

----- Forwarded message -----

From: **Mary Hennessey** <maryhpei@gmail.com>

Date: Fri, Nov 20, 2020 at 9:30 AM

Subject: Additional feedback re October draft of Land Use Bylaw

To: administrator <administrator@northshorepei.ca>

Cc: Mike Hennessey <mikehennesseypei@gmail.com>

Stephanie:

Our own personal feedback to the October draft of the Land Use Bylaw, in addition to that submitted by a group of us, is as follows:

(1) Section 3.4(5)e. and f. state:

An application for a development permit **shall** be rejected if:

...

e. **The impact of the proposed development may be detrimental to the environment by reason of noise, dust, drainage, infilling or excavation which affects environmentally sensitive or residential areas.**

f. **The proposed development may be detrimental to the convenience, health or safety of the occupants or residents of the development and/or in the vicinity or the general public.**

Comments:

- Under these provisions, it would appear that every application for a development permit would have to be rejected, as the word “shall” means mandatory [section 1.7(1)], and we would think that every development “may” cause noise or dust, and “may” cause inconvenience to residents in the vicinity.
- The word “development” is defined in the bylaw and includes such activities as altering the grade of land, removing vegetation, excavating, depositing soil, constructing buildings, etc. All of these activities **may** cause noise, dust and inconvenience.
- For curiosity sake, we checked the City of Charlottetown’s bylaws to see whether their bylaw has similar provisions, and it does, but at least their provisions are worded that an application for a development permit shall be rejected if the impact “**would be** detrimental to the environment ...” or “**would** be detrimental to the convenience ...”, instead of **may** be detrimental. We would think far fewer applications would have to be rejected if the wording was changed to “would” instead of “may”.

(2) Use of the term “Nonconforming lots”

There has been much discussion and confusion amongst some residents of the municipality as to whether the term “nonconforming lots” means less than one acre, which is the municipal requirement for conforming residential lots, or less than .574 acres, which is the provincial standard. Our reading of the bylaws leads us to believe that the only reference to nonconforming as per the provincial standards (less than .574 acres) is in section 3.7 “Development Applications for Nonconforming Lots”. We wonder if clarifying verbiage could be added to the headings so that the heading for section 3.7 would state something like “Development Applications for Nonconforming Lots as per Provincial Standards” , and the heading for Section 4.15 would state something like “Nonconforming Lots as Per Municipal Standards”.

(3) There appears to be an error in section 3.8(8) which currently states

No variance shall be granted where the difficulty experienced is the result of intentional or negligent conduct of the applicant or the owner, or where the difficulty **cannot** be remedied reasonably in some other manner.

We believe the intent is to disallow a variance where the difficulty **can** be remedied reasonably in some other manner.

And those are our comments!

Thanks.

Mike and Mary Hennessey

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From: **Mary Hennessey** <maryhpei@gmail.com>

Date: Fri, Nov 20, 2020 at 9:25 AM

Subject: Feedback re October draft of Land Use Bylaw

To: administrator <administrator@northshorepei.ca>

Cc: Connie Egan <moegan@islandtelecom.com>, Barry MacMillan

<barryandberylmacmillan@hotmail.com>, Barry MacMillan <barrywmacmillan@gmail.com>,

Shane Carr <ammcarr@gmail.com>, Kathy Thompson <kathygailthompson@gmail.com>, Mike

Hennessey <mikehennesseypei@gmail.com>

Stephanie:

Please find attached a letter to Planning Board, Council and Hope Parnham of DV8 Consulting, which is our feedback to the most recent draft of the Rural Municipality of North Shore Land Use Bylaw (2020).

It would be greatly appreciated if you could copy it to all the individual members of the groups to which it is addressed as soon as possible.

We will be circulating this letter to other concerned members of the community to invite them to sign, and will be resending with additional signatures within the next few weeks. However, we wanted to get the substance of our feedback to Planning Board and Council sooner rather than later, and therefore are sending our comments now.

Thank you for your help with this!

Mary Hennessey

[Note the same letter was submitted twice but has been included only once in this package]

----- Forwarded message -----

From: **Michael and Connie Egan** <moegan@islandtelecom.com>

Date: Fri, Nov 20, 2020 at 11:56 AM

Subject: Feedback to Second Version of Land Use Bylaws

To: <administrator@northshorepei.ca>

Hi Stephanie,

Our personal feedback to the second version of the bylaws in addition to that already provided as a larger group is as follows.

Section 4.15.3 NONCONFORMING LOTS

This section restricts the height of new dwellings to 26.2 feet. Presently it is 35 feet. We have sought out the opinion of several residential contractors and all have stated it would be impossible to build a 2 story house with a conventional 12 on 6 pitch roof with the new proposed height restriction. New houses would be restricted to one and one half story dwellings. Would you please outline the purpose of this restriction? This would seem to be an unnecessary restriction as it does not relate to # of bedrooms or bathrooms if that is a concern. We appreciate there is a need to fit into the general flavour and feel of the neighborhood thus restrictions on "excessive" heights need to be imposed. There are an abundance of two story homes on nonconforming lots thus continuing with the existing bylaw height restriction does seem appropriate.

For your consideration and review by Planning Board,

Michael and Connie Egan
3220 Bayshore Road

----- Forwarded message -----

From: Eugene Doyle <eugenedoyle53@hotmail.com>

Date: Mon, Nov 23, 2020 at 9:53 AM

Subject: Re: Land use Bylaw

To: administrator@northshorepei.ca <administrator@northshorepei.ca>

Hi Stephanie,

Just following up from my previous email sent on November 17th with some additional comments with respect to section 16.7 (Parkland Dedication).

Clause (1) - we recognize the need for park/green space within developments in our municipality; however, we believe that conveying 5% of the lot area to the municipality is more reasonable. We would understand the need for more dedicated park/green space within Municipalities where the minimum lot size requirements are lower (i.e. City of Charlottetown) but with the current by-laws of the North Shore requiring a minimum of 1 acre lots (which provides a significant amount of green space for a family); we believe this amount should be reduced to 5%.

Clause (2) – as noted in the previous email, we believe that the in lieu of land payment should be reduced to 5% (or remain unchanged from the existing).

Additionally, currently it reads *“The value shall be calculated on the appraised value of the subdivided land”*.

We would propose that the wording be changed to *“The value shall be calculated on the appraised value of the land prior to being subdivided”*.

Thank you for your consideration.

Eugene

From: administrator <administrator@northshorepei.ca>

Sent: November 18, 2020 9:11 AM

To: Eugene Doyle <eugenedoyle53@hotmail.com>

Subject: Re: Land use Bylaw

Eugene,

Thanks so much for your feedback, I have submitted this to the Consultant and Planning Board.

Thank-you,

On Tue, Nov 17, 2020 at 8:06 PM Eugene Doyle <eugenedoyle53@hotmail.com> wrote:
Hi Stephanie

I have two comments and concerns regarding the land use bylaw

1. Minimum Lots sizes- We have non-conforming lots in other parts of the municipality, I think the minimum lot size should be decreased from 1 acre to .75 Acre in subdivisions specifically.
2. Green Space Minimum appears to have increased from 5% to 10% minimum. I think it should be decreased from 5%, I do not support or understand why it would increase to 10% from the previous 5% land use bylaw.

