

Town of Three Rivers – Planning Board Meeting– June 22, 2023

Audio file Transcript

Speaker 1 – Chair Councillor John Van Dyke

Speaker 2 – Dr. Geraldine Johnston

Speaker 3 – Ms. Sherren MacKinnon

Speaker 4 – Planning Board Member Sean Halley

Speaker 5 – Development Officer Lee Kenebel

Speaker 6 – Planning Board Member Shawn Banks

Speaker 7 – Planning Board Member Gary Beaton

Speaker 8 – Councillor Anne Van Donkersgoed

Speaker 9 – Planning Technician Patrick Donahoe

Speaker 10 – Mr. Paul Grinton

Speaker 1 - Chair Councillor John Van Dyke

Again, I will open up for presentations from our floor. If there's anyone that would like to address our planning board.

Speaker 2 - Dr. Geraldine Johnston

I definitely want to address it. I don't have a presentation, but I have questions.

Speaker 1 - Chair Councillor John Van Dyke

You can come right up. You can address your questions. We really, we won't get into a conversation about them, but. You're more than welcome to put them on the board. As far as planning is concerned... yeah, for sure.

Speaker 2 - Dr. Geraldine Johnston

So, we live on School Street, down the way... right on the corner of School and Fraser Street and we got the notice that there's going to be an apartment building, I gather, constructed somewhere on School Street. I don't know exactly where that is. I'd like to know exactly where the building is, and I wondered if you guys had the plans that I would be able to see them. To see what it looks like... on like, there's three different lots there I think and is the is this going to go in all three lots?

Speaker 1 - Chair Councillor John Van Dyke

So, your question is whether the...as far as the new structure and where it is going to go? Once we get to that section of where is discussing that... it will become, I think very clear to where it is. So, your question is where is it exactly located.

Speaker 2 - Dr. Geraldine Johnston

I have a bunch of questions.

Speaker 1 - Chair Councillor John Van Dyke

Yeah, OK. If you want to share those questions that. Would be great.

Speaker 2 - Dr. Geraldine Johnston

You want me to give them to you now or...

Speaker 1 - Chair Councillor John Van Dyke

Yes, please. Yes.

Speaker 2 - Dr. Geraldine Johnston

So where it's going? How high is it like, in terms of how many floors is on the building, I don't understand it's like 40 feet higher they're asking for that extra 4 feet or whatever it is and how high how many floors is in this building? Is it going to be directly across the street from my house? You know, like immediately in my face? What is the zoning of those lots, because the last thing that was there was a house. And down below on the street was a house. It wasn't commercial space. The two lots right in front of me, the one on Main Street is probably commercial, so I'd like to know that. I'd like to know about the parking you're going to have 22 units. Where's the parking going to be? Is it going to be parking for people who come to visit these people like... there's no parking on the street and I hope they're not going to be parking in front of my garage. Right. I understand there's a business on the first floor, or its going to be commercial space. I'd like to know what's going in there. I'm concerned about my own house and the value of my property, and I live in a heritage house. It's over 100 years old, you know, and I have an island oak tree on my front lawn, and I wonder what's going to happen to my beautiful oak tree that withstood Hurricane Fiona when they start drilling into the ground across the street, you know, there's not that many of them around, I don't think, so that's where I'm coming from, and I'm definitely going to oppose. You know, and I'm going to oppose the height for sure and maybe I'll have to do a presentation better than what I did tonight, but...

Speaker 1 - Chair Councillor John Van Dyke

No, I appreciate that, we, this section of our evening is basically for you to express your concerns and then we will try once we get to that section all our planning meeting... that's whereby we will try and discuss some of those questions that you.

