 1/4 mile long. We now have Montague's largest and busiest building , Kings County Memorial Hospital on this Street. We also have the following facilities on the street as well:

- A medical clinic with 8 doctors
- A drug store
- An ambulance service
- 2 Group Homes
- 1 church
- 18 Family homes

To think this street can handle another 75 to 100 cars form the proposed 50 unit building is beyond reason.

When we purchased our land many years\ ago all property in this area was zoned R2. Never would we have built have ha sR3 and a fifty unit apartment building been considered.

I feel this obligation to us should still be honored as R2 property.

I am sure there is not a 50 unit building in all of Kings County. The new apartment buildings being constructed behind the fire hall may seem similar but they have their own street and no private residences are affected.

I am not against progress but progress must be workable for all parties concerned.

Thank you,

Boyd Munn,
426 MacIntyre Avenue



Feb 6 / 2019

Proposed apartment complex.

Inbox x

townhall@threeriverspei.com x



Lyman Douglas

Sun, Feb 10,
4:40 PM (16
hours ago)

to townhall@threeriverspei.com

I also sent a version of this to Wayne Spin!

I want to add my objection to the apartment complex at the end of MacIntyre. This is far too large a complex to have in a small residential area. This complex will create enormous traffic and safety issues on MacIntyre.

It was my understanding from Dave Mabon, a few years ago when the present duplex units were built at the end of MacIntyre, that there could never be any additional building in that area because of the zoning and because of the landlocked area surrounding the town water system of wells.

Obviously zoning is not an issue here as, it can be changed literally on a whim - depending on who is asking!! A four story complex in our back yard - is the town serious! I raised objections when the town traded land with Tim Banks to build the present duplex units, and again was assured that there would never be any further building in this area.

I would have no objection to residential housing being constructed in this area.

Please add my objections to this over sized development!! Thank you. Lyman Douglas

February 11, 2019

Attention Mayor MacAulay and Councillors of Three Rivers:

As concerned residents of MacIntyre Avenue and Connelly Crescent in Montague we are opposed to the proposed rezoning of a portion of property # 934364 from R1 and R2 to medium density R3 for an approximate 50 unit apartment building.

We respectively ask for a no zoning change on this parcel of land. We purchased properties to build or buy our family dwellings knowing the area was zoned R1 or R2. The proposed rezoning is inconsistent with the family homes in this development.

This proposal would create a dramatic and significant change to our neighborhood as it would be a large scale development surrounded by residential properties.

Nearby streets and intersections simply can't handle the dramatic increase in traffic if the rezoning is permitted. MacIntyre Avenue is already experiencing heavy traffic from the residents, hospital, medical clinic and pharmacy.

There are no circumstances justifying the rezoning of the above mentioned property and it is not in the public interest to encourage this development in this area of Montague. The neighborhood does not support this project.

Respectively submitted by:

Billy & Audrey Power
Paul & Rochelle
Anne White
Lauren & Ryan MacPherson.

Feb. 19, 2018

To: Town of Three Rivers

Re; rezoning **part of** PID 934364 from R-2 to R-3

This letter is regarding rezoning of the above property now before the Town Council.

It seems to me there are two parts to the rezoning issue. First, the rezoning itself, and second the potential traffic problem that will result and would affect MacIntyre Avenue. I will review both.

1. I am not sure how long ago this property was zoned R-2, but in 2016 a new town zoning plan was done. This was officially approved in 2017. All residents' around property PID 934364 had no problems with the R-2 zoning and it was left in place.

Now, **only two years later** the land owner wants a rezoning change from R-2 to R-3. **It states in the motion for rezoning that this is only for part of the property.** As I see it, the developer will soon come back with a request to expand into other R-3 construction other than the one 50 unit apartment building being requested.

Once approved for one 50 unit apartment building the developer could potentially seek approval for three more such units as there appears to be enough acreage for their construction on this parcel of land.

I am not sure if most of you are aware what could be constructed in an R-3 zone. Please review the attach list from the Town of Montague Bylaws. Would you want these built next to your house?

I am not against development but if a compromise has to be made I would suggest the proposed unit be moved to go behind the Superstore property with access via the easement from Main Street. If it were to be situated as proposed, many apartment units would look down on residential homes on MacIntyre providing no privacy in their back yards and even through their windows.

The rest of the property would be left R-2 with no access to MacIntyre Avenue.

Yes, there is a need for more housing development but please note there is other land already zoned R-3 within Montague. There is also land on the boundary of Montague. (now the Town of Three Rivers)

2. The second issue is the traffic issue on MacIntyre Avenue. It has already been noted in other letters to Council the traffic on this street as a result of the hospital, medical clinic, and other public facilities.

Given that the rezoning request includes a 50 unit apartment building traffic flow on MacIntyre Avenue could easily increase by at least 50 vehicles per day minimum (1 car per unit plus visitors). Seeing the potential for another 3 buildings on site, traffic could increase by a minimum of 200 per day. (4 buildings x 50 car units).

In addition there is R-2 vacant land at the end of Campbellton Street and MacIntyre Avenue. If this was to be developed the most likely access that would first be developed would be from MacIntyre Avenue. Again more traffic pressure on this street.

It was suggested at the last meeting that MacIntyre Avenue join onto Main Street. I am not sure if the Town of Montague has it in writing anywhere **but residents were promised** that this would not occur. I think it was back when the SuperStore was being build and there appeared to be an easement or right away being constructed towards MacIntyre Avenue. The end result was that there was a barricade put in place to prevent traffic moving from Main Street to MacIntyre Avenue.

One suggestion would be if the developer wants **to conditionally** develop the property up for discussion, that they come in from Main Street and leave the barricade up preventing **all** traffic access to MacIntyre Avenue. If the existing easement were extended from Main Street this would serve to open other lands already owned by the developer. A win/win situation for the developer and the residents.