Thanks,
Eugene

----- Forwarded message -----

From: **John Palmer** <palmerjohnr@gmail.com>

Date: Tue, Nov 24, 2020 at 11:46 AM

Subject: Re: Register

To: <administrator@northshorepei.ca>

Thanks Stephanie,

I understand that the Planning Committee is open to receive written comments on the drafts.

I have prepared the attached comments which I would like you to provide the committee members..

Many Thanks,

John Palmer

Comments on Proposed Municipal By Law 4.22

"Swimming Pools"

November 24 2020

1. It is understood that this provision is made at the request of the Red Cross and the Lifesaving Society of Canada.
2. While it is agreed that there is a potential hazard in operating a swimming pool it is not clear that the installation of a 1.8 metre fence is necessary, especially in areas remote from neighbours.
3. The number of fatalities from swimming pool drowning is fortunately quite small in Canada. The Health-Infobase.canada.ca website indicates that in 2017 there were 290 drownings in Canada that year of which 28 were in swimming pools. The Lifesaving Society reports that from 2004 to 2013 between one and three fatalities per year from drowning occurred on PEI. Both sites show that about 75% of all deaths by drowning occurred in lakes, ponds, rivers, streams and the ocean. Pools contributed to only 7% of all drowning deaths across Canada. There have been no cases of pool deaths in PEI in recent years to my knowledge. The Society report notes that deaths in bathtubs actually exceed deaths from pools in Canada.
In addition the society indicates that death from drowning is gradually declining over time.
4. Drowning deaths among children under 5 in residential pools is a more serious issue in the USA. Naturally the summers are longer there and the presence of in ground pools is far more common. There is more statistical information on swimming pools in the USA than Canada and it suggests that lack of parental supervision in pool areas is the main reason for these fatalities. The idea that many toddlers drown by wandering into unfenced areas and dropping into pools is somewhat misplaced according to the evidence.

5. We have enjoyed having an above ground pool for about 40 years and we have never had any incidents at all. Our property is considerable distance from any neighbours and access to the pool deck is restricted by lockable gates, though in 40 years there has been no case of anyone attempting to trespass onto the pool deck. It is difficult to imagine anyone wandering on to our property, climbing up on our deck and falling into the pool, which incidentally is only 4 feet deep. It is also unimaginable that a person would attempt to scale a steel wall nearly six feet tall to gain access to the pool. To think that a toddler under 5 would try to do this is similarly out of the question.
6. In conclusion, the need for a high fence around above ground swimming pools in rural areas, presumably to prevent young kids inadvertently falling into the water, is unlikely to reduce the possibility of infant drowning. The evidence points to the need for parental supervision of youngsters in the swimming area as the key.
7. If the council is concerned about potential drowning hazards from access to bodies of water they need look no further than the large reservoir that Vanco have built beside the West Covehead Road.
8. Notwithstanding the lack of evidence that drowning in swimming pools is a problem in PEI it is accepted that in residential areas with nearby neighbours it is wise to restrict access to them, though the need for a high fence in all cases is doubtful.
9. I propose to change the wording of 4.22 (a) to read:

A gated fence be constructed appropriate to impede access to the swimming pool area by children under 5, in areas zoned Residential (R).

John Palmer
West Covehead
902 672 2603

From: <jonhack@sierraplan.com>
Date: Wed, Nov 25, 2020 at 4:13 PM
Subject: Letter of Representation, Land Use By-Law
To: administrator <administrator@northshorepei.ca>
Cc: <gwatts@northshorepei.ca>

Good afternoon Stephanie,

Please find my representation in respect of the Land Use By-Law attached. I would be grateful if you could ensure that members of Council are copied.

Regards
Jon Hack
Director
Sierra Planning and Management
206 Laird Drive, Suite 200
Toronto, ON
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Ms. Stephanie Moase
Administrator
Rural Municipality of North Shore
2120 Covehead Road, Rte. #25
York, PEI
COA 1P0

***Rural Municipality of North Shore Proposed Official Plan and Zoning By-Law
Governing Land Use Permissions in Residential Areas***

Dear Ms. Moase:

My wife and I own 3038 Bayshore Road and are summer residents of Stanhope. Following the public meeting to consider Draft #1 of the Land Use By-Law in September of this year, my understanding was that the prohibition against short-term vacation rentals in existing and future residential properties in the Residential Zone was to be held in abeyance pending further assessment of the efficacy and planning merit of such restrictions.

The latest version of the by-law does not meet this commitment. The Residential use category is defined to enable certain uses and those not identified are prohibited. Currently therefore, short-term rentals of a home when the homeowner is not present are, by definition, excluded.

Clarity as to the Municipality's process would be appreciated. You cannot have a study of tourism issues, or any other issue for that matter, after the fact. If a by-law touches on issues that are to be further studied under a commitment made to this by the Municipality, then the by-law is premature. And of course, if the by-law prohibits a use, enshrines it as the approved and adopted by-law, and then seeks to study the matter, this is wholly inappropriate and contrary to the public interest and private property rights.

Can you therefore confirm that the by-law is not to be put forward for adoption until such time as the study of how to curb any negative impacts of tourism on the municipality is completed, shared and aired with the affected property owners and the public at large.

Yours sincerely,

SIERRA PLANNING AND MANAGEMENT



Jonathan Hack, MA, MCIP, RPP, PLE
Director

cc. His Worship Gerard Watts, Mayor

----- Forwarded message -----

From: **Mary Jane Webster** <maryjane@remaxcharlottetown.com>

Date: Wed, Nov 25, 2020 at 4:42 PM

Subject: bylaw drafts

To: <administrator@northshorepei.ca>

Hi,

The current bylaws under review are short sighted and do not have any sort of due diligence attached to them. For non-conforming lots to have a restriction to being one level serves no real justifiable outcome whatsoever. I understand the consultant was to oversee the process but really has not done much to protect anyone - without seeing the exact number of non-conforming lots and how many people this actually effects serves no one.

How will this effect property values? Let's talk about the long term effect of this - it makes much more sense to build on a smaller footprint. How will this bylaw be implemented? There are processes in place as it stands to secure permits, and the processes need to be implemented to ensure development is safe and smart - why on earth are you insistent on creating unnecessary challenges?

The implementation of smart and conscientious growth and development can be created without being restrictive or punitive. It seems to be to be a policy to protect someone in the heart of Stanhope while unnecessarily penalizing all the other communities!

The bylaw should at least be a maximum height of 35ft which would at least allow for a proper 2 story home to be built on the smaller footprint, and the nonconforming lots.