Speaker 3 – Ms. Sherren MacKinnon

Hi, my name is Sherren MacKinnon. I live on Riverside Drive and I do have some concerns and questions about the proposed apartment building, one of which is from the drawings that were... that I saw it looks like they are planning to pave right out to Main Street and put additional parking along there. And I'm wondering with the size of the building on the lot, where they plan to put snow when snow season comes, that's going to be a big concern because one of the buildings directly below there, which is down from a stone wall parking area and if they put snow there, that's going to create concerns for that building and possibly the Hooley building. So that's one of my concerns. The other concern is the height variance and then wondering whether or not the fire department is equipped to service buildings of that height, should that be necessary. My other concern is that for the past two years we have been calling the Town on a regular basis regarding the unsightly property, the grass in some places is now about four or five feet high, and I know this is not a planning board issue, but last year the grass was cut once by a bush hog - the whole summer long. And my concern is that with such disregard for bylaws for unsightly properties, how can we rely on this property owner to follow the rules.

Speaker 1 - Chair Councillor John Van Dyke

Thank you. Thank you very much. I appreciate it. I will ask again, is there anyone else that wishes to present? Thank you. We will move forward please.

Speaker 1 - Chair Councillor John Van Dyke

Our second one this evening is case 35.23. 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 Planning and Development Officer recommends that Planning Board recommend to Mayor and Council to approve the 22 Unit Apartment with 3837sq.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 196717, 197921 & 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 & C100 dated May 12, 2023

May I have a mover please.

Speaker 4 – Planning Board Member Sean Halley

It's a big one.

Speaker 1 - Chair Councillor John Van Dyke

It is a big one... so moved by councillor Anne, and do I have a seconder please?

Seconded by Sean. Discussion. I think we have some questions that have been brought forward by members of the general public, as well as through e-mail as well. Chair recognizes Lee to share those concerns that were shared via e-mail.

Speaker 5 - Development Officer Lee Kenebel

Thank you Chair, yes chair, we had a we had an e-mail earlier today, member of public Janice Macbeth, who was unable to make it to the meeting tonight, she did send through some comments, and she has asked , parking... is the requirement for parking 1.5 spots per unit... cars park at Cox and Palmer overnight because of the lack of parking at Hooley Building on the corner of Main and Riverside. Traffic, the new building placements will have a huge impact on traffic from Main Street and busing from the intermediate, this is a congested area now with narrow side streets. Precedent setting, if the increased height of the building is approved, this will provide any and all buildings in this area to reach back and use this decision as an allowable height for new buildings in Three Rivers. Our volunteer Fire Department does not have the manpower or capability of suppressing fires in buildings at the height limits. This is a side comment regarding just a comment on the absence of one of our planning board members, but I'll focus on the comment of the item chair and that may help address some of the comments we've had.

So parking, is it a requirement for 1.5 spots? Yes, and we have 46 spaces shown for the entire development which includes the commercial spaces that is up to the standards of our new Three Rivers development plan and bylaw. So, we have confidence in that... I'm going to jump back and forth between some of the comments we've heard and these comments. So where is that parking? Well, some of that is, well, the majority of that is underground parking, a unique feature for developments that we haven't seen before, not here in in this forum anyway. Quite an innovative use of the space, so it doesn't leave the wider landscape being dominated by car parking tarmac and effectively hides the majority of the parking within the building, in the building envelope itself. So those parking bays would be accessed via Riverside Drive and school streets on the north side would also provide for parking. That takes me to the question of will this be on all three lots being sort of an L-shaped lot with a tiny corner at the top, just north of Belles and, that, fronts Main Street there. That would be that sliver of land... there will be for parking and the bulk/main majority of the building is on the two main lots. It was quite a few months ago that.

Speaker 2 - Dr. Geraldine Johnston

Where's the two main lots. What does that mean? The two main lots.

Speaker 5 - Development Officer Lee Kenebel

Well, the two larger parts of the site, so the.

Speaker 2 - Dr. Geraldine Johnston

Where's that? Which, which corners is that?

Speaker 5 - Development Officer Lee Kenebel

That, well, this is the difficulty chair when we don't have drawings available. We do have them available for view all the time, so people can come in and.

