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**MISCELLANEOUS DOCUMENTS**

Prepared on behalf of the Appellants, Geraldine Johnston-Grinton & Paul Grinton

**IN THE MATTER OF GERALDINE JOHNSTON-GRINTON & PAUL GRINTON v.  
TOWN OF THREE RIVERS**

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**DEREK D. KEY, K.C. and  
SHEA L. CALLAGHAN  
Key Murray Law  
494 Granville Street  
PO Box 1570  
Summerside, PE C1N 5Y1**

**Lawyers for the Appellants,  
Geraldine Johnston-  
Grinton &  
Paul Grinton**

**MELANIE MCKENNA  
Cox & Palmer  
Dominion Building  
97 Queen Street, Suite 600  
Charlottetown, PE C1A  
4A9**

**Lawyer for the  
Respondent,  
Town of Three Rivers**

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TAB 1

**Questions for Town Hall Meeting June 26, 2023**  
**Re Development of PIDs 196717, 197921 & 198051**

1. What date did the Three Rivers Official Plan get approved? March 2023?
2. What date did the Three Rivers Development Bylaw get approved? March 2023?
3. What date did a zoning amendment occur such that the zone where I live, along with the proposed lot development, was changed from a C1 zone to a MU zone?
4. Was this an official amendment to the Zoning Bylaw?
5. Was a zoning amendment notification sent out to those who live within 150 meters? See 3.8 (2) (a) of the March 2023 Development Bylaw re this requirement.
6. Why would I have not received such notification of the change to my zone?
7. Why was the zone changed?
8. Was it changed because of the requirement (of the older Town of Montague 2017 zoning bylaw) for multi-unit dwellings to have amenity spaces?

The 2017 zoning bylaw stated Unit dwellings with three or more dwelling units shall provide amenity areas of not less than 100 square feet for each bachelor or one bedroom unit; 300 square feet for each two-bedroom unit; and 500 square feet for each three bedroom unit.

9. Does the new apartment building have amenity spaces in this square footage?
10. Is this a requirement of the new bylaw- to have such amenity spaces?
11. Is this why the bylaw zoning was changed in May 2023- in order to accommodate this development and these builders?
12. Did this developer apply when the 2017 Bylaws were in force or the 2023 Bylaws?
13. Why was I not notified of the zone change before or in May 2023?
14. For the three property ID's 196717, 197921 and 198051 what is the total of the square footage of these lots taken together?

15. What category are these lots classified as per appendix A of the new bylaw?
16. What is the square footage of the first storey level of the building?
17. What is the square footage of the 4 levels with apartments and commercial space?
18. What is the square footage of the underground parking?
19. What is the frontage of the lot in feet?
20. What is the frontage of the building in feet?
21. Regarding the major zoning variance, please confirm that notice of the application to property owners within 100 meters or 328.1 feet of the development property was done.
22. Regarding this variance, which was approved by the planning board, if there is no variance granted by Council, will this building be a three storey or a four storey building?
23. If the answer without the granted variance is still four storeys, how much of the first storey will have to go underground? (Since 5.9 feet above ground is considered a storey.) And would this be allowed on top of a parking garage underground in this site category of lot?
24. What is the height for each storey level in the building? ( <13.8 ft high)
25. What is the setback area around the building? It is unclear to me from the drawing plans of May 12/ 23? This question was not answered when I visited the town hall June 23/23.
26. When were the drawing plans of May 12<sup>th</sup>, 2023 made available to the public? When were we notified of this?
27. Has the setback area decreased from the requirements in the bylaw of 2017?
28. The current Zoning Bylaw has smaller setback requirements than the previous bylaw. Was the current Zoning Bylaw amended to accommodate smaller setback requirements for the development of this building?
29. For the R3 zone, the minimum lot area per dwelling unit is 2960.1 square feet. This times 22 units = 65,122.2 sq ft. Is this the minimum lot area of this building? With or without the driveway, garage entrance?

30. Regarding parking, for an apartment dwelling there are 1.5 parking spaces required for each unit. With 22 units this would mean 33 parking places. Does the underground parking accommodate 33 parking spaces?
31. For commercial space parking, one parking space is needed for every 300 square feet of commercial space. I understand the commercial space in this building is 3837 square feet, which would mean it would need 12.8 parking spaces. Are there 12.8 parking spaces available for this commercial space? Where are they located?
32. Has consideration been given to tenants and visitors to this building (and commercial space) to park on the streets that are already too narrow and without sidewalks?
33. I understand there is such a thing as a special permit use for special exception development? Was such a permit issued for this development?
34. Is this development considered by Council to be architecturally compatible with the surrounding buildings on Main Street, Fraser St, School St and Riverside Drive?
35. Has consideration been given to surface water runoff from this building site? Will there be storm sewers installed in the streets?
36. Has consideration been given to snow removal from on and around this building and where this snow will be placed?
37. Has consideration been given to the traffic that will be increased around this building? Both traffic on Main Street and Riverside Dr. will increase. This corner is very busy now. Riverside Dr. is not wide enough as it is.
38. Will Riverside Drive be widened as a result of this development?
39. Is there an allowance for sidewalks to be added to Riverside Drive or the streets surrounding this building with the increased foot traffic?
40. Has consideration been given to school buses arriving at the local junior high school which is located very close to this building?
41. Has consideration been given to the presence of this building within close proximity to a school?
42. Is the new height of this building, as the second tallest building in Montague, going to set a precedent for the height of future buildings along Montague's waterfront? Do the residents of the town want this?

