

Glenburnie Residents Association Meeting
Glenburnie Fire Hall – Thursday, November 14, 2019

In Attendance: Dave Pentney, Doug Barber, Linda Williams, Kim Cucheran, Rick MacFarlane, Cheryl Pelow, Lorna & Bill Hendry, Heidi Pentney, Janet & Glenn Wry, George Caron, David & Donna Brownell, Jamie Reid, Nick Farkas, BJ & Suzanne Raymond, Linda O'Neill, Greta Ziska.

Guests: Councillor Gary Oosterhof, Ben Pilon, John Fisher.

I. Welcome & Introductions

The Chair welcomed members and guests Ben Pilon and John Fisher from BPE Development, and Councillor Gary Oosterhof.

II. Review of Previous Minutes

Motion to Accept by Doug Barbour, seconded by Nick Farkas. All in favour. Carried.

III. Status of BPE Application for 2285 Battersea Road

Dave Pentney reported that the Technical Review Comments were released on Oct 28th and have been uploaded to our website. He also noted that BPE conducted an Open House on Nov 9th and 10th. Many took the opportunity to attend to see and hear about the “proposed” project. The Chair indicated that BPE Representative, Mr. Pilon was in attendance and was prepared to answer any questions on the proposed project. Mr. Pilon has also offered to provide a tour of the site to those who were not able to attend the open house.

Questions to BPE?

Ben Pilon thanked those who did attend. Mentioned the whole idea has been refined. Would like to make it clear that nothing has been approved. Indicated that he was invited to be here tonight for questions.

Q. Nick Farcus – We all have questions. Thank you for being here. Happy to see questions raised around water usage calculations.

A. Ben Pilon – The City will ask questions and will want responses. We will keep working and monitoring throughout.

Q. Janet Wry asked what is Plan B if the proposed project is not approved?

A. Ben Pilon – Plan B. – Cannabis processing. A1 & A2 Agriculture use. Soil is good for cannabis plants.

Q. Would this be allowed so close to a school?

A. No clear answer provided

Q. Cheryl Pelow – Would you still have the B & B? Cabins?

A. Ben Pilon - Thinking Agri-tourism – people would be there to learn. We would look at the zoning then. The cabins would be moved to the wooded area. **Ben to send Dave the latest version of the Site Plan.** *Secretarial Note – This has not yet happened.*

Q. George Caron – re; MDS Setback – How will you address that?

A. Ben Pilon – That’s for the Technical Review to address. The current Provincial Policy to be revisited. Still early in the process.

Q. George Caron – Would you reconsider capping the wells and bringing water in?

A. Ben Pilon – We see no concern. Monitoring will be ongoing.

Q. Doug Barbour – As an Engineer, those are massive buildings on the property. Not an addition to the property.

A. Ben Pilon – All buildings now have ICF & core slabs. Holds a lot of weight. Used for noise mitigation. Drying silos are part of Plan B.

Q. Bill Hendry – This (Plan B) is against everything you (B. Pilon) have said all along.

A. Ben Pilon – This is if we don't get approval for the Inn. Why would we remove the buildings? Drainage and everything has been done. This has been a farm from the beginning. It's A1 & A2 – Farming. We applied for zoning for the Inn & Spa, or agriculture. We're committed to the land. We have been saying from the beginning we are going to farm. Dave Pentney indicated that from the beginning there was always vineyards.

Q. Nick Farkus – Concerns are speakers, contaminated wells and noise. Who will be responsible for contaminated wells if that happens? Traffic is a concern for the kids at the school.

A. Ben Pilon – Understood. We haven't asked for a noise bylaw exemption. There will be nothing after hours. It is to be a relaxation & tranquil location we are trying to create. No weddings – maybe small groups of 20 – 30. We all see roads are getting busier. Light study to be done. Water is critical to us as well. We will be using very little water.

Q. Nick Farkus – Major concerns about the cabins – they are small houses. What about issues around septic – water calculation?

A. Ben Pilon – City Engineers are also monitoring this. There is no cheating the system. Everything is documented. Cabins are the same size as the hotel rooms. 200 – 300 sq ft.