Speaker 2 - Dr. Geraldine Johnston

But you know, what corner that it's on? The building, do you actually know that.?

Speaker 1 - Chair Councillor John Van Dyke

Excuse me if, we could... I appreciate you want to ask questions, but we'll let Lee.

Speaker 2 - Dr. Geraldine Johnston

OK.

Speaker 1 - Chair Councillor John Van Dyke

We'll let Lee speak firstly, thank you.

Speaker 5 - Development Officer Lee Kenebel

I'll try to get through all the points chairs. It's only fair. So, the building in itself is basement, underground parking. We have the main level, which is the street level that gives us the commercial units which occupies a portion of the of the of the main floor and there's some communal spaces within there and some residential units within that. Floors 2, 3, and 4 which are the main above ground ones that you see, they're all residential, they're all the 2 units. And within the mix of the 22 units, 21 of those units are two-bedroom and there's one one-bedroom in there. So turning to commercial. It is not for planning to permit who goes into those commercial spaces. It's for planning to create the commercial spaces. That's the that's the issue at hand. We would have no more input into who is the tenants for that. Moving on, where should the development be permitted, so, value of property. I understand this one and it's a difficult one to answer. Strictly speaking value of property values are not a planning issue that that's not a material factor in the decision-making process that would put you on difficult ground if, one was to refuse development based on the impact of a property of the value of a property. Generally, we see property values in developed areas rise because there's investment into the areas, it's new, it deals with what sounds like might be a bit of a problem with having the property maintained at all and having development investment in that area would help improve that. So I wouldn't personally be laboring too far on that point myself because it's out of our remits to take into consideration.

Snow, where will they... the Developer the building itself will be privately owned and those will be arrangements made by the property owner and that will be that of the private snow removal and we will be leaving that to the applicants to address. Height Variance, this is a height variance of just under 5 feet, in real terms and the permissible height for a building in the new development plan is 36.1 feet. If this building had hit that, there would be no variance. It would still be a reasonably large building, but it wouldn't have attracted a variance. Now the variance itself is to accommodate 4.8 feet in the design. It doesn't... it's not a variance for extra floors. It's not, it's not a variance for that and obviously you wouldn't get an extra floor in 4.8 feet. It's a design response to the slightly sloping nature of the site. The main entrance is at School Street and the heights of buildings in the development bylaw are taken from the main entrance. So that determines the height of the building so, this is a design response, it is what has generated the need for the variance and when you look at the variance criteria within the development bylaw. I think we're quite comfortable that it meets those criteria because variances shouldn't likely be granted. There, there needs to be a reason

behind, the variance needs to be justified. And we believe that, that there was a case to be made here for that and it's major variance because it's over 10% now 4.8 feet, as the number, is a very large 10%, very much as empirically variance as we described them sounds quite a lot, but they, you know, in real terms it's just under 5 feet.

Coming back, just briefly to the how do we know this will be a good property owner? That's hard to say I should hope every property owner is a good property owner. And we do have controls for dealing with such things as keeping the verge trimmed in the lawn mowed, and that would be a side issue to decision making in this context. So, one last thing I would like to cover is the fire department capabilities. We build buildings, we permit development permits for them and then there's a second stage of this process they must apply for the building permit. There are two different things. Development permit is what we do here and the building permits, the National building code, the National Fire Code, the National Plumbing Code, the National Electrical Code are all matters dealt with by the province. There matter is a fact in engineering and code standards. Now there is nothing that says 36.1 feet is the limit under the National Building code, it happens to be the prescribed height maximum in the development plan. That is not to say that a building taller than that would be any more unsafe than what at 36.1 feet. All the design of the building structured, building, compartmentalization, fire resistance, travel paths, need I go on? Are matters for the building permit and that is when the provincial building inspectors are engaged. There's engagement with the fire Marshall in in more broader, informative sense. But the key thing is every building that goes up will have to meet those codes where they simply won't achieve a building permit, but that is outside of our remit today.

So, chair I believe I've covered everything...

