

## Glenburnie Residents Association Meeting

Held at the Glenburnie Fire Hall

March 27<sup>th</sup>, 2019 at 7:00 p.m.

In Attendance: Peter Babcock, Doug Barbour, Sonya Bianchet, Ruth Blacklock, Jack Blacklock, David Brownell, Donna Brownell, Maureen Cabray, Bob Carr, Naomi Clark, Kim Cucheran, Yves Deslauriers, Wendy Deslauriers, Nicholas Farkas, Terri Flindall, Bill Hendry, Lorna Hendry, Wayne Joy, Ann Liblik, Len Liblik, Cameron Liblik, Bill McKendry, David Pentney, Janet Pentney, Cheryl Pelow, Tom Scott, Linda Tuttle, Linda Williams, Janet Wry, Glen Wry, Greta Ziska.

### I. Welcome and Introduction

David Pentney welcomed those in attendance.

#### Agenda

The agenda had been posted and previously circulated.

#### Old Business:

### II. Review of the Minutes from the Previous Meeting

The minutes of the meeting of January 9<sup>th</sup> 2019 had been circulated. Moved by Jack Blacklock to accept these minutes. Seconded by Kim Cucheran. Carried. None opposed.

### III. Financial Report

Doug Barbour, Treasurer, reported that an account has been opened at the Kingston Community Credit Union with an initial deposit of \$250.00. With a few bank expenses the balance is currently \$178.24. Donations can now be accepted.

### IV. Development at 2285 Battersea Rd

#### Petition

David reminded people of the ongoing petition regarding water concerns. This is online at our website and also people were encouraged to sign the paper copy and/or take copies to get other people to sign. There are currently close to 300 signatures. Hoping to reach at least 500.

#### Councilor Boehme

Due to the alleged conflict of interest issues with our Councilor, Gary Oosterhoff, he is precluded from discussing issues related to 2285 Battersea Rd. Councilor Ryan Boehme has been assigned to us as our elected representative. Councilor Boehme was unable to attend the meeting due to another commitment.

#### Water Issues

David suggested that if anyone is having water issues, ie change in chemistry in our wells, or knows of anyone who has had changes in their water since last fall we should let Holly D'Angelo Scott know. Holly we maintain a register of those issues.

#### New Business:

### V. Development at 2285 Battersea Rd

#### Site Alteration Bylaw

David discussed this bylaw and how he has been communicating with the City of Kingston regarding a potential violation of this by-law. The site is still being treated as agriculture. City officials have indicated that

no violation has occurred and the developer has indicated that current excavations are for a future addition to the current dwelling, even though some of these are nowhere near the current dwelling.

Inspections by the City of Kingston shows there is no indication or physical proof that they have removed anything from the site. Notwithstanding the observations of a number of members that a significant amount of material was indeed removed from the site, the developer contends that the dirt and rock is piled up and was not removed. There has been considerable run off which was coming out onto the highway and down the driveway. This issue has been raised with the City.

#### Committee of Adjustment Meeting Monday, March 18<sup>th</sup>

This meeting was discussed. There was a large turnout from Glenburnie residents for the Consent Application to change the lot line between the two properties at 2285 Battersea Rd. Mr. Pilon was apparently in the building, but did not appear until after his application came up on the agenda. Because there was no one there to present his application the Committee voted to postpone until the next meeting on April 15<sup>th</sup>. It is believed that the real intent behind the consent application is to allow further excavation in the area of the current dwelling and to seek an additional entrance off of Battersea Rd. One members reported that Mr. Pilon had a further meeting with the Committee of Adjustment after the Public portion of the meeting was over. That portion of the Committee of Adjustment meeting should be reflected in the minutes of the meeting.

***Secretarial Note: These minutes are not yet available.***

Jack Blacklock raised the issue of the right of way and its dimensions. It was noted that this part of the proposed development is part of Phase 3 of the proposed development. An entrance permit will be required to open the right of way, but an application for this permit could still be a long way off.

David said that he has learned that BPE does not own the 2 lots in question. The two lots were purchased by BPE Development Inc. on August 16, 2017 for \$665,000 with the title being transferred for \$1,000,000 to 20 individuals and investment entities on the same day. BPE is not the owner but is the developer of the property. It was noted that this does not really change much. ***Secretarial Note: After further research it was determined that BPE Development is the registered owner of these two lots. The 20 entities appear to be shareholders, not owners.***

It was suggested that we should change our main focus from the water issues and focus our arguments on land use as outlined in the Provincial Policy Statement - 2014. This document will be placed on our website.

It was noted that BPE is now calling the project Unity Farm, Inn and Spa. Consensus is that this project will not be a farm. Any supposed agricultural elements should properly be considered as landscaping for the Inn and Spa.

#### Spokespersons and Messaging

It is agreed that we need to be sure we are all saying the same thing. David is now calling this the "Hotel Fyre Project" because the developer is using many of the same techniques used by the promoters of the failed Fyre Festival. It was agreed we should have one spokesperson to represent the GRA at the April 15<sup>th</sup> Committee of Adjustment meeting. Holly D'Angelo Scott will act as spokesperson at the meeting. She and David will discuss what should be addressed and said and will take into consideration other suggestions. We will send out and e-mail with the main issues that we believe the GRA should address at that meeting and seek additional input.

The question was raised by Sonya Bianchet if in changing the lot line would BPE be looking once again for another entrance off of Battersea Road.

