

**Supplemental Record filed by
The Town of Three Rivers
In the matter of Geraldine Johnston-Grinton
& Paul Grinton v. Town of Three Rivers
(Appeals #LA23-019)**

Submitted by Ewan Clark and Melanie McKenna
on behalf of the Town of Three Rivers

January 5, 2024

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Town of Three Rivers – Regular Council Meeting – July 10, 2023

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Speaker 1 – Dr. Geraldine Johnston

So, Geraldine Johnston. Been here a couple of times recently.

Yesterday I spent all day writing a document that was six pages long and I couldn't fit it in five minutes, so I scrapped it. And just before I came up here tonight I condensed it. So, I'm opposing the development of the 22-unit apartment building which is on School Street, School, Fraser and Riverside Drive. I'm opposing the variance to this property as well.

There's four reasons I have to objecting to Council approving the development of this building. These are all incidents where I feel that Council is writing their own bylaws.

So number one is not all property owners within 100 meters of this building were notified by letter. I spoke to somebody recently at the hospital and was told that they never received a letter.

Number two is the variance proposal that was sent out does not meet the requirements of the new town bylaw, specifically on page 20 of the bylaw section 38 3 d and e requires details in the letter that were not included.

Details where more information could be obtained during normal business hours and details on how the town will receive public comments. So that wasn't in my letter, and I have my letter here tonight.

As a resident within 100 meters of the property to be developed, I asked for a copy of the development plan and was provided with one, with some difficulty.

As per section 32 32 b of the new bylaw "every application for development permit shall be accompanied by a plan drawn to appropriate scale and showing distance from the lot

boundaries, setbacks, and my words, that's my words, setbacks, dimension and height of the building or structure to be erected.

So the plans that were provided to me only have elevations on them and the height of the building.

There's nothing with measurements showing the setbacks for the building, where the boundary lines like are located from the street, there's no measurement, so you can't see where the side of the building is going to be on my lot, on the lot across the street from me. You can't tell.

There's no frontage on the plan that was provided to me, so I don't know the actual length of the frontage of the building. Although at one point I was told it was 120 to 100 and 30 feet. But then that was corrected within a minute that it was 241 feet.

So basically I don't know what to believe. Now, uh, I assume that I was provided with the correct plan. I would assume that that would be sent out to me.

I'm objecting to the variance.

The way the variance was sold was of course it was needed for the sloping site of the building. But really it's only needed for the for the design of the building and what the architect and the engineer did. Because the highest height of the building, the four stories is on the highest part of the land. It's on the highest part on the top of the hill on School St. and the lowest part is down only two stories high on Fraser St. and they could have put four stories on Fraser St, if they wanted four stories and left it going across to two stories on the upper section of the land.

So it's a design feature. It's not a needed variance.

In the requirements in the bylaws for a variance, it says a variance is to be granted if the particular site generates undue hardship in meeting zoning requirements, and this just doesn't fly with me. It doesn't meet undue hardships in meeting the zoning requirements, and that's one of the requirements to grant the variance, one of fraud.

And the last one is which I just saw tonight. I was led to believe that the permit, the application was an application for a development permit with a variance, but again, in the bylaws Section 37, page 19 it refers to development permits and a multitude of other permits, including a variance application. So I thought, like I thought that it was all one application when it appeared before the Planning Board, but now I'm questioning whether or not it should have been two motions. That there are two applications, one for the development and a separate one for the variance.

Now, if I still have a few minutes. I have a whole lot of other stuff that I can say but that's basically what I wanted to really thrust out. But I think you're breaking your own bylaws at this moment if you're going to prove this. OK.

Speaker 2 - Mayor Johnston

That is, that is five minutes, sorry. We can, you can leave, if you want to leave some things with us.

Speaker 1 – Dr. Geraldine Johnston

That's it.

Speaker 2 - Mayor Johnston

Or we can have our planning people contact you.

Speaker 3 – Ms. Carla Morgan

OK.

I'm Carla Morgan. I'm here to speak about the development opposite Dr. Johnson's house, and in particular, what I'm speaking to is the truth.

Dr. Johnson has a tree in her property that's 150 years old, and she expressed concern about the tree being harmed by the construction of this building. And I just think it's a wonderful opportunity for us to start working on a tree bylaw because nothing works better than real life examples. You know, a real-life example for me about the need for trees and nature, is outside this window. That has been the single biggest motivator for me. When all of those buildings were built, I had no idea that we would be creating, I don't like to say this, but the potential for slum development. Because like when I go to LaSalle in Montreal or places like that, all they did that made that not a nice place to live in Mount Royal, a good place to live was to build buildings with no nature around it.

