

Community of Kingston Public Meeting

June 25, 2012

Forum hosted by Planner Phil Wood.

Present: Dwight Thompson, Joe Dolphin, Dianne Murphy, Linda Griffin, Phil Wood, Dianne Dowling and Ben Miller.

Also, twenty five residents (25) in attendance.

The meeting was called to order at 7 PM by Councilor Dianne Murphy.

Councilor Murphy welcomed everyone and gave a brief update on the planning progress to date. She began with the last public meeting, which was on October, and gave a brief summary of what has been done to date. She then introduced Phil Wood, the Community Planner. Ms. Murphy started by explaining the interim plan closely resembles New Haven Riverdale's plan, because of the closeness of the two communities logistically it was practical to implement a similar document, but the final plan does not necessarily have to resemble any existing document, and can be unique to Kingston.

She explained that in general there have been a couple of issues and one was the Province calling shotgun on approvals that were in existence prior to the interim Plan being approved. The other issue is concerning the special planning area the restriction, currently in this area is restricted to five lots off, but the rest of the community has no such regulations. Ms. Murphy explained that Council need to have access to the files on the previous approvals, specifically relating to the five lots off. She continued to say this issue has taken time away from focusing on the process on a go forward basis. Ms. Murphy indicated that the focus meeting minutes are not on the website currently but will be up within a week and if anyone has an urge to look at those minutes more urgently she can send them via email tomorrow. She asked anyone making this request to see her with your email and she will ensure the minutes are sent to you. She continued to say Council is now the six month point and are not ready for a final draft, therefore have applied for a six month extension and this has been approved. She said she plans to have at least one more meeting in the fall and if need it could be increased to two meetings. But no meetings will be scheduled over the summer because of the difficulty in getting people to attend meetings during the summer.

1. A question was asked about the timely delivery of the newsletter and when the newsletters went out. The Administrator explained that the newsletters went out within one day of picking them up at the printers. She indicated it takes a bit of time because it involves dropping the newsletters off at three different post offices. Ms. Murphy said the timing also considered the problems with too early a delivery.
2. A question was asked about the historical Community email address list and why was it not utilized? The Administrator replied that she has not seen this list, however she is attempting to recreate it so whenever there is a meeting and a request for emails is circulated the contact

information is added to a new master list. Also anyone that had indicated an email address on their returned black fly form from 2011 has been added to the master list. Mr. Wood clarified on a go forward basis the Council is trying to make sure everyone is aware of the process and receives notification.

Mr. Wood explained the partnership in managing land in cooperation with the farming community and with non-farming residents. He indicated the bigger issue is the whole stewardship of the land and managing it so we have a sustainable healthy community. He said sometimes the 15 meter buffers are an issue given the topography of the land and the carrying capacity of the land noting at what point do we go beyond the capacity of septic systems to function properly? Do we need to have a higher standard given that we don't want to ever need to install central systems? He noted that Rural East and Rural west was introduced to comply with the SPA regulations and how do we balance the issue of development inequity between these areas and what is a fair number of lots per parcel given family sizes and acreage. He mentioned at lot of the focus meetings the community hall was discussed and what a great resource it is for the community. However, the group running this centre is becoming frustrated and wants more community support. He also mentioned what was identified as a disconnect with the community residents and that Kingston is increasingly becoming a bedroom community, where the sense of Community is being eroded and residents no longer know their neighbors.

Mr. Wood then opened the floor for discussion:

1. A question was asked about the minimum lot size? Mr. Wood explained currently a minimum lot size of one acre has been adopted by a number of Communities within the SPA and the Kingston interim plan has adopted this size also.
2. A question was asked about the SPA and will it always be limited to the five lots off existing parcels. Mr. Wood explained that there are currently criteria within the **Planning Act** dealing with the SPA and number of lots per child, and/or per a number of uses. However, under Section 10 within the **Planning Act** the five lot limitation is spelled out in the regulations. He further explained the former scenario of approving lots off for children and the problems with this regulation if it was challenged, noting this regulation would most likely not survive a "Charter of Rights and Freedoms" challenge. Noting this regulation was put in place as an outcome of the Municipal Reform measures in the mid 1990's and It basically put a circle around the larger municipalities and limited development within this radius. Resident Garth Carragher explained the soil classification and indicated that soils within the community are mostly Category 2 and 3, so an acre should be ample. A concern was expressed addressing the issue of self-regulation in licensing installers who do their own certification, noting the more marginal lots that get approved the more risk to the Community. Mr. Wood continued to say he had asked the Department of Environment about the criteria for approval if there is a lot which does not have the acre but meets the minimum lot standards noting that 10% is the basic standard for a variance, but Council has discretionary powers in this instance.
3. A question was asked as to how does the community protect farming and concerning zoning specifically does the community anticipate having zoning? Mr. Wood indicated that one of the biggest concerns is strip development and this is defiantly an issue on some roads in Kingston.

