

REPORT – Appeals #LA23-019



Submitted by;
RKM FIRE Safety Consulting
January 15, 2024



Contents

Introduction	3
Definitions	4
Code & Standards Adoption	5
Building Height	6
Level of Exit Discharge	6
Fire Suppression	11
Operational Concerns	13
Development Plan Review Process	15
Conclusion	18
Appendices	19

Introduction

On December 12, 2023, Key Murray Law (KML) contacted RKM Fire Safety Consulting inquiring as to the possibility of obtaining the services of RKM Fire Safety Consulting. Specifically, those services would be to prepare an expert report regarding fire safety and testify at a planning appeal before the Island Regulatory and Appeals Commission.

The purpose of the report would be to provide an opinion in determining if a development permit approved by the Town of Three Rivers was “in compliance with the municipal official plan and bylaws, the provincial and National Building Codes Act, Fire Prevention Act and Regulations and any other applicable legislation”.

RKM Fire Safety Consulting received from KML the following information;

- Record filed by the Town of Three Rivers
- Schedules that formed part of KML’s written submission
- Provincial “Planning Act”
- Town of Three Rivers “Official Plan”
- Town of Three Rivers “Development Bylaw”
- Island Regulatory and Appeals Commission’s “Rules of Practice and Procedure”
- Supplemental Record filed by the Town of Three Rivers

Definitions

Story Height - The vertical distance from the upper surface of a floor and upper surface of the floor or roof next above. *(Source – NFPA 5000.3.3.321.2)*

Stories in Height - The story count starting with the level of exit discharge and ending with the highest occupiable level containing the occupancy considered. *(Source – Life Safety Code 101.3.3.280)*

Stories in Height (commentary) - Stories below the level of exit discharge are not counted as stories for determining the stories in height of a building. *(Source – Life Safety Code 101.A.3.3.280)*

Apartment Building - A building or portion thereof containing three or more dwelling units with independent cooking and bathroom facilities. *(Source – Life Safety Code 101.3.3.37.3)*

Level of Exit Discharge - The story that is either (1) the lowest story from which not less than 50 percent of the required number of exits and not less than 50 percent of the required egress capacity from such a story discharge directly outside at the finished ground level; or (2) where no story meets the conditions of item (1), the story that is provided with one or more exits that discharge directly to the outside to the finished ground level via the smallest elevation change. *(Source – Life Safety Code 101.3.3.88.1)*

Authority Having Jurisdiction (AHJ) - An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure. *(Source – Life Safety Code 101.3.2.2)*

Code & Standards Adoption

To combat the tragedies of fire within the Province of Prince Edward Island the Provincial Government has adopted several Codes and Standards. These documents are the corner stone of fire safety and have protected our residents and visitors alike for decades.

It is important to note that both the *2021 edition of the National Fire Protection Association's NFPA 1 Uniform Fire Code* and *2021 edition of the National Fire Protection Association's NFPA 101 Life Safety Code* have been formally adopted. *(Please refer to Appendices #1)*

The adoption of *2021 edition of the National Fire Protection Association's NFPA 1 Uniform Fire Code* also references several other NFPA Codes and Standards.

NFPA 1 Uniform Fire Code (2021) Chapter 2 "Referenced Publications" provides a complete list of referenced documents. *(Please refer to Appendices #2)*

The enhanced content of NFPA 1, Chapter 2, clarifies the legal adoption of reference documents whereby stating; *"Chapter 2 is a list of the codes and standards that are referenced in the chapters of NFPA 1. These references are mandatory. Locating the list in a single chapter simplifies the use of the Code, making it easier for adopting jurisdictions to update the references in only one location, rather than throughout the Code. The editions of the referenced publications listed in Chapter 2 are legally referenced editions, unless the jurisdiction, when adopting the Code, modifies or updates the list of codes and standards".*

Building Height

The proposed building is to be constructed at 8 School St., Montague, within the Town of Three Rivers. It is anticipated that the building will consist of 22-unit apartments with 3,837 sq. ft. of ground floor commercial space. A lower level will provide vehicle parking with access at the rear of the building.

With a major variance approved for an additional 4.8 ft., the building height is proposed to be 40'-10½" measured from the main floor level on School St. to the top of the parapet.

Given a grade difference from the front of the property along School St. towards the rear on Riverside Dr., it may create confusion in determining story height of the building. In determining story height, the Life Safety Code 101.3.3.280 addresses this matter stating *"the story count starting with the level of exit discharge and ending with the highest occupiable level containing the occupancy considered"*. (Please refer to Appendices #3)

Further, commentary to Life Safety Code 101.3.3.280 states *"Stories below the level of exit discharge are not counted as stories for determining the stories in height of a building"*. (Please refer to Appendices #4)

Level of Exit Discharge

In determining the level of exit discharge, the enhanced content of Life Safety Code 101.3.3.88.1 provides a detailed explanation stating; *"The story that is either (1) the lowest story from which not less than 50 percent of the required number of exits and not less than 50 percent of the required egress capacity from such a story discharge directly outside at the finished ground level; or (2) where no story meets the conditions of item (1), the story that is provided with one or more exits that discharge directly to the outside to the finished ground level via the smallest elevation change"*. (Please refer to Appendices #5)

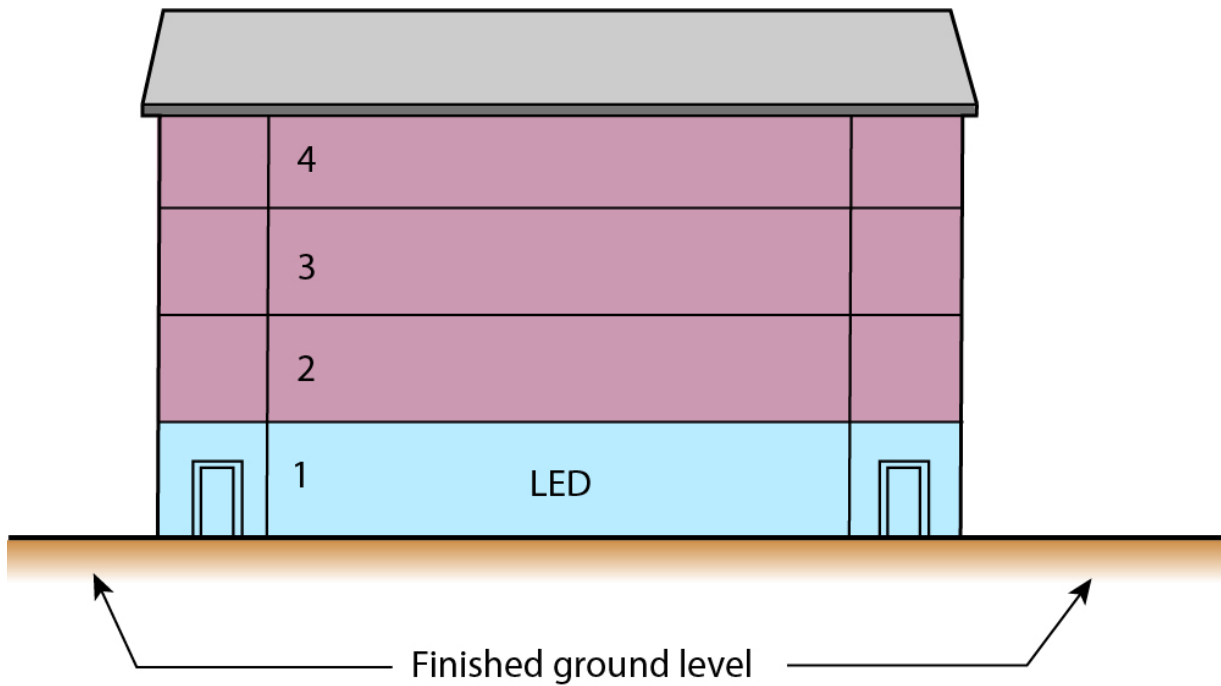
The definition of the term level of exit discharge is related to terminology used to describe building height and number of stories relative to the finished ground level. See 3.3.96, Finished Ground Level (Grade). (See Life Safety Code 101.3.3.96)

The definition of level of exit discharge provides no allowance for having more than one level of exit discharge for a building. There is no primary or secondary level of exit discharge — only the level of exit discharge. The level designated as the level of exit discharge is used, for example, as the lowest floor for purposes of determining stories in height (see 4.6.3). Requirements related to minimum construction type are based on the number of stories in height used for a particular occupancy (see the __.1.6 subsection of most of the occupancy chapters — for example, 12.1.6 for new assembly occupancies). (See Life Safety Code 101.4.6.3)

The examples that follow demonstrate the application of the definition of the term level of exit discharge to a variety of building exit discharge arrangements.

