

Planning Advisory Committee Meeting Minutes

September 12, 2016

Town Council Chambers

Present

Councillor W. Cormier, Chair

Mayor C. Chisholm

Councillor S. Cameron

Councillor J. MacPherson

B. Gottschall

C. Hanlon

S. Hargreaves

C. Henderson

J. Kerr

K. Silver

J. Sullivan

S. Day, Director of Planning

B. Nheiley, Planner

D. Halfpenny, Secretary

S. Scannell, Special Projects Coordinator

Guests

Deputy Mayor L. Boucher

Members of the Public

Absent

A. Sirois, STFX representative

Call to Order

Chair, W. Cormier called the meeting to order at 5:15 p.m.

Approval of Agenda

“It was moved and seconded, that the Agenda for the September 12, 2016 Planning Advisory Committee meeting of be approved. With the addition of number of bedrooms in an R1 zone and Stop Gaps Ramps” **Motion carried.**

Approval of Minutes

“It was moved and seconded, that the minutes of the August 8, 2016 Planning Advisory Committee meetings be approved.” **Motion carried.**

Business Arising from the Minutes

Chair, W. Cormier asked that it be noted in the minutes that he will bring forth discussion at council concerning lights on the bridge near The Wheel.

S. Day advised that he has spoken to the Indian Garden's Trailer Park owner concerning the missing signage. He noted that the owner has tasked an employee with having the signage replaced and that it is expected to be in place soon.

Standing Issue-Conflict of Interest

S. Scannell, Special Projects Coordinator provided a review of the circulated legal opinion received from Wickwire Holm concerning whether citizen representatives on the Planning Advisory Committee who are also landlords can participate in the decision-making process regarding changes to the Land use By-Law. He stressed that it is up to the individual to declare a conflict of interest on any issue. He noted that each Planning Advisory Committee member should review the agenda and declare if they are in conflict. S. Scannell commented that if a member has anything to gain or lose financially it is one indicator that the committee member is in conflict.

S. Scannell, Special Projects Coordinator reviewed consequences of failure to disclose conflicts:

1. Disqualify the member from being a member of any council or board for up to 10 years;
2. Order that the member pay restitution where the contravention resulted in personal financial gain;
3. Where there has been financial gain, impose a penalty of up to \$25,000 or in default of payment of imprisonment for not more than one year.

He concluded that all members of the Planning Advisory Committee are required to act in good faith and make sound decisions in the best interest of the Town of Antigonish.

J. Kerr, inquired about retroactive timeline of the standing conflict of interest.

S. Scannell advised that an application to court must be made within 60 days after the facts come to the attention of the person making the application and no later than 10 years after the date of the alleged contravention. and after a decision is made there are two years to lodge a complaint.

Chair, W. Cormier noted that a decision on the number of bedrooms in lodging houses will be an issue being discussed at the next Planning Advisory Committee meeting and that it is important for committee members to identify if they are in conflict of interest.

Vice Chair B. Gottschall took over chairing of the meeting.

Councillor, W. Cormier commented that it is a big decision with financial repercussions to the Town and that the committee members must be relied on to work towards the greater good of

the town. He reiterated the importance of committee members declaring conflict. He advised that this is a hotbed topic and that even if several committee members declare conflict of interest there are other members of the public that can express the opinion of those in opposition such as the limiting the number of bedrooms in an R1 zone. He advised that all Planning Advisory Committee meetings are open to the public and as such at the end of the day the public will drive good decision making.

Mayor C. Chisholm commented that an alternative to a court application the Act permits a council or local board to request that an inquiry be made for any alleged contravention of the Act.

J. Kerr commented that the legislation has always been there.

T. Sherrington, member of the public advised that as soon as a person joined the Planning Advisory Committee it is their responsibility to become aware of the requirements and responsibilities of being a member.

S. Scannell reiterated that the legal opinion provides clear examples of conflict of interest such as specific changes to the Land Use By-law that would determine number of bedrooms in a residential area.

Member of the public, B. MacLean commented that if the individual fails to declare a conflict of interest the Chair has the power to remove the committee member from the table, and that if the Chair doesn't act the electorate may make an application to the supreme court of Nova Scotia.

Chair W. Cormier resumed his chairing duties. He asked that all committee members present look at lodging houses, specifically with respect to the number of bedrooms in an R1 zone, and identify, based on the legal opinion received by Wickwire Holm, whether they are in a conflict of interest. He reminded committee members that they are able to seek their own legal opinion if they wish.

Chair W. Cormier identified that he is not in conflict as he doesn't own any rental properties.

Councillor J. MacPherson noted that he is not in conflict.

Councillor S. Cameron commented that he is not the owner of a lodging house but that he does have an apartment in his home.

