Planning Board Committee Meeting Minutes

June 2, 2020

Present

Mayor Basil Stewart
Deputy Mayor Norma McColeman
Councillor Bruce MacDougall
Councillor Justin Doiron
Councillor Barb Ramsay, Co-Chair
Councillor Cory Snow
Councillor Greg Campbell
Councillor Brian McFeely, Chair
Councillor Carrie Adams, Co-Chair
Rob Philpott, Chief Administrative Officer
Kristen Dunsford, Acting Director of Financial Services
Gordon MacFarlane, Deputy CAO and Director of HR & Legal Affairs
Aaron MacDonald. Director of Technical Services
Linda Stevenson, Development Officer
Brian Hawrylak, HR Officer

Call to Order

The meeting was called to order

Agenda was approved

****** Due to COVID-19 restrictions, this meeting was closed to the public and held via video conferencing**

136 Harvard Street – major variance (rear yard)

SUPPORTING EXPLANATION:

Purpose: The purpose of the major variance is to allow, a two-unit dwelling at 136 Harvard St. (PID #315390) to be located further back from Harvard Street than what the bylaw requires. The applicant would rather a larger front yard than rear yard which in turn allows the driveway to be longer and parked vehicles are further away from Harvard St.

Background: The applicant met with City staff requesting setback information in the R3 zone. Upon review of the proposed building location (site plan review), it was determined a major variance would be required. A variance application was received from Beverley and Kent Marchbank for variance to the rear yard. The applicants are requesting a rear yard variance, as they would like to exceed the front

yard requirement (6m required, proposing 8.8m) in efforts to have the proposed building be located further back from Harvard St. Because of the narrow lot, no portion of the driveway can be accommodated along the side of the proposed dwelling.

Report:

Variance to rear yard

The required lot frontage for the proposed building is 5m (16.4'), the applicant is proposing a rear yard of 3.35m (11'), a variance of 33%.

Justification for Variance: As required by Section 7.2 of the *City Zoning Bylaw SS-15 (2007)* Council, Planning
Board and the Development Officer shall consider the variance, against the following tests for justifying a variance:

a. *That the hardship is due to unique physical conditions of the lot or property, including small lot size, irregular lot shape, existing building location on the property, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards. Exceptional topographical conditions may include, but are not limited to: trees, slope of the land, etc.*
Staff Comment: **Yes**, this variance request would meet this test. The characteristics of the lot has impact on the requirement for the variance as the lot size is existing, not a newly created lot.

b. *That the proposed variance meets the general intent of the official plan.*
Staff Comment: **Yes**, this variance request would meet this test. The existing lot land use is residential land use.

c. *That the proposed variance meets the general intent of the zone.*
Staff Comment: **Yes**, this variance request would meet this test. The medium density zoning (R3) allows up to two units as of right. The proposed two-unit dwelling meets the required, front, and side yard setbacks. The variance will not impact the required setbacks on the existing neighbours. The variance impacts the two unit dwelling only as it is their yard that is most impacted.

d. *That the proposed variance would not impact negatively on adjacent properties, or on the essential character of the surrounding neighborhood, including taking into consideration any comments from neighbors.*
Staff Comment: **Yes**, this variance request would meet this test. Twenty-five (25) letters were mailed to 18 properties within 30m of the boundaries of the subject property. The property is bordered by neighbours on west, east and south boundaries, and the street on the north boundary. Comments from adjacent property owners were due on or before May 29th. Written comments were received from Kenneth Hogg (82 Russell St), Mr. Hogg feels the variance should be denied, his comments are included in this report. The neighbour (Mary Charlene Doucette) of 130 Harvard St. met with the Development Officer to view the file and discuss the variance application. Ms. Doucette was concerned about the side yard, the applicant's proposed side yard setback (1.8m) exceeds the required setback (1.5m).

The City's zoning by-law provides regulations for the uses of land and location of buildings on a property. It is difficult for zoning by-law provisions to take into account all circumstances such as pertaining to lot sizes, lot shapes, pie shaped lots, property line yard setbacks or topographic conditions, which may impact the development of a particular property. The hardship for a variance cannot be an economic one, but must be technical in nature.

The size and shape of the property or the design of a building/ project may prevent the owner from fully meeting all of the provisions of the zoning by-law. In such cases, a variance is a mechanism which is used to provide some degree of flexibility and discretion in applying the strict provisions of the by-law. As a general principle, a variance must maintain the general intent and purpose of the zoning by-law. It should never be used as a mechanism to circumvent or frustrate the intent of the by-law. For example, a variance cannot be used to create a land use or to fully eliminate a required yard setback.