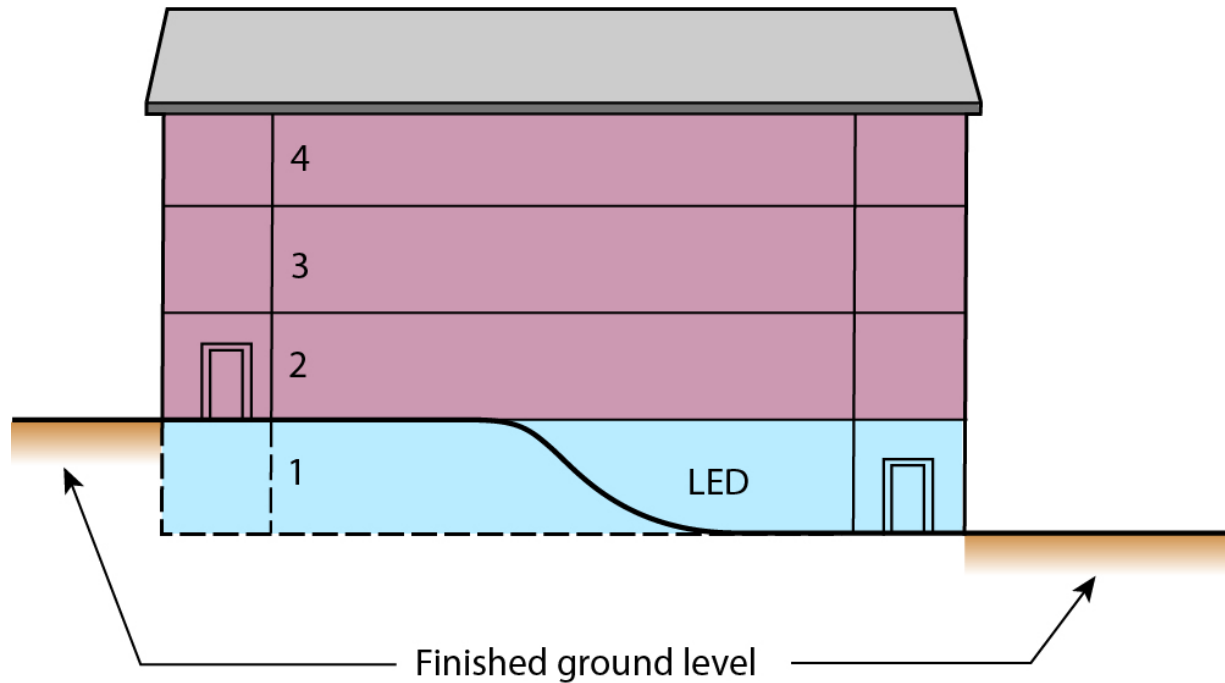
Example 1: Level of Exit Discharge with Level Ground

The exhibit depicts a four-story building. The finished ground level varies little in elevation from building side to building side. The first story is the lowest story from which not less than 50 percent of the required number of means of egress and not less than 50 percent of the required egress capacity from that story discharge directly outside at the finished ground level. As such, it is designated as the level of exit discharge (LED).



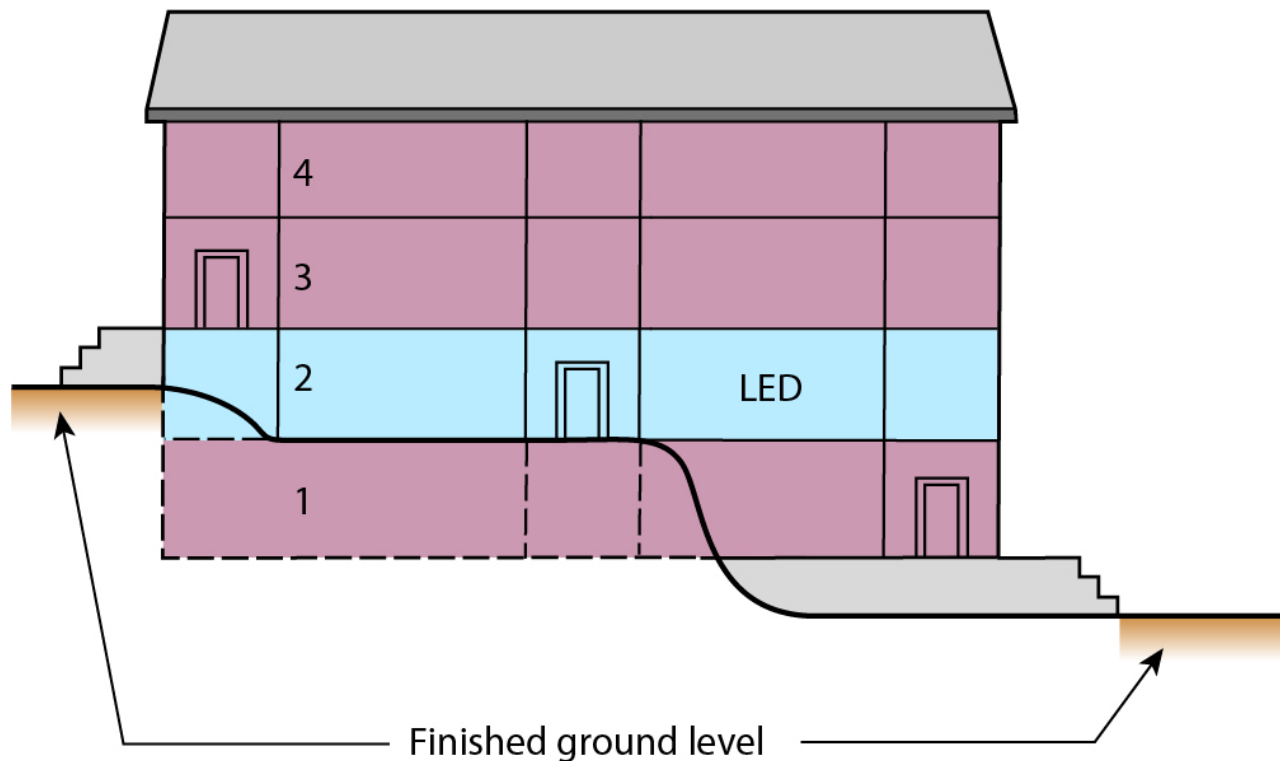
Example 2: Level of Exit Discharge with Varying Ground Level

The exhibit depicts a four-story building similar to that described in Example 1. The finished ground level varies in elevation from building side to building side. Both the first story and the second story are stories from which not less than 50 percent of the required number of means of egress and not less than 50 percent of the required egress capacity from that story discharge directly outside at the finished ground level. The definition of level of exit discharge directs the Code user to designate the lowest such story (designated in the exhibit as story 1) as the level of exit discharge (LED).



Example 3: Level of Exit Discharge with Varying Ground Level and Least Elevation Difference

The exhibit depicts a four-story building where the finished ground level varies significantly in elevation such that three of the floors have exits that discharge to the outside at or near finished ground level. Based on occupant load, each floor requires three means of egress that are supplied by three equally sized exit stairs and exit stair enclosure doors. Each of the exit stair enclosure doors from the three exit discharge floors provides less than 50 percent of the required number of means of egress discharging from that floor, so the specification of item (1) of the definition of level of exit discharge in 3.3.88.1 is not met. Per item (2) of 3.3.88.1, the level of exit discharge is the exit discharge story with the smallest elevation change needed to reach the finished ground level. The floors designated in the exhibit as 1 and 3 require travel over stairs to reach the finished ground level. The floor designated as 2 discharges directly at the finished ground level and is classified as the level of exit discharge (LED). (Source – Life Safety Code 101.3.3.88.1 Enhanced Content)



In reference to the submitted drawings by Coles, issued for the development permit, illustrate the level of exit discharge to be that of the main floor level. Based on the above Life Safety Code requirements the writer is in agreement whereby the main floor level being designated as the level of exit discharge.

Additionally, as in accordance with the Life Safety Code 101.3.3.280, the proposed building should be considered as a four (4) story building with the parking level not constituting a story. The accurate number of building stories is clearly supported in drawing 2-A300 submitted by Coles.



19 Harley St., Charlottetown

July 17, 2019

Fire Suppression

The Town of Three Rivers has acknowledged the importance of fire suppression within its “Official Plan”.

This matter is clearly stated in section **“9.3 Development Bylaw”** whereby stating *“Council shall enact a Development Bylaw as an implementation mechanism for the goals, objectives, and policies of this Official Plan. In accordance with the Planning Act R.S.P.E.I. 1988, P-8, the Development Bylaw may address elements including:*

7) Building standards, addressing fire suppression and architectural controls;” (Please refer to Appendices #6)

Information provided within the Supplemental Record of January 5, 2024 confirm the installation of an automatic sprinkler system. Additionally, the Life Safety Code (2021 edition) addresses both the installation of an automatic sprinkler system and automatic fire alarm system.