Mary Jane
Grand Tracadie

----- Forwarded message -----

From: **Mary Hennessey** <maryhpei@gmail.com>

Date: Wed, Nov 25, 2020 at 10:58 PM

Subject: Additional feedback on the draft Official Plan and Land use Bylaw following the public meeting

To: administrator <administrator@northshorepei.ca>

Stephanie:

I have a few more questions/feedback with respect to the latest draft of the Official Plan and Land Use Bylaw, after tonight's public meeting.

By the way – my compliments on the public meeting logistics! I think everyone felt safe, and the technology worked really well in that Zoom participants could hear the speakers, and all presentations, in person and on Zoom, were clear and at an appropriate volume as well. Even the face masks did not hamper the ability to hear speakers. So ... well done!

(A) Official Plan – I have to admit I have not read the Official Plan in detail, but I did note the following inconsistencies when browsing through.

(1) Section 7.2.7 Tourism Establishment Policy

Plan Actions d. “Existing tourist establishments will be zoned as Tourism Establishment (TE) on the Zoning map.”

I think the intention here is to change the zoning of only those properties which are currently zoned as Resort Commercial, to Tourist Establishment. This is what was indicated on the slide in the consultant's presentation tonight. However this is not clear in the current wording in the draft Official Plan. Since “tourism establishments” (as opposed to tourist establishments, which is the term used in the plan actions) is a defined term in the Bylaw, one might assume that all tourism establishments, as defined in the Bylaw, will be zoned as Tourism Establishment on the Zoning map, if the above wording is maintained. **Plan action should be changed to state “Tourism establishments previously zoned as Resort Commercial will be zoned as Tourism Establishment (TE) on the Zoning map.”**

(2) Plan Actions – Definitions – inconsistent terminology (minor technicalities)

(a) 7.2.3 Plan Action a. The Land Use Bylaw will define “intensive livestock operations” in accordance with provincial legislation.

The term defined in the Bylaw is actually “Livestock operation”.

(b) 7.2.4 Plan Action a. The Land Use Bylaw will define “resource-based commercial’ and “resource-based industrial” land uses.

The terms defined in the Bylaw are actually “Resource commercial use” and “resource industrial use”.

(c) 7.2.6 Plan Action a. The Land Use Bylaw will define “seasonal commercial” land uses.

I cannot find this definition in the bylaw. Can you provide the relevant section please?

(d) 9.2.4 Heading and Plan Action a. The Land Use Policy will define “in-home occupations”.

The term defined in the Bylaw is actually “home occupation”.

(B) Land Use Bylaw

(1) Nonconforming lots

In the consultant’s presentation tonight, when discussing the feedback received on nonconforming lots, she spoke about the placement of wells and septic systems on lots which do not conform with provincial standards, and stated that was the main issue that the Bylaw was trying to address. However, the only reference I can find to the provincial standards in the Bylaw is in section 3.7 Development Applications for Nonconforming Lots.

Please confirm that the term “nonconforming lots” used in subsection 4.8(2) – “Home Occupations”, means nonconforming with respect to municipal standards (ie under one acre), and not with provincial standards (under .574 acres).

Similarly, please confirm that the term “nonconforming lots” used in section 4.15 – “Nonconforming Lots”, also means nonconforming with respect to municipal standards (ie under one acre), and not with provincial standards (under .574 acres).

If my interpretation is incorrect, I suggest that clarifying wording should be added to sections 4.8(2) and 4.15 to specify that “nonconforming” means nonconforming with provincial standards.

(2) Section 3.4(5) e. and f.

These comments are further to my previous feedback on the current wording in the draft Bylaw that states:

3.4(5) An application for a development permit **SHALL [i.e. MUST]** be rejected if:

e. The impact of the proposed development **MAY** be detrimental to the environment by reason of noise, dust, ... which affects ... residential areas;

f. The proposed development **MAY** be detrimental to the convenience ... of ... residents of the development and/or in the vicinity or the general public.

So as not to potentially halt the approval of all applications, and to provide some discretion to the development officer/Planning Board and/or Council to weigh the credibility of any protestor's complaints/assertions, I would suggest that the wording be changed to:

3.4(5) An application for a development permit **MAY** be rejected if:

e. The impact of the proposed development **WOULD** be detrimental to the environment by reason of noise, dust, ... which affects ... residential areas;

f. The proposed development **WOULD** be detrimental to the convenience, health or safety of ... residents of the development and/or in the vicinity or the general public.

Thanks again for the opportunity to provide feedback.

Sent from [Mail](#) for Windows 10

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Stephanie Moase
CAO Rural Municipality of North Shore
2120 Covehead Road
York, PE, C0A 1P0
Ph:902-672-2600
Email: administrator@northshorepei.ca

----- Forwarded message -----

From: **Jessica** <jessflemm@gmail.com>

Date: Wed, Nov 25, 2020 at 10:05 PM

Subject: By/law Amendment Feedback/Concerns

To: <administrator@northshorepei.ca>

Hi Stephanie,

Please send this to all who sit on the decision council my feedback as I was unable to attend the meeting tonight.

My names is Jessica Flemming. My partner Craig MacMillan and I are summer residents/own a year around home on Birch Hill Ave in Stanhope. My feedback/concerns is with respect to the proposed new height restrictions on buildings erected on a non conforming lot, found in section 4.15 (3) of the October draft bylaw

The proposed bylaw states that:

ANY MAIN BUILDING ERECTED ON A NONCONFORMING LOT SHALL HAVE A MAXIMUM HEIGHT OF 8 METERS (26.2 FEET).

Applying to lots under 1 acre.

The 2014 bylaw which is currently in effect permits a height of 35 feet, so

the proposed change is a reduction of 8.8 feet in height. That doesn't sound like a huge reduction, but it will have significant consequences.

It is next to impossible for a 2 story home with Two floor systems 3.2ft with Two wall systems 16 at 6/12 pitch 12ft = 31.2min feet needed.

Low-pitch roofs are seldom used in climates of cold/snow due to the stress of snow accumulation on roofs of structures as you know. You need a pitch incline which are generally used on many traditional style home and cottages alike.

Please supply the research done, feedback from experienced contractors and reasoning you based your decision to amend this by 8.8 feet that effects many people in these communities from Pleasant Grove, Tracadie, West Covehead, Stanhope etc. Do you realize the potential effects this has on resale and those who own land less than 1 acre? I would question how many of the general public even know this was slipped in on the agenda!

You are forcing people to put all square footage in one level further crowding the lot or preventing others with large lots to dictate what they can build. What is this really about?

Also, I want to note when I attended one of the last meetings the land chart displaying of the non conforming lots Hope pulled up on the screen did not include many lots including my mother's she owns.

When I called the next day after the meeting Stephanie I spoke to on the phone and I said that " my mother was concerned her lot was not shown on the map at the meeting."

Stephanies response was "oh the map had some discrepancies don't worry your lot still applies."

How are we presenting info to the general public that is wrong? How are you basing decisions on false information and determining how this effects those people in your community?

I feel this whole procedure is/was done without proper information needed, false information given and for the wrong reasons.

I also want to state that I am confident many residents/owners do not know what is taking place with these huge changes's after talking to many in many of these areas . I feel you are not notifying the communities and creating public knowledge and awareness properly on these matters!