43. Is the construction of this building going to set a precedent for the construction of other multi-unit dwellings along our waterfront? Do the residents of the town want this?

44. In the November 2021 draft Official Plan there was a suggestion of a tree bylaw. Has this been developed?

I own one of the oldest trees in Montague. I have a red oak tree on my front lawn that is almost 3 ft feet in diameter (33.75 inches), with an estimated age of 135yrs. This tree type was proclaimed the Provincial tree of Prince Edward Island in 1987. My tree has withstood many tropical storms including hurricane Fiona. My tree sits very close to the boundary of my lot on Fraser Street. The tree is within 6 feet of the street. The street is 22 ft wide. I firmly believe that the roots of my oak tree go beneath Fraser St. over into the development lot. Oak tree roots spread wider than other tree species. From my research, the roots of a mature oak tree can spread outward 75-250 ft. The majority of the roots are in the top 18" of the soil. How can I be assured that the digging in this lot development is not going to damage my beautiful oak tree?

I also have three very tall pine trees on my front lawn that are within a number of feet to the street. The branch width to the drip line of these trees is about 25 feet. From my research, these trees also have roots that grow in the top 12 to 18 inches of soil and extend two to three times the distance of the drip line or in my case 50 to 75 feet out.

These roots would also be going under the pavement on Fraser St. across into the development lot. How can I be assured that the digging in this lot development is not going to damage my 3 big pine trees?

I will refer you to a website regarding tree growth:

<https://www.trees.org.uk/Trees.org.uk/files/61/6181f2b7-e35d-4075-832f-5e230d16aa9e.pdf>

“ any soil disturbance within the rooting zone will damage tree roots and should be avoided. Within the rooting area the following should especially be avoided: soil stripping and sight grading; Trenching even a shallow(<150mm) trench, soil compaction by movement of vehicles or storage of materials; deposit of toxic or impermeable materials.”

45. Why was the shadow study for this development done starting at 9:00 AM in the morning? The sun rises well before 9:00 AM in the morning in June of every year. On March 21<sup>st</sup>, 2023 the sun rose at 7:14 AM. On June 21<sup>st</sup>, 2023, the sun rose at 5:20 AM. I can watch the sunrise from my house every morning right now. You can be assured that when this building goes up, I will never see a sunrise again and not likely see any light from the sun until after 9:00 AM every day.

46. Is the town assured that our Volunteer Fire Department is able to handle a fire in this four storey building so close to the other structures surrounding it? This is a significant risk to consider.
47. Is this building development currently in full compliance with the Three Rivers Official Plan and with the Zoning Bylaw?
48. Was this building development in compliance with this Official Plan and Zoning Bylaw in April of this year 2023?
49. Was the Zoning Bylaw changed at any time after February 2023 in order to accommodate the building of this multi-unit dwelling?
50. I was told on June 23/2023 when I visited the town office that the zone where I live (and where the lot development site is) was changed from C1 to MU in May 2023. Why were the people living within this zone not notified of this change at that time? I believe this is a current Bylaw requirement?

Lastly, please consider this document a written objection to the lot development for this building and the minor variance proposed. I believe this would now require the town council to hold a public hearing on this development. See 3.8 (2) (e).

When I attended the Planning Board meeting on June 22nd, 2023, I verbally stated my objection to this development (and variance). I was not advised that night by this body that my objection had to be in writing. In addition, there is an error in this section of the bylaw in 3.8 (2)(e) where it references 3.2(8)(c), making it very unclear what is actually required.

Please also consider this document an appeal of the decision of the Planning Board of Three Rivers' decision on June 22, 2023- if such is allowed.

I fully believe more thoughtful consideration has to be put into this project development at this time, and not just for myself, but for the town as a whole.

Sincerely,

Dr Geraldine Johnston- Grinton



TAB 2

July 10, 2023

**Objection to 22 apartment development with ground floor commercial space on School Street, Montague, PIDs: 196717, 197921, 198051, Case 35.23.DEP and**

**Objection to the variance granted for maximum height requirement**

I wish to formally state my objection to the development of a 22 unit apartment building with ground for commercial space on school Street, Montague, PIDs 196717, 197921, 198051, Case 35.23.DP and my objection to the major variance granted for maximum height requirement. I would like to note that all property owners within 100 metres of the development property subject to the application were **NOT** notified. I spoke with one such property owner a little over a week ago and they knew nothing of the proposed development of the apartment building. They had not received any notification of this. **The Council is not compliant with their own ByLaw by not notifying all property owners within 100meters. Section 3.8 (2) (b) of 2023 Bylaw. Along this same line, the notice that was mailed out to me (Variance Notice) did not comply with Section 3.8 (3) (d) & (e) of the 2023 Bylaw. The Council was also not compliant with this section of their own Bylaw in this mailing.**

**Per Section 37 and 38 (2)(b) of the 2023 Bylaw, I believe the Development Permit Application and the Major Variance Application are separate applications and should have been presented as such at the Planning Board, with separate motions to approve forwarding 1 or both applications to Council. Rather, they were presented as if there was only one application to build this building with this variance. I believe the Planning Board of the Council was not in compliance with the 2023 bylaw in approving these two applications one.**