In review of the Life Safety Code chapter 30 entitled **“New Apartment Buildings”**, section 30.3.4.1.1 states *“Apartment buildings four or more stories in height or with more than 11 dwelling units, other than those meeting the requirements of 30.3.4.1.2, shall be provided with a fire alarm system in accordance with Section 9.6, except as modified by 30.3.4.2 through 30.3.4.5”. (Please refer to Appendices #7)*

And, section 30.3.5.1. states *“All buildings shall be protected throughout by an approved, supervised automatic sprinkler system installed in accordance with 30.3.5.1 through 30.3.5.6”. (Please refer to Appendices #8)*

It is important to note that the Town of Three Rivers acknowledges potential occurrences where their “Development Bylaw” could be in conflict with other Bylaws, regulations or codes.

Development Bylaw section **“3.10 Licenses, Permits and Compliance with Other Bylaws”** states *“Where the provisions of this Bylaw conflict with those of any other Town of Three Rivers Bylaw or any regulations or codes of the Province of Prince Edward Island, the higher or more stringent requirement shall prevail”. (Please refer to Appendices #9)*

The significance of this requirement may come into play with respect to fire code requirements involving NFPA and the National Research Council National Building Code (NBC) and sibling code National Fire Code (NFC).



19 Harley St., Charlottetown

July 17, 2019

Operational Concerns

During a Town of Three Rivers Special Council Meeting on February 11, 2019, Montague Volunteer Fire Department's Deputy Fire Chief Mr. Jock Beck raised particular important concerns stating; *... "He also expressed concern over the proposed four stories of the apartment complex given the capabilities of the MVFD. He suggested that the Town should consult with the Fire Departments on large scale projects in their areas". (Please refer to Appendices #10)*

Again, on February 11, 2019, Deputy Chief Beck authored a letter addressed to the Members of Three Rivers Planning Board expressing his concerns in stating; *"The suggestion that anything should be constructed in housing that exceeds three stories in height should be rejected given our present capability for rescue beyond that height". (Please refer to Appendices #11)*

During the Town of Three Rivers Regular Council Meeting of July 10, 2023, Councillor MacFarlane brought to the Mayor and Council's attention; *"There is a letter on file and here from the Montague Volunteer Fire Department that says that the department would only be able to handle a building up the three stories. This building is four stories on the north side and three stories on the South side".*

As communities grow in population so does the need for additional building construction to support the increasing population. With sound planning practices in play supports buildings being constructed at increased heights. As well, construction of broader buildings known as Box Stores.

When such type construction is proposed it is imperative that the local Fire Department be consulted. This consultation process will ensure the Fire Department having sufficient equipment, training and water supply to combat a fire involving the proposed building. Additionally, it is important that such factors as fire apparatus access to the proposed building meets applicable NFPA 1 Uniform Fire Code requirements.

At the time of this report the writer is unaware of any such involvement by the Montague Volunteer Fire Department (MVFD) with regards to the proposed building.

In dealing with high level rescue of trapped occupants, the main staple piece of apparatus is that of an ariel device. An ariel device is a versatile piece of apparatus in that they provide rescue capabilities as well capable in flowing a master stream(s) on to a fire from an elevated position.

Ariel devices are widely used involving incidents of broad buildings whereby providing quick access to a roof along with providing firefighting capabilities.

Over the last several decades some municipalities have determined with the increasing volume of higher and broader buildings being constructed within their communities, the procurement of an ariel device had become necessary. Fire departments such as the former Parkdale Fire Department, Crossroads Fire Department, North River Fire Department and recently New Glasgow and North Shore Fire Departments all identified this need and placed in service ariel devices.

With continued growth within the Town of Three Rivers, it would be of benefit for the Montague Volunteer Fire Department to purchase a used ariel device.



Home Hardware Store, Charlottetown

October 3, 2023

Development Plan Review Process

Encompassed in the development plan review process is the important piece of ensuring the fire protection infrastructure has been successfully evaluated. This particular evaluation needs to involve the local fire department.

As previously noted, Deputy Fire Chief Jock Beck commented on this very concern whereby “He suggested that the Town should consult with the Fire Departments on large scale projects in their areas”. *(Please refer to Appendices #10)*

Review of NFPA 1141 entitled “Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas” (2017 edition) section 1.3.4.3. addresses this matter whereby; *“If the fire department is not the AHJ, the AHJ shall consult with the fire department on all matters relative to the enforcement of this standard to ensure that the needs of the fire department are met in providing fire protection”.* *(Please refer to Appendices #12)*

With many different Codes and Standards to be evaluated during a plan review process, it is understandable that at some point those Codes and Standards may conflict with each other. As previously shared, the Town of Three Rivers has provided clarity as to what Bylaw, regulation or code shall prevail as outlined in there “Development Bylaw”. *(Please refer to Appendices #9)*

Included in Mr. Lee Kenebel’s “Executive Summary” of July 10, 2023 addressed to Mayor and Council states; *“The lot has frontage on three roads where the required yard setbacks would be 3.9ft. on each side. As the site is a ‘Through Lot’ the front yard setback applies equally to the front and rear of the building”.* Further, Mr. Lee Kenebel states; *“In summary, the proposal meets the policies and aims of the Three Rivers Official Plan 2023 & Development Bylaw 2023 and approval of the development, together with the variance is recommended”.*

Mr. Kenebel has confirmed setbacks to be in compliance with the Town of Three Rivers Development Bylaw 2023.

During the writer’s review of applicable NFPA 1141 “Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas” (2017 edition), section 6.2.1 addresses set back requirements by stating; *“Unless governed by other locally adopted regulations, any building shall be separated from another building by a least 30 ft (9.144 m) and shall be set back at least 30 ft (9.144 m) from a property line”.* *(Please refer to Appendices #13)*

This specific Code section is significant whereby NFPA permits locally adopted regulations to govern setbacks or in the absence of locally adopted regulations NFPA provides minimum requirements.

Although NFPA permits locally adopted regulations to govern, the Town of Three Rivers provides a concise remedy when Bylaws, regulations or codes are in conflict whereby the higher or more stringent requirement shall prevail as per section 3.10 of the Town of Three Rivers Development Bylaw which states; *“Where the provisions of this Bylaw conflict with those of any other Town of Three Rivers Bylaw or any regulations or codes of the Province of Prince Edward Island, the higher or more stringent requirement shall prevail”.* *(Please refer to Appendices #9)*

The newly constructed foundation of 8 School St is only 12 ft. from the property line of 559 Main St., as shown on diagram C100 (Site Plan), dated 2023-05-02. The writer estimates the separation distance between the foundation of 8 School St. and exterior wall of 559 Main St. to be approximately 24 ft.

NFPA 1121 also takes into consideration what conditions need to be in place so as to provide a reduction in building separation distance. NFPA 1121.6.2.1.1 states; *“If adjacent buildings are both protected with automatic sprinkler systems meeting NFPA 13 the separation between the structures or separation from a property line shall be permitted to be reduced to 15 ft (4.5 m)”*. (Please refer to Appendices #14)

As indicated by Development Officer, Mr. Lee Kenebel, during the Town of Three Rivers Regular Council Meeting of July 10, 2023 whereby Mr. Kenebel stated “You are correct, this is sprinklered and that’s becoming a more common feature and obviously we’ve heard tonight about the considerations of fire in these larger structures and we likely we will see more and more of them come through as we try to achieve higher densities within the allocated sites”. (Please refer to Appendices #15)

However, in order to obtain a reduced separation distance, as stated in NFPA 1121.6.2.1.1, the existing apartment building situated at 559 Main St. would also be required to be protected throughout by an approved automatic sprinkler system. The installation of an automatic sprinkler system within 559 Main St. has not been confirmed.

In the event that both buildings were to be protected by means of an automatic sprinkler system the building separation distance, as per NFPA 1121.6.2.1.1, cannot be achieved due to the proposed apartment building being constructed only 12 ft. from the property line.

The development permit review process requires on-going communications within several internal and external entities. From a fire service prospective, being involved during the infancy stages provides valuable opportunity to address concerns and whereby making appropriate corrections at the most opportune time.

Perhaps, the most important consideration required during the process is that of life safety, with equal responsibility being shared.

The development permit review process lacked consultation with the Montague Volunteer Fire Department which was confirmed by Councillor MacFarlane during the Town of Three Rivers – Regular Council Meeting – July 10, 2023. (Please refer to Appendices #16)

In combating a fire, it is imperative to establish a sufficient water source. In an effort for the fire department to have a full understanding of the amount of water required, the following information needs to be collected so as to establish a required fire flow.

- Occupancy hazard
- Type of construction
- Structure dimensions
- Exposures

Typically, this information is provided during the development permit review process. As a requirement, NFPA 1142.4.1.1.1 addresses this matter stating; *“For new construction, plans shall be submitted to the fire department or the AHJ for determination of the minimum water supply required before construction is started”*. (Please refer to Appendices #17)

To assist in the determination of a required fire flow the Fire Marshal may be of assistance pursuant to the Provincial Fire Prevention Act section 6 whereby;

6 “Duties of the Fire Marshal”

“Other Functions”

(2) The Fire Marshal shall

(d) render such advice and make such recommendations as he may consider advisable with regard to
(ii) the provision of adequate water supply for fire fighting,

(Please refer to Appendices #18)

Conclusion

Resulting from a comprehensive review of the material provided and other related documents the writer shares the following opinion.