Any person who is dissatisfied by a decision of Council or the Development Officer made under the Zoning Bylaw, may appeal to the Island Regulatory and Appeals Commission within twenty-one (21) days of the decision in accordance with the Planning Act.

Email from Kenneth Hogg
Sent: Thu 28/05/2020 10:06 PM

> *Thank you for taking the time to review my request to deny this variance. Their property borders my backyard & my address is 82 Russell Street. There are already a 6 unit & a 3 unit buildings on Eustane Street owned by the Marchbanks. This area of the city has many single family dwellings but the area between buildings keeps getting smaller & smaller. To request it be reduced by 33% seems extreme & if an exception is made for 1 person then another person will expect to get the same. The 6 unit building on Eustane Street also owned by the Marchbanks has built a storage shed that is within inches of the property line & fence. The Marchbanks have cut limbs off of a tree on my property without attempting to contact me to ask permission to cut these limbs. I have reported this incident to Summerside police. They contacted a neighbour on the corner of Harvard & Russell who had a tree on their property & he asked permission to trim her tree which she approved, they should have extended this same courtesy to me. I have a doorbell at all 3 doors of my home , my contact number is 902-439-2611this number is listed on Canada 411 & many of my neighbors have it & this is my cellphone number & is on me 24/7 ,& there are 3 mailboxes on my home 1 at each door & they are checked daily, so they could have left me a note to contact them. I respectfully request that this variance be denied.I have lived at my home for 38 years & feel that we should have a respectful distance between dwellings & out buildings to allow for children to play & for gatherings of family & friends. Allowing adequate distance also means that 1 property owner cannot plow snow from their property onto a neighbours property & this has also happened in the past. I support development within the city but we have rules & regulations for a reason. Guidelines need to be followed so that we can build a better city for the future generations. Thank you again for the opportunity allowing me to be able to express my concerns with regard to this matter. Sincerely, Kenneth.A.Hogg, 82 Russell Street, Summerside, PE, C1N 2T7*

RECOMMENDATION: Technical Services staff recommend: That the application from Beverley and Kent Marchbank for PID #315390 for 33% variance to the rear yard be recommended to be approved by Council.

As per Section 7.2 of the Zoning Bylaw, the Planning Board shall make a recommendation to Council on this application before it is approved or denied.

The planning board recommendation whether carried or defeated will be brought forward for Council for a final decision.

PLANNING BOARD RECOMMENDATION: This application bears the recommendation of the Planning Board:

Moved by: Councillor Ramsay Seconded by: Councillor Adams

Discussion:

Mayor Stewart inquired if there are 3 apartments since there are 3 mailboxes of Mr, Hoggs dwelling. Staff and Council were unsure if the structure was anything more than a single family building.

A deck could still be built but must be 5 feet from the property line.

Of the 25 letters sent to 18 different properties, 2 property owners responded.

The property owner wants to move the front of the house back from the street to have more space.

Motion:

Carried	X		For	4
Defeated			Against	0

The Committee recommends that the resolution on this matter be brought forward for Council consideration.

COVID 19 update

Councillor McFeely provided an update regarding the COVID19 Task Force. On Friday a virtual mall was launched with about 60 businesses registered, to encourage residents to buy and shop local www.forwardsummerside.ca and also a Buy it Forward campaign.

Adjournment

Motion	It was moved and seconded;
That	The meeting be adjourned.
Motion Carried	

Technical Services Committee Meeting Minutes

June 2, 2020

Present

Mayor Basil Stewart
Deputy Mayor Norma McColeman
Councillor Bruce MacDougall
Councillor Justin Doiron, Chair
Councillor Barb Ramsay
Councillor Cory Snow, Co-Chair
Councillor Greg Campbell
Councillor Brian McFeely
Rob Philpott, Chief Administrative Officer
Gordon MacFarlane, Deputy CAO and Director of HR & Legal Affairs
Kristen Dunsford, Director of Finance
Brian Hawrylak, HR Officer
Aaron MacDonald, Director of Technical Services
Dave Poirier, Chief of Police

Call to Order

The meeting was called to order

Agenda was approved

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Avon Street trailer

CAO Philpott provided an update on this property.

Aaron MacDonald stated that there were issues in the area last fall and staff worked with police services and determined that it looked like someone was living in the trailer. A letter was given to the person in the trailer and the property owner last fall.

Staff noticed that the trailer was moved in the fall and then in the spring, it did reappear back on the property. Staff noted that resident of the trailer was unable to find suitable housing.