1. I believe the height of this building is too tall for the area where it will be developed. It is four stories high with a proposed height of 40.9 feet. The proposed variance will grant a 4.8 feet increase above the maximum building height in the zone of 36.1 feet. This represents a 13.2% increase in height. This variance granted was proposed "to utilize a sloping site topography resulting in a variance to address an increase in height." The four stories of the building are located at the top of the slope, not at the bottom, meaning the slope really has nothing to do with the proposed four storeys. It only has to do with the architectural design of the building. I could understand a variance being granted if the building were to have four storeys at the bottom of the slope to meet the height of three stories at the top of the slope but this is not the case. **\*\*\*Insert something here re the official town plan which I am told says up to 3 storeys only.\*\*\***

According to the Three Rivers 2023 Development Bylaw there are five reasons taken together (the wording is 'and' not 'or') to consider a **minor** zoning variance: And the Council in it's discretion may also authorize these variances in excess of 10% from the provisions of the Bylaw for the same reasons. The one that this development does not meet is:

- 1- the need for the variance is due to particular site conditions or unique attributes of the property or development that **generate undue hardship in meeting the zoning requirement; Section 3.6 (1) (b) of the 2023 Bylaw**

Clearly the variance is not needed because of an undue hardship in meeting the zoning requirements. The variance is needed only so that the developer can go to four storeys with 22 apartment units, rather than 3 storeys and possibly fewer units. A three storied building without stepped segments could likely accommodate 22 units.

I believe the Town Council is not compliant with their own bylaw if they approve the variance for height; and they are likely not aligned with their Town Official Plan as well.

2. This building will be the second tallest building in Montague located a block up from the waterfront, obstructing the view to the waterfront.  
Allowing this building to be constructed at this site will likely set a precedent for other tall multi-unit buildings in the downtown core near the waterfront. Does the town want this? Do the residents in the town of Montague want this? A waterfront area full of high-rises, apartments and condos?
3. The architecture of this building is really quite modern. For those who haven't seen the plan the building starts with four floors on the highest portion of the lot on School Street and then the building steps down 3 levels going down toward Riverside Drive. So the steps are a four storey segment, to a three storey segment, to a two storey segment. Beneath all of the building is an underground parking garage. The design of the building is quite beautiful, but it really does not match the architecture in the surrounding buildings in the area because it is so modern.
4. There are large decks on the lower roofs facing the waterfront and facing Main Street. I was advised that these decks help to make up the amenity space in the building construction. Amenity space was a requirement in the older Montague Town Bylaw. It was defined as any "yard space", that is usable and not occupied by another building or used as a driveway or parking space... and an amenity area shall be a space set aside for recreational purposes such as communal play areas, recreation rooms, roof decks, balconies, swimming pools, tennis courts, etc." It was meant to mean yardage outside the building and meant to be common areas where tenants could gather. There is **NO** definition for amenity space in the new bylaw of 2023.

I suspect the walk-out decks on the roof tops for this new building are private spaces attached to the owners' units and not for common use. They are not amenity areas. It is clear from this design that this building is not meant for affordable housing as was suggested at the planning board meeting on June 22, 2023. In fact, at a meeting I attended on July 6, 2023 at the Townhall, I was told this building is going to be a condominium building. I was asked by one Townhall staff if he should advise the developer that I would not be interested in a penthouse condo in the building.

5. This building will have commercial space on the first floor facing School Street. At the planning board meeting of June 22, 2023, it was stated that Montague needs more commercial space. However, there is a great deal of commercial space available along

Main Street that is unused, so to say we need more commercial space is just not true. We need to develop, renovate and revitalize the main street of the town.

6. The zone which I live in and the zone in which this building will be developed previously was a C1 zone in the old Montague Bylaws of 2017. With the development of the new Three Rivers Bylaws passed by Gov't on May 26, 2023, the zone was changed to a mixed-use zone. With this change in nomenclature came a change to other requirements. In the old 2017 bylaw, the setbacks for around this building would be: for the front yard and rear yard -20 ft and for the side yards -10 ft.

With the new zone change to MU, the minimum setbacks for front yard, and flankage yard (side yard to street) are 3.9 feet; the interior side yard is 8.2 feet and the rear yard setback of 24.6 feet. (Section 6.8.3 of new bylaw.)

Nowhere on the site development plans provided to me at my request, are the measurements for the setbacks documented. As per section 3.2.3.(2) "every application for development permit shall be accompanied by a plan drawn to an appropriate scale and showing...(b)-the distance from the lot boundaries, dimension and height of the building or structure proposed to be erected". Also not provided on the site development plan that I was provided is the actual measurement of the frontage of the building on School St, nor the depth/length of the building into the lot down to Riverside Dr (the dimensions). These are measurements that are required for a development plan to be approved by Council, and as such I would say that **this development plan does not meet the requirements of the new bylaw. I believe the Council is not compliant with their own ByLaw.**

Does the town Council know where the boundary lines are for these lots? Does the town Council know the dimension of the front of the building? Does the town Council know the length of the building going down the slope from school Street to Riverside Drive?

If there is another 2<sup>nd</sup> site development plan with these required measurements on it, why was I not provided with a copy of this plan? I was advised at the Planning Board meeting that I had the right to see and ask for a copy of the site development plan.