The question regarding the height of the proposed building has been determined in accordance with the Life Safety Code which is consistent with that of Coles whereby the proposed building be considered four-stories.

As previously noted, there are opposing setback requirements. Given, NFPA grants locally adopted regulations to govern while the Town of Three Rivers Development Bylaw identifies how conflicting requirements are to be decided upon. The determination in how the matter becomes addressed lies outside the scope of this review.

In effort to ensure sufficient fire protection, it is paramount that Montague Volunteer Fire Department be engaged during the planning process as in accordance with NFPA 1142.

Relating to the Montague Volunteer Fire Department, it is to the writer's personal knowledge that MVFD is a well organized, equipped, trained and managed fire department. MVFD has and continues to be held in high esteem throughout the Island fire service.

Appendices

- #1 – Provincial “Codes and Standards Order”
- #2 – NFPA 1.2.2 “Referenced Publications”
- #3 – (Definition) Life Safety Code 101.3.3.280 “Stories in Height”
- #4 – (Commentary) Life Safety Code 101.A.3.3.280 “Stories in Height”
- #5 – (Definition) Life Safety Code 101.3.3.88.1 “Level of Exit Discharge”
- #6 – Town of Three Rivers, Official Plan, “9.3 Development Bylaw 7)”
- #7 – Life Safety Code 101.30.3.4.1.1
- #8 – Life Safety Code 101.30.3.5.1
- #9 – Town of Three Rivers, Development Bylaw “3.10 Licenses, Permits and Compliance with Other Bylaws”
- #10 – Meeting Minutes, Town of Three Rivers, Special Council Meeting, February 11, 2019
- #11 – Letter authored by Mr. John Beck Deputy Fire Chief dated February 11, 2019
- #12 – NFPA 1141.1.3.4.3
- #13 – NFPA 1141.6.2.1
- #14 – NFPA 1141.6.2.1.1
- #15 – Meeting Minutes, Town of Three Rivers, Regular Council Meeting, July 10, 2023
- #16 – Meeting Minutes, Town of Three Rivers, Regular Council Meeting, July 10, 2023
- #17 – NFPA 1142.4.1.1.1
- #18 – Prince Edward Island Fire Prevention Act, “6. Duties of the Fire Marshal – Other functions (2)(d)(ii)”

Appendices #1



FIRE PREVENTION ACT Chapter F-11

CODES AND STANDARDS ORDER

Pursuant to subsection 24(2) of the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11, and upon the recommendation of the Minister of Justice and Public Safety and Attorney General, Council made the following Order:

1. Codes and Standards

The following Codes and Standards are declared to be in force in the province and shall be enforced by the Fire Marshal under the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11:

- (a) 2021 edition of the National Fire Protection Association's NFPA 1 Uniform Fire Code;
- (a.1) 2021 edition of the National Fire Protection Association's NFPA 101 Life Safety Code;
- (a.2) 2015 Edition of the National Research Council's National Fire Code;
- (b) Canadian Standards Association B 139, Installation Code for Oil Burning Equipment;
- (c) Canadian Standards Association B 149.2, Installation Code for Propane Burning Appliances and Equipment;
- (d) Canadian Standards Association B 365, Installation Code for Solid Fuel Burning Appliances and Equipment. (EC16/85; 293/92; 663/99; 622/04; 545/19; 251/20; 76/22)

2. Related electrical and building codes

Any provision of an electrical or building construction safety Code that is referred to in any provision of the Uniform Fire Code, Life Safety Code or National Fire Code referred to in clauses 1(a) and (a.1)

- (a) is declared to be in force in the province; and
- (b) shall be enforced by the Fire Marshall under the *Fire Prevention Act*,

to the extent necessary to give effect to any provision of the Uniform Fire Code, Life Safety Code or National Fire Code that refers to the provision of such an electrical or building construction safety Code. (EC16/85; 622/04; 251.20)



Appendices #2

2.2 NFPA Publications.

National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471.

NFPA 2, *Hydrogen Technologies Code*, 2020 edition.

NFPA 4, *Standard for Integrated Fire Protection and Life Safety System Testing*, 2021 edition.

NFPA 10, *Standard for Portable Fire Extinguishers*, 2018 edition.

NFPA 11, *Standard for Low-, Medium-, and High-Expansion Foam*, 2016 edition.

NFPA 12, *Standard on Carbon Dioxide Extinguishing Systems*, 2018 edition.

NFPA 12A, *Standard on Halon 1301 Fire Extinguishing Systems*, 2018 edition.

NFPA 13, *Standard for the Installation of Sprinkler Systems*, 2019 edition.

NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*, 2019 edition.

NFPA 13R, *Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies*, 2019 edition.

NFPA 14, *Standard for the Installation of Standpipe and Hose Systems*, 2019 edition.

NFPA 15, *Standard for Water Spray Fixed Systems for Fire Protection*, 2017 edition.

NFPA 16, *Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems*, 2019 edition.

NFPA 17, *Standard for Dry Chemical Extinguishing Systems*, 2021 edition.

NFPA 17A, *Standard for Wet Chemical Extinguishing Systems*, 2021 edition.

NFPA 20, *Standard for the Installation of Stationary Pumps for Fire Protection*, 2019 edition.

NFPA 22, *Standard for Water Tanks for Private Fire Protection*, 2018 edition.

NFPA 24, *Standard for the Installation of Private Fire Service Mains and Their Appurtenances*, 2019 edition.

NFPA 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*, 2020 edition.

NFPA 30, *Flammable and Combustible Liquids Code*, 2021 edition.

NFPA 30A, *Code for Motor Fuel Dispensing Facilities and Repair Garages*, 2021 edition.

NFPA 30B, *Code for the Manufacture and Storage of Aerosol Products*, 2019 edition.

NFPA 31, *Standard for the Installation of Oil-Burning Equipment*, 2020 edition.

NFPA 32, *Standard for Drycleaning Facilities*, 2016 edition.

NFPA 33, *Standard for Spray Application Using Flammable or Combustible Materials*, 2018 edition.

NFPA 34, *Standard for Dipping, Coating, and Printing Processes Using Flammable or Combustible Liquids*, 2018 edition.

NFPA 35, *Standard for the Manufacture of Organic Coatings*, 2016 edition.

NFPA 36, *Standard for Solvent Extraction Plants*, 2017 edition.

NFPA 37, *Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines*, 2021 edition.

NFPA 40, *Standard for the Storage and Handling of Cellulose Nitrate Film*, 2019 edition.

NFPA 45, *Standard on Fire Protection for Laboratories Using Chemicals*, 2019 edition.

NFPA 51, *Standard for the Design and Installation of Oxygen–Fuel Gas Systems for Welding, Cutting, and Allied Processes*, 2018 edition.

NFPA 51B, *Standard for Fire Prevention During Welding, Cutting, and Other Hot Work*, 2019 edition.

NFPA 52, *Vehicular Natural Gas Fuel Systems Code*, 2019 edition.

NFPA 54, *National Fuel Gas Code*, 2021 edition.

NFPA 55, *Compressed Gases and Cryogenic Fluids Code*, 2020 edition.

NFPA 56, *Standard for Fire and Explosion Prevention During Cleaning and Purging of Flammable Gas Piping Systems*, 2020 edition.

NFPA 58, *Liquefied Petroleum Gas Code*, 2020 edition.

NFPA 59, *Utility LP-Gas Plant Code*, 2021 edition.

NFPA 59A, *Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)*, 2019 edition.

NFPA 61, *Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities*, 2020 edition.

NFPA 68, *Standard on Explosion Protection by Deflagration Venting*, 2018 edition.

NFPA 69, *Standard on Explosion Prevention Systems*, 2019 edition.

NFPA 70®, *National Electrical Code®*, 2020 edition.

NFPA 72®, *National Fire Alarm and Signaling Code®*, 2019 edition.

NFPA 75, *Standard for the Fire Protection of Information Technology Equipment*, 2020 edition.

NFPA 76, *Standard for the Fire Protection of Telecommunications Facilities*, 2020 edition.

NFPA 80, *Standard for Fire Doors and Other Opening Protectives*, 2019 edition.

NFPA 82, *Standard on Incinerators and Waste and Linen Handling Systems and Equipment*, 2019 edition.

NFPA 85, *Boiler and Combustion Systems Hazards Code*, 2019 edition.

NFPA 86, *Standard for Ovens and Furnaces*, 2019 edition.

NFPA 88A, *Standard for Parking Structures*, 2019 edition.

NFPA 90A, *Standard for the Installation of Air-Conditioning and Ventilating Systems*, 2021 edition.

NFPA 90B, *Standard for the Installation of Warm Air Heating and Air-Conditioning Systems*, 2021 edition.

NFPA 91, *Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Particulate Solids*, 2020 edition.