Speaker 1 - Chair Councillor John Van Dyke

Zoning... with the exception of the zoning Lee, can you assess this.

Speaker 5 - Development Officer Lee Kenebel

OH sorry, Chair. Yeah, absolutely. Zoning, zoning for this property is mixed-use and that is one of the uses that we have in the in the development bylaw. It's a very broad zone, it caters for a very wide open for development from residential, commercial, the list goes on to set out in the bylaw itself, but this a zoning appropriate development that's why it's not requiring a re-zoning. That's why we haven't seen that application.

Speaker 1 - Chair Councillor John Van Dyke

Thank you, Lee. Open for discussion in terms of planning board, Chair recognizes Shawn...

Speaker 6 – Planning Board Member Shawn Banks

I just like to make a comment. It's probably going to be common that I'm going to be the environmental kind of looking at things that way. Because that's where I work. So I'm impressed that there's an engineered sediment control plan and that was one of my concerns, that, you're up slope, you know, make sure that it's all handled properly, but once you get Coles or somebody stamping some of these plans, then you can have the confidence that it's most likely not going to be an issue, and if it is, then they're made to come in and fix the issues so it makes things a lot easier when it comes to that side of things.

Speaker 1 - Chair Councillor John Van Dyke

Thank you, Shawn.

Speaker 4 – Planning Board Member Sean Halley

Mr. Chairman, I'm a little concerned about doing these developments and I don't disagree with the idea in principle but we're going to get into some of these situations and maybe this is the test case, I don't know, where you're going to change the essential nature of the development of the river valley, this is going up to a height where they're going to be looking down the River Valley, to the east and it's going to create a sun shadow of the people who are in the West, you don't own the view, I understand that principle, you don't own the view, but you know, we're going to be having to, you know, abut ourselves against the current residents who have been used to and expect to have that view.

And I'm just wondering if this is, I'm all in favor of progress, i'm just wondering if we've thought this through because you, you know that before you know it, they'll be Stewart and Becks will be a condominium on that side. And we'll be building all up and down the River Valley with these apartment buildings. Right now, the big buildings are over here and over there we've set something in motion where development can take place pretty quickly I think, the plan allows the development to go ahead pretty quickly, I just have concerns with the people who are there, I do.

Speaker 1 – Chair Councillor John Van Dyke

Thank you, Sean. Chair recognizes Gary.

Speaker 7 – Planning Board Member Gary Beaton

Just how much? How much obstruction... is this a massive obstruction in view, landscape, for example.

Speaker 4 – Planning Board Member Sean Halley

I think for the for the people who are here, it's going to be a very much an obstruction. And what we now present, you know and I'm struggling with it because I just drove down Main Street and the traffic going from Queen Street to, you know, past the superstore and you put another 22 apartment buildings right on the, on the main drag basically, we don't have the traffic infrastructure, in my mind, or the parking along Main Street to start supporting some of this stuff. It's, we're becoming very congested downtown, and it's going to get worse with these structures going up and I'm concerned about it.

Speaker 1 – Chair Councillor John Van Dyke

Thank you, Sean.

Speaker 7 – Planning Board Member Gary Beaton

I thought of that earlier, is the intersection there is it, is I mean. You put a bit of traffic on it's narrow at most it's not. It's no 90-degree curves, I suppose we could put a round-about in.

Speaker 1 – Chair Councillor John Van Dyke

Chair recognizes Lee.

Speaker 5 - Development Officer Lee Kenebel

Thank you, chair. Two things - I just remembered that I didn't address the impact on the trees. Trees are very resilient, and this isn't a development that's going to be having pile driving, or anything like that where you'd, you'd feel and know disturbance. Trees can deal with developments quite well, and your tree is across, you've got some distance to the site, so your root systems have...

Speaker 2 – Dr. Geraldine Johnston

It's probably going right across the street right into that lot.