**\*\*\*Perhaps Council is again not in compliance with the 2023 by law by not providing me with the proper information I requested?\*\*\* need to check this one.**

7. After having attended three meetings about this construction I still do not know where the side of the building on Fraser Street, will be located. I was advised that there is a (likely) right-of-way of 66 feet on Fraser Street, as in most other streets. (Though my street is older and the ROW may differ.) My street is 22 ft wide. This would mean the line of the right-of-way (and lot boundary line) is 22 feet from the curb on Fraser Street into the development lot. I was also told that the setback for the building would be 26 feet (which is measured from the boundary line). This would all add up to **48 feet from the curb** - where the face of the building on Fraser Street would be. I do not believe this to be true. I do not believe that a lot with a width of ~130 to 150 feet will have an empty space of 48 feet inward from the curb on Fraser St. I suspect the right-of-way on Fraser Street is not 66 feet as I have been led to believe. So, I still don't know where the

side of the building will be located in the lot? And someone at the town hall should have been able to tell me this!

8. After having attended three meetings about the construction I still do not know what the frontage of the building is on School Street. At the meeting of July 6, Mr. Kenebel stated the frontage of the building would be 120 to 130 feet, but he was corrected by Mr. Donahoe who advised that the frontage would be 241 feet. I do not believe that this is accurate. I asked Mr Donahoe if he meant the square footage of the front of the building was 250 ft and I was told no. The entire width of the block on School Street is likely ~250 feet and the building frontage is not taking up the whole block. The building is being developed on only ~ half of this width. I really do not know who or what to believe?

9. This development plan appears to have spanned two sets of bylaws. This makes it quite confusing trying to determine does the development meet the required bylaw, and which Bylaw applies? At a meeting of council on June 26, 2023, I was advised by Mr Kenebel that this development falls under the 2023 bylaws. **I believe that the development plan which I requested & was given a copy of does not meet the criteria under the new 2023 Three Rivers Bylaw because the site development plan that was provided to me does not have the measured setbacks and building dimensions documented in the plan. Section 3.2.3 2 b).**

Also, under the old bylaw (section 7.6.2), "a driveway access to a local street shall be a minimum of 50 feet from the street intersection". I cannot tell from the site development plan if the entrance to the underground Parkade would meet this requirement under the old Bylaw. Again, there are no measurements.

There is no mention of a driveway access distance in the new bylaw; the bylaw refers you to the provincial Roads Act. This Act was too lengthy for me to read on the weekend. But I believe that a road access permit must be acquired from the province for the building permit to be granted. And I believe that should council decide to grant a development permit, that **no work on this site should be allowed or done until all the necessary permits have been issued and in order- including the road access permit, and the building permit.** I would like to say for those who were unaware, that a bulldozer appeared on this lot ~10 days ago (June 30) and began clearing and leveling the land. This was not supposed to have happened before a development permit is issued. Apparently the developer was advised by the town hall that the grass would have to be cut, but instead of sending equipment to cut grass, he sent a bulldozer. My understanding is that he was then issued a stop work order the same day, after I went to the Town Hall to complain and provided them with photos of the bulldozer. I do believe this does say something about the integrity of the developer.

10. I was told by Mr. Kenebel that the developer first came to the town hall in the spring of 2022 to make inquiries about this development. I was told it was quite common to have developers come in early on asking for information and coming in throughout their development asking questions. I know the shadow study done by Coles Associates Ltd

was dated June 20, 2023, and this study still had Debbie Livingston's house located on her lot on Riverside Drive. Her house was torn down in Sept/Oct 2020, so I would have to wonder if this developer was into the town hall asking questions about his development well before the spring of 2022? I also have to wonder if some of what is written into the new Three Rivers Development Bylaws was possibly done with this site development in mind? I was told the Bylaws were written in draft form over the years 2020- 2023.

11. I have concerns regarding this development and the ability of the fire department to attend to fire at this four-story building (apparently they do not have ladders that go to 4 storeys); I have concerns regarding the increase in traffic flow at the corner of Main Street and Riverside Drive ( a traffic study should be done); I have concerns regarding the water drainage from this developed property down the hill to Riverside Drive (where previously much of the water went into the ground on the undeveloped lot); I have concerns regarding the snow removal around this building and where will the snow be placed; I have concerns regarding parking on the street with visitors to the building and those apartment owners who have two cars (overnight parking on the street is not allowed in winter months at all); I have concerns regarding the proximity of this building to the Junior High School, with increased foot, car and school bus traffic.
12. And lastly, and very important to me, I have great concerns regarding my grand red oak tree. My tree has a circumference of 106 inches and a DBH (diameter at breast height) of 33.75 inches. This tree is estimated to have an age of approximately 135 years. This species of tree was proclaimed the provincial tree of Prince Edward Island in 1987- the year I came to Montague. My tree has withstood many tropical storms including hurricane Fiona and it still stands strong. In addition to a vertical tap root, the oak tree has a root system that extends 2 to 3 times the width of the canopy of the tree. I estimate the canopy of my tree to be approximately 50 feet wide. This means the roots of my tree extend up to 150 feet out from the trunk of the tree on all sides. Oak tree roots spread wider than other tree species and some sites state the roots of a mature oak tree can actually spread 75 to 250 feet outward. From my research these trees have the majority of their roots in the top 6 to 18 inches of the soil; though some sites say up to 4 ft.  
My tree stands on my lawn within 6 feet of the street on Fraser Street. Fraser Street is 22 feet wide. I fully believe that the roots of my oak tree go under the pavement on Fraser Street and across into the lot that is going to be developed. I fear that the excavation of the land across the street from me will damage the roots of my oak tree. My tree would be considered a protected tree in the city of Charlottetown. My tree has been here longer than Montague has been an incorporated town, since before 1917. This tree is likely one of the oldest trees in Montague. It should be considered a Heritage Tree in Montague,  
The city of Charlottetown has a tree bylaw. Montague has no tree bylaw, though apparently I was told that a tree bylaw is in the very early process of development at this time. In Charlottetown, there would be a tree protection zone created around my tree