NFPA 92, *Standard for Smoke Control Systems*, 2018 edition.

NFPA 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, 2021 edition.

NFPA 99, *Health Care Facilities Code*, 2021 edition.

NFPA 99B, *Standard for Hypobaric Facilities*, 2021 edition.

NFPA 101®, *Life Safety Code®*, 2021 edition.

NFPA 102, *Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures*, 2016 edition.

NFPA 105, *Standard for Smoke Door Assemblies and Other Opening Protectives*, 2019 edition.

NFPA 110, *Standard for Emergency and Standby Power Systems*, 2019 edition.

NFPA 111, *Standard on Stored Electrical Energy Emergency and Standby Power Systems*, 2019 edition.

NFPA 115, *Standard for Laser Fire Protection*, 2020 edition.

NFPA 120, *Standard for Fire Prevention and Control in Coal Mines*, 2020 edition.

NFPA 122, *Standard for Fire Prevention and Control in Metal/Nonmetal Mining and Metal Mineral Processing Facilities*, 2020 edition.

NFPA 130, *Standard for Fixed Guideway Transit and Passenger Rail Systems*, 2020 edition.

NFPA 140, *Standard on Motion Picture and Television Production Studio Soundstages, Approved Production Facilities, and Production Locations*, 2018 edition.

NFPA 150, *Fire and Life Safety in Animal Housing Facilities Code*, 2019 edition.

NFPA 160, *Standard for the Use of Flame Effects Before an Audience*, 2021 edition.

NFPA 170, *Standard for Fire Safety and Emergency Symbols*, 2018 edition.

NFPA 204, *Standard for Smoke and Heat Venting*, 2018 edition.

NFPA 211, *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel–Burning Appliances*, 2019 edition.

NFPA 220, *Standard on Types of Building Construction*, 2021 edition.

NFPA 221, *Standard for High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls*, 2021 edition.

NFPA 232, *Standard for the Protection of Records*, 2017 edition.

NFPA 241, *Standard for Safeguarding Construction, Alteration, and Demolition Operations*, 2019 edition.

NFPA 251, *Standard Methods of Tests of Fire Resistance of Building Construction and Materials*, 2006 edition.

NFPA 252, *Standard Methods of Fire Tests of Door Assemblies*, 2017 edition.

NFPA 253, *Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source*, 2019 edition.

NFPA 257, *Standard on Fire Test for Window and Glass Block Assemblies*, 2017 edition.

NFPA 259, *Standard Test Method for Potential Heat of Building Materials*, 2018 edition.

NFPA 260, *Standard Methods of Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture*, 2019 edition.

NFPA 261, *Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes*, 2018 edition.

NFPA 265, *Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile or Expanded Vinyl Wall Coverings on Full Height Panels and Walls*, 2019 edition.

NFPA 286, *Standard Methods of Fire Tests for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth*, 2019 edition.

NFPA 288, *Standard Methods of Fire Tests of Horizontal Fire Door Assemblies Installed in Horizontal Fire Resistance–Rated Assemblies*, 2017 edition.

NFPA 289, *Standard Method of Fire Test for Individual Fuel Packages*, 2019 edition.

NFPA 301, *Code for Safety to Life from Fire on Merchant Vessels*, 2018 edition.

NFPA 302, *Fire Protection Standard for Pleasure and Commercial Motor Craft*, 2020 edition.

NFPA 303, *Fire Protection Standard for Marinas and Boatyards*, 2021 edition.

NFPA 307, *Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves*, 2021 edition.

NFPA 312, *Standard for Fire Protection of Vessels During Construction, Conversion, Repair, and Lay-Up*, 2021 edition.

NFPA 318, *Standard for the Protection of Semiconductor Fabrication Facilities*, 2018 edition.

NFPA 326, *Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair*, 2020 edition.

NFPA 385, *Standard for Tank Vehicles for Flammable and Combustible Liquids*, 2017 edition.

NFPA 400, *Hazardous Materials Code*, 2019 edition.

NFPA 403, *Standard for Aircraft Rescue and Fire-Fighting Services at Airports*, 2018 edition.

NFPA 407, *Standard for Aircraft Fuel Servicing*, 2017 edition.

NFPA 408, *Standard for Aircraft Hand Portable Fire Extinguishers*, 2017 edition.

NFPA 409, *Standard on Aircraft Hangars*, 2016 edition.

NFPA 410, *Standard on Aircraft Maintenance*, 2020 edition.

NFPA 415, *Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways*, 2016 edition.

NFPA 418, *Standard for Heliports*, 2016 edition.

NFPA 423, *Standard for Construction and Protection of Aircraft Engine Test Facilities*, 2016 edition.

NFPA 484, *Standard for Combustible Metals*, 2019 edition.

NFPA 495, *Explosive Materials Code*, 2018 edition.

NFPA 498, *Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives*, 2018 edition.

NFPA 501, *Standard on Manufactured Housing*, 2017 edition.

NFPA 501A, *Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities*, 2017 edition.

NFPA 502, *Standard for Road Tunnels, Bridges, and Other Limited Access Highways*, 2020 edition.

NFPA 505, *Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operations*, 2018 edition.

NFPA 601, *Standard for Security Services in Fire Loss Prevention*, 2020 edition.

NFPA 652, *Standard on the Fundamentals of Combustible Dust*, 2019 edition.

NFPA 654, *Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids*, 2020 edition.

NFPA 655, *Standard for Prevention of Sulfur Fires and Explosions*, 2017 edition.

NFPA 664, *Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities*, 2020 edition.

NFPA 701, *Standard Methods of Fire Tests for Flame Propagation of Textiles and Films*, 2019 edition.

NFPA 703, *Standard for Fire-Retardant-Treated Wood and Fire-Retardant Coatings for Building Materials*, 2021 edition.

NFPA 704, *Standard System for the Identification of the Hazards of Materials for Emergency Response*, 2017 edition.

NFPA 731, *Standard for the Installation of Premises Security Systems*, 2020 edition.

NFPA 750, *Standard on Water Mist Fire Protection Systems*, 2019 edition.

NFPA 780, *Standard for the Installation of Lightning Protection Systems*, 2020 edition.

NFPA 801, *Standard for Fire Protection for Facilities Handling Radioactive Materials*, 2020 edition.

NFPA 804, *Standard for Fire Protection for Advanced Light Water Reactor Electric Generating Plants*, 2020 edition.

NFPA 805, *Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants*, 2020 edition.

NFPA 820, *Standard for Fire Protection in Wastewater Treatment and Collection Facilities*, 2020 edition.

NFPA 855, *Standard for the Installation of Stationary Energy Storage Systems*, 2020 edition.

NFPA 909, *Code for the Protection of Cultural Resource Properties — Museums, Libraries, and Places of Worship*, 2017 edition.

NFPA 914, *Code for the Protection of Historic Structures*, 2019 edition.

NFPA 1031, *Standard for Professional Qualifications for Fire Inspector and Plan Examiner*, 2014 edition.

NFPA 1037, *Standard on Fire Marshal Professional Qualifications*, 2016 edition.

NFPA 1122, *Code for Model Rocketry*, 2018 edition.

NFPA 1123, *Code for Fireworks Display*, 2018 edition.

NFPA 1124, *Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles*, 2017 edition.

NFPA 1125, *Code for the Manufacture of Model Rocket and High-Power Rocket Motors*, 2017 edition.

NFPA 1126, *Standard for the Use of Pyrotechnics Before a Proximate Audience*, 2021 edition.

NFPA 1127, *Code for High Power Rocketry*, 2018 edition.

NFPA 1141, *Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas*, 2017 edition.

NFPA 1142, *Standard on Water Supplies for Suburban and Rural Fire Fighting*, 2017 edition.

NFPA 1144, *Standard for Reducing Structure Ignition Hazards from Wildland Fire*, 2018 edition.

NFPA 1192, *Standard on Recreational Vehicles*, 2021 edition.

NFPA 1194, *Standard for Recreational Vehicle Parks and Campgrounds*, 2021 edition.

NFPA 1221, *Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems*, 2019 edition.

NFPA 1730, *Standard on Organization and Deployment of Fire Prevention Inspection and Code Enforcement, Plan Review, Investigation, and Public Education Operations*, 2019 edition.

NFPA 1901, *Standard for Automotive Fire Apparatus*, 2016 edition.

NFPA 1906, *Standard for Wildland Fire Apparatus*, 2016 edition.

NFPA 1925, *Standard on Marine Fire-Fighting Vessels*, 2018 edition.

NFPA 1963, *Standard for Fire Hose Connections*, 2019 edition.

NFPA 2001, *Standard on Clean Agent Fire Extinguishing Systems*, 2018 edition.

NFPA 2010, *Standard for Fixed Aerosol Fire Extinguishing Systems*, 2020 edition.

NFPA 2113, *Standard on Selection, Care, Use, and Maintenance of Flame-Resistant Garments for Protection of Industrial Personnel Against Short-Duration Thermal Exposures from Fire*, 2020 edition.