#### Letter to the Whig Standard

David has written a Letter to the Editor which we are hoping to have printed in the Whig Standard expressing our concerns with the project and the way the City is handling things. This letter was placed on the website



for perusal and suggestions. It is hopefully a way to raise public awareness of what is going on. There was a motion by Bill Hendry, seconded by Yves Deslauriers to send this letter to the Whig Standard. Motion was carried with two opposed. More discussion ensued as there was some concern regarding the reference to the way that city staff have handled things so far. David will make adjustments to the letter to reference the City, as opposed to City Staff and soften some of the references to how things are being handled by the City. This letter was approved with these adjustments. There was some discussion as to whether the Whig Standard would publish the letter. It was agreed that if they would not that we could have a meeting to discuss paying to have it printed. ***Secretarial Note: The revised letter has been submitted to the Editor of the Whig Standard. A copy is attached to these minutes.***

Other Business:

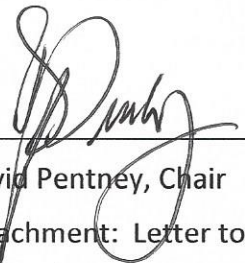
David noted that the Financial Statements for candidates in last fall's civic election are becoming available on the City Website. A review of the statements currently posted indicate that Ben Pilon made \$500 donations to each of the election campaigns of Mayor Bryan Paterson; Don Amos; Vincent Cinanni; and Byron Emmons.

It was suggested by Ruth Blacklock that we check with Councilor Boehme to see if there is a means to get our message to Council. It was also noted that there is a new Rural Advisory Committee. David will contact them to ensure that the members of that committee are aware of our concerns with the development at 2285 Battersea Rd.

A major constraint we face is the fact that BOPE has yet to submit its application for Official Plan Amendment and re-zoning. In the mean time we should try to get our concerns out into the public domain.

Once the application comes we will meet again to discuss strategy.

Motion by David Brownell to adjourn.



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David Pentney, Chair



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Wendy Deslauriers, Secretary

Attachment: Letter to the Editor – Developer Exploits Zoning

## Developer Exploits Current Zoning

BPE Development (BPE) has a proposed commercial development at 2285 Battersea Road in Glenburnie. Details of the project can be found at <https://www.2285battersea-unityproject.ca/>. Work has been going on for months, on what we refer to as the Hotel Fyre Project, much to the consternation of local residents.

The current zoning of this property is governed by the Kingston Township Zoning Bylaw 76-26; an integral part of the City of Kinston's Official Plan. This property is zoned A2 (General Agricultural Zone). The BPE proposed commercial development is not consistent with any of the 13 non-residential uses in this zoning as detailed at section 10 of the bylaw.

Discussions with the City of Kingston indicate that one can apparently dig until their heart's content on property that is zoned A2. The City of Kingston also indicates that they have no legal alternative but to approve qualified permit applications under the current zoning, notwithstanding that they have a sound understanding of what this proposed commercial development project is and that it will require rezoning and an amendment to the City's Official Plan. While this legal interpretation is hard to fathom, it allows the developer to conduct a significant amount of work prior to making an application for re-zoning and an Official Plan amendment.

BPE has been doing extensive work on the two adjoining properties registered in its name since early spring, having broken the noise by-law on numerous occasions by commencing work too early. There are at least four major excavations underway or completed: one for the foundation for the relocation of the small barn (building permit has been issued); two others in the area of the house; and another at the southeast corner of the property for a retaining pond. The City also issued BPE an entrance permit for an entrance for a "residential driveway" from Unity Rd. The rock breaking for this entrance has been completed, but the "driveway" has yet to be completed.

BPE has presented the excavations in the area of the house as preparation for "an addition to the house". This is a fabrication. A review of the project plan clearly indicates that they are excavations for new construction for the project. Similarly, the "residential driveway" is another fabrication. This is intended to be an access road to be used for deliveries and access to staff parking. The City of Kinston seems willing to accept these fabrications, thus allowing the developer to exploit current zoning to do as much work as possible before even submitting an application for rezoning and Official Plan amendment.

Doing all this preparatory work is a significant financial risk to the developer; one that BPE has clearly acknowledged. It would seem that BPE and its financial supporters have deep pockets. What hasn't been acknowledged though is the risk to the property and the neighbourhood. Local residents have suffered through excessive noise and increased construction traffic throughout the past summer, fall and early winter.



Water is a significant issue in this area. Schedule 11A of the City's Official Plan identifies this area as an area of moderate to very high ground water sensitivity. Schedule 11B indicates that the area is highly vulnerable from a source water protection perspective.

BPE has drilled three new wells on this site, well below the depth of most other wells in the area. There have been three pump tests conducted to date, but the full results have not yet been made available. Notwithstanding, there are at least three properties within the general area of this site that have seen a significant change in the chemistry in the water from their wells since the BPE wells were drilled.

Most recently, BPE submitted an application to move the lot line between the two lots. The lot line adjustment is proposed to facilitate an addition to the existing single-detached dwelling. The application also states that there will be "no change in land use". Once again we have a fabrication being presented when the applicant's real purpose is readily available for all to see on the project website. Not surprisingly, there were a number of objections submitted to the consent application requiring that it be considered at a Public Meeting before the City of Kingston Committee of Adjustment. That meeting took place on Monday, March 19<sup>th</sup>. Those in opposition to the application were present, but the applicant's representative, although in the building, failed to show for this agenda item. The matter had to be referred to a later date – a waste of time for those who were present to make their objections and a sign of contempt on the part of BPE to the Committee of Adjustment.

BPE has, and continues to exploit the current zoning of this property to conduct as much preparatory work as possible for its project. Sadly, the City of Kingston, either wittingly or unwittingly, continue to accept BPE's fabrications with respect to ongoing work instead of accepting BPE's stated intentions for this property as presented on the project's website.

BPE "talks the talk" of being a good neighbour, but certainly is not "walking the walk". Notwithstanding the concerns of the community, BPE continues to exploit the current zoning to conduct as much work as possible on this proposed development prior to being constrained by the formal Development Review Process.

David Pentney  
Chair  
Glenburnie Residents' Association