

**Planning Advisory Committee Minutes
May 13, 2010
Council Chambers**

Present

Councillor W. Cormier, Chair
Deputy Mayor L. Chisholm
A. Murray
D. MacFarlane
B. MacLean
T. Sherrington

Mayor C. Chisholm
S. Day, Planner
D. Kampen, MPA, Chief Administrative Officer
D. Wilson, Deputy Clerk

Regrets

Councillor D. MacInnis
M. MacDonald

Call to Order

The Chair called the meeting to order at 5:30 PM.

Presentation

- Mr. R. Kell re Old Wrights River Proposal
S. Day provided background information to the Committee noting that some residents have opted to take part of the old riverbed back from the Town and incorporate them into their own lands.

For reasons unknown, Mr. R. Kell, did not attend the meeting to make his presentation.

Mr. B. MacLean joined the meeting at 5:35 PM.

Deputy Mayor L. Chisholm provided her past experience in dealing with the Town with regard to lands zoned Conservation. S. Day, Planner, noted that flooding and steep slopes were the catalyst for Conservation Zoning.

Approval of Agenda

Moved by Deputy Mayor L. Chisholm
Seconded by A. Murray
"That the Agenda be approved with additions." Motion carried.

Approval of Minutes

Moved by Deputy Mayor L. Chisholm
Seconded by A. Murray
"That the Minutes of the meeting held on March 25, 2010, be approved as circulated." Motion carried.

Business from Minutes

- **Non-Residential Flow-through Buildings**

S. Day, Planner, noted that a proposed development by the Antigonish Highland Society in the Piper's Glen area adjacent to Columbus Field included a stage, along with office and storage buildings. They would like to use a 'flow-through' building method which would basically allow any moving waters to flow under and through the buildings. S. Day noted he could work on something that would permit non-habitable developments by groups such as non-profit organizations to utilize this type of construction. The Committee was in general agreement with S. Day to continue work on this matter.

- **Final By-law Review**

- **Unightly Premises**

The Committee reviewed the proposed Unightly Premises By-law as amended by CAO D. Kampen, and positive feedback was provided by the Chair and M. MacDonald. B. MacLean questioned whether including Part 15 of the Municipal Government Act within the By-law might give it more weight; however, CAO D. Kampen noted that the Town is already bound by this Section regardless, and noted that prior to this By-law the only thing the Town had by way of enforcement was Part 15 of the Municipal Government Act.

Moved by Deputy Mayor L. Chisholm

Seconded by B. MacLean

"To recommend Council give Second Reading to the revised Unightly Premises By-law."

Motion carried.

- **Site Alteration By-law**

CAO D. Kampen advised that as the Site Alteration By-law is to be administered through the Engineering Department, it will be reviewed at an upcoming Public Properties and Streets Committee and then come back to Planning for a review.

- **Licensing of Rental Units**

The Chair commented on a recent article in The Casket on the matter of licensing rental units, and noted that potentially 30-35% of the houses within the Town could be affected if the licensing of rental units is passed by Council.

The Chair advised that caution must be taken to ensure members of this Committee are not in a conflict of interest. He noted that it is up to the individual to ask themselves the question of whether they are or are not in a conflict of interest, and suggested members take the opportunity to review the appropriate section of the Municipal Government Act.

The Chair noted that comments and ideas will come from the community with respect to licensing rental units and noted that at this time it is unknown if the Province would or would not permit licensing.

Moved by A. Murray

Seconded by Deputy Mayor L. Chisholm

"That CAO D. Kampen contact Service Nova Scotia and Municipal Relations to discuss whether the Town of Antigonish can, under the Municipal Government Act, license rental units." Motion carried.

Other Business

- Rooming House Requirements (Implication of Fire Safety Act)

S. Day circulated a Discussion Paper on the Regulations of Rooming Houses and advised that as a result of being subpoenaed to Court recently, he has become aware of issues surrounding dwellings being used as rooming houses. He noted that if a homeowner does not have an Occupancy Permit, as issued by the Town, the homeowner is not in abeyance with the Town's By-laws. He noted that the Residential Tenancy Board suggested that when renting to multiple tenants, individual leases be signed, thus allowing the landlord to, if necessary, evict a single tenant rather than all tenants. This also automatically identifies the dwelling as a rooming house.