which when calculated would be 42 ft from the trunk of the tree and going out in a circle all around my tree. The diameter of this circle around my tree would be 84 feet. They would put a chain link fence or orange safety fence up with metal or wooden stakes along this diameter so that you cannot dig within the fence line. 42 feet from the trunk of my tree across the street and into the development lot would mean that at 14 feet inside the lot from the curb would be the fence protection. By using the right-of-way of 66 feet on Fraser Street—the construction would have only ~16 ft from the building wall on my street side, before coming into the fence that protects my tree. I doubt as though this would be enough space for the construction to proceed. Should this development be allowed by Council and should my tree be damaged as a consequence of this development, who is responsible for the care and possible removal of my tree? I really cannot understand why anyone would want to destroy my magnificent oak tree after we lost so many trees to hurricane Fiona?

So, I wish to log this dissertation as my objection to this site development plan.

I would also like to say that I did find some of the interaction with members at the town hall to be difficult. I requested a meeting on two occasions to try to get answers to some of my questions, but was repeatedly refused initially. Eventually a meeting was granted, I believe because someone else stepped in to do this. However, I still did not get clear answers to some of my questions (R-O-W, setbacks, boundary lines, & other measurements). I found one staff member in particular to be quite curt. At one point when I asked about the lot's boundary line, rather than telling me where the line is located, I was told to go to the lot and look for the pegs in the ground, so I could determine the boundary line myself... and this was after the lot had seen a bulldozer. I also want to relay to the Council that trying to get the information I requested has been quite a challenge.

Thank you.

Geraldine Johnston- Grinton

TAB 3



## For Planning Board Meeting July 20/2023

### 1). Development Plan-

I want to say that the first meeting I attended I was told that I could have a **copy of the development plan for this project**. The development plan I was provided has no measurements on it other than land elevation and building height; it has no boundary lines, right of way, or setbacks measurements on it. I have tried multiple times to obtain this information from the town development officer but have not received this as of today.

I have to wonder if the **town development officer knows what the right of way** is on this block of Fraser St or where the **boundary line** for this development actually is? Does the Planning Board and the Council know this information?

And if they **don't know** or ~~did not know at the time this development plan was applied for~~, how can this development plan be approved by council?

~~I am also concerned that perhaps not all the required documents for this application were provided at the time of the application? And again if this is so, how can this development plan be approved by council? I have to wonder if the development plan is legally compliant?~~

### 2). The Height Variance-

This building is **too high for this location**; it will be the **2<sup>nd</sup> tallest** bldg. in Montague located one street from the waterfront. It will be an eyesore on the horizon, obstructing many views.

If you **stand on Riverside Dr** and look up at the dimensions of what this building will be- it is a very very big bldg.

It will be **much taller** than the apt bldg on the corner of Main St and Riverside Drive. It is four stories high with a proposed height of 40.9 feet. ~~The proposed variance will grant a 4.8 feet increase above the maximum building height in the zone of 36.1 feet. This represents a 13.2% increase in height.~~ This **variance granted** was proposed **"to utilize a sloping site topography** resulting in a variance to address an increase in height." The four stories of the building are located at the top of the slope, not at the bottom, ~~meaning the slope really has nothing to do with the proposed four storeys. It only has to do with the architectural design of the building. I could understand a variance being granted if the building were to have four storeys at the bottom of the slope to meet the height of three stories at the top of the slope but this is not the case.~~

According to the Three Rivers 2023 Development Bylaw there are five **inclusive** reasons taken together to consider variance: one of which is:

**"the need for the variance is due to particular site conditions or unique attributes of the property or development that generate undue hardship in meeting the zoning requirement" ; Section 3.6 (1) (b) of the 2023 Bylaw**

Clearly the variance is not needed because of an undue hardship in meeting the zoning requirements. The variance is needed **only so that the developer** can go to four storeys with 22 apartment units, rather than 3 storeys with possibly fewer units. ~~A three storied building without stepped segments could likely accommodate 22 units.~~

\*Allowing this building to be constructed at this site will likely set **a precedent** for other tall multi-unit buildings in the downtown core near the waterfront. Does the town want this? Do the residents in the town of Montague want this? A waterfront area full of high-rises, apartments and condos?

If the building were three stories high I would probably not have as much of an objection.