K. Silver advised she is not in conflict.

C. Hanlon identified that she is not in conflict.

B. Gottschall noted that he is not in conflict.

C. Henderson commented that her partner does own lodging houses and therefore she would declare a conflict of interest.

S. Hargreaves advised he is not in conflict of interest concerning lodging houses but that he would identify on any other matter that he felt he was in conflict of interest.

J. Kerr noted that he is an owner of lodging house but that he would be seeking his own legal opinion to determine if he is in conflict of interest and will advise at the next meeting.

Mayor C. Chisholm advised that he owns apartments but that he is not in conflict of interest concerning the number of bedrooms in lodging house.

J. Sullivan advised that he will be seeking a legal opinion on the matter. He commented that he felt disgusted with the Planning Advisory Committee and that the committee was not being proactive but is acting in a more politically motivated manner. He stated that it is a witch hunt and that he wants to know what is motivating the town to move in the direction of determining the number of bedrooms in an R1 zone. He noted that he had been on lots of other committees and that he would not be declaring now.

W. Cormier noted that further discussion will take place at the next Planning Advisory Committee meeting and that the topic of number of bedrooms in lodging houses in R1 zones had been on the agenda of the Planning Advisory Committee for a long time.

Commercial Transition Zoning Overlay

S. Day introduced the concept of commercial transition overlay in the downtown area. He provided the example of a contractor, K. DeCoste who owns a property on the fringe of our downtown that he feels is better suited to residential than commercial development under today's market conditions. S. Day noted that he had met with K. Decoste and discussed options to allow for a development that could potentially be switched to either commercial or residential development depending on market.

S. Day noted that the public consultation meetings have determined that active seniors want to live in the downtown close to amenities and millennials want to enjoy a different lifestyle where they don't necessarily have to own a car or have a large property to maintain. He advised that a look at the growth in the fringe area shows that a lack of different types of housing in the Town of Antigonish is encouraging growth in the fringe. He noted that increasing the density in the downtown will provide options to these market segments while benefitting the downtown businesses. He pointed out that the transition areas such as the East End of Main Street near Webbs Superstore and West End near Normac Tire currently blend into residential and institutional areas.

C. Hanlon expressed concerns that she felt an increase in commercial development in the downtown was important to maintain the streetscape.

S. Day explained that it not the Main Street core that is being looked at but the periphery , the exact limits of which has yet to be determined. He commented that at this discussion stage he is seeking committee interest to move towards a policy that may see developers such as K. Decoste be given flexibility to develop their properties based on market conditions and allow them to change between commercial and residential depending on market demand.

C. Henderson commented that she would like to see a staff report created and circulated.

J. Kerr noted that when residential development is allowed to blossom commercial will follow. He commented that commercial footprints are getting smaller and that growing the downtown periphery area will support commercial development. Allowing developers to make a strong business case will stimulate good development.

S. Hargreave agreed that good development will enhance the downtown.

J. Sullivan commented that he didn't necessarily agree that K. Decoste's property blends into a residential and institutional area. He noted the river is a definite division line and that he had concerns about traffic congestion.

S. Day pointed out the houses and the STFX campus proximity to the property and noted that the exact periphery is yet to be determined. S. Day went on to use 18 College Street as an example of a property that has commercial uses but blends in with the residential properties surrounding it. He noted that the two trendy restaurants, a photography studio and residential space coexist and blend into the surrounding properties.

The Chair asked for comments around the table to determine whether the Planning Department should further investigate residential periphery zoning overlay.

C. Henderson indicated concern as to whether this process was being looked at specific to K. DeCoste's potential development.

S. Day advised that it is not and that he is using this developer as an example where it would allow for more flexibility in developing the property in a manner which suits today's need, and the Town's environmental and economic goals. He noted that having a policy developed would provide broad boundaries that wouldn't necessarily require Development Agreement and could use site plan approval and architectural design guidelines to create attractive developments that would fit with the surrounding properties and meet the needs that have been identified through public consultation.

Mayor C. Chisholm commented that it is not difficult to see the number of tax dollars that are going to the Municipality of the County of Antigonish in the Annie's Bluff and Mount Cameron areas and that he would like to see options available for the types of housing that people are looking for in the Town. He noted that personally he would like to downsize and move to a property in the downtown core.

B. Gotschall agreed with Mayor C. Chisholm that he would like to have the option to downsize and remain in Town.

The majority of the Planning Advisory Committee agreed that staff should continue working on the policy and report back next meeting.

Chair W. Cormier noted that the next regularly scheduled Planning Advisory Meeting has not been determined due to the upcoming election. A memo will be sent to advise when the date has been set.

Motion to Adjourn

“It was moved and seconded that the meeting be adjourned.” **Motion carried.**

Meeting adjourned at 6:25 p.m.