Speaker 5 - Development Officer Lee Kenebel

Yeah, I mean I appreciate that and yeah, and know your tree best. My experience with trees, which is which is, it's fairly extensive and I can bore you for hours, is that you can build and develop very very close to trees, the impact on trees is generally minimal and that's where trees which are actually on the site and not for trees which are along the periphery and the cross roads, and, I'd be confident right now to say that the impact on your tree wouldn't be an impact, and that's without any specific tree protections, which is again something we might be looking at through the bylaw change in the future.

Right to the view, that's a difficult one, because rarely and in fact never in my

experience, has right to a view, ever been a material planning issue which has upheld in appeal. There is factors of character and change and context and the how the place will feel after. Chair, those are material planning matters, and we think that this developer has taken into account a lot of this, in your drawing packages you'll note quite a detailed through the town site sections examining other taller buildings and how this building will look within that long view. The one from the river, the one from approach from the South, and how this building actually, if you look at it in isolation, it you could have an impression this is very much a building, but when you look at this building In the context of our other larger, taller buildings, the hotel the next door – as they call it the Hooley building, who have been in contact with and has no issues with this development. So, we've got a fairly detailed assessment of the impact of this. So, we feel that this is compatible with the area. In terms of can this area accommodate it? What kind of impact is it going to have on main street? Well, we have 22 residential units. We know that they're potentially can be car drivers. It's also potentially a very sustainable, walkable locations. So, car demand could be less and that's what the development plans recognize. The official plan is saying densify the urban areas where the shops where the services are available, that is where is appropriate to place development like this. It wouldn't be acceptable to place this out in the middle of nowhere. It couldn't be serviced. It's just not possible. It would be detached from the very things we're trying to allow people to be next to.

It will add cars on the road, you know, we know that must be pragmatic and we have a parking standard which we have to apply for the development, and the development plan itself, the official plan, the development bylaw. The ink is only four weeks dry. But this, this was a plan, and it was reviewed by our Provincial Partners, signed off by the minister. We've gone through immense time and investment in reviewing the zoning, looking at the zoning, the zoning being part of the public discussion, and we know that in these areas like mixed-use zones, this type of development is in principle very much acceptable. It's been zoned for this very thing. Is this the right thing for that zoning? We feel it is, hence we recommend that an approval be forthcoming, so it's new and I appreciate the fears of new. That is, is this going to make a contribution to what we are looking for this area within Montague to be? Is this delivering 22 new housing units? Is this delivering commercial space? Well, we know we need housing. We know we desperately need housing. We also know that we haven't seen much in the way of commercial development come through, we know that we have the evidence for that commercial square footage coming through that this process is where. this is a new a new opportunity for two new commercial units for business, for employment, for a local doctor, that's what this development represents. So, when you're weighing after the planning issues or is this the right development here? Balance that against what this development brings, I think that covers that, chair?

Speaker 1 – Chair Councillor John Van Dyke

The chair would just like to say one thing firstly, there seems to be a little bit of

uncertainty as to what the actual structure is going to look like, as well as the site features of the structure, I know that board has received what it actually looks like and the finer details of it, but we're planning be open to the sharing of said drawings to our general public in terms of the people that are living in that proximity?

Speaker 5 - Development Officer Lee Kenebel

Chair if I may, I have circulated the renderings on request that we don't have a formal way of posting drawings. That's not something that's actually a planning legislation requirement. But if anyone wants to e-mail me with a request for the drawings, or if they'd like to come in and see the printed copies in in full size, they're more than welcome to do that.

Speaker 1 – Chair Councillor John Van Dyke

Great. Thank you, chair recognizes Gary.

Speaker 7 – Planning Board Member Gary Beaton

Say you, you, you, said it well, I had the same comment.

Speaker 1 – Chair Councillor John Van Dyke

OK. Chair recognizes Anne.

Speaker 8 – Councillor Anne Van Donkersgoed

So, forgive my ignorance, I am just wondering is this a project of, a project of this size, does this require a public meeting with the community around it, like the community that's affected.