So to me, that's a daily reminder of how we have to be careful. So and one tree is a good beginning for a tree bylaw that refers to different types of trees in different areas. OK, that's the end of my tree stuff.

My second stuff is when John McFarlane was on council, and I don't know whether you also were Your Worship. The new school was built behind our property on, we live on Locust St., and our property is next to it and we happen to own a road that went all the way to the Valleyfield Rd. to our property. And because we owned that road, we were able to negotiate with town council at the time. We wanted it all to stay woodlot. We felt like we'd been offered the opportunity of that property to protect it. And what we negotiated was a pathway that goes up to Parkman and it goes all the way to the school. It's a wonderful resource. It has meant so much difference to all the high school students, to all the people who live in that area. And it was negotiated with the best idea being the purpose and that's what I think is important about what happens with the development that we're talking about here.

Speaker 2 - Mayor Johnston

OK. Thank you, Carla.

OK. Any other speakers?

Speaker 4 – Ms. Janice MacBeth

Good evening. My name is Janice MacBeth. I'm here tonight because I wasn't able to attend the Planning Board meeting and the discussion regarding the new building that's going up on the corner where Dr. Johnson lives. I had some issues with this development.

My first issue was parking, and I'm not sure how that's going to be addressed. My understanding is this underground parking, but for 22 units, I think you're supposed to use 1.5 cars for each apartment unit, so I'm not sure if there's enough space yet, because right now the Building, usually people park there after work Cox and Palmer building. So we have a parking issue already on that corner and I think we all, we all know about that.

The other issue I had was the amount of traffic that was going to be, especially on that corner. I know Councillor Munro wanted the traffic study sent back, so I think that before any decisions made about this building this should also, that corner should also be included in the potential traffic study. And it should also include the other new 18-unit apartment building on Central Street because that's a lot of new cars and corners and site issues.

One of my biggest issues is the fact that we just wrote an official plan that was touted here at town hall and there's a maximum allowable height requirement for buildings and I believe one of the reasons why is because the fire department can only contain fires in certain heights of buildings, and I think I'm correct to say that. So why as soon as the official plan comes in and these bylaws are now in place, we're going to break them? Why are we breaking this? Why are we accommodating this? This is precedent setting once again, if we say yes to this, we say yes to something else. So I think that's very important when you make your decision tonight that you consider you're setting precedent once again, so the next building that comes in might be six feet higher. Or maybe it'll be ten and then we put stress and strain on the Volunteer Fire Department. But right now has to be, you know, ramped up from the provincial government. We don't have enough volunteer firemen. We don't have the fire trucks and we don't have the ladders.

My next question. I guess that that's about what I have to say.

My question is about Planning Board. And I'm wondering how many people you need to in a forum to send something to council.

How many? How many people on Planning Board need to be present to vote and send something to council? And I'm wondering if the chair gets a vote on planning.

Speaker 5 – Deputy Mayor Jenkins

Should be 50 + 1 and yes.

Speaker 4 – Ms. Janice MacBeth

So in reviewing, so I wasn't able to see the agenda or the minutes because they're not on the website yet for when this was approved. But I'd like to make sure there was a quorum. Because what I can see on the minutes right now on the town website from the Planning Board meeting those three Planning Board members in attendance plus the Chair.

So can items be passed from Planning Board with three present, that that's what I read. I could be wrong. There's three present plus the Chair. So I would like to make sure before this goes forward, Planning Board needs to be, that you as Councillors need to make sure Planning Board had a quorum before this was ever submitted here. Because if your minutes are right, you didn't have a quorum in May.

That's that's what I read. I mean, I could be reading it wrong. But the Chair doesn't get a vote. You, you can't be passing things at Council, if you don't at Planning Board, I don't think.

That's against the rules.

So I'm going to ask you again then, once again tonight to reconsider pushing this through before your due diligence is done. I think there's a lot of valid concerns here.

And the last thing I'm going to say is I can't believe I'm here tonight after we already did the Town of Montague Proclamation policy and CBC News from Vancouver to Prince Edward Island broadcasted the Town of Montague when they refused to fly the pride flag. And here we are now Three Rivers Council, once again. We haven't progressed one bit. We're going to do the exact same thing.

We heard a doctor speak tonight. We're down 12 island doctors right now in this province. I think you best reconsider that one too.