I have been asked to be added to emails 2x at the last 2 meetings and I have yet to receive any emails. You need a better platform/plan of notifying your community.

I recommend that the proposed bylaw be amended to increase the maximum height restriction on non conforming lots to 35 ft, which is currently in effect to allow construction of 2 stories homes.

I look forward to hearing back from you.

Regards,
Jessica Flemming

----- Forwarded message -----

From: <maryhpei@gmail.com>

Date: Wed, Dec 2, 2020 at 4:11 PM

Subject: Feedback re October draft of Land Use Bylaw

To: <gwatts@northshorepei.ca>, <pvriends@northshorepei.ca>, <kshaw@northshorepei.ca>, <whemphill@northshorepei.ca>, <bdoyle@northshorepei.ca>, <dcook@northshorepei.ca>, <nmackinnon@northshorepei.ca>, <administrator@northshorepei.ca>

Cc: Mike Basha <mikebasha@hotmail.com>, Anne Morais <annemorais56@gmail.com>, Linda Arsenault <linda.arsenault1@gmail.com>, Norma Vass <normavass@hotmail.com>, Alex Bruce <alexbruce59@yahoo.ca>, Amy Macmillan <AMYRMACMILLAN@gmail.com>, Andrew MacMillan <abmacmillan25@gmail.com>, Anne Marie Carr <ammcarr@gmail.com>, Barry MacMillan <barryandberylmacmillan@hotmail.com>, Bobby Hennessey <bobby.hennessey@gmail.com>, Danny Peacock <dpeacock@pei.sympatico.ca>, Dave <dcanvin@csmlaw.com>, Dustin Carr <DustinC@awifilter.com>, Hailey and Ayden Wright <carrmhailey@gmail.com>, James Rattray <jeratt04@gmail.com>, Jane Hennessey <jn653661@dal.ca>, Jessica <jessflemm@gmail.com>, Jo <johanna.egan11@gmail.com>, Josh Egan <jegan@csmlaw.com>, Kathy <kathygailthompson@gmail.com>, Kim Gallant <kim.m.r.gallant@gmail.com>, Maggie Bard <[maggiebard@hotmail.com](mailto:maggi bard@hotmail.com)>, Meghan Senechal <mecarr.15@gmail.com>, Michael and Connie Egan <moegan@islandtelecom.com>, Nick Foran <nicholasforan@hotmail.com>, Patrick Morris <pat@morrisholdings.ca>, Roxanne Gauthier <rogauthier@upei.ca>, Sandy Gillis <sandy@goforsuccess.ca>, William Elliott <bill@hovercraftwest.com>, Lori Hennessey <lori.hennessey@theguardian.pe.ca>, <bob.gollaher@gmail.com>, <brandonjcameron@hotmail.com>, <candice.m.mackay@gmail.com>, <chelsea.mcbride@health.nsw.gov.au>, <chetwinlee@gmail.com>, <chrischaisson@bellaliant.net>, <cmac_55@hotmail.com>, <dkcarm@telus.net>, <egan.ellen@gmail.com>, <hthompson@upei.ca>, <jimpower1969@gmail.com>, <joann_macmillan@yahoo.com>, <jonhack@sierraplan.com>, <joshpatterson15@hotmail.com>, <kevin.devine@sabres.com>, <macleod.tess@gmail.com>, marie mcaulay <mfmcaulay60@gmail.com>, <maryhpei@gmail.com>, <paul.ann.macdougald@hotmail.com>, <phillips@corplex.ca>, <ramurray@eastlink.ca>, <sandy.sweet@cpkn.ca>, <trainorjaet@gmail.com>, <trmacartney@gmail.com>, <tarah530@msn.com>, <shannon@markanhardwood.com>, <Jillian.Ryea@allscripts.com>, <norahesmith@icloud.com>, <drmalone@conceivehealth.com>, <glajeunesse49@gmail.com>, <RobStewartNB@hotmail.com>, <stevenson333@eastlink.ca>, <Susanne.canvin@gmail.com>, <mikehennesseypei@gmail.com>, <sarahcarr@dal.ca>, <macmillan_donald@hotmail.com>

Stephanie:

This is the same group feedback letter that we emailed to you on November 20th, signed by 10 residents, for you to forward to Planning Board, Council and Hope Parnham of DV8 Consulting. However, the letter is now signed by an additional 99 residents of the municipality who requested to have their names added, for a total of 109 signatures, to demonstrate to Council and Planning Board the level of concern with the noted issues.

I have copied this letter to members of Council, and **would appreciate if you would send it to members of Planning Board and to the Consultant**, as I do not have their email addresses.

Thank you for your assistance with this.

Mary Hennessey

To the Rural Municipality of North Shore Planning Board, Rural Municipality of North Shore Councillors and Hope Parnham, DV8 Consulting:

This is in response to the most recent draft of the Rural Municipality of North Shore Land Use Bylaw (2020) (hereinafter referred to as October draft Bylaw).

Firstly we would like to acknowledge the tremendous amount of effort that has been put forth by Planning Board as well as concerned members of the community in the exercise of reviewing/redrafting the Official Plan and Land Use Bylaw for the municipality. It has been a long and tedious, but very necessary, process, and we thank you for your time and commitment.

As you are aware, a large group of community residents raised concerns with the first draft of the Land Use Bylaw by letter dated September 7, 2020. The two main concerns raised were:

- (1) the restrictions on short term rentals, and
- (2) the restrictions on permitted uses on nonconforming lots.

SHORT TERM RENTALS

It is our understanding that, at a subsequent Planning Board meeting, it was decided that no new regulations/restrictions would be placed on short term rentals in the municipality at this time. This is evidenced by the removal of section 4.24(4)(a) through (g) from the first draft of the Bylaw. The stated reasoning behind this decision was that data was lacking with respect to the current short term rental landscape in the municipality. Planning Board decided to recommend that Council fund a future study on short term rentals to determine whether further regulation in this area is warranted.

Our interest and concern is with respect to the short term rental of a single detached dwelling (i.e. a house or cottage) on a residential lot which is rented in its entirety as opposed to renting a portion of the dwelling.

Our initial review of the October draft Bylaw led us to believe that the draft does indeed impose restrictions on short term rentals through section 4.8 “HOME OCCUPATION” which states in part [emphasis added]:

4.8 (1) The following commercial and institutional (1) uses are permitted as home occupations in a single detached dwelling on a residential Lot, subject to the regulations of this section:

- ...
- b. **Tourism Establishment**, subject to tourism establishment requirements of this section;

4.8(4) **Home occupations shall comply with the following requirements:**

- (a). **The owner of the business shall live in the dwelling;**
- ...
- (c). **No more than twenty-five percent (25%) of the total floor area of the dwelling is used for the business; ...**

However, upon examination of the definition of “Home occupation”, we determined that section 4.8 DOES NOT apply to short term rentals of single detached dwellings (i.e. a house or cottage) on a residential lot because the definition of “Home occupation”, found in section (45) of Appendix B “DEFINITIONS” is:

- (45) Home occupation means an accessory use conducted **in a portion of a dwelling, or within an accessory building**, for pursuits which are compatible with a domestic household. ...

