

## Glenburnie Residents Association Meeting

Held at the Glenburnie Fire Hall

January 9<sup>th</sup>, 2019 at 7:00 p.m.

In Attendance: Doug Barbour, Marlene Beyette, Sonya Blanchet, Mark Blanchet, Jack Blacklock, Clare Cochrane, Kim Cucheran, Holly D'Angelo Scott, Wendy Deslauriers, Yves Deslauriers, Bill Hendry, Lorna Hendry, Wayne Joy, Deb Lawson, Ann Liblik, Len Liblik, Rick MacFarlane, Linda O'Neill, Jeff O'Neill, Janet Pentney, David Pentney, Cheryl Pelow, Alison Scahill, Tom Scott, Eric Seymour, Beth Seymour, Linda Tuttle, Linda Williams, Janet Wry, Glen Wry, Susan McKendry, Earl Tuttle

### I. Welcome and Introduction

David Pentney welcomed those in attendance and first introduced Gary Oosterhoff our City Councilor who apologized that he would not be able to remain at the meeting as there has been a conflict of interest lodged against him related to the development at 2285 Battersea Rd. He indicated that he would not be able to participate in any meetings or discussions on this project until this complaint has been resolved. David contacted the Mayor to suggest that if Gary was not able to attend that another Councilor should be asked to attend. Due to the short notice no one else was able to attend.

Concern was expressed about some bullying by BPE. Linda Tuttle spoke to the fact that a false complaint was lodged against her to her employer by BPE. She indicated that a police investigation was initiated by her concerning this alleged unfounded allegation.

### Agenda

The agenda had been posted and had previously been circulated.

Old Business:

### II. Review of Minutes from Previous Meeting

The minutes of the meeting of October 10<sup>th</sup>, 2018 had been circulated. Moved by Doug Barbour to accept these minutes. Seconded by Yves Deslauriers. Carried. None opposed.

### III. Adoption of Association Constitution

The proposed constitution had been previously circulated. David Pentney moved we adopt this constitution, seconded by Holly D'Angelo Scott. Carried. None opposed. One abstained.

### IV. Financial – Authority to Open a Bank Account

Now that the constitution has been adopted the Treasurer, Doug Barbour, will proceed with opening a bank account at the Kingston Community Credit Union. There will be three authorized signatures (Treasurer, Secretary, and the Chair Person. All cheques will require two signatures. Moved by David Pentney, seconded by Tom Scott. Carried.

## V. Development at 2285 Battersea Rd

Authority for Current Work. There was discussion regarding the current work that is being done. The City Planning Department's position remains that the work can be done based on the current agricultural zoning. David reported that he had contacted the City over the number of mature trees that have been cut and questioned whether or not this was within the parameters of the Tree By-Law. The response from the City was, that with a property of this size, up to 20 cords of wood can be harvested within a 12 month period. It was the opinion of the City that the Tree By-Law had not been violated.

David also mentioned a "Site Alteration By-law". The City Engineering Department is reviewing this whether the site alterations made at 2285 Battersea Rd are in contravention of this by-law. Normally a permit is required to alter the grade of a site, to remove or bring in top soil or other fill with the organization seeking the permit required to put money in escrow with the City to return the land to its former state if necessary. This has not been done.

David reported that in conversation with the Mayor, the Mayor suggested that we focus our efforts on the upcoming application for an Official Plan Amendment and request for re-zoning rather than with the City over by-law issues. Notwithstanding, David, on his own initiative has contacted the Ontario Ministry of Municipal Affairs and Housing requesting that they look into whether or not the City has been enforcing its own by-laws with respect to the 2285 Battersea Rd project.

David made clear at this point that he fully understands that he is constrained as to what he can do on behalf of the Association to what the Association provides a mandate for. Notwithstanding, he will continue to research and act as a private individual for those items that the Association may not have provided a mandate for.

Stop the Right of Way. The Right of Way issue was discussed. The family affected has sought legal advice from two separate lawyers. This is apparently a pre-existing right of way and nothing legally can be done to stop its use. The principal constraint will be determined when an entrance permit is sought for an entrance off of Battersea Rd.

New Business:

## VI. Development at 2285 Battersea Rd

Raise Concerns with City. David indicated that, in his view, Unity Inn and Spa is not the immediate issue. In his opinion the immediate issue is change of land use through the Official Plan Amendment and re-zoning process.