Councillor Snow stated that this is a concern of the neighbors and bylaws are in place to address this and should be enforced accordingly.

Staff suggested drafting a letter addressing the alleged violation of the bylaw and giving it to the resident with a date to rectify the issue.
Councillor Ramsay stated that she has received concerns regarding a bucket being used for a bathroom.

Councillor Snow stated that with some of the unsightly properties that have come forward, that he hopes the media would consider how they cover the issue and he said it almost becomes a public shaming.

Councillor Adams stated that because perhaps campgrounds are now open, perhaps it can be moved.

Chief Poirier stated that he had spoken to the resident before and he could not afford a campground.

Councillors MacDougall and Ramsay stated that some people get down on their luck and staff should see how they can help the resident by showing where the resources to help them are.

Deputy Mayor McColeman and stated the individual should speak with income support at Access PEI and PEI Housing.

Staff will follow up with the individual and provide options to him on supports he can follow up on.

Adjournment

Motion It was moved and seconded;
That The meeting be adjourned.
Motion Carried

Police, Fire & Emergency Planning Committee Meeting

Minutes

June 2, 2020

Present

Mayor Basil Stewart
Deputy Mayor Norma McColeman
Councillor Bruce MacDougall
Councillor Justin Doiron
Councillor Barb Ramsay, Chair
Councillor Cory Snow
Councillor Greg Campbell, Co-Chair
Councillor Brian McFeely
Councillor Carrie Adams
Rob Philpott, Chief Administrative Officer
Kristen Dunsford, Acting Director of Financial Services
Gordon MacFarlane, Deputy CAO and Director of HR & Legal Affairs
Dave Poirier, Chief of Police
Brian Hawrylak, HR Officer

Call to Order

The meeting was called to order

Agenda was approved

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Parking on both sides of the street (Highland/Cambridge

Councillor Ramsay stated that she is getting calls of concerns of vehicles parking on both sides of the street in certain areas. The concern is that there would not be room for an emergency vehicle to get through in some cases.

Deputy Mayor McColeman stated that she received a call regarding Cambridge Street that poses a safety concern. She stated that at some homes, there is not enough room for 2 vehicles to park in driveway, so some parks park on the street.

Mayor Stewart stated that if vehicles were to park on one side of the street, some residents would want it on one side of the street rather than the other, while there are some people who are used to parking on the road in front of their house for years.

Councillor Snow suggested that if residents had concerns regarding cars parking on both side of the street, they should let staff know so they can follow up and do some measurements on the width to ensure that fire trucks are able to get through.

Staff stated that they would start with Highland and Cambridge Streets to start, Councillor Ramsay also suggested they look at North Market Street.

Recommendation – no parking Rufus Street

RECOMMENDATION:

That two (2) parking spots be eliminated at the lower end of Rufus Street (East side) near Water Street.

SUPPORTING EXPLANATION:

The gentleman who lives at 539 Water Street is requesting this action as vehicles often park close to Water Street making it difficult for motorists entering Rufus from Water.

ALTERNATIVES: Leave as is.

ADVANTAGES: Easier for family to exit their property**.**

DISADVANTAGES: None foreseen at this time.

COST/FINANCIAL IMPACT:

Minimal cost only as signage and work to be completed by Municipal Services.

The Committee recommends that the resolution on this matter be brought forward for Council consideration.

Adjournment

Motion It was moved and seconded;
That The meeting be adjourned.
Motion Carried

Municipal Services Committee Meeting Minutes

June 2, 2020

Present

Mayor Basil Stewart
Deputy Mayor Norma McColeman
Councillor Bruce MacDougall, Chair
Councillor Justin Doiron
Councillor Barb Ramsay, Chair
Councillor Cory Snow
Councillor Greg Campbell
Councillor Brian McFeely
Councillor Carrie Adams
Rob Philpott, CAO
Kristen Dunsford, Acting Director of Financial Services
Gordon MacFarlane, Deputy CAO and Director of HR & Legal Affairs
Brian Hawrylak, HR Officer
Greg Gaudet, Director of Municipal Services

Call to Order

The meeting was called to order

Agenda was approved

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3D Crosswalks

Greg Gaudet made a presentation on 3D crosswalks. He describes the procedure it would take to create the crosswalk. He anticipated that it could take at least a half day and possibly a full day to complete.

There would be an additional cost as compared to regular crosswalks, 3 different shades of paint would be needed along with additional time.

Staff's recommendation would be to start with three 3D crosswalks.

Three suggested locations are: Greenwood/South, MacEwen Road/Carol Ave, Central/Maple Ave.