Thank you very much for your time. Thank you.

Speaker 2 - Mayor Johnston

OK, have any other speakers? OK, sure.

Speaker 6 – Mr. Chris Linzel-Waddell

Hello all. My name is Chris Linzel-Waddell and I'm the developer for School Street, for the 22 unit.

So I'm here today just to give a quick oversight on, the only thing we're asking for is a 4.1 increase in height variance.

This property is a positive property in our eyes. We're increasing some density. We're giving the community a high, sort of, higher end building than what's up here for the Americans. To obviously increase demand for something like health professionals, which is needed in the community. We are gladly taking into account all landscaping and putting everything back into the site, whether it's the solar wiring on the roof,

whether it's retaining the water from the site to put back into the landscaping. We've done our studies on solar. That's why the building is stepped for views to the river and to not just build a monstrosity there. We're actually tying everything into everything around us.

We did underground parking with an additional space underneath the side which doesn't have a building over it, and that's to increase the parking and to make room for everybody in the site. We also have an elevator and two exits. We're supplying all the needs for national building code, increased insulation in the building. It's green as we can get within the constraints.

We also have the support of the Provincial Government. In that sense, it is to supply a need for not only the Town of Montague, but for the Province. So I'm just here today to thank you for taking your time to review it. The Planning Department has been great up here. Everything we passed back and forth, they helped me through the whole process, over the last four or five months. And we've submitted every document they requested.

And just hope you guys had the kind of chance to review it and make a great decision. Thank you very much.

Speaker 2 - Mayor Johnston

Thank you. I appreciate you coming to our meeting and letting us know the information on your building.

Speaker 6 – Mr. Chris Linzel-Waddell

Door is always open.

Speaker 2 - Mayor Johnston

Yeah. No, I've seen the plans and information. But thank you. Thank you.

Speaker 7 – Mr. Dave McGuire

I'm Dave McGuire, I am a resident and business owner here in Three Rivers and I'm actually here to speak in favor of the aforementioned development.

Like everyone is aware, we're in a housing crisis in this province, and I think 22 units is a step in the right direction here.

Look at that and say a less than 5 foot variance on height is certainly reasonable requests. I'm familiar marginally with the Canada Canadian building code which is new and know a building of that nature is going to require enhanced fire suppression, sprinkler systems, those types of things, so confident there.

I'll just refer back and I'll be brief. When I sat in the former Montague Economic Development Corp, this type of development was identified as an opportunity and strategic. So I think 22 units in the downtown core it is a good idea and I just wanted to kind of voice that for folks understanding that, you know, there's always opposition.

And a great idea earlier, slight disagreement, but I don't think a tree bylaw is needed, but I think maybe there's a tree incentive program that could come forward and there might be provincial assistance there. Post Fiona, great seeing trees planted. I know I've been planting away and I know a lot of other people have, so that's great but again, I encourage you to move this development forward and help solve that housing crisis and bring some people to the downtown core to support the business community. Thank you.

Speaker 2 - Mayor Johnston

Thank you Dave. OK. Do we have any other speakers?

MEETING CONTINUES TO PLANNING BOARD ITEM 7.3.2 DEVELOPMENT APPLICATION – CASE 35.23

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

The application concerns the development of a 22-unit apartment, two commercial units on the ground floor together with amenity spaces and parking.

The key planning issues associated with this proposal are considered to be:

- The delivery of 22 x residential and 2x commercial units within an urban settlement area as defined by the Official Plan.
- The proposed major variance seeking an additional 4.8 ft of overall building height.
- The Official Plan Policies concerning housing development.
- Compliance with the Development Bylaw

The Three Rivers Official Plan and Development Bylaw advocate higher density development within the urban areas. This development provides for a significant number of housing units as well as new commercial space within Montague. The multi-storey design is modern and makes an attractive addition to the local waterfront context. The use of underground parking is innovative for the location and allows for the best use of the sloping site enabling more development to be brought forward than commonly occurs. A modest height variance is sought; however, when balanced against the benefits of the development as a whole, it is warranted and compliant with variance criteria.

Therefore, the town of Three Rivers Planning Board recommends the Council to approve the following motion:

To approve the 22 Unit Apartment with 3837 square feet of ground floor commercial space and together with the major variance for an additional 4.8 feet of building height on land in parcel id's 196717, 197921 and 198051, subject to the following conditions:

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.

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

not say. Could have been everything, could have been nothing. But that depends on Council, and where we go because that is again, more discussions are required on that.