### 3). Architecture

This building **does not match the surrounding architecture** of the other buildings in the area. The architecture of this building is really quite **modern**, with four floors on the highest portion of the lot on School Street and then the building steps down 2 more levels going down toward Riverside Drive. ~~So the steps are a four storey segment, to a three storey segment, to a two storey segment. Beneath all of the building is an underground parking garage.~~ The design of the building is quite **beautiful**, but it really does not match the architecture in the surrounding buildings in the area because it is so modern. **And it especially does not match the height or comparable size of the surrounding buildings.**

### 4). Parking lot on Main St

This building will give us a “lovely” parking lot on the front corner of Main and School Street. Is this what we want -a parking lot on the main street? I believe there are much **better choices** for development than a parking lot on our Main Street. We don’t need a parking lot on Main St.

### 5). Volunteer Fire Department

This is a major concern when you really think about this- Our fire department not being able to deal with the height of this building. I am told that the fire department has ladders that only go up three stories. This building is proposed to be four stories high; **but realistically**, if you look at the side of the building to the south end of the fourth floor, the height of this floor is really **5 storeys** high ( and it is the same with the deck on the 4<sup>th</sup> storey) because the land is slanting down here and the parking lot storey is now above this level of ground. **The planning board and the council need to examine the drawings of the building that were provided by the developer.** Who will want to live on the top story of this building knowing that in a fire, the fire department cannot get to them when they’re out on their 4<sup>th</sup> floor balcony? Because the Fire Dept. doesn’t have a ladder that reaches to the “fourth floor”. Or even worse, on the fourth floor if they’re stuck out on their front deck facing the river, a ladder that reaches close to six stories high would be needed to get them off their deck. What an imaginable scene this would be?

In 2019, there was an **APM** apartment building to be built behind Superstore that was supposed to be four stories high but then it was changed to 3 storeys high. I am told that this building went from 4 stories to 3 stories because of concerns with the fire department. I was also told that the **Monks** had an application for a 4 storey building that was denied for the same reason.

#### 6). Traffic concerns

I have concerns regarding the **increase in traffic flow** in the area and especially at the corner of Main Street and Riverside Drive (a traffic study should be done); I have concerns regarding the proximity of this building to the **Junior High School**, with increased foot, car and school bus traffic related to the school. I have concerns regarding **parking on the street** with visitors to the building and those apartment owners who have two cars (overnight parking on the street is not allowed in winter months at all).

This block on Fraser St was a **one-way street** in Montague for many years because it is so narrow and then a few years ago it was made into a 2 way street. I really never understood why this was changed – perhaps because of the school buses in the area? It is very **rare to see two cars** going up and down the street at the same time, but it will become more frequent with this building and the increase traffic flow in the area. It's really too narrow for this two-way traffic. And will there ever be room for a **sidewalk** for those who choose to walk up the street?

#### 7). Water Drainage concerns

I have concerns regarding the increased **rain water** that once went into the ground of this lot. Where will it go now? Will it be diverted down to the storm sewers on Riverside Drive. Possibly flooding the streets and flooding into the properties below the street.

#### 8). Snow concerns

I have concerns regarding where all the **snow** around this building will **be placed** in the winter months.

#### 9). Commercial space

This building will have **commercial space** on the first floor facing School Street. At the planning board meeting of June 22, 2023, it was stated that **Montague needs more commercial space**. However, there is a great deal of commercial space available along Main Street that is unused, so to say we need more commercial space is just not true. We need to renovate, redevelop and revitalize the main street of the town. **I suspect the commercial space was simply put into this building plan to meet requirements in the old bylaw?**

#### 10). Affordable housing

~~I suspect the walk-out decks on the roof tops for this new building are private spaces attached to the owners' units and not for common use. They are not amenity areas.~~ It is clear from this design that this building is not meant for **affordable housing as was suggested** at the planning board meeting on June 22, 2023. At a meeting I attended on July 6, 2023 at the Townhall, I was told this building will be a condominium building. **I was asked by one Townhall staff if he should advise the developer that I would not be interested in a penthouse condo in the building. When I told my husband this afterward, he said I should have been quick enough to say that I probably wouldn't qualify for affordable housing.**

#### 11). My Tree

And lastly, and very important to me, I have great concerns regarding my **grand red oak tree**. My tree has a circumference of 106 inches and a DBH (diameter at breast height) of 33.75 inches.

This tree is estimated to have an age of approximately 135 years. This three years older than the town of Montague. This species of tree was proclaimed the provincial tree of Prince Edward Island in 1987- the year I came to Montague. My tree has withstood many tropical storms including hurricane Fiona and it still stands strong. In addition to a vertical tap root, the oak tree has a root system that extends 2 to 3 times the width of the canopy of the tree. I estimate the canopy of my tree to be approximately 50 feet wide. This means the roots of my tree extend up to 150 feet out from the trunk of the tree on all sides. Oak tree roots spread wider than other tree species and some sites state the roots of a mature oak tree can actually spread 75 to 250 feet outward. From my research these trees have the majority of their roots in the top 6 to 18 inches of the soil; though some sites say up to 4 ft.