Council was in agreement for the 3 locations and stated that they would be curious as to if the crosswalk would clam traffic as well.

Adjournment

Motion	It was moved and seconded;
That	The meeting be adjourned.
Motion Carried	

Community Services Committee Meeting Minutes

June 2, 2020

Present

Mayor Basil Stewart
Deputy Mayor Norma McColeman
Councillor Bruce MacDougall
Councillor Justin Doiron
Councillor Barb Ramsay
Councillor Cory Snow, Chair
Councillor Greg Campbell
Councillor Brian McFeely
Councillor Carrie Adams, Co-Chair
Rob Philpott, Chief Administrative Officer
Kristen Dunsford, Acting Director of Financial Services
Gordon MacFarlane, Deputy CAO and Director of HR & Legal Affairs
Brian Hawrylak, HR Officer

Call to Order

The meeting was called to order

Agenda was approved

East Prince Seniors Initiative

Councillor Snow stated that Council received notice that EPSI was disbanding. Staff are drafting a terms of reference to engage with seniors groups in the City to create a new seniors initiative that will address needs of the community. He thanked EPSI for their contribution to the committee.

Deputy Mayor McColeman stated that Council cares very much for seniors and took a very involved approach to comments from seniors and thanked EPSI for their legacy.

Adjournment

Motion It was moved and seconded;
That The meeting be adjourned.
Motion Carried

HR, Legal Affairs & Culture Summerside Committee

Meeting Minutes

June 2, 2020

Present

Mayor Basil Stewart
Deputy Mayor Norma McColeman
Councillor Bruce MacDougall, Co-Chair
Councillor Justin Doiron
Councillor Barb Ramsay
Councillor Cory Snow
Councillor Greg Campbell
Councillor Brian McFeely
Councillor Carrie Adams, Chair
Rob Philpott, Chief Administrative Officer
Kristen Dunsford, Acting Director of Financial Services
Gordon MacFarlane, Deputy CAO and Director of HR & Legal Affairs
Brian Hawrylak, HR Officer

Call to Order

The meeting was called to order

Agenda was approved

***** Due to COVID19, this meeting was held via video conferencing**

Meeting protocol

Councilor McFeely made a presentation on meeting protocol in an effort to have efficient meetings.

Purpose

- Respond to comments on the length of some recent meetings and concerns relating to time spent in CoW.

Objectives

- Explore Options to keep Meetings Efficient.
- Seek Agreement From Council on Actions going Forward.
- Briefly Discuss Transparency and Openness as it relates to CoW.

Municipal Government Act

- Defines Council's Role. (Policy)
- Councils only Employee is the CAO- has operational responsibility.
- Enables Council to exercise authority via Bylaws and Resolution.
- Defines Closed Meetings (Section 119-1)
- Defines that only 3 Kinds of Motions permitted in Closed Meetings.
    - Instructions to Lawyer
    - Instructions to individual negotiating contracts.
    - Give direction to staff on HR Matters

Procedural Bylaw

- Sets Out How We Do Business
- Contemplates Roberts Rules of Order

Requires:

- Agenda- Set Minimum 2 days Before Meetings
- Any Changes to Agenda Requires Unanimous Approval
- 10PM Time Limit

Committee of the Whole (CoW)

- Analysis- January to May 2019 Vs 2020 Committee and Regular Meetings. (Not included Planning Bd and other)
    - 2019
        - 66.2% of meeting Open
        - 33.8 closed
    - 2020
        - 59% of Meetings Open
        - 41% closed
        - May and June Committee Meetings- 16 Agenda Items in Open and 16 Agenda Items in Closed.

Proposed Initiatives to Improve Efficiency of Meetings

- Start on time
- Come prepared
- Be Respectful of Staff's time
- Reduce Length of Break Before Moving in CoW
- Media Interviews in Media Room
- Proceed with CoW even when interviews happen or defer interviews.
- Single Ward Issues dealt with directly with CAO-If not resolved come to Counci via resolution.
- Follow Procedural Bylaw
    - Any Non Agenda items require unanimous approval of Council.
    - 10PM Cut Off time
- If questionable that an item should be in CoW defer to Public Meeting.
- Roberts Rules of Order more closely adhered to.
    - Respect of the Chairs Position to Acknowledge Speakers
    - Respect Rule of Speaking Twice to Each Resolution.

- Better Use of Resolutions.

Councillors thanked Coucillor McFeely for the information and reminder of the Procedural Bylaw.

Adjournment

Motion It was moved and seconded;
That The meeting be adjourned.
Motion Carried