Is it compliant with the variance? Well, yes. Again, we believe so. And as I said, I have a fairly detailed officers reports in your agenda packs. I don't believe there's much more that could be said on those particular points. So we're quite confident we've gone through due process.

And we're quite confident we've done correct notifications and we're quite confident in the development itself. It's a good development. The drawing package certainly one of the more, one of the most detailed we've ever received and extremely extensive well annotated drawing package with drawings to scale. There is no more information in those that are found lacking to understand the development itself. In fact, it could be said that there is more information than required.

Just a brief comment on building heights. The heights of buildings are measured from the front entrance height to the highest part of the building. So we know this building has a parapet wall at the top that helps hide things like service runs and things at the top of the building, so it's an aesthetic point. The building could be lowered, but the impact of lowering that building means you no longer have a level threshold with the street. So you're stepping down into the building. Level threshold is part of accessibility for those with difficult mobility and that is an important feature in the design of this building. So you could have technically not have a variance with this building and still achieve the same building, but you would see a building lower within the site. Those 4.8 feet, although we describe them as a modest variance, they do exceed the 10% value, so it becomes a major variance. So we have the wider consultation area. So we've gone through that process, as I said.

Not many more points I'd like to pick up on Your Worship so, I shall be quiet. Thank you.

Speaker 2 – Mayor Johnston.

Thank you Lee.

OK. Anymore questions on the application, OK, yeah.

Speaker 5 – Deputy Mayor Jenkins

Just so I guess to confirm we did have a quorum for that attendance?

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

That is correct.

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

Speaker 5 – Deputy Mayor Jenkins

Yeah, yeah.

Speaker 2 – Mayor Johnston

OK? So there was a quorum for that meeting?

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

Yes there was.

Speaker 2 – Mayor Johnston

OK.

OK. All in favor of the motion, please stand.

OK.

All opposed to the motion, please stand.

OK, motion is carried.

MEETING CARRIES ON

Chair Councillor John VanDyke: That Planning Board recommend to Mayor and Council to approve the 22-unit apartment with 3837 sq. ft. of ground floor commercial space and together with the major variance for an additional 4.8 ft. of building height on land at PID's 198069, 196642 & 196675, subject to the following conditions:

- 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 & C100 dated on May 12, 2023

The development application with is case 35.23 recommendation and 35.23. plans, can I have a mover please? So moved by Shawn, seconder please... seconded by Gary. Discussion please.

Planning Board Member Shawn Banks: I do have a question around the access for fire. It is or is it not accessible for 4th and 5th floor buildings? Are these people going to have fire access if they need it? For a fire truck or whatever they're saying there that they, the current fire can't handle it?

Chair Councillor John VanDyke: My understanding of the building permit requirements would be associated with within the structure itself, so there would be sprinkler systems, etcetera, that would be placed in it. Chair recognizes Lee as well or Pat...

Development Officer Lee Kenebel: Yes chair, I can confirm, and it was confirmed at the Town Council meeting that the whole building will be sprinklered. It falls under the requirements of the National Building Code. So that would be separate to the discussion we're having today.

Chair Councillor John VanDyke: Any other discussion? Sorry, Shawn was there anything else?

Planning Board Member Shawn Banks: No, I was just curious if it was going to have fire safety.

Chair Councillor John VanDyke: Chair recognises Gary...

Planning Board Member Gary Beaton: I had the same question. I would assume given the size of the building; it would be required. Another question... for my own... the tree, there's nothing if you... just a question if the tree was in Charlottetown, it would be protected? And if the tree was located here there's no protection? So, it would be a policy... a council policy. They would have a heritage policy of something relating to trees and well... I can't even think of the name, or what it would be.

Member of the Public Geraldine Grinton: It's called a tree Bylaw.

Planning Board Member Gary Beaton: and there's no such piece...

Chair Councillor John VanDyke: Chair recognizes Anne

Councillor Anne Van Donkersgoed: Council is working on a tree bylaw, but we don't have one yet. There is nothing official.

Chair Councillor John VanDyke: Chair recognizes Shawn.

Planning Board Member Shawn Banks: The actual dating of the foundation of the work of the disturbance of the ground. Would that be further than 42 feet from the tree that's located on the property, across the road... do you know?

