

**Community of Kingston
Regular Monthly Meeting
Kingston 4-H Center
July 10th 2018**

Present:

Alan Miller, Mayor
Dwight Thompson
Julie Ireson
Joe Dolphin
Keith Boire
Jan Holmes

Also Present:

Dianne Dowling, Administrator
Mike Durant (Central Queens Wildlife Federation)
Jordon Condon (Central Queens Wildlife Federation)
Alex and Valerie Docherty, Skyview Farms, Elmwood
Kris Olafson, (Resident Kingswood Lane)
Wayne Griffin (Resident)

Regrets:

Tom Coady

1. CALL TO ORDER:

Meeting called to order by Mayor at 7:03 PM.

Noted this meeting location had to be moved due to a double booking at the Emyvale Recreation Center.

2. APPROVAL OF AGENDA:

MOTION:

"To approve the Agenda moving the planning approvals section to immediately following the presentation by the Central Queen's Wildlife Federation and add to the agenda discussion on the high speed internet project under other business." (M) Julie Ireson (S) Dwight Thompson, Motion carried.

3. PRESENTATION ON THE 2017 WORK COMPLETED BY THE CENTRAL QUEENS WILDLIFE FEDERATION ON STREAM AND FISH HABITAT ENHANCEMENT AND A SUMMARY OF THE PROJECTS SLATED FOR 2018.

4. BUSINESS ARISING FROM MINUTES:

1. Discussion on Insulation Warehouse: Nothing new to report.

5. COMMUNITY PLANNING:

1. Wayne Griffin Application for Building Permit PID # 226068:

A copy of the Engineer's assessment was circulated to Council and the recommendations are copied below:

"Permeable surficial soils in excess of 61 cm were identified on Lot 04-3 resulting in a Category I Lot Designation for the parcel. Although this parcel is considered to be undersized (i.e., less than 1 acre / 4,047 m² / 43,560 ft²) based on the Kingston Community Council Bylaws, the lot does have sufficient size to meet all Provincial Requirements under the *On-Site Sewage Disposal Systems in Prince Edward Island Construction Handbook* (2013). In addition, there are currently no developments immediately down gradient of the site. As Such, we do not foresee any issues with groundwater contamination from sewage if a conventional septic

system (C1 or C2 Contour System recommended due to slope of site) is installed on the lot, providing that the system and drainage field are installed with sufficient setback distances as outlined below, and that the potable well installed on the site is located on the north end of the property, where the existing surface grade is at its highest elevation.

Permeable surficial soils in excess of 61 cm were also identified on Lot 04-5 indicating Category I Soils, however, the size of the lot does not allow for the minimum Circle Diameter as required in the *On-Site Sewage Disposal Systems in Prince Edward Island Construction Handbook (2013)*. Further studies would be required to determine if an on-site septic system is feasible on this lot, and if so what limitations would be placed on the lot in order to develop the parcel and install an on-site septic system without posing a risk to the potable water on the site or on any surrounding residences. Potential risks from the contamination of the potable well from the up-gradient lot (i.e., Lot 04-4) must also be considered. Potential limitations may include (but are not limited to):

- Limiting the number of bedrooms and bathrooms in the residential home that is to be constructed on the site.
- Limiting location and size of residential home.
- Limiting location of potable well.
- Mandatory use of low flow toilets.
- Use of a secondary holding tank for holding septic effluent overflow during periods of peak use.

| The following table outlines the findings and site categorization for Lot 04-3 & Lot 04-5. Lot ID | Estimated Thickness of Permeable Soil (cm) | Depth to Water Table (cm) | Depth to Bedrock (cm) | Applicable Test Pit | Soil Permeability (cm/sec) | Planning Act Lot Soils Category | Approximate Lot Area | Minimum Lot Area & Circle Diameter | Recommended System Types (See Appendix IV for design details) |
|---|--|---------------------------|-----------------------|---------------------|------------------------------------|---------------------------------|------------------------|---|---|
| 04-3 | >61 | >185 | 185 | TP1 | P1 – 1.2 x 10-4 P2 – 1.2 x 10-4 | Category I | 3,450 m2 37,140 ft2 | 2,322 m2 (25,000 ft2) 45.7 m (150 ft) Circle | C1 or C2 Contour System Alternative Options: Multiple Trench Alt. Multiple Trench Chamber Systems |
| 04-5 | >61 | >190 | >190 | TP1 | P3 – 0.9 x 10-5 P4 – 1.3 x 10-4 | Category I | 1,719 m2 18,506 ft2 | 2,322 m2 (25,000 ft2) 45.7 m (150 ft) Circle | C1 or C2 Contour System Designed by Engineer Pending Feasibility Assessment |

Based on the engineer's assessment the recommendation would be to approve the application for lot 04-3 for single single family dwelling use.