For the above reasons the motion to rezone should be rejected as presented.

Respectfully submitted,

Don Sutherland



Campbellton Street, Town Of Montague

Attachment: R-3 zone permitted uses, form Town of Montague Zoning Bylaw



PART 12 RESIDENTIAL MEDIUM DENSITY (R-3)

12.1 Permitted Uses

12.1.1 The following uses shall be permitted in the Residential Medium Density (R-3) Zone:

- (i) triplex dwellings
- (ii) townhouse/rowhouse dwellings
- (iii) multiple unit dwellings
- (iv) converted dwellings or expansions to existing converted dwellings
- (v) boarding houses with a maximum of six rooms to rent
- (vi) bed and breakfasts with a maximum of six rooms to rent
- (vii) senior citizen housing
- (viii) nursing homes and homes for the aged
- (ix) doctor's office and medical, or para-medical, clinic
- (x) dentist's office and dental, or para-dental, clinic
- (xi) optometrist office
- (xii) lawyer's office or para-legal office
- (xiii) accountants and bookkeeping office
- (xiv) insurance and financial planners office
- (xv) veterinarian's office and small animal hospital
- (xvi) similar professional office or service
- (xvii) funeral home
- (xviii) parking lot
- (xix) flower shops, provided they are located on a main thoroughfare, specifically Main Street, Queen's Road and Wood Islands Road
- (xx) any use permitted in the R-2 Zone subject to the R-2 Zone requirements.

12.2 R-3 Zone General Requirements

12.2.1 The following requirements shall apply to all uses in the Residential Medium Density (R-3) Zone:

	Triplex	Townhouse/Rowhouse	Multiple Unit	Converted
Minimum Lot Area	7,500 square feet	7,500 square feet plus 2,000 square feet for each unit over three unit	9,000 square feet for first 4 units plus 1,000 square feet for each additional unit	8,000 square feet for first 4 units plus 1,000 square feet for each additional unit
Minimum Frontage	75 feet	75 feet plus 30 feet for every unit over three	90 feet	90 feet
Minimum Front Yard	20 feet	20 feet	20 feet	20 feet
Minimum Rear Yard	20 feet	20 feet	20 feet	20 feet
Minimum Side Yard	10 feet	10 feet	10 feet	10 feet plus 2 feet for every storey over one
Maximum Height	35 feet	35 feet	35 feet	35 feet

From: admin@revolution.ca <admin@revolution.ca>
Sent: Wednesday, March 06, 2019 2:43 PM
To: townhall@threeriverspei.com
Subject: New submission from Contact

Name
Lyman Douglas
Phone
(902) 838-3337
Email
lyman_douglas@hotmail.com
Question/Comment
<p>I once again want to clearly and as firmly as possible state for this council, my absolute rejection to rezone the land in question.</p> <p>This appears to be a very closed discussion, where my comments and those of others, opposed or in favour are not made available to all at the meetings. There is plenty of available commercial land available in The Three Rivers boundaries that can accommodate this project. It does not have to infringe on residents such as my self! Obviously the owner of this land has a reputation of getting his way, regardless of resident concerns. How he is able to accomplish this remains a question that I can't answer. The question is, will our new council roll over to this developer's request or will it do the right thing for local residents and deny this zoning request.</p> <p>Lyman Douglas</p>



Montague Volunteer Fire Brigade
PO Box 1090
Montague PE
C0A 1R0

March 4, 2019

Town of Three Rivers
Attn: Planning Board Chair
24 Queens Road
Montague PE
C1A 1R0

RE: Considerations for Rescue and/or Fire Suppression Activities in New Developments

Dear Chairperson,

This letter is intended to clearly identify any concerns that the Montague Volunteer Fire Brigade (MVFB) has in relation to rescue and/or fire suppression activities in new developments within the Montague Fire coverage area.

It is important to note that there is no change to the level of response, equipment or training that the MVFB has provided in the past. With recent discussions regarding potential developments within the Montague Fire coverage area, it has instigated conversation and debate around the fire safety of these planned developments. Therefore in an effort to clarify the position of the MVFB on these proposed developments, we would like to request that the following be considered by the Planning Board and/or the Town as part of the review of development permit applications:

1. Consultation with and comments from MVFB on any development requiring the approval of a variance from the adopted by-law(s) for the respective area within the Town. This shall include, but is not limited to; increase in allowable building height, distance to property line(s), and type of construction materials used.
2. Compliance with **NFPA 1141 – Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas**. This standard provides requirements for the development of fire protection and emergency services infrastructure to make sure that wildland, rural, and suburban areas undergoing land use changes or land development have the resources and strategies in place to protect people and property from fire dangers, and allow fire fighters to do their jobs safety and effectively.

3. Compliance with **NFPA 1142 – Standard on Water Supplies for Suburban and Rural Fire Fighting**. This standard identifies a method of determining the minimum water supply necessary for structural fire fighting in areas where it has been determined that there is no water or inadequate water for fire fighting.
4. Compliance with the most recent edition of the **National Building Code of Canada (NBC)** and sign off by the necessary professional designer(s); **OR** compliance with the **National Fire Protection Association (NFPA) Codes and Standards (NFPA)** as per the Fire Protection Act for the Province of Prince Edward Island

The necessary compliance with points 2, 3 and 4 shall be enforced by the Authority Having Jurisdiction (AHJ), which shall be the Office of the Fire Marshal for the Province of Prince Edward Island.

I trust that you find the above to be in order, but should you have any further questions, please don't hesitate to contact the department in writing.

Tom MacLeod



Fire Chief,
Montague Volunteer Fire Brigade