Everyone is encouraged to put in writing their individual concerns regarding the land use and the neighboring properties. These concerns should be sent to Jason Sands of the Planning Committee for the City of Kingston and these letters should be copied to the Mayor and all City Councillors. A copy of a list of these persons was distributed to those in attendance. It should be noted that the application for Official Plan Amendment and re-zoning has not yet been submitted.



The question of heritage of the buildings was raised. It has been suggested that the house is of heritage significance but not as yet designated. More questions will be raised to the Heritage Committee.

There was concern raised about alcohol use so near to the Glenburnie Public School. Once again all were encouraged to write letters with their concerns.

Petition. There is currently a petition going around regarding water concerns. This is not being circulated by the GRA. David made a motion that the GRA support this petition. Seconded by Cheryl Pelow. Carried. Non opposed. Copies of this petition were handed out to try to get more signatures and this will also go on line on the GRA site.

Water Issues. One property reports a major change since the three wells were drilled on the property and the excavation began. It was stressed that it is important to report any water issues or changes residents have noted since August. Those in attendance were encouraged to check with their neighbors concerning this.

The noise by-law was mentioned, particularly with the rock breaking. Apparently the noise is to be restricted to between 7:00 a.m. and 7:00 p.m. with reduced hours on Saturday and none on Sunday. If noise is noted it can be reported to City By-law Enforcement. Kingston By-law officers can be contacted by phone or by e-mail.

Review of Official Plan Amendment and Re-zoning Process. There was a slide presentation (copy attached) regarding the 11 steps required for Official Plan Amendment. The City of Kingston Official Plan is approximately 543 pages. An extract of the Official Plan (41 pages) focusing on the sections that relate to the 2285 Battersea Rd project has been produced and is available on the GRA web site. To date BPE has only completed the first step.

It was noted that ASC Environmental, the company doing the water testing, has indicated that its final report will not be complete before mid-February; hence, BPE will likely not be in a position to submit its application before then. All of the required studies will have to be complete and submitted with the application for Official Plan Amendment and re-zoning. These will be posted on the DASH site when the application is submitted. Once these are posted, all were encouraged to perhaps choose one or more studies that they have an interest in to do research on in order to rebut.

David noted that the Property Value Assessment, one of the required studies, is available on the project website. He indicated that he had reviewed this study and found it very poorly done. He has prepared his rebuttal, but will withhold it until the application has been submitted.

The Official Plan Amendment for this project requires the current general agricultural zoning to be amended to rural commercial.

It was noted that if the Planning Committee does not recommend this development the City Council could still approve it, although this is very unlikely. Should this project be approved, there is an opportunity to appeal to the Local Planning Appeal Tribunal. In order to make an appeal, one must have made a written submission to the Planning Committee at the Public Meeting.

David highlighted information from the Official Plan Schedules and Annexes that is pertinent to this site: it is designated a rural area (Schedule 2); it is designated rural lands (Schedule 3B); it is shown as having moderate to very high ground water sensitivity (Schedule 11A); it is highly vulnerable from a source water protection perspective (Schedule 11B); and it sits on an area of inferred unstable bedrock (Annex B).

While the Official Plan Amendment is concerned with a change of land use, re-zoning provides the parameters on how the land will be used. What these constraints might be won't be known until the site plan is available; however, By-Law 76-26 contains the zoning regulations for this area. There is a link to this by-law on the website.

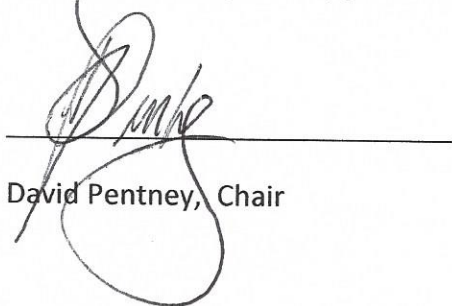
#### VII. Any Other Business

It was the consensus of the membership that a councilor be made available to attend the GRA meetings and for other input. *Secretarial Note: On January 14, the Mayor of Kingston designated Councilor Boehme, Pittsburg District, to be our point of contact.*

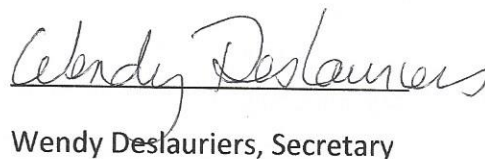
It was noted that getting a liquor license could be an issue for BPE and that objections can be posted at the time of application.

The members of the Church of Latter Day Saints have expressed major concerns and will be notified of our concerns as well.

The next meeting will happen after the application has been made to the City.



David Pentney, Chair



Wendy Deslauriers, Secretary