Mr. Griffin, who was present at the meeting, noted he requested the assessment to include the adjacent under sized lot as he would like to develop that one also. It was noted by Council that there is no development application submitted for Lot-04-5, therefore Council will not deal with that lot at this meeting.

Mr. Griffin went on to explain his idea for disposing of the septic discharge on lot 04-5 by establishing a underground line/tunnel through the adjacent property and installing the tile field on another parcel of land not currently connected to lot 04-5 and also not currently owned by Mr. Griffin. Council explained the issue around this idea would be that he could not make either adjacent lots smaller as they do not meet the bylaws currently and it was not determined this scenario would be feasible. Councilor Dolphin said that Council had a similar situation where the septic was requested to be installed on an adjacent property and but properties were owned by the applicant and this was denied. Mr. Griffin noted he would like to study this further to see if there was a possibility of purchasing additional land and reconfiguring the subdivision. He was advised that any

adjustment to the property lines would require any new lots created meet the Community bylaws. Mr. Griffin was told the development permit for lot 04-3 was approved and he could pick it up from the administrator or he could continue to investigate his options.

He was advised to go back to his engineer to get their opinion.

Council mentioned checking with the province to see if this type of scenario would be allowed and the Administrator noted that she had already spoken to Morley Foy from Environment concerning developing existing undersized lots and would give an update later in the meeting.

2. Skyview Farms Application for a Tarp Barn:

Noted the Owners Alex and Valerie Docherty are in attendance at the meeting to address any concerns. Mayor Miller said he visited the site and discussed the possibility of subdividing the section of property where the new tarp barn would sit and that would decrease the number of building per parcel and make this application comply with the bylaws and the set-backs. Application for subdivision was submitted for this parcel and there are no issues with this request.

Council authorized the Administrator to issue the permit for construction of a tarp barn submitted by Skyview Farms on the condition the parcel containing the Tarp Barn being subdivided so as to comply with the regulations. The application for subdivision is also given preliminary approval.

3. Update on PID # 895169 in Kingswood Subdivision: Administrator said following the direction from the June meeting she contacted Environment concerning developing existing approved vacant lots that do not meet the minimum standards for septic. She said she spoke to Morley Foy who said that as the Municipality has adopted the Provincial standards and an Official plan and Bylaws, the decision to approve or deny these lots based on non-compliance rests with the Community. When I questioned why a septic permit was issued he explained that is not a "permit" it is a septic "registration form" required in order for the lot to be categorized. He said that is the proper procedure to follow as Council needed to have the category number in order to make an informed decision on the application. He said the owner of the lot had dropped into his office to speak to him about his recourse, as he was under the assumption that Council had denied Mr. Stevenson's development application. The Administrator noted she had received an email from Doug Drysdale, the Lot Owner's lawyer requesting the reason for denial and any other information. A email response was forwarded by the Administrator to Mr. Drysdale indicating that the Stevenson's had withdrawn their application when they were told they would need an engineer's assessment. A copy of the policy on undersized lots as also forwarded to Mr. Drysdale. Council said maybe Mr. Foy could be invited to the next Council meeting to explain the Provincial septic regulations around undersized lots.

The administrator continued to explain that it was her assumption that was this matter was settled, however Stanley and Lorraine Stevenson have now resubmitted the development application that was rescinded at the June meeting. The Administrator said she was not aware of this change until 6 PM this evening, when Mr. Stevenson showed up at her door with his application in hand. It was noted that because of this short notice this request was not included in the agenda. She said that Mr. Stevenson indicated to her he had contacted Stantec Engineering to do an assessment on the lot and they were to email their assessment. The Administrator informed Mr. Stevenson she had not received any email from Stantec. Mr. Stevenson indicated he thought the meeting was Thursday night and that is the information he had passed on to the Engineers.

The Administrator noted that after Mr. Stevenson left she did receive a call from Mark MacDonald P. Eng from Stantec indicating he was under the assumption that the meeting was Thursday night and his report was not yet sent.

Based on this Council decided, that since this was such short notice, and because the copy of the Engineer's report has not yet been received, they will not be dealing with this development application at tonight's meeting.