ACTION ITEM / RECOMMENDED AMENDMENT TO DRAFT BYLAW #1

- (a) Please confirm that we are correct in our interpretation that the short term rental of a single detached dwelling on a residential lot is not a home occupation as defined in the October draft bylaw.
- (b) Please confirm that section 4.8 of the draft bylaw therefore does not apply to such short term rentals.
- (c) If this is the case, and for clarity, perhaps clause 4.8(1) b. should be amended to state “certain Tourism Establishments” or “those Tourism Establishments which are a bed and breakfast or which rent a portion of a dwelling” or some similar clarifying verbiage.

ACTION ITEM / RECOMMENDED AMENDMENT TO DRAFT BYLAW #2

Section 4.18 (1) states that “Land uses that are not specified as permitted uses in the zone shall not be permitted in the zone.” Since the short term rental of a single detached dwelling (i.e. a house or cottage) on a residential lot is not home occupation, **section 6.2(1) needs to be amended to include “Tourism establishment” to the list of permitted uses in the Residential Zone.**

NONCONFORMING LOTS

Section 4.8(2) states:

- 4.8 (2) Council may approve a home occupation in a single detached dwelling on a nonconforming lot by resolution after receiving a recommendation from the Planning Board, if the home occupation does not intensify the use of the water source and/or sewer disposal system, and all other applicable provisions in the Bylaw are satisfied.

We feel that requiring approval of every instance of home occupation on the numerous nonconforming lots in the municipality is onerous and unnecessary. Furthermore, the October draft Bylaw includes a new section [section 4.15(5)] which permits secondary suites (a potential sewer and water use intensifier) on nonconforming lots if the sewerage system is certified by a licensed professional. It seems incongruent to require Planning Board and Council to approve each home occupation listed in 4.8(1),

which would, in most cases, have little to no effect on sewer and water use, while allowing secondary suites without Planning Board and Council approval.

ACTION ITEM / RECOMMENDED AMENDMENT TO DRAFT BYLAW #3

In our opinion, section 4.8(2) should be revised as follows:

4.8 (2) A home occupation is permitted in a single detached dwelling on a nonconforming lot if the home occupation does not intensify the use of the water source and/or sewer disposal system, and all other applicable provisions in the Bylaw are satisfied.

This revision would achieve the same result as the current draft, but would result in Planning Board and Council dealing only with cases of noncompliance, rather than with every instance of home occupation on a nonconforming lot, which is a less heavy-handed, bureaucratic, labor intensive, costly and time consuming (for both the resident and Council) approach.

In conclusion, we thank you for the opportunity to provide feedback with respect to the October draft of the Rural Municipality of North Shore Land Use Bylaw (2020). We would appreciate a response as soon as possible, and preferably before the November 25th public meeting, at least with respect to our interpretation of section 4.8(1) and its application to short term rentals of single detached dwellings (i.e. a house or cottage) on a residential lot, as this is of major concern to us and our neighbors.

Yours truly,

Mike Hennessey, 12 Halmac Road, Stanhope

Mary Hennessey, 12 Halmac Road, Stanhope

Michael Egan, 3220 Bayshore Road, Stanhope

Connie Egan, 3220 Bayshore Road, Stanhope

Bruce Thompson, 31 Old Sam Road and 22 Old Sam Road, Stanhope

Kathy Thompson, 31 Old Sam Road and 22 Old Sam Road, Stanhope

Shane Carr, 23 Allan Court, Stanhope

Ann Marie Carr, 23 Allan Court, Stanhope

Barry MacMillan, 17, 19 and 39 Doc Soper Crescent, Stanhope

Beryl MacMillan, 17, 19 and 39 Doc Soper Crescent, Stanhope

Marie MacAulay, 5 Doc Soper Crescent

Jim Power, 15 Stans Way, Stanhope

Norma Vass, 15 Stans Way, Stanhope

Bill Soper, 97 Doc Soper Crescent and 99 Doc Soper Crescent, Stanhope

Ruth Soper, 97 Doc Soper Crescent and 99 Doc Soper Crescent, Stanhope

Logan MacKay, 11 Carmody Crescent, Stanhope

Candice MacKay, 11 Carmody Crescent, Stanhope

Jillian Trainor, 58 Old Sam Road, Stanhope

Peter Stay, 58 Old Sam Road, Stanhope

Sandy Gillis, 3266 Bayshore Road, Stanhope

Kathy Hambly, 3266 Bayshore Road, Stanhope

Dennis Carmichael, 18 Hummingbird Lane, Stanhope
James Rattray, 28 Old Sam Road, Stanhope
Susan Rattray, 28 Old Sam Road, Stanhope
Jessica Flemming, 8 Birch Hill Drive, Stanhope
Craig MacMillan, 8 Birch Hill Drive, Stanhope
Dustin Carr, 50 Old Sam Road, Stanhope
Sarah Carr, 50 Old Sam Road, Stanhope
Ray Gallant, 3 Evergreen Lane and 7 Evergreen Lane, Stanhope
Kim Gallant, 3 Evergreen Lane and 7 Evergreen Lane, Stanhope
Kali Simmonds, 21 Deanna Lane, Stanhope
Pat Morris, 21 Deanna Lane, Stanhope
Lori Hennessey, 33 Carlie Lane, Stanhope
Doug Carmody, 33 Carlie Lane, Stanhope
Josh Egan, 93 Doc Soper Crescent, Stanhope
Laura Egan, 93 Doc Soper Crescent, Stanhope
Ron Murray, 76 Warrens Road, Stanhope
Lisa Driscoll, 76 Warrens Road, Stanhope
Mike Basha, 309 Eagles Path Lane, West Covehead
Bobby Hennessey, 22 Halmac Road, Stanhope
Sarah Hennessey, 22 Halmac Road, Stanhope
Andrew MacMillan, 18 Bayview Lane, Stanhope
Ashley Hubbard, 18 Bayview Lane, Stanhope
Danny Peacock, 11 Allan Court, Stanhope
Pam Williams, 11 Allan Court, Stanhope
Johanna Egan, 105 Doc Soper Crescent, Stanhope
Josh Patterson, 105 Doc Soper Crescent, Stanhope
Chris Chaisson, 40 Old Sam Road, Stanhope
Michelle Chaisson, 40 Old Sam Road, Stanhope
Meghan Senechal, 28 Allan Court, Stanhope
Eliott Senechal, 28 Allan Court, Stanhope
Bill Elliot, 3356 Bayshore Road and 3358 Bayshore Road, Stanhope
Michelle Freeman, 3356 Bayshore Road and 3358 Bayshore Road, Stanhope
Amy MacMillan, 33 Doc Soper Crescent, Stanhope
Sandy Sweet, 3254 Bayshore Road, Stanhope
Alex Bruce, 8 Allan Court, Stanhope
Deborah Bruce, 8 Allan Court, Stanhope
Tess MacLeod, 18 Old Sam Road, Stanhope
Darcy MacLeod, 18 Old Sam Road, Stanhope
Ellen Egan, 10 Bayview Lane, Stanhope
Brandon Cameron, 10 Bayview Lane, Stanhope
Linda Arsenault, Birch Hill Drive, Stanhope
Peter Arsenault, Birch Hill Drive, Stanhope
Jane Hennessey, 30 Halmac Road, Stanhope
Matt Steeves, 30 Halmac Road, Stanhope