Development Officer Lee Kenebel: Chair, its probably fair to say assigning a number that Charlottetown uses, for ourselves wouldn't carry any weight, because we simply don't have any tree protections in place yet. Its worth knowing that if the tree is and we recognize the tree is old, it's a veteran tree, that there's been some discussion with regard to the impact of when the road went in, and that tree and the root system, because the road would have come and the tarmac would have been engineered to a specification and that would have required an excavation and laying of a bed and the tarmacking, so, naturally the latter growth of the town will have impacted the tree as well, as well as many others. But it all will again fall back to, there is no tree bylaw in place to afford a bylaw protection to that tree right now. We would still say from experience that the tree is suitably separated from the site and with a tarmacked later built road, intervening between that site this site taken with the fact the building does not sit next to the roadside, that the impact on the tree would be negligible, if nothing.

Planning Board Member Shawn Banks: Perfect, no that answered by question, thanks.

Chair Councillor John VanDyke: Other questions? Are you ready for the question? All those in favour please signify by saying aye. Aye. Contrary minded.... so moved.

Town of Three Rivers – Special Council Meeting – July 24, 2023

Audio file

Transcript

Speaker 1 – Mayor Johnston

Speaker 2 – Dr. Geraldine Johnston

Speaker 3 – Councillor Wayne Spin

Speaker 4 – Mr. Paul Grinton

Speaker 5 – Councillor John Van Dyke – Chair of Planning Board Committee

Speaker 6 – Deputy Mayor Jenkins

Speaker 7 – Councillor MacFarlane

Speaker 8 – Development Officer Lee Kenebel

Speaker 1 – Mayor Johnston

So we'll call the July 24th Special Council meeting to order.

MEETING CONTINUES TO PRESENTATIONS AND DELEGATIONS AGENDA ITEM

OK. And so now we're at the presenters and delegations. We have each presenters allowed 5 minutes to present. So if we have somebody that would like to present.

[Speaker handing out papers to Council.]

Speaker 2 – Dr. Geraldine Johnston

OK, so I'm back again.

You're discussing whether I'm an old penny or a dirty penny. I'm Geraldine Johnson. I'm here again to oppose the development of building on school Street, I'm going to be briefer tonight. I'm just going to recite the other things that you've heard before, but then I'm going to focus on two things. So I am opposed to the architecture of the building, I am opposed to the parking lot on the corner of Main Street. I have concerns again about the fire department servicing this building. I'm concerned about the water and coming off this building and clearance of snow.

Again, I'm upset because it was initially brought forward as affordable housing and it's really a condo building.

And of course, I'm upset about my tree.

And now I'm going to focus on the two things that most upset me.

One is the development plan. Again, I've been asking multiple times since this started if I could have a copy of the development plan. Which I was led to believe after the first Planning Committee meeting that I attended that I had the right to go and see it and get a copy of it that like as of the next day. And I've never, ever been given a development

plan that has the measurements on it that I'm interested in. I want to know what the right way is on the road. I want to know what the setback is from the building. I want to know where the boundary line is on their lot of land, and I want to know the dimensions of the building. And the plan that I got only has the elevation upper left. And actually it has really, really tiny print of the elevation of the building that you can hardly read. You need really big magnifying glasses.

So I'm upset about that because I feel there might be deceit in how that is being presented to me.

I'm upset about the height of the buildings and #2.

And I want you to look at what I gave you. So it's the variance is for 40 point 40 or 40 feet I think 40.9 feet, sorry, is what the variance is for, and it's supposed to be, you know, a little over 10%. When in fact if you look at this diagram 18 feet on Riverside Dr. is the parkade. Then there's a two-story building and then as you move up, there's going to be 15 feet here and then probably goes to 0 at the top so the building is 40 feet at the top, roughly 40 feet at the bottom. But in the middle, you know when you add the 15 or 12 or 13 whatever it is right at that point below the 4th story and below the deck on the 4th story, this becomes a 5-story building in there, if not more. It may be, it might even be more.

Um, and that's a lot bigger than what the variance was at square one when it was supposed to be granted. This is like a 50% variance when you look at the middle of the building. This might be the tallest building in Montague when it gets going.

If you look at the second page here again, you can see what I've counted out there. It goes over here. When you go stand on Riverside Drive it's going to look like a six-story building on Riverside Drive.

It's roughly two stories where the Parkade is and then another four stories where the people live above it.

And then that's my schematic that I tried to overlay. But it it actually isn't accurate because this is a three-story building two and a half inches is, that is what that measures. And this is four stories and it only measures two, so it actually goes quite a bit higher than what I couldn't get my printer to go along and that. So I'm concerned. OK.