Speaker 1 – Chair Councillor John Van Dyke

No, it needs the community to be informed as to what the development is only because of variance

Speaker 8 – Councillor Anne Van Donkersgoed

So the other concern I have, is that Riverside Drive is narrow at the best of times, it has no, you know, no sidewalk. No ability to put a sidewalk because there's, you know, it's too narrow. Is this just complicating? You know, how does this affect that? Like if we if we looked at that issue of...

Speaker 1 – Chair Councillor John Van Dyke

Chair recognizes Lee

Speaker 5 - Development Officer Lee Kenebel

I have engaged with our highway colleagues and the road width and traffic congestion haven't come up as a as an issue for them. We try to engage our provincial partners as much as we can and the developments such as this warrants that, there's no statutory requirements consult with them, and there is access way permitting and that will undertake site visibility assessments, things like that. But we are looking at many a road with excellent site lines coming out of these entrances and exits, so we didn't anticipate a problem with this, and we haven't seen commentary to that effect.

Speaker 1 – Chair Councillor John Van Dyke

Thank you. Other comments? Chair recognizes Gary.

Speaker 7 – Planning Board Member Gary Beaton

Well, I have a question. You referenced letting the public know because of the variance.

Speaker 1 – Chair Councillor John Van Dyke

Yes.

Speaker 7 – Planning Board Member Gary Beaton

What means would be to deliver that notification?

Speaker 1 – Chair Councillor John Van Dyke

Do you wish to relate that, Lee?

Speaker 5 - Development Officer Lee Kenebel

Chair happy to answer any question I haven't answered before. There is on the major variance process there is a requirement to notify the surrounding neighbors the distance 100? 150?... Chair, I'll give you the exact number, but while I'm scanning for that, it's a written exercise, we write to every neighbour who's within the area and we invite commentary and make note of the time when we have this meeting. So any representations can be made. I think we know it's effective we have a little turn out. So, I wrote 35 letters and done this process myself. And with the aid of Chelsey and it's quite a big, it's quite a big exercise because the major variance process has a wider catch net for letter writing, had it been a minor variance than something we can actually deal with quite quickly.

Speaker 1 – Chair Councillor John Van Dyke

Chair recognizes Patrick.

Speaker 9 – Planning Technician Patrick Donahoe

So the distance for the variance is 100 meters, 328 feet from the property boundaries.

Speaker 1 – Chair Councillor John Van Dyke

Any other questions or comments? All right. Are you ready for the question? (Someone from the public starts speaking.) Sorry, no. Yeah, but, so I apologize. I'm sorry. We do that at the start of the meeting. I understand that you want you... we do that at the start of the meeting, and I understand you wanted if you're I understand you wanted to share but, I appreciate it.

Speaker 5 - Development Officer Lee Kenebel

So it might be worth noting that the town council will also be hearing this item. There will be another public speaking opportunity

Speaker 1 – Chair Councillor John Van Dyke

Correct. So, the planning committee basically just the planning, excuse me, I'll turn this on... the planning Committee refers this on to council, at which point Council will have an open form for you, by all means, to discuss as well.

Speaker 10 – Mr. Paul Grinton

OH sure, I just wanted to know, if you knew it was like 50 yards from the junior high, that's all.

Speaker 1 – Chair Councillor John Van Dyke

OK. Thank you. Is there anything else board...are we ready for the question? All those in favor, please, of moving it forward to Council signify. Oh sorry... Sean

Speaker 4 – Planning Board Member Sean Halley

One last thing are we going to vote separately on the variance as well or are we Going to do the approval as a whole

Speaker 1 – Chair Councillor John Van Dyke

As a whole. Yes,

Speaker 4 – Planning Board Member Sean Halley

OK.

Speaker 1 – Chair Councillor John Van Dyke

Are you ready for the question? All those in favor, please signify by.... bang on.
Contrary minded? Thank you. Move forward to council.

Motion was carried unanimously, and meeting continues on.