Q. BJ Raymond – We had a conversation about the Right of Way (ROW). We said we do not want a ROW for a commercial development. The next day you dug a road bed to my property line. You didn't consider how we felt. The ROW is very contested.

A. Ben Pilon – Now my options are: 1) widen through the woods and take down 100 trees or 2) go through someone's property. Need to let the proper bodies decide.

Q. BJ – This ROW is for you to have a commercial driveway.

A. Ben Pilon – This is no longer a commercial driveway, no public access. Maybe emergency vehicles.

Q. Cheryl Pelow – There is a speed limit sign right in the middle of a driveway you made.

A. Ben Pilon – We have an entrance permit. Need to go through the process to move the sign 10ft. Rick MacFarlane indicated there is a legal requirement for the positioning of speed limit signs.

Dave Pentney summed up by reiterating that the proposed project remains in Technical Review. The City made specific observations and comments that BPE will need to address. Dave also noted that 95% of issues we have raised have been captured by the Technical Review Comments. We need to keep ourselves informed.

Ben Pilon indicated that he would always make myself available to clarify issues and is prepared to come to member's homes to discuss them.

IV. Visibility Along Perth Road

Nick Farkus – Looking at reflective edges. Will work with Councillor Gary Oosterhof to navigate through the Committee.

V. Upkeep of Shannon's Corners Park

Nick Farkus – Has prepared and application for solar farm funds.

VI. Bus Service to Glenburnie

Dave Pentney indicated, that although not well advertised, there is limited transit service through our area. Details were distributed by email. Rick MacFarlane indicated that the Access Bus has certain stops. Services are offered through Kingston Access Services. You have to call one day in advance.

Councillor Gary Oosterhof indicated that only 76 people have used it over a six month period. We need something better for more usage. He also indicated that the City is getting the message. Demographics are changing. He suggested giving the the City time to go through the foundation of a plan – it will take time. Rick MacFarlane commented that the City can't just throw a bus out there. They need to hear from us. Nick Farkus suggested that a survey is required. Councillor Gary Oosterhof indicated that there will be an increased number of Park & Rides. The vision is to have Park & Rides at every artery. We might partner with South Frontenac. It's a climate change initiative. Helpful to have us involved.

George Caron – At what point will you make a motion?

Councillor Gary Oosterhof – The Rural Advisory is watching. We need to trust the system – they are doing a study. Hopefully we will see things happen – its' timing.

VII. Professional Support for Opposition to the BPE Development at 2285 Battersea Rd

At our last meeting Dave Pentney undertook to further investigate legal support for our opposition to the proposed project. He provided a handout (attached) that illustrates the process and where legal support might be beneficial. There are three points: in advance of the Consolidated Report; if the project were approved by Council and we generated an LPAT; or if Council did not approve the project then to participate in an LPAT initiated by BPE. From Dave's perspective the best bang for the buck would be to He has contacted Donnelly Law again and asked for another quote based on engaging them now while the technical review is still in progress. The estimated cost is \$3100 + \$503 for HST and an anticipated cost for not more than \$500 for disbursements for a total of roughly \$4100. For this, Donnelly would act as the GRA conduit to the City and other parties on our behalf to represent our interests. Engaging Donnelly will require a retainer of \$1921 (\$1700 retainer plus \$221 HST). Note that we have sufficient funds in the bank to cover the estimated cost.

George Caron suggested that BPE representatives leave the room for this discussion so that members could speak more freely. Ben Pilon & John Fisher excused themselves from the meeting for this portion of discussion.

Dave Pentney suggested that prior to discussion we should have a motion to engage Donnelly Law to provide legal support for our opposition to the proposed project support throughout the Technical Review process. This would be followed by a discussion prior to a vote.

Motion. It was moved by Rick MacFarlane/seconded by Nick Farcas that the GRA engage Donnelly Law to provide legal support for our opposition to the proposed project during the Technical Review process.