B. MacLean noted that the Town's definition of Rooming Houses is inadequate and referred to the term 'Lodging Houses' instead.

- RK MacDonald Nursing Home Rezoning Request – Residential (R1) to Institutional (I)

S. Day advised the Committee that as part of their parking lot development, the RK MacDonald Nursing Home severed lands to the rear of existing houses on Victoria Street. One of the severed lots contains a small out-building which they now wish to use to house the Seniors Care Van along with other uses. He noted that the area in question is currently zoned Residential and giving consideration to rezoning it to Institutional (I) may lead to others wishing to do the same in the future. Mayor C. Chisholm noted that the Seniors Care Van is a separate entity from the RK MacDonald Nursing Home.

For the benefit of the Committee S. Day drew a scenario of the existing and proposed use of the land(s), noting that any rezoning takes at least three (3) months. He further noted that a Public Authority may carry out activities not completely in keeping with the Land Use By-law; however, currently the Town's definition of a Public Authority only includes the Town, whereas the RK MacDonald Nursing Home is owned by both the Town and County of Antigonish. He noted there are still issues with a portion of the lands which are subject to the Conservation (02) designation.

Moved by Mayor C. Chisholm

Seconded by T. Sherrington

"To recommend Council amend the definition of 'Public Authority' as contained in the Land Use By-law such that the Authority may be comprised of the Town and County of Antigonish jointly. Further, to amend the Land Use By-law where the erection of non-residential buildings, by a Public Authority, within a Conservation (02) Zone may be permitted subject to sound flood risk management principles." Motion carried.

- 62 Hawthorne Street Development Agreement

Copies of a proposed Development Agreement were distributed with S. Day noting that a recommendation was not included.

S. Day noted that a Public Hearing is scheduled at the Monday, May 17, 2010, Council Meeting for the proposed Development Agreement for 62 Hawthorne Street. He noted finalized fire protection and storm drainage plans are to be submitted prior to the Public Hearing.

S. Day noted that he had met with Ms. C. Melnyk (neighbour) on site, and that her only concerns appeared to be a need for additional buffering. Another neighbour, Ms. B. Gillis, expressed the same concern.

Further to a conversation between S. Day and Mr. I. Kadray, the Committee was advised that Mr. I. Kadray may look to decrease the number of units from 29 to 24 (larger units), and does not wish to address the concern of window coverings. Further discussion on the number of units and window coverings are expected to be brought up at the Public Hearing.

For the benefit of the Committee, S. Day presented the site servicing drawing. He noted that an access for rear parking for the C. Melnyk property is included. Brief discussion ensued on the type and amount of buffering. S. Day noted that the plans include a rock-lined swale which will take stormwater to an Interceptor which, in turn, will be piped to Brookland Street.

In response to a query from CAO D. Kampen, S. Day provided a brief outline of how the public hearings work. He further noted that parking could probably be reduced in exchange for additional snow storage.

With respect to 'bonding' for the project, S. Day noted that a \$4,000.00 Bond would be required, along with (professionally designated) Schedule A-9's. A survey of the footings once installed will be required, and at the completion of the project 'as-built' drawings are to be submitted.

In response to a query from Mayor C. Chisholm, S. Day advised that the only outstanding plan to be received is for a side-section which needed to be addressed due to changes made in the plans.

- **LIDAR Project**

S. Day noted that LIDAR mapping has been completed and the information is presently in Halifax.

- **Hillcrest Street Right-of-Way**

S. Day reported this matter is presently with the Town's Solicitor.

Action List

- **Flow-through Buildings in Floodway**

This matter was previously discussed.

- **Municipal Planning Strategy/Land Use By-law (MPS/LUB)**

Next meeting June 17, 2010, 5:00-7:00 PM.

- **West Street Parking – Options**

S. Day noted this matter is temporarily on hold (re Hillstreet Right-of-Way).

- **Adam Street parking – Options**

S. Day noted he had nothing new to report on this matter.

- **Cash-in-lieu of Parking Allowance Downtown Commercial (C1) – Policy Amendment**

S. Day noted he had nothing new to report on this matter.

Adjournment

Moved by Mayor C. Chisholm

Seconded by A. Murray

"That the meeting be adjourned." Motion carried.