My tree stands on my lawn within 6 feet of the street on Fraser Street. Fraser Street is 22 feet wide. I fully believe that the roots of my oak tree go under the pavement on Fraser Street and across into the lot that is going to be developed. I fear that the excavation of the land across the street from me will damage the roots of my oak tree. My tree would be considered a protected tree in the city of Charlottetown. My tree has been here longer than Montague has been an incorporated town, since before 1917. This tree is likely one of the oldest trees in Montague. It should be considered a Heritage Tree in Montague,

The city of Charlottetown has a tree bylaw. Montague has no tree bylaw, though apparently I was told that a tree bylaw is in the very early process of development at this time. In Charlottetown, there would be a tree protection zone created around my tree which when calculated would be a 42 ft radius from the trunk of the tree and going all around my tree. The diameter of this circle around my tree would be 84 feet. They would put a chain link fence or orange safety fence up with metal or wooden stakes along this diameter so that you cannot dig within the fence line. 42 feet from the trunk of my tree across the street and into the development lot would mean that at 14 feet inside the lot from the curb would be the fence protection. By using the right-of-way of 66 feet on Fraser Street—the construction would have only ~16 ft from the building wall on my street side, before coming into the fence that protects my tree. I doubt as though this would be enough space for the construction to proceed.

Should this development be allowed by Council and should my tree be damaged as a consequence of this development, who is responsible for the care and possible removal of my tree? I really cannot understand why anyone would want to destroy my magnificent oak tree after we lost so many trees to hurricane Fiona?

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### ? Collusion

I was told by Mr. Kenebel that the developer first came to the town hall in the spring of 2022 to make inquiries about this development. I was told it was quite common to have developers come in early-on asking for information and coming in throughout their development planning asking questions. I know the shadow study done by Coles Associates Ltd was dated June 20, 2023, and this study still had Debbie Livingston's house located on her lot on Riverside Drive. Her house was torn down in Sept/Oct 2020, so I would have to wonder if this developer was

into the town hall asking questions about this development well before the spring of 2022? I also have to wonder if some of what is written into the new Three Rivers Development Bylaws was possibly done with this site development in mind? I was told the Bylaws were written in draft form over the years 2020- 2023. My zone was changed in the new Bylaw, as were the setbacks made smaller.

I have to wonder if there was some collusion between the Town of Three Rivers and the developer?

So, I wish to once again state my objection to this site development plan.