NFPA 5000®, *Building Construction and Safety Code*®, 2021 edition.

Appendices #3

Code



NFPA 101 – LIFE SAFETY CODE (2021)

3.3.280 * Stories in Height.

The story count starting with the level of exit discharge and ending with the highest occupiable story containing the occupancy considered. (SAF-FUN)



Add to Reference Panel

Open in Book View

Appendices #4

Code



NFPA 101 – LIFE SAFETY CODE (2021)

A.3.3.280 Stories in Height.

Stories below the level of exit discharge are not counted as stories for determining the stories in height of a building.

 Add to Reference Panel

Open in Book View

Appendices #5

Code

×

NFPA 101 — LIFE SAFETY CODE (2021)

3.3.88.1 * Level of Exit Discharge.

The story that is either (1) the lowest story from which not less than 50 percent of the required number of exits and not less than 50 percent of the required egress capacity from such a story discharge directly outside at the finished ground level; or (2) where no story meets the conditions of item (1), the story that is provided with one or more exits that discharge directly to the outside to the finished ground level via the smallest elevation change. (SAF-MEA)

ENHANCED CONTENT

Expand 

 Add to Reference Panel

Open in Book View

Appendices #6

9.2. Amendments and Review

9.2.1. Plan Review

As required by the Planning Act R.S.P.E.I. 1988, P-8, Council will review this Plan at intervals no shorter than five years to evaluate the extent to which the goals and objectives are achieved. Following the review, Council will by resolution confirm or amend the Plan.

9.2.2. Trigger for Review

Where Council is considering a major expansion to sewer or water servicing beyond the boundaries contemplated in this Plan, Council shall initiate a review of the Official Plan. With consideration for the expanded infrastructure, the Plan review shall consider:

- a) Amending land use designations in the vicinity of the proposed infrastructure;
- b) Whether amendments are required to servicing policies;
- c) Whether adjustments to settlement areas are required, as applicable;
- d) Necessary adjustments to implementing bylaws, including the Development Bylaw, for the properties eligible to connect to the expanded servicing infrastructure.

9.2.3. Criteria for Amendments

Policies in this section are intended to provide guidance to Council and the Planning Board for evaluating Official Plan Amendment applications.

- 1) Amendments to this Official Plan shall be evaluated against the following criteria:
 - a) Conformity with the provisions of the Planning Act R.S.P.E.I. 1988, P-8 and associated Regulations;
 - b) Conformity with the Guiding Principles and Objectives of this Official Plan;
 - c) That the proposed development will not create undue negative impacts on adjacent properties; and
 - d) That the proposed development will not generate unreasonable or undesirable financial burdens on the Town of Three Rivers.

9.3. Development Bylaw

Council shall enact a Development Bylaw as an implementation mechanism for the goals, objectives, and policies of this Official Plan. In accordance with the Planning Act R.S.P.E.I. 1988, P-8, the Development Bylaw may address elements including:

- 1) Regulate development to advance the general welfare, health, safety and convenience of persons in the municipality;
- 2) Define the areas to be regulated;
- 3) Establish land use zones, including permitted uses of land and structures;



- 4) Subdivision of land;
- 5) Development and services;
- 6) Development charges;
- 7) Building standards, addressing fire suppression and architectural controls;
- 8) Development permits;
- 9) Environmental protection, including that issuance of a permit is conditional upon compliance with the Environmental Protection Act;
- 10) Access to highways;
- 11) Mobile homes;
- 12) Parking areas;
- 13) Summer cottages;
- 14) Fees; and
- 15) Enforcement.

9.3.1. Rezoning Applications

Every landowner has the opportunity to apply to the Town of Three Rivers for a change in zoning on a property, or to change provisions within the applicable zone.

- 1) Applications for rezoning will be evaluated against the following criteria:
 - a) Conformity with the provisions of the Planning Act R.S.P.E.I. 1988, P-8 and associated regulations;
 - b) Conformity with the policies of this Official Plan, including the applicable policy designation;
 - c) That the proposed development will not create undue negative impacts on adjacent properties; and
 - d) That the proposed development will not generate unreasonable or undesirable financial burdens on the Town of Three Rivers.

9.3.2. Variances

- 1) The Town of Three Rivers may consider variances to zoning provisions in the Development Bylaw where strict compliance would represent an inappropriate burden to the landowner. The Town may authorize such variance from the provision of the zoning regulations as, in its opinion, is desirable and consistent with the general intent and purpose of the Official Plan and the regulations to which the variance applies.



Appendices #7



2021 N



30.3.4 Detection, Alarm, and Communications Systems.

30.3.4.1 General.

30.3.4.1.1

Apartment buildings four or more stories in height or with more than 11 dwelling units, other than those meeting the requirements of 30.3.4.1.2, shall be provided with a fire alarm system in accordance with Section 9.6, except as modified by 30.3.4.2 through 30.3.4.5.

30.3.4.1.2

A fire alarm system shall not be required in buildings where each dwelling unit is separated from other contiguous dwelling units by fire barriers (see Section 8.3) having a minimum 1-hour fire resistance rating, and where each dwelling unit has either its own independent exit or its own independent stairway or ramp discharging at the finished ground level.

30.3.4.2 Initiation.

30.3.4.2.1

Initiation of the required fire alarm system shall be by manual means in accordance with 9.6.2, unless the building complies with 30.3.4.2.2.

30.3.4.2.2

Initiation of the required fire alarm system by manual means shall not be required in buildings four or fewer stories in height, containing not more than 16 dwelling units, and protected throughout by an approved, supervised automatic sprinkler system installed in accordance with 30.3.5.1.

30.3.4.2.3

In buildings protected throughout by an approved, supervised automatic sprinkler system in accordance with 30.3.5, required fire alarm systems shall be initiated upon operation of the automatic sprinkler system.

RM

Appendices #8



2021 N



30.3.4.6.5

Where carbon monoxide detectors are installed in accordance with 30.3.4.6.4, the alarm signal shall be automatically transmitted to an approved on-site location or to an off-premises location in accordance with *NFPA 72*.

30.3.5 Extinguishment Requirements.

30.3.5.1 General.

All buildings shall be protected throughout by an approved, supervised automatic sprinkler system installed in accordance with 30.3.5.1 through 30.3.5.6.



30.3.5.1.1

Where an automatic sprinkler system is installed, the system shall be in accordance with Section 9.7, as modified by 30.3.5.5.



30.3.5.1.2

In apartment buildings up to and including four stories in height, that are located in buildings not exceeding 60 ft (18.3 m) in height above grade plane, systems in accordance with *NFPA 13R* shall be permitted.

30.3.5.2 Attics.

Where located in a building of Type III, Type IV, or Type V construction designed in accordance with 4.6.3(5) and where the roof assembly is located more than 55 ft (17 m) above the lowest level of required fire department vehicle access, attics shall comply with 30.3.5.2.1, 30.3.5.2.2, and one of the following:

- (1) Attics shall be provided with sprinkler protection.
- (2) Attics shall be constructed with noncombustible materials.
- (3) Attics shall be constructed with fire-retardant-treated wood
- (4) Attics shall be filled with noncombustible insulation



Appendices #9

- i. An amendment to a Zoning map established in this Bylaw; or ii. An amendment to the text of this Bylaw.
- 2) The appellant shall file a Notice of Appeal with the Commission within 21 days after the date of the decision being appealed.
- 3) For the purposes of provision (2), where an appeal is filed in respect of an amendment to this Bylaw, the 21-day period for filing a notice of appeal commences on the date that the Council of Three Rivers gave final reading to the amendment to the Bylaw.
- 4) The Notice of Appeal under provision (2) shall be made in writing and shall state the grounds for the appeal and the relief sought.
- 5) A person filing an appeal under provision (2) shall, within seven days of filing an appeal with the Commission, serve a copy of the Notice of Appeal to the Council of the Town of Three Rivers.
- 6) Despite the provisions of this section, no appeal may be filed respecting a decision of Council respecting:
 - a) The final approval of a subdivision where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of the subdivision; or
 - b) The final approval of a subdivision or Development Permit within a resort development, where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of that subdivision or development.

3.10. Licenses, Permits and Compliance with Other Bylaws

- 1) Nothing in this Bylaw shall exempt any person from complying with the requirements of any other Bylaw in force within the Town, or from obtaining any license, permission, permit, authority, or approval required by any other Bylaw of the Town, or statute or regulation of the Province of Prince Edward Island or the Government of Canada.
- 2) Where the provisions of this Bylaw conflict with those of any other Town of Three Rivers Bylaw or any regulations or codes of the Province of Prince Edward Island, the higher or more stringent requirement shall prevail.

3.11. Enforcement

- 1) The Development Officer, or Designate, is authorized, with cause, to enter any land, building, or structure in the Town, provided that:
 - a) Such entry is not excessive or by force;
 - b) The entry occurs at a reasonable time; and
 - c) The entry is for the purpose of making an inspection or examination relating to this Bylaw.