He went on to explain the ten chain rule noting in Kingston interim plan this was changed to 500 feet. Resident Garth Carragher said that this initiative originated in the farming community suggesting lots could be side by side and share a driveway. Also discussed a disclosure on the building permit form saying *“You have moved into a farming community and Council does not wish to address complaints dealing with normal farming operations”*. Another issue that was noted was that most farmers view their land as their retirement package and if there are no children to carry on the family farm then the other option is to sell lots.

4. Mr. Wood addressed the issue of having two sets of rules if the community chooses not to incorporate the SPA restrictions globally. He explained that the SPA regulations can't be interchanged or manipulated to make one less stringent set of global regulations. He gave a brief history on the report that was commissioned in the past noting the request made to the Province as a pool of 13 Communities and was denied. A comment was made that no one likes the “Wild West” approach but are also not happy with the restricted SPA. It was mentioned that the Communities Plan is not a static regulation and will be revisited in the future.
5. Mr. Wood asked those present if they noted a dramatic change in the characteristic of the community? Everyone present agreed that there has been a transformation in the community. The observation was that it is the farmers selling their land and developers coming in and creating sub-division's and while they were opposed to the restriction in the SPA was overall happy with the development that has occurred as a result of the SPA regulations.
6. A question was asked about matching the scale of development with the lot sizes and if the proposed development is larger the lots are required to be larger. Mr. Wood responded that there are two points to this argument One if the lots get bigger the costs to develop go up and two it depletes farm land faster as larger lots are being severed. He went on to explain that some municipalities have what is called cluster development where the development is clustered with a no development buffer radius. It is something that is not done a lot on PEI but it definitely is an option. He also asked does the community go to the extreme of testing the soil and mapping making some areas undevelopable noting the cost of this is pretty expensive. The alternative would be to come up with more performance standards and make criteria is higher based on the soil testing.
7. A question was asked concerning the information on water tables and is it available? Mr. Wood indicated this is not readily available but most well drillers can have an idea of the conditions if they have dug wells in the area.
8. A question was asked about unsightly premises or maintenance bylaws and how are they enforced? It was noted that the province has an unsightly act, however what is unsightly is definitely subjective.
9. Mr. Wood mentioned land use conflicts and asked “what is the feeling in the room?” He noted that one of the most common provisions of a Plan is to restrict undesirable developments. He continued to mention “Bed and Breakfasts” and how could one beside a residence create conflict. Mr. Carragher expressed a cautionary note in that when you invite the public over your threshold you become liable. Therefore, should Council be asking for Fire Marshall's certifications for Bed and Breakfasts? A question was asked about in home occupations and what if residents are running a business out of their home? Mr. Wood clarified that if a business

becomes so large that it inconveniences residents then it would be a concern. He asked if anyone has any issues currently with in home businesses? He then asked about mini homes? Does anyone have a problem with them? He continued to explain the standard provision is that communities are saying “no” to the old style mobile homes. No one had an issue with the newer mini homes but noted the “older” style mobile homes may be another issue as most of these are banned in other communities, so Kingston could become a refuse for these old mobile homes if they are not restricted especially since there are is a trailer park closing in Cornwall and these people may be looking for a new site for their homes and Kingston is definitely close by.

10. Discussed Shale pit operations and Mr. Wood noted these are a constant source of irritation. He said he has written pit bylaws and they are mostly like a license. Asked if pit regulations should be included in the Community regulations.

11. Mr. Wood then asked about opinions on wind mills noting this regulation is not included in the initial plan. Those present discussed wind mill operations at great length.

At this point Mr. Wood asked if there are any other issues that have not been discussed? Resident Garth Carragher brought up dog Kennels. It was noted this use became a huge issue in a neighboring community. Mr. Wood indicated that over the summer Council will be writing some draft policies and at the next meeting there will be some specific regulations to review. He indicated at the next meeting the format may be a bit different in that he may divide the attendees into breakout groups.

Councilor Dianne Murphy thanked everyone for coming and asked if there were any further questions?

A question was asked on the recourse if someone is in breach of the regulations. Mr. Wood explained the Summary convictions section in the **Planning Act**. The question was does the community proceed with a legal action against a violation of the bylaws? Councilor Murphy indicated it would depend on the circumstance and if the infraction is considered a big enough issue then your taxpayers dollars will be used to enforce the regulations. Mr. Wood further explained that negative development will depress prices and land would become less valuable so most developers follow the regulations.

Being no further questions the meeting adjourned at 8:35 pm.