Discussion. Dave Pentney indicated that he would clarify whether engaging the lawyer would preclude individuals from expressing their personal concerns with the City. *Secretarial Note – Individuals may continue to contact the City to express personal concerns and opinions. GRA concerns will be addressed through the lawyer.* George Caron asked if Queens University had been approached for legal support. Dave Pentney replied that he had only contacted Donnelly Law because this was their specific line of business. George Caron asked whether this was the right time to engage legal support. Dave Pentney and Rick MacFarlane both replied indicated that it would be too late and too expensive later in the process. Dave Pentney indicated that, in his opinion, our best “bang for the buck” would be to engage legal support now in an effort to influence the Consolidated Report so that its recommendation is to “Not Approve” this proposed project. He indicated that we benefitted from engaging Bob Clark at an earlier stage and that his observations and comments were reflected in the Technical Review Comments. Dave also indicated that we have sufficient funds to cover anticipated costs and that donors had supplied these funds to support our opposition.

Vote. All in favour, less one opposed. Carried.

VIII. Treasurer’s Report

Doug Barbour – At September 11, 2019, the balance was \$5,618.36.

IX. BPE Application – Technical Review

The City Technical Review Comments are captured in a 19 page document. They are comprehensive and capture most of the concerns that the GRA and members have raised to date. There are a number of issues that the applicant (BPE) will have to address in its response. Major items that Dave Pentney identified in his review are:

- Planning has directed that studies, reports and rationales need to consider all proposed uses of the property, not a specific phase or phases.
- The Noise Study requires updating, although “Human” noise has been overlooked;
- A “Change of Use” building application will be required to convert the “single family dwelling” to the proposed Inn and Spa;
- Accessibility issues need to be further addressed,
- Sewage, water treatment issues and disposal of waste brewery water have not been adequately addressed,

- The wetlands on the northern portion of the property have not been adequately evaluated;
- Applicant has characterized the site as a "farm", yet is applying for a rural commercial zoning. This is inconsistent and needs to be revised;
- A more centralized entrance plan is required with a maximum of four entrances;
- Additional rationale is required to describe how the proposed development is compatible with the characteristics of the surrounding neighbourhood; There are significant issues with the MDS set back. The proposed Inn and Spa falls within the set-back, contrary to PPS and Official Plan policies. Mr. Pilon stated the City has recommended relocating to the NE corner of the property, outside of the MDS setback;
- Water use is an issue that remains to be resolved. There remain many outstanding questions that still have to be addressed.

Dave Pentney asked if there were any other significant issues that others identified in their review? Nick Farkus – Is the winery and brewery included? Nick Farkas noted that he will continue to review information and send any other observations. He noted that there seem to be many requirements that have yet to be met and noted that there are still waste water and treatment concerns. Dave Pentney indicated that if all issues are adequately addressed, there shouldn't be any concerns. George Caron opined that if they get approval, he suspects they will require more water when all phases have been completed. Dave Pentney indicated that everything identified in the Technical Review Comments will need to be addressed by BPE. He indicated that, in his view, the process is working as it should.

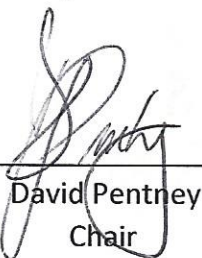
Bill Hendry – Does the concept of 'rural' property fit? (re; jurisdiction, etc., uses, commercial?)

Dave Pentney replied that all three pieces of property are rural and zoned agricultural.

Indications from the Technical Review Comments are that it is unlikely that the whole property would be designated Rural Commercial as proposed. Ben Pilon indicated that rural commercial designation will be as small as possible. The rest will remain A1 & A2. Cheryl Pelow asked will we get City water out here? Dave Pentney noted that the Cataraqui Regional Conservation Authority is doing a complete analysis of rural water out here. There is no intention to bring city water north of the 401 in the near future. George Caron indicated that he did not think doing so is a priority of the City.

- X. Any Other Business:
None. Next meeting is not yet scheduled.

- XI. Adjournment



David Pentney
Chair



Kim Cuheran
Acting Secretary