Appendices #10

**Minutes
Town of Three Rivers
Special Council Meeting**

Date: February 11, 2019
Time: 6:00 pm

Members Present Eddie MacAulay, Wayne Spin, Debbie Johnston, John MacFarlane, Jane King, Alan Munro, Gerard Holland, Ronnie Nicholson, Cameron MacLean, David McGrath, Cindy MacLean, Cody Jenkins, Isaac MacIntyre,
Others Present CAO Jill Walsh, Andrew Daggett, about 17 public, 1 media.

1. Call to Order

Mayor MacAulay called the meeting to order at 6:00 pm.

2. Approval of Agenda

Moved By Cody Jenkins
Seconded By Wayne Spin
To approve the agenda.

Carried (19-16)

3. Disclosure of Conflict of Interest

There were no declarations of conflict.

4. Delegations, Special Speakers and Public Input

4.1 Letters received

Mayor MacAulay referenced the four letters received and asked the writers of the letters if they wanted to speak to their submissions. None spoke at this time as all felt the letters said what they wanted to express.

4.1.2 Letters received after the agenda was sent out

4.2 Jock Beck

Mr. Beck spoke to the rezoning application on behalf of the Montague Volunteer Fire Department (MVFD). He suggested that a through street from MacIntyre Ave. to Main Street via the Wightman Street right-of-way would decrease traffic on MacIntyre rather than increasing it. It would give residents an option to go that way and also give a secondary exit and emergency route to bypass the Queens Road/Main Street intersection. He also expressed concern over the proposed four stories of the apartment complex given the capabilities of the MVFD. He suggested that the Town should consult with the Fire Departments on large scale projects in their areas.

4.3 Don Sutherland

Mr. Sutherland expressed his concern about a through street and thought it would bring heavier traffic to MacIntyre Ave. rather than easing it. He stated that the residents were told when Connolly Cres was developed that no access through from MacIntyre Ave to Main Street would be granted. He suggested that the developer place the apartment building behind the Superstore.

4.4 Boyd Munn

Mr. Munn expressed his concern that the property to be rezoned was sufficiently large to allow for three more similarly sized units beyond the one being proposed.

4.5 Norm Coffin

Mr. Coffin purchased his home at 316 Connolly Cres about a year ago and expressed concern about the size of the property proposed to be rezoned, expressing that many more units could be built with no further input from the public if the rezoning is approved. He questioned if a portion of the property closer to the Superstore could be rezoned and accessed from Main Street.

4.6 Other comments

Councillor Nicholson - suggested that access should be from Main Street and there might be a need for a fence for separation.

Jock Beck - thought Council should consider constructing a sidewalk from Queens Road to at least the hospital.

Dot Campbell – suggested it would be beneficial to plan ahead so actions taken now would contribute toward the eventual development of the whole piece of land.

5. Decision on Rezoning of Property PID 934364

After much discussion and some suggestions from the Council and public, Mayor MacAulay requested that the discussion go back to the Planning Board for input from the developer, residents, Dept. of Transportation and the Planning Board, with a recommendation to come to the March meeting of Council.

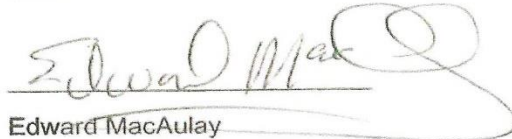
6. Adjournment

Mayor MacAulay adjourned the meeting at 6:44.



Jill Walsh

CAO



Edward MacAulay

Mayor

Appendices #11

February 11, 2019

Members of Three Rivers Planning Board

Ladies and Gentlemen:

It is my pleasure to appear before this meeting as you contemplate the various factors impacting on the proposed project .

The operations carried out by the Fire Department follow logical progressions .They include, among others, planning, assessment, equipment acquisition, recruitment, training, operation, and co-operation. All these keep in mind necessary redundancy , flexibility and a measure sometimes of open-minded ingenuity.

Many of these factors must be considered in municipal planning as well!

Future planning would surely suggest that cul-de- sacs should be replaced by through streets when ever possible from a snow removal and fire protection supply point of view. Creation of portions of land which may be difficult to access seems counter- productive. Apparatus turning radius, water supply, snow piling, exit planning, and many other factors come into play.

The suggestion that anything should be constructed in housing that exceeds three stories in height should be rejected given our present capability for rescue beyond that height.

The idea that significant project planning should seek input from the agency tasked with its protection prior to project approval seems sensible. In many cases, those agencies would defer to Provincial Authorities but perhaps would still be able to offer helpful suggestions.

Respectfully submitted,



John M. Beck

Deputy Chief

Montague Volunteer Fire Brigade

Appendices #12



2017 N



1.3.3.4

Buildings with equivalency, alternatives, or modifications approved by the AHJ shall be considered as conforming with this standard.

1.3.3.5

Each application for an alternative fire protection feature shall be filed with the AHJ and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The AHJ shall keep a record of actions on such applications, and a signed copy of the AHJ's decision shall be provided for the applicant.

1.3.4 Requirements.

1.3.4.1

This standard shall be enforced by the authority having jurisdiction (AHJ) designated by the governing body.

1.3.4.2*

The AHJ shall have the authority to apply the requirements in this standard that are specifically addressed for buildings or other structures that are deemed to possess significant life or property loss potential.

1.3.4.3

If the fire department is not the AHJ, the AHJ shall consult with the fire department on all matters relative to the enforcement of this standard to ensure that the needs of the fire department are met in providing fire protection.

1.3.4.4 Provisions in Excess of Standard Requirements.

Nothing in this standard shall be construed to prohibit a better development plan, building construction type, fire protection infrastructure, or an otherwise safer condition than that specified by the minimum requirements of this standard.

1.3.4.5

The AHJ shall use recognized fire protection measures to meet local conditions because this standard does not set forth general fire



Appendices #13



2017 N



access to within 30 ft (9.144 m) of an exterior wall.

6.2 Building Separation.

6.2.1

Unless governed by other locally adopted regulations, any building shall be separated from another building by at least 30 ft (9.144 m) and shall be set back at least 30 ft (9.144 m) from a property line.

6.2.1.1

If adjacent buildings are both protected with automatic sprinkler systems meeting NFPA 13 the separation between the structures or separation from a property line shall be permitted to be reduced to 15 ft (4.5 m).

6.2.1.2

If an accessory building is 400 ft² (37 m²) or less in ground floor area, the separation from the principal structure shall be permitted to be reduced to 15 ft (4.5 m) where both buildings have a separation from a property line of at least 30 ft (9.144 m).

6.2.1.3

If an accessory building is 400 ft² (37 m²) or less in ground floor area, the separation from a property line shall be permitted to be reduced to 15 ft (4.5 m) where the accessory building has a separation from the principal structure of at least 30 ft (9.144 m).

6.2.2

Any building that exceeds two stories or 30 ft (9.144 m) in height above average adjacent ground elevation and is not protected by an automatic sprinkler system installed and maintained according to NFPA 13 or NFPA 13R, shall be separated from any other structure by at least 50 ft (15.2 m) and shall be set back at least 30 ft (9.144 m) from a property line.

RM

Appendices #14



2017 N



access to within 30 ft (9.144 m) of an exterior wall.

6.2 Building Separation.

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RM

Appendices #15

9

Being that it's sprinkled, there was no discussion with fire department by the way, but being that it's sprinkled, for like safety concerns, I guess that would fit.

But there are still some things as Doctor Johnson brought up this evening. Perhaps were all the I's dotted and T's crossed and the whole thing. So before I make any decision on this I would like to definitely see what the Department of Transportation has to say about the traffic flow. We do know there's an issue of traffic in this area. So I would like to get a final on that as well. Thank you.

Speaker 2 – Mayor Johnston

Would you like to speak to that, the traffic? There is a condition here.

Speaker 11 – Development Officer Lee Kenebel

Thank you Your Worship. We do know that this area is zoned for higher densities. We've gone through the full plan process to designate that within this area. So we've known for quite a long time, many years, that higher density development and associated higher increase in traffic would follow. That's inevitable where we are requiring spaces to be provided with every unit. So we are going to see those.

I appreciate the concern regarding the traffic study. It is obviously aligned at Main St. as a whole, and it's not specific to this development. The conditions requiring entranceway permits and to secure those additional permits is no different than securing a building permit or any other permits that would be required and that could end up facilitating further discussion with highways. But we wouldn't consider it a reason to withhold a decision when that process under different legislation would be in place.

You are correct, this is sprinklered and that's becoming a more common feature and obviously we've heard tonight about the considerations of fire in these larger structures and we likely we will see more and more of them come through as we try to achieve higher densities within the allocated sites.

Have we dotted the I's and crossed the T's? I believe we have. Absolutely we have, otherwise this wouldn't be before you today.

We know the variance letter worked because we've had representation tonight on that very same subject. Were all the variance letters sent out? I physically measured every property within 100 meters and then we used the software to calculate that too, and we got the same number and the same number of properties out of it.