And I think that this variance is a lot higher than it should be. I think Council should be taking a serious look at this and I'm wondering if IRAC will agree with me that this is higher than what it's supposed to be.

That's my presentation.

Speaker 3 – Councillor Wayne Spin

Very good.

Speaker 1 – Mayor Johnston

Thank you.

Speaker 2 – Dr. Geraldine Johnston

Thanks buddy.

(laughter in room)

Speaker 4 – Mr. Paul Grinton

So my name is Paul Grinton and Doctor Johnston has already covered the increase in traffic to fire safety, the proximity to the junior high school, concerns regarding snow removal, drainage and other irregularities.

I apologize to the Council. I did not notice sooner that inground parking is not entirely underground.

And in place and in places this complex is approximately probably higher, but approximately 50 feet high, making it arguably the tallest building in Montague.

On two occasions, excavation has started on this block, the latest occasion this morning. This before the building permit is issued, let alone the appeal period.

This area to me, is not conducive for a complex so high. It is not in a secluded area like the Riverside Inn.

I believe it is Council's responsibility to disallow this development as is.

Thank you.

Speaker 1 – Mayor Johnston

Thank you.

OK. Any other speakers at this time?

OK, we'll move on to number 5.1 and I'll ask John, Councillor Van Dyke to take it, to move ahead with that.

Speaker 5 – Councillor John Van Dyke – Chair of Planning Board Committee

This is in regard to the development application, case 35-23 on School Street Montague to rescind the motion. That Council rescind the resolution 2023-158 made on July 10th, 2023.

The resolution read that the 22-unit apartment with 3837 square feet of ground floor commercial space together with the major variance for an additional 4.8 feet of building height on land on parcel id's 196717, 197921 and 198051 be approved subject to the conditions:

- 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 1 – Mayor Johnston

OK, so there's been a motion to rescind the development application 35.23.

All in favor.

I need a mover and seconder. It's moved by Councillor Vandyke and a seconder. Councillor Munro.

OK. All in favor of rescinding that application?

OK. Do ...

Speaker 6 – Deputy Mayor Jenkins

Aye?

Speaker 1 – Mayor Johnston

Yeah. Can you? OK and all those not in favor?

Do we have a nay?

OK, so the application is rescinded and we'll move on to 5.2.

Speaker 5 – Councillor John Van Dyke – Chair of Planning Board Committee

This is a proposal for a 22-unit apartment.

The application concerns the development of a 22-unit apartment, two commercial units on the ground floor together with amenity spaces and parking.

The key planning issues associated with this proposal are considered to be:

- The delivery of 22 times residential and 2 times commercial units within an urban settlement area as defined by the Official Plan.

- The proposed major variance seeking an additional 4.8 feet of overall building height.
- The Official Plan Policies concerning housing development.
- Compliance with the Development Bylaw

The Three Rivers Official Plan and Development Bylaw advocate a higher density development within the urban areas. This development provides for a significant number of housing units as well as new commercial space within Montague. The multi-storey design is modern and makes an attractive addition to the local waterfront context. The use of underground parking is innovative for the location and allows for the best use of the sloping site enabling more development to be brought forward than commonly occurs. A modest height variance is sought; however, when balanced against the benefits of the development as a whole, it is warranted and compliant with variance criteria.

The Town of Three Rivers Planning Board recommends to Council to approve the following motion:

To approve the 22-unit apartment with 3837 square feet of ground floor commercial space and together with the major variance for an additional 4.8 feet of building height on land at parcel id's 198069, 196675 and 196642, subject to the following conditions:

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 1 – Mayor Johnston

OK, so it's been moved. Do I have a seconder? Moved by Councillor Van Dyke, second by Councillor Munro.

Any discussion on the application?

Any discussion on the ...

go ahead, Councillor MacFarlane.

Speaker 7 – Councillor MacFarlane

Thank you Your Worship. There's a question for planning and for planner. Everything in the OP is a and

Speaker 8 – Development Officer Lee Kenebel

Your Worship, Councillor. That is correct. It's before you today because of an error of my own creation that carried forward through the reports. Fortunately our checking processes before the permit was issued caught that. I have apologized to the applicant for this delay as well. But the report that you have has not changed apart from those three ID references.

Speaker 7 – Councillor MacFarlane

Thank you.

Speaker 1 – Mayor Johnston

OK. Any more discussion on the application?

OK. All in favor of the motion.

Aye (from Council group).

Nays?

OK. Motion is carried.

OK, we're on to 5.3.

MEETING CARRIES ON