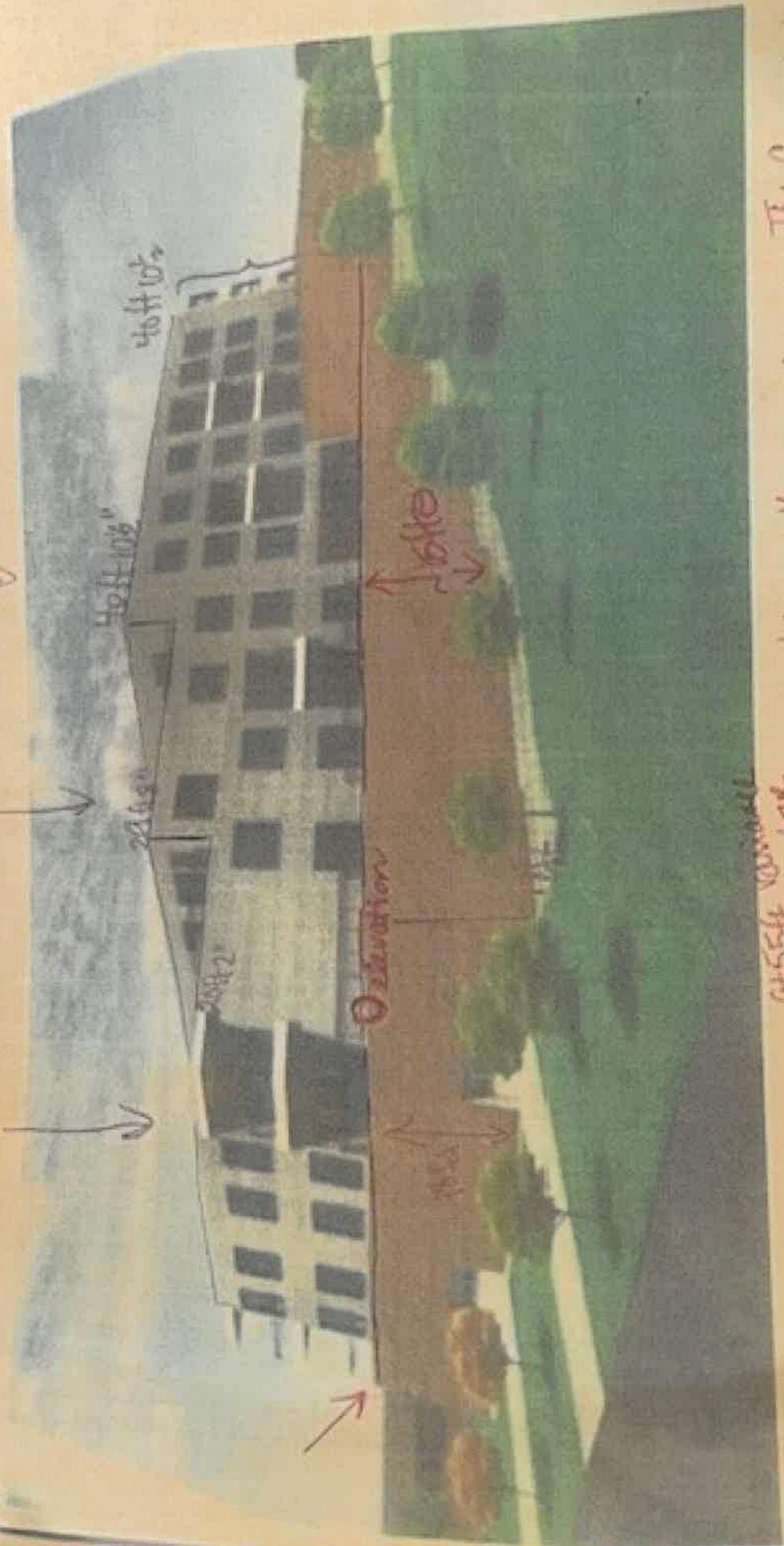
### **TownHall Challenge**

I would also like to say that I did find some of the interaction with members at the town hall to be difficult. I requested a meeting on two occasions to try to get answers to some of my questions, but was repeatedly refused initially. Eventually a meeting was granted, I believe because someone else stepped in to facilitate this. However, I still did not get clear answers to some of my questions (~~R-O-W, setbacks, boundary lines, & other measurements~~). I found one staff member in particular to be quite curt. At one point when I asked about the lot's boundary line, rather than telling me where the line is located, I was told to go to the lot and look for the pegs in the ground, so I could determine the boundary line myself... and this was after the lot had seen a bulldozer. Trying to get the information I requested has been quite a challenge.

TAB 4



Mine



23 ft 10 in

24 ft 5 in

40 ft 10 in

Observation

\* higher than variance, The Council taking a good look at this  
\* will IRAC agree to me

at 55 ft variance  
1350 ft above  
allowed in  
below

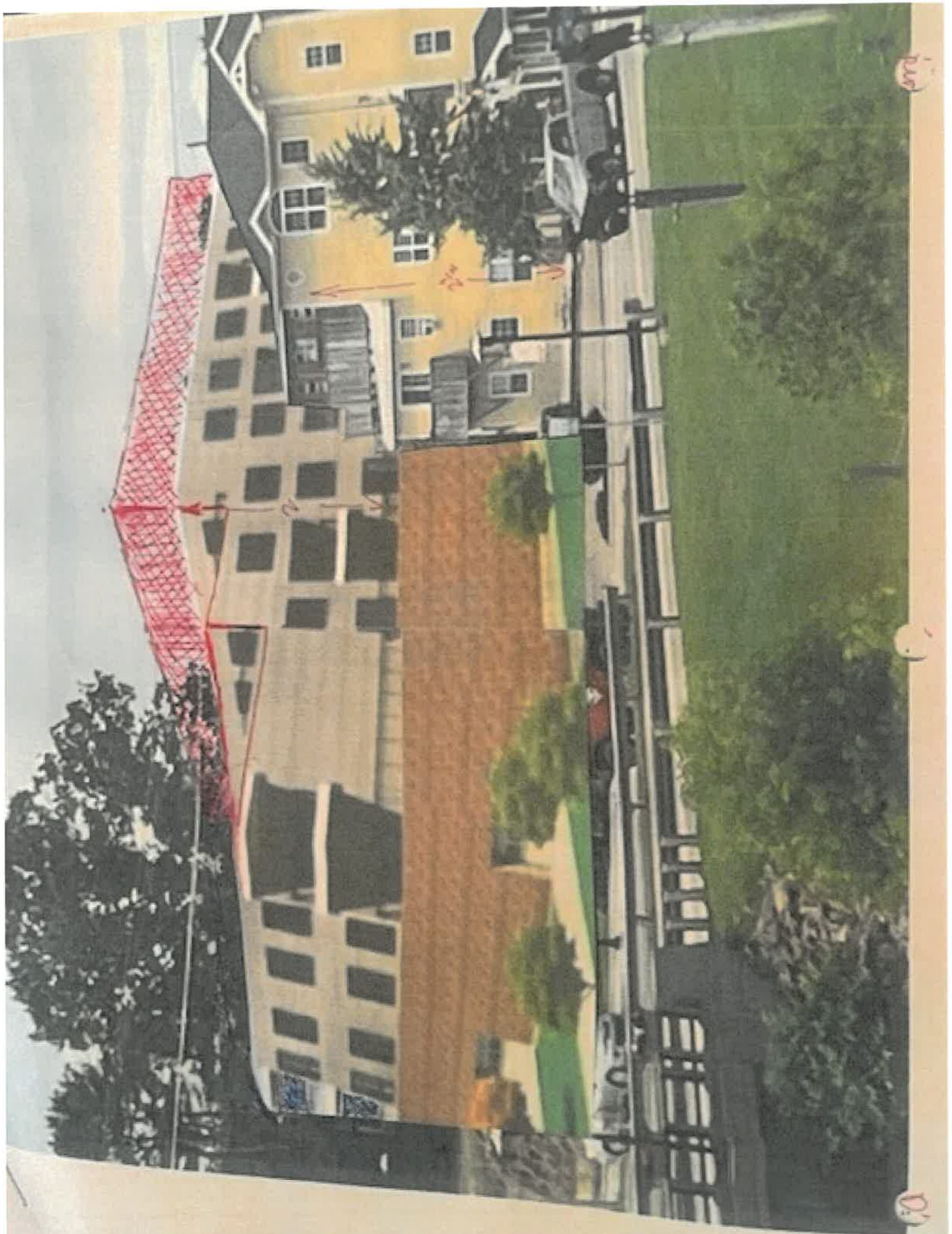
Variance 4.9 ft allowed

A 6 storey height  
from Riverside Drive

5 strays







TAB 5



