

**PLANNING ADVISORY COMMITTEE
MINUTES OF REGULAR MEETING**

May 17, 2017

The Planning Advisory Committee (PAC) met in the Arena Complex (Theatre) with the following attendance:

Present: Chair Jill Stewart, Vice-Chair Jeff Cross, and Committee Members Darren Turner, David Johnson, Kate Akagi, and Esma Taylor. Also present were Angela McLean, CAO/Clerk, Chris Spear, Assistant Development Officer, and Nikki Mott, Receptionist.

Regrets: Committee Members Lindy Townsend, Shannon-May Pringle, and Hap Stelling, Manager of Planning.

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by the Chairperson, Jill Stewart

2. DECLARATIONS OF CONFLICT OF INTEREST, IF ANY

NONE

3. ADDITIONS TO AND/OR APPROVAL OF AGENDA

NONE

4. CONFIRMATION OF PREVIOUS MEETING'S MINUTES - April 19th, 2017

It was moved by Darren Turner, seconded by Jeff Cross and carried to approve the minutes for the April 19, 2017 meeting as presented.

5. BUSINESS ARISING FROM MINUTES

5.1 Notice of Decision: Motion to Approve Content - Tara Manor/559 Mowat Drive

It was moved by David Johnson, seconded by Esma Taylor and carried to approve the content of the Notice of Decision for the Tara Manor/559 Mowat Drive as presented.

6. PRESENTATIONS / DELEGATIONS

6.1 Heritage Board- Presentation by Heritage Board regarding the proposed Heritage By-law No. 16-02. Town Council has requested the written views and opinions of the Committee regarding the proposed by-law.

The Town Council has formally requested that the Heritage Board provide a presentation regarding the proposed Heritage By-law No. 16-02 so that the Planning Advisory Committee can provide Council with their opinion of said proposed By-law.

Heritage Board Chair, Lee Sochasky, presented a brief outline of what the Heritage Board has done over the past few years. The main goal is to help provide heritage property owners the information they need to help protect their property. They are not looking to regulate, just help guide the owners through preserving their piece of history. Ms. Sochasky stated that 90% of the owners feel a by-law is important. The by-law would only affect the part of the property that faces the public. The owner would be allowed to do as they wish, with the building inspector's approval, on any other side of the property and inside the house. Ms. Sochasky stated that the By-Law has gone through the first and second reading and Council just held the Hearing of Objections on April 24th, 2017. Since the Hearing of Objections some minor tweaks have been made to the wording in the By-law to help clarify the information.

During question period the PAC Members inquired if they could receive a copy of the revised by-law, which Ms. Sochasky stated the revisions are not yet complete. The By-law would outline certain features on a house that would have to be replaced a certain way, which again would only be on the side facing the public. There was also some concern on if this new By-law would mean additional variances and requests coming to the PAC. Ms. Sochasky stated that the Heritage Board and the PAC would be working together, but that when a resident applies for a building permit, they would apply for a Heritage Permit at the same time. So if the applicant requires a variance, then the permits would not be issued until the actual variance was granted. She also stated that they have tried to make it as simple as possible to avoid increasing the workload and paperwork.

Ms. Sochasky followed up her presentation by assuring the PAC that she would bring some example scenarios and additional information for the Special PAC Meeting on May 24th, 2017 which will be dedicated just to the Heritage By-law. A copy of the Draft By-law and some Q&A facts were provided prior to the meeting for the PAC to review.

7. ZONING APPLICATIONS

NONE

8. APPLICATIONS FOR VARIANCES / APPROVALS

8.1 The Landing/209 Water Street- My Dobies Inc./Comeau MacKenzie Architecture is seeking relief from the requirements for setback from the ordinary high water mark as well as relief from lot setback requirements in the Central Commercial zone at PID 01319821.

Owner, Dan Murphy and his Architect, Peter MacKenzie, were both present to answer questions.

Mr. MacKenzie gave a quick update on where the project was at. They are currently waiting for the Department of Fisheries to give the green light to start work on Phase 1, which is the engineered pad. The pad should take about five (5) weeks to complete, then they will cease construction until after the tourist season. They really hope to be able to start within the next few weeks. Mr. MacKenzie also reassured the Committee that the pad construction should be quick, concise, and should not create a lot of dust.

The Chairperson, Jill Stewart noted that the Committee had a “site meeting” to better understand the proposed variances. While at the site they felt the owner was well with in the footprint, easements, etc. Chris Spear, Assistant Development Officer, stated that the front of the building would be over the High Water Mark, the west-side would be right up to the Town property line, and the east-side would require a 5 foot setback.

There were three (3) responses from the polling area. One was undecided and requesting more clarity. There was two (2) letters opposing the construction and there was also a few residents present from within the polling area. Two (2) late responses were received just prior to the meeting.

Mr. Robert Lord, owner/business partner of Harbour Front Restaurant spoke of his concerns. There was some confusion about this particular meeting, as he stated he did not receive the original polling letters from when the pad was approved back in February 2017. He was under the assumption that this meeting was for the construction of the pad, not the second phase. Mr. Lord was concerned about the handling of the right away and felt that the approval of the pad was strange with no actual drawings or plans being shown to either the residents or the PAC Members. After Mr. Lord departed; Mr. MacKenzie stated that he and Dan Murphy have been talking with Mr. Lord and other business owners in that area, as they really want to be able to work with them.

There was one letter that was opposed of the construction, but it was not within the polling area. No one spoke for outside the polling area.