I can't comment any further than that, as far as I can assure council and Your Worship that the letters were sent out to those properties. I'm not sure what more we could do there.

Again, know we're working on a tree bylaw. That's an active piece of work. It's not obviously ready for tonight, so and it wasn't ready to take into account at the time of Planning Board. What influence that would have had on development? I can honestly

Appendices #16

8

Condition 1: The permit is valid for 12 months from the date of issue.

Condition 2: The methodologies for erosion and sediment control for before/during/after the construction process detailed on Drawing C100 shall be implemented upon the commencement of the development and remain in place until completion of the development hereby approved.

Condition 3: This applicant is required to secure any access/entrance permits through the Department of Transportation and Infrastructure.

Condition 4: The approved plans are:

- The completed application form.
- Drawings A001, A002, A030, A100, A101, A102, A200, A300, A301 and C100 dated May 12, 2023

Speaker 9 – Councillor Munro

So moved.

Speaker 2 – Mayor Johnston

Moved by Councillor Munro. Second. Do we have a seconder for the motion?

Speaker 8 – Councillor John Van Dyke – Chair of Planning Board Committee

I'll second it.

Speaker 2 – Mayor Johnston

OK. All in favor of the motion? Any questions or discussion of the motion? Go ahead.

Speaker 10 – Councillor MacFarlane

Thank you Your Worship. I do have some considerations on this. I would like to see the response from the Department of Transportation on the traffic flow as a consideration. I assume that the building is sprinkled?

Unknown Speaker

Correct.

Speaker 10 – Councillor MacFarlane

There is a letter on file and here from the Montague Volunteer Fire Department that says that the department would only be able to handle a building up the three stories. This building is four stories on the north side and three stories on the South side.

We did have another building that was proposing five stories and the developer dropped it down to three stories. The APM building (mumbling).

Being that it's sprinkled, there was no discussion with fire department by the way, but being that it's sprinkled, for like safety concerns, I guess that would fit.

But there are still some things as Doctor Johnson brought up this evening. Perhaps were all the I's dotted and T's crossed and the whole thing. So before I make any decision on this I would like to definitely see what the Department of Transportation has to say about the traffic flow. We do know there's an issue of traffic in this area. So I would like to get a final on that as well. Thank you.

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Speaker 11 – Development Officer Lee Kenebel

Thank you Your Worship. We do know that this area is zoned for higher densities. We've gone through the full plan process to designate that within this area. So we've known for quite a long time, many years, that higher density development and associated higher increase in traffic would follow. That's inevitable where we are requiring spaces to be provided with every unit. So we are going to see those.

I appreciate the concern regarding the traffic study. It is obviously aligned at Main St. as a whole, and it's not specific to this development. The conditions requiring entranceway permits and to secure those additional permits is no different than securing a building permit or any other permits that would be required and that could end up facilitating further discussion with highways. But we wouldn't consider it a reason to withhold a decision when that process under different legislation would be in place.

You are correct, this is sprinkled and that's becoming a more common feature and obviously we've heard tonight about the considerations of fire in these larger structures and we likely we will see more and more of them come through as we try to achieve higher densities within the allocated sites.

Have we dotted the I's and crossed the T's? I believe we have. Absolutely we have, otherwise this wouldn't be before you today.

We know the variance letter worked because we've had representation tonight on that very same subject. Were all the variance letters sent out? I physically measured every property within 100 meters and then we used the software to calculate that too, and we got the same number and the same number of properties out of it.

I can't comment any further than that, as far as I can assure council and Your Worship that the letters were sent out to those properties. I'm not sure what more we could do there.

Again, know we're working on a tree bylaw. That's an active piece of work. It's not obviously ready for tonight, so and it wasn't ready to take into account at the time of Planning Board. What influence that would have had on development? I can honestly

Appendices #17



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Calculating Minimum Water Supplies

4.1 General.

4.1.1

Prior to calculating the minimum water supply for a structure, the structure shall be surveyed to obtain the following information:

- (1) Occupancy hazard
- (2) Type of construction
- (3) Structure dimensions (length, width, and height)
- (4) Exposures, if any

4.1.1.1

For new construction, plans shall be submitted to the fire department or the AHJ for determination of the minimum water supply required before construction is started.

4.1.1.2

Changes made in the structural design, dimensions, occupancy, or contents of a planned or existing structure that affect the occupancy hazard or the construction type shall require that the structure be resurveyed to determine if changes are necessary in the minimum water supply required.

4.1.1.3

If there are changes in automatic fire suppression systems in a structure that would affect the protection afforded, the property owner(s) shall notify the AHJ in writing of such changes, including temporary impairment.

4.1.2*

The methodology in this chapter shall be used to calculate the required minimum water supply necessary for structural firefighting purposes.



Appendices #18

3. Functions of Deputy Fire Marshal

- (1) The Deputy Fire Marshal may act in the place of the Fire Marshal
- (a) in the absence of the Fire Marshal from his post of duty;
 - (b) during the Fire Marshal's illness or other physical disability;
 - (c) in case of a vacancy in the office of Fire Marshal; or
 - (d) when ordered to do so by the Fire Marshal,
- and when so acting has all the powers and authority of the Fire Marshal.

Powers

- (2) The Deputy Fire Marshal, when conducting an inquiry into the cause, origin and circumstances of a fire, has the same powers as are given the Fire Marshal under this Act. *1983, c.16, s.3; 1997, c.18, s.1.*

4. Designation of inspectors

The Fire Marshal may designate any person as an inspector for the purposes of this Act and shall issue to each inspector a card or certificate as evidence of the designation. *1983, c.16, s.4.*

5. Local assistants

- (1) The Fire Marshal may appoint the following persons as local assistants:
- (a) in a municipality that maintains a fire department,
 - (i) the chief of the fire department, and
 - (ii) any other member of the fire department authorized by the fire chief to act as a local assistant; and
 - (b) in a municipality where no fire department is maintained, the mayor or chairman of council or any other fit and proper person.

Functions of local assistants

- (2) A local assistant
- (a) shall perform the duties required of him by this Act; and
 - (b) may within the jurisdiction for which he is appointed administer this Act and regulations,
- but shall commence no proceedings to enforce this Act or regulations unless he obtains the consent of the Fire Marshal. *1983, c.16, s.5.*

6. Duties of Fire Marshal

- (1) The Fire Marshal shall enforce all laws in force in the province relating to
- (a) the prevention of fires;
 - (b) the storage, sale and use of combustibles and explosives;
 - (c) the installation and maintenance of automatic or other fire alarm systems and fire-extinguishing equipment;
 - (d) the construction, maintenance and regulation of fire escapes;
 - (e) the means and adequacy of exit in case of fire from factories, psychiatric facilities, hospitals, churches, schools, halls, theatres, amphitheatres and all other places in

which numbers of persons work, live, congregate or are detained from time to time for any purpose; and

- (f) the suppression of arson and investigation of the cause, origin and circumstances of fires.

Other functions

(2) The Fire Marshal shall

- (a) collect and disseminate information with regard to fires in the province;
- (b) investigate conditions under which fires are likely to occur;
- (c) study methods of fire prevention; and
- (d) render such advice and make such recommendations as he may consider advisable with regard to
 - (i) the establishment and administration of fire brigades and fire departments,
 - (ii) the provision of adequate water supply for fire fighting,
 - (iii) the enactment and enforcement by municipalities of bylaws for the prevention of fire or the protection of life and property against fire,
 - (iv) the means and adequacy of fire alarms and smoke detectors in buildings and of exits from buildings in case of fire.

Emergency measures

- (3) Where an emergency arises from a fire hazard or from a risk of explosion that causes the Fire Marshal or an inspector to be apprehensive of imminent and serious danger to life or property, or of a panic, he may forthwith take such steps as he thinks advisable to remove the hazard or risk and he may cause the evacuation of any building or area and he may direct the police or fire prevention authorities having jurisdiction to assist him. *1983, c.16, s.6.*

7. Powers

- (1) The Fire Marshal, in carrying out his duties under this Act, may exercise the powers of a peace officer but is not empowered to carry a firearm.

Conflict of jurisdiction

- (2) Where there is conflict between the authority of the Fire Marshal and that of an official of any municipality in respect of any matter falling within the functions of the Fire Marshal under this Act, the authority of the Fire Marshal shall prevail.

Assistance

- (3) The Fire Marshal may request the assistance of one or more police officers for the service of any summons or order issued by him.

Idem

- (4) It is the duty of a police officer to provide assistance to the Fire Marshal where requested under subsection (3). *1983, c.16, s.7.*

8. Duties in municipalities

Nothing in this Act requires the Fire Marshal or inspectors to perform in any municipality any of the duties prescribed by bylaws of the municipality other than the investigation of or inquiry into the origin of fires. *1983, c.16, s.8.*

Respectfully submitted;

A handwritten signature in black ink, appearing to read "Randy MacDonald", written over a horizontal line.

Randy K. MacDonald
RKM Fire Safety Consulting