Following this discussion the Mayor returned to the Agenda sequence starting with approval of the minutes.

APPROVAL OF MINUTES OF THE JUNE MEETING:

MOTION:

“To approve the minutes of the June meeting with one minor change to correct the numbering.” (M) Keith Boire (S) Dwight Thompson, Motion carried.

BUSINESS ARISING FROM MINUTES OF JUNE MEETING:

1. GRANT BYLAW: Councilor Dolphin read out his suggested amendment to the Grant bylaw and gave a copy to the Administrator. This will be rewritten and recirculated to Council for second reading and adoption at the August meeting.

Councilor Dolphin will also get back to the Administrator with the name of his daughter, who has agreed to assist with the Municipal Election. The Administrator said she would forward a TD1 for her to complete.

2. WESTWOOD HILLS PHASE 2:

Mayor Miller indicated the response from the Communities lawyer was circulated digitally to Councilor’s to review prior to the meeting. It was noted that the lawyer response is along the same thread as the reply from Mr. Foy, stressing the Community has established an Official Plan and associated Bylaws and thus all applications should comply with these regulation.

The Council indicated that currently the application for this Subdivision does not comply with the Communities Official Plan and Bylaws, but the developer has the option to modify the subdivision to comply, be it by decreasing the number of lots, or establishing a central sewer or water system to service these lots. Discussed the owner’s vested interest in developing his lots and noted that the Community’s Official Plan and Bylaws were adopted in order to protect the water quality of current and potential new residents, and the owner still has the option to develop. It was noted that under the Community Bylaws the developer could subdivide 5 lots and if he wanted to utilize the entire property it would just be a matter of making the lots bigger. After much discussion it was decided that Councilor Thompson will draft a response to the community’s lawyer with some follow up questions.

MOTION:

“Whereas, Council has reviewed the response from the lawyer and have some follow up questions Councilor Thompson is to contact the Lawyer and give him a copy of the correspondence from J. Coady and request he respond directly to Mr. Coady indicating that Council wishes to follow the Communities Official Plan and Bylaw regulations.”(M) Joe Dolphin (S) Keith Boire.

At this point Jan Holmes spoke up and said she would like to see this issue being dealt with a bit quicker, she indicated this issue has been ongoing and has taken a large amount of time. She said that the entire file should be forward to the Communities lawyer to review and respond to Mr. Coady.

Considering this the motion was rescinded and a new motion was proposed based on this objective.

MOTION:

“Whereas, Council has reviewed the response from the lawyer and have some follow up questions Councilor Thompson is to contact the Lawyer and also include all the correspondence Council has received to date on this file. The lawyer will be instructed to reply to Mr. Coady indicating Council wishes to maintain the position that an Official Plan and Bylaws was created for the Community, with input from residents and interested groups, and that the Council does not choose to deviate from the scope of these regulations”. (M) Joe Dolphin (S) Keith Boire, Motion carried with one abstention.

Julie Ireson abstained for voting as she currently resides in Westwood Hills.

6. FINANCE:

1. Report attached
2. Signage: The Mayor reported that a new sign has been created for Emyvale indicating Emyvale is twinned with County Monaghan, Ireland. He also has a rebate check as the sign was not as costly as was quoted. He said the Administrator could go ahead and order three more signs two for Elmwood and one for Greenbay. Julie Ireson indicated the area in Elmwood is already staked and ready for the sign to be installed, but indicated she was not interested in continuing the signage project.

7. OTHER BUSINESS:

1. Election form signed and witnessed.
2. Infrastructure Project: Councilor Thompson gave a brief update on the high speed internet project. He said there was an expression of interest and the next stage would be a RFP, however Council is still waiting on confirmation of the remainder of the funding. He said the Gas Tax fund has been approved to go toward this project however the larger funding request is waiting on an announcement from the Province. Mr. Olafson said he attended the meeting to get an update as his internet connection is terrible and he does work from home, which makes it very frustrating. Councilor Thompson said that is one question that would be helpful is to find out how many residents are running home based business where a good internet connection is required

8. CORRESPONDENCE: Nothing to report

Next regular meeting will be August 14th, 2018.

Being no further business motion passed to adjourn at 9:45 PM by Councilor Dwight Thompson, Motion carried.

Submitted,

Dianne Dowling, Administrator

Action Items from previous meeting:

1. Warehouse
2. Grant Bylaw

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| Approval Date: _____ Administrator _____ Mayor _____ |
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