Motion #1: *It was moved by David Johnson, seconded by Darren Turner and carried to approve complete relief from the requirements established in Sec. 3.32 of the Zoning Bylaw (20.0m to 0.0m). Approved unanimously.*

Motion #2: *It was moved by Darren Turner, seconded by Esma Taylor and carried to approve complete relief from the minimum required side yard setback requirements found in Sec. 5.2.3(1) of the Zoning Bylaw for the east-facing façade of the proposed building. Approved unanimously.*

Motion #3: *It was moved by Kate Akagi, seconded by Vice-Chair Jeff Cross and carried to approve relief from the minimum required side yard setback requirements found in Sec. 5.2.3(1) of the Zoning Bylaw for the west-facing façade of the proposed building. Approved unanimously.*

8.2 Kingsbrae Gardens/220 King Street- Tim Henderson has applied to the Planning Advisory Committee to seek permission to continue to allow domesticated animals to live on the property at PID 1323252.

Applicant, Tim Henderson, was present on behalf of Kingsbrae Gardens. Mr. Henderson is requesting an increase in the number of domesticated animals allowed at the gardens. The applicant was granted a variance for the inclusion of specific animals at their facility, with the most recent being October 17, 2007.

Section 3.25 of the Zoning Bylaw states:

“Keeping of Livestock: No land or any portion thereof may be used for the keeping or breeding of *livestock*.”

The most recent PAC ruling regarding the animals at Kingsbrae Gardens was given on October 17th, 2007, where the applicant was granted permission for allowing up to “*20 small domesticated animals in a visitation environment, with conditions*”. Due to natural growth, there have been some new offspring added to the original amount as well as some wild ducks who have made the pond their home. Mr. Henderson is requesting we increase the total amount allowed to 33 animals to allow Kingsbrae Gardens a little room for these natural additions.

During discussion period PAC Member, Darren Turner, showed concern in regards to “when does the few animals turn into a zoo”? Mr. Henderson assured the committee that the Gardens have no desire in becoming a zoo that the animals have been very popular and as they age they are being sold to appropriate and approved farms. The animals are a joy for adults and children alike. The alpaca walk is a newer program which was introduced to allow visitors, who are unable to visit the animal pens a chance to be able to enjoy them from the patio between 12:30 to 1:30 daily. This walk is always done with professional handlers walking the alpacas at all times.

Mr. Henderson wanted to stress that the animals are very well cared for. They are visited continuously by a veterinarian as well as having a stall vet on site. They are kept in proper pens and exercised daily with a handler. During the winter months they are kept off site either inside or at a proper farm. There are ducks located at the Gardens that actually eat the bad bugs that can make the alpacas sick, which makes their own eco system.

Assistant Development Officer, Chris Spear, had a tour of the site and stated in his development report that all pens and enclosures were well constructed, clean, and in appropriate order.

There were two (2) responses from within the polling area. One was approving the variance and one was opposed. There was also two residents present from within the polling area. Ms. Lucie Leduc and Mr. Alan Strachan spoke of their concern on how the number of animals could grow so much without a variance being brought to the committee for 10 years. Angela McLean, CAO/Town Clerk assured Ms. Leduc and Mr. Strachan that a system will be put in place to ensure the Gardens will be checked on a regular basis to ensure the Gardens are in compliance with the conditions put in place by the PAC.

It was moved by Darren Turner, seconded by Kate Akagi to approve the requested variance to increase the domesticated animals to 33 with the following conditions attached:

1. The pens to house animals continue to be located in the lower North section of the gardens.
2. Town to be advised when new species are added and Town has the right to review and control if complaints arise.
3. Animals to be penned at all times except for special occasions with permission from the Town or if under the direct care of a handler.
4. Animals permitted are alpacas, miniature horses, cashmere goats, afghan goats, pygmy goats, ducks, rabbits, peacocks, and chickens.
5. Adequate housing for all animals to be provided.

After some discussion the Committee was considering adding a clause that the variance would be subject to yearly reviews, but the final decision was that the enforcement would be up to the Town and not the PAC. Vice-Chair Jeff Cross suggested the number be put to a more rounded number like 40, instead of just 33 animals, which resulted in the motion being amended to read as follows:

It was moved by Darren Turner, seconded by Esma Taylor to amend the motion to 40 animals as opposed to the 33 animals originally stated. Approved unanimously.

9. SIGN APPLICATIONS

NONE

10. SIMILAR AND/OR COMPATIBLE USE REQUESTS

NONE

11. SUBDIVISION APPLICATIONS

NONE

12. APPLICATIONS FOR TEMPORARY USE APPROVAL

NONE

13. ORGANIZATIONAL MATTERS

NONE

14. OTHER BUSINESS

NONE

15. QUESTION PERIOD

Councillor Kurt Gumushel spoke of some concerns on behalf of his father, Fuat Gumushel who was unable to attend the meeting. Councillor Gumushel was also concerned about the lack of drawings for 209 Water Street and how his father did not receive the polling letter for the engineered pad back in February. Mr. Gumushel (Sr.) sent a letter opposing the construction and suggested the Town use the space as a “park/green space” instead of building another structure. Angela McLean, CAO/Town Clerk stressed that extra measures have been taken for polling letters. Such as double and triple checking, to name a few, to ensure that the error does not happen again. The Town office showed that they were polled and that the letters were sent, but could not speak for the time between the post office and delivery. Ms. McLean apologized for the confusion.

There were several people present expressing concerns over the lack of a plan for 209 Water Street, but the committee stated that they are there to approve what is on the table at the moment and would leave the enforcing to the building inspector and the Town staff. Ms. McLean also stated that the Town has recently adopted initiatives for a Strategic Plan, which will update all the current plans and assist with making Town business run more smoothly.

16. MOTION FOR ADJOURNMENT

It was moved by Kate Akagi to adjourn the meeting at 8:26 p.m.

Next Regular Meeting will be held Wednesday, June 21st, 2017.



Jill Stewart, Chairperson