Hailey Wright, 13 Stardust Lane, Stanhope
Ayden Wright, 13 Stardust Lane, Stanhope
Jo Ann MacMillan, 31 Doc Soper Crescent, Stanhope
Sean Geyton, 31 Doc Soper Crescent, Stanhope
David Canvin, 38 Halmac Road, Stanhope
Kevin Devine, 19 Carlie Lane, Stanhope
Chelsea McBride, Doc Soper Crescent, Stanhope
Derek McBride, Doc Soper Crescent, Stanhope
Roxanne Gauthier, 32 Doc Soper Crescent, Stanhope
Nicholas Foran, 32 Doc Soper Crescent, Stanhope
Bob Gollaher, 67 Warrens Road, Stanhope
Jamie MacDonald, 67 Warrens Road, Stanhope
Brian Bard, 28 Old Sam Road, Stanhope
Maggie Bard, 28 Old Sam Road, Stanhope
Tarah Barwise, 3030 Bayshore Road, Stanhope and 1298 Route 6, Grand Tracadie
Jon Hack, 3038 Bayshore Road, Stanhope
Gloria Brandao, 3038 Bayshore Road, Stanhope
Anne Morais, 118 Blanchard Lane, Stanhope
Alfred Morais, 118 Blanchard Lane, Stanhope
Paul MacDougald, 22 Lily Lane, Stanhope
Ann MacDougald, 22 Lily Lane, Stanhope
Donald MacMillan, 23 Lawson Lane, Stanhope
Leedya MacMillan, 23 Lawson Lane, Stanhope
Hillary Selkirk, Bayview Lane
Alex Selkirk, Bayview Lane
Tom Macartney, 23 Auld Lane, Stanhope
Gail Macartney, 23 Auld Lane, Stanhope
Judy Phillips, 12 Nellies Lane, Stanhope
Larry Phillips, 12 Nellies Lane, Stanhope
Shannon MacAulay, Simpson Lane, Stanhope
Geordon Read, Simpson Lane, Stanhope
Jillian Ryea, 34 Seamans Road, Stanhope
Justin Ryea, 34 Seamans Road, Stanhope
Norah Smith, 34 Seamans Road, Stanhope
Tracy Malone, 44 Old Sam Road, Stanhope
Peter Evans, 44 Old Sam Road, Stanhope
Gerry Lajeunesse, 6 Harmony Lane, Stanhope
Joanne Lajeunesse, 6 Harmony Lane, Stanhope
Robert Stewart, 145 Stanhope Lane, Stanhope
Connie Stewart, 145 Stanhope Lane, Stanhope
Doug Stevenson, 101 Doc Soper Crescent, Stanhope
Marg Stevenson, 101 Doc Soper Crescent, Stanhope
Susanne Morrison, 2814 Bayshore Road, Stanhope
Scott Morrison, 2814 Bayshore Road, Stanhope

From: **Tanya Machon** <tdmachon@ihis.org>

Date: Thu, Dec 3, 2020 at 11:55 AM

Subject: Proposed Recommendations of the Land Use Bylaw Draft

To: <administrator@northshorepei.ca>

Hi Stephanie,

Please find attached a document describing recommendations requested for the Rural Municipality of North Shore draft Land Use Bylaw (2020).

Thank you very much for your time and being so helpful with respect to multiple questions and scenarios.

Respectfully Submitted,

Tanya

Tanya Machon RN, BN, CPMHN (c)

Nurse Manager of:

Psychiatric Intensive Care Unit,

Acute Care Psychiatry Unit &

Pre-Discharge Psychiatry Unit

Hillsborough Hospital

Office: 902-368-5415

Mobile: 902-314-8471

SBAR

TITLE: Proposed Recommendations of the Rural Municipality of North Shore [DRAFT] Land Use Bylaw (2020)

DATE: November 30, 2020

SUBMITTED BY: Danny & Tanya Machon (1335 Covehead Rd)

SITUATION:

- Aging parents who live in NB, have very little supports in their community and require medical supervision at times but are also very capable of independent living
- Our goal would be to support them moving to PEI with a **temporary** secondary suite located on our property
- This would allow them the independence that they deserve with the support they require
- As a Registered Nurse I have the ability to provide the medical support and care which would prevent undue financial burden on my parents for care that may be required from an external agency
- At no point would we consider renting this secondary suite to any other occupants
- At such time that the secondary suite would no longer be required for this purpose, it would be moved from our lot, either by private sale or to another property that we would then purchase

BACKGROUND:

On review of the current Rural Municipality of North Shore [DRAFT] Land Use Bylaw (2020) the restrictions around secondary or garden suites would make our goal near impossible to achieve.

We have considered various options:

OPTION 1 – Purchasing a parcel of land on either side of our property lot.

OPTION 2 – Subdividing a 1 acre parcel of land from our neighbor (farmer) behind us, to create lot consolidation and placing a modular or minihome on the property. This would allow us to use the existing well and driveway but would require a second septic system

OPTION 3 – Subdivide our lot to allow for a second dwelling

OPTION 4 - Create a secondary suite by adding onto our existing single dwelling home or existing accessory building (garage)

OPTION 5 – Placing a mobile home or mini home on our property that meets all of the conditions of the bylaw related to secondary and garden suites with some considerations to the current drafted bylaws

ASSESSMENT:

In accordance with the Future Land Use Map Draft November 2020, it appears that our property falls within Agriculture, ZONE A. The contents of this assessment are made under that assumption.

OPTION 1:

BYLAW REFERENCE - 5.3 LOTSIZE AND DEVELOPMENT STANDARDS

(1) All development shall conform to the following lot size and development standards:

		<i>Single detached dwelling, Duplex dwelling and the permitted accessory uses</i>	<i>All other uses</i>
<i>a.</i>	<i>Lot area (min)</i>	<i>0.4 ha (1 acre)</i>	<i>0.8 ha (2 acres)</i>
<i>b.</i>	<i>Lot Frontage (min)</i>	<i>45.7 m (150 ft)</i>	<i>45.7 m (150 ft)</i>
<i>c.</i>	<i>Lot coverage (Max)</i>	<i>25 %</i>	<i>25 %</i>
<i>d.</i>	<i>Front yard setback (min)</i>	<i>15.2 m (50 ft)</i>	<i>15.2 m (50 ft)</i>

- On approach of the 2 neighboring land owners, with adequate frontage, directly next to our lot, neither was interested in selling land at this time

OPTION 2:

BYLAW REFERENCE - 16.4 PERMISSION TO SUBDIVIDE

- (1) No land shall be subdivided unless the subdivision:*
- a. can be subdivided according to the provisions of the Bylaw and any applicable provincial statute, regulation or other enactment;*
 - b. is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;*
 - c. is designed so that all lots will have lot frontage on a highway;*
 - d. has safe and convenient highway access and will provide for safe and convenient traffic flow as determined and approved by the government department responsible for the administration of the Roads Act;*
 - e. has utilities and services available, or can be provided with utilities and services;*
 - f. is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;*
 - g. is suitable to the use for which it is intended;*
 - h. will not cause undue flooding or erosion; and*
 - i. will not result in damage to the natural environment, including any wetland or watercourse.*

- Our neighbor behind us, who is a farmer, was more than willing to subdivide and sell a 1 acre lot to us which would be consolidated to our existing side lot but without frontage.
- Option 2 would meet the requirements of 16.4 with the exceptions of 16.4.1. c. and 16.4.1. d.
- We would be unable to place a modular or minihome on this lot as it would be

considered a secondary dwelling and cannot exist as its own lot due to no available frontage (land locked)

- Although we would be able to use the existing well we would require a separate septic system
- *4.1 ACCESS AND LOT FRONTAGE - 4.1(4) Where a development application is for a lot with access on a private road or over an adjacent lot, the property owner shall have legal entitlement to use the private road for access. We would be unable to use our existing driveway as it is not 33 ft from the secondary property owner's lot and unable to use the previous land owners driveway as it already has a legal entitlement to another land owner for access to his garage making this then a roadway NOTE: this is a bit unclear to us*
- The purchase of 2 acres for a secondary dwelling as required for agricultural zoning would not improve the outcome of this option
- *16.8 SPECIAL REQUIREMENTS: AGRICULTURAL ZONE: (1) Within the Agricultural (A) Zone, no person shall be permitted to subdivide from an existing lot more than four (4) lots and up to a maximum of 3.2 ha (8 acres) may be subdivided off of the existing lot. The landowner's property has already been subdivided three times, making this the fourth and final possible subdivision of his land*

OPTION 3:

BYLAW REFERENCE - APPENDIX B. DEFINITIONS - 52. k. Panhandle or flag lot means a lot that does not have the minimum lot frontage on a road required by these regulations, but has an entranceway providing access to a highway. The developable portion of the lot is behind another lot and connected by a narrow strip of land that does not meet the required lot frontage defined by the zone.

- Subdividing our lot at 1335 Covehead Rd, would not meet the required frontage allotments of 150 ft for the 2 separate dwellings as our entire frontage is approximately 230 ft.
- It would also require extensive excavation and alteration to the grade of the land
- Subdividing the rear of our property would not be an option as it would have similar outcomes as Option 2 creating a flag lot

OPTION 4:

BYLAW REFERENCE - APPENDIX B. DEFINITIONS - 26. d. Secondary Suite means a self-contained Dwelling unit with a prescribed Floor area located in a Building or portion of a Building of only residential occupancy that contains only one other Dwelling unit and common spaces, and where both Dwelling units constitute a single real estate entity.

- With respect to Bylaw 4.20 and the above definition of a Secondary Suite, it appears that a secondary suite must be part of an existing single dwelling or accessory building on a property, this creates a permanent addition that will serve no purpose past the requirement of my parents as occupants
- A permanent addition/structure has the potential to limit the sale of a home as this is a

feature that is often not required for most home owners

- A permanent addition/structure creates opportunities for future landowners to rent this unit which is not the intent of its use
- A permanent addition/structure creates unnecessary costs to a home owner for utilities, etc, if it has no useful purpose beyond it's intended use

OPTION 5:

BYLAW REFERENCE - 4.20 SECONDARY SUITES AND GARDEN SUITES

(1) One (1) secondary suite may be constructed on a residential lot **with a single detached dwelling.**

(2) A secondary suite **within a single detached dwelling** shall be subject to the following conditions: a. The secondary suite shall be less than 80% of the gross floor area of the main dwelling, excluding the garage; and less than 80 m² (861 ft²) in floor area.

b. The secondary suite shall not contain more than 2 bedrooms.

c. At least one on-site parking space shall be provided, in addition to the parking requirements for the main dwelling.

d. The design of the secondary suite meets the requirements for the provincial Fire Marshall's Office and applicable National Building Code requirements.

e. The secondary suite shall share the water and sewerage disposal system of the main dwelling and the intensification of use of the system has been approved by the responsible provincial government department.

f. No other secondary uses are present on the lot.

(3) A secondary suite **in an accessory building to a single detached dwelling**, otherwise known as a garden suite, shall be subject to the following conditions: a. The accessory building in which the secondary suite is located shall be located in the rear yard of the single detached dwelling.

b. The accessory building in which the secondary suite is located shall have a minimum setback of 4.6 m (15 ft) to any lot line.

c. The accessory building in which the secondary suite is located shall be less than 80% of the gross floor area of the main dwelling, excluding an attached garage; and less than 80 m² (861 ft²) in floor area.

d. The secondary suite shall not contain more than 2 bedrooms.

e. At least one on-site parking space shall be provided, in addition to the parking requirements for the main dwelling.

f. The design of the secondary suite meets the requirements for the provincial Fire Marshall's Office and applicable National Building Code requirements.

g. The secondary suite shall share the water and sewerage disposal system of the main dwelling and the intensification of use of the system has been approved by the responsible provincial government department.

h. No other secondary uses are present on the property.

(4) No variances shall be approved to increase the size of a secondary suite and where an application is received for a larger secondary suite, it shall be treated as an application for a second dwelling unit.

- 4.20. 1. Leads to interpretation that it is possible to construct a secondary suite on a residential lot **with** another dwelling as both 4.20. 2. and 4.20. 3. state they are to be constructed **within** a single detached dwelling or accessory building – We would like to explore this option further
- There are no bylaw guidelines entered under 4.20. 1. as an option to construct on a residential lot **with** another dwelling
- With the failure of the multiple other options explored, placing a minihome that would be a **temporary secondary suite** serving the same purpose of an attached secondary or garden suite, located on the rear side of our property would be our preferred option
- If construction as stated in 4.20. 1. requires meeting the bylaw conditions as outlined in: 4.20. 2. (b. *The secondary suite shall not contain more than 2 bedrooms.* c. *At least one on-site parking space shall be provided, in addition to the parking requirements for the main dwelling.* d. *The design of the secondary suite meets the requirements for the provincial Fire Marshall’s Office and applicable National Building Code requirements.* e. *The secondary suite shall share the water and sewerage disposal system of the main dwelling and the intensification of use of the system has been approved by the responsible provincial government department.* f. *No other secondary uses are present on the lot*) they could be met with a property assessment related to the septic and well and required construction completed

BYLAW REFERENCE - 3.8 VARIANCES

(5) Minor variance applications, which deviate by less than 10% from the provisions of the Bylaw, shall be reviewed by Planning Board, and Planning Board may make a recommendation to Council to support the application if the variance is consistent with the policies and objectives of the Official Plan, the general intent and purpose of the Bylaw, and provided that:

- a. The lot in question has peculiar physical conditions, including but not limited to a small lot size, irregular lot shape, or exceptional topographical conditions, which make it impractical to develop in strict compliance with Bylaw standards;*
- b. Strict application of all Bylaw standards would impose undue hardship on the applicant by excluding them from the same rights and privileges for reasonable use of their lot as enjoyed by other persons in the same zone;*
- c. The variance is of the least magnitude required to enable reasonable use of the lot; or*
- d. The proposed variance would not impact unduly on the enjoyment of adjacent properties, or on the essential character of the surrounding neighbourhood.*

- With the application of the bylaws outlined in this SBAR we fail to see how the Rural Municipality of North Shore [DRAFT] Land Use Bylaw (2020) does not impose *undue hardship on us as landowners* or create circumstances in which we are *able to make reasonable use of our lot*

- Any of the OPTIONS explored and outlined in this report would have no *unduly negative impacts on the enjoyment to land owners on adjacent properties or the essential character of the surrounding neighbourhood*
- The restrictions within this draft bylaw do however, limit our ability to support our parents who need us at this time in their lives and who would make excellent members to our municipal community

RECOMMENDATIONS:

1. Consideration allowance of **temporary** Secondary Suites, for the same purpose of an attached secondary or garden suite, that meet the 4.20 SECONDARY SUITES AND GARDEN SUITES bylaw conditions and that don't require attachment to existing infrastructure
2. Approval of Temporary Secondary Suites could also include *3.9 CONDITIONAL APPROVALS AND DEVELOPMENT AGREEMENTS (2) When a development permit has been approved subject to a variance approval, the applicant may be required to enter into a development agreement with the Municipality, and the development agreement may describe additional conditions negotiated as a condition of the variance, and the development agreement shall be a contract binding on both parties.* A development agreement could be completed to ensure that the property owner will not use a temporary secondary suite as a rental unit and will remove the temporary secondary suite from the property when the purpose of its agreed use is no longer required
3. We request a consideration of altering 4.20. 2 a) *The secondary suite shall be less than 80% of the gross floor area of the main dwelling, excluding the garage; and **less than 80 m2 (861 ft2) in floor area.*** Any floor plan that we have explored for a two bedroom modular or minihome to be used as a temporary secondary suite is slightly larger than 861 ft2.
4. We request a consideration of altering 4.20. 2 a) to be **closer or equal to** that of an accessory building allowance of square footage. *3.9 CONDITIONAL APPROVALS AND DEVELOPMENT AGREEMENTS (5) Accessory buildings and accessory structures shall have a maximum combined floor area of 140 m2 (1500 ft2), and the combined footprint of the main dwelling and that of the accessory buildings and structures shall not exceed the maximum lot coverage permitted in the zone in so long as it does not **exceed the 80% less that the gross floor area of the main dwelling.***
5. We request that the above proposed recommendations 3) and 4) be considered as they would have direct impact on 4.20. 4) *No variances shall be approved to increase the size of a secondary suite and where an application is received for a larger secondary suite, it shall be treated as an application for a second dwelling unit.* If the requirements can be met under the conditions of 4.20. for a slightly larger unit why would this not be considered?

DECISION/RESPONSE:

From: **Kent MacLean** <kmaclean@arcoscrm.com>

Date: Thu, Dec 3, 2020 at 2:19 PM

Subject: RMNS - Resident comments on Draft Official Plan 2020 RE - 3553 Bayshore Road - 120320

To: Krista Shaw <kshaw@northshorepei.ca>, administrator
<administrator@northshorepei.ca>

Cc: kent@kentmaclean.com <kent@kentmaclean.com>

Good Afternoon

Attached is a letter submitted as feedback to the 2020 Official Plan process.

Can you please confirm you have received this letter and that it will be submitted to the 2020 Official Plan process and records?

Regards,

Kent MacLean

kmaclean@arcoscrm.com

Tel (902) 626 5650

December 3, 2020

Rural Municipality of North Shore
2120 Covehead Road
Rte. 25, York, PEI
COA 1P0

Attention: Councillor Krista Shaw, Chair - Planning Board Committee & Chief Administrator Officer

RE: Resident Comments on Draft Official Plan 2020 RE: 3553 Bayshore Road (PID #544940)

This letter serves as a further notification and a record of our objection and appeal to the improper mapping and zoning of our private residential property. Our property is and has been a residential property since we acquired it 19 years ago. My family and I have been living in our family home on the property for the past 18 years.

In 2014, the property located at 3553 Bayshore Road was incorrectly depicted as Parks and Conservation Zone on the Maps of the Rural Municipality of North Shore in the Community of North Shore 2014 Official Plan and 2014 Land Use Bylaw. The mapping of this property in the Parks and Conservation Zone was made in error and must be rectified by the Municipality of North Shore. We have reviewed the Rural Municipality of North Shore Draft Official Plan (2020), the Community of North Shore 2014 Official Plan, the 2014 Land Use Bylaw, the Land Use Zoning Map, and the Existing Land Use Map that confirm the mapping is not zoned in alignment with the use of the property.

There is an existing objection and appeal sent into the Rural Municipality of North Shore to rectify an error from the 2014 Official Plan process regarding zoning for this property. ***(see Appendix A for Objection to Official Plan Zone Mapping for PID 544940 dated September 4, 2020)***. This information is supplementary to a prior statement that was read (on the record) on this matter at the public meeting for the 2020 Draft Official Plan held at the North Shore Community Centre on August 26, 2020 and subsequently submitted by email in a letter attachment format to the Rural Municipality of North Shore (administrator@northshorepei.ca) on September 4, 2020. ***(See Appendix A – Objection to Official Plan Zone Mapping – September 4, 2020)***

It appears that our property has now been reclassified to the newly established Environmental Conservation Zone in the Draft 2020 Land Use Bylaw mapping and states that any buildings or lots shall be used for no other purpose than trails and pathways; natural area; conservation area; marine access or accessory building. ***(See Appendix C - Environmental Conservation Zone description from 2020 DRAFT Land Use Bylaw.)***

My residential property, containing my house, does not conform to the provisions of the Environmental Conservation Zone as proposed. The proposed remapping of our property to 'Environmental Conservation' by the Municipality is equivalent to an expropriation of my family's private land as the proposed mapping will severely limit and potentially prohibit any improvements to our home and property going forward.

The proposed remapping has the potential to severely reduce the value of our property and restrict the ability for our family to enjoy and to benefit from our private land and home.

We have been requesting a meeting(s) to discuss the Zoning matters with Community of North Shore committee representatives for months now, without success or any response or acknowledgement to date.

Sincerely,



Kent MacLean
902 626 5650
kent@kentmaclean.com

Appendix A

September 4, 2020

Rural Municipality of North Shore
2120 Covehead Road, Rte. 25
York, PEI

COA 1P0

Attention: Special Committee for the Official Plan and Land Use Bylaw

Attention: Ms. Hope Parnham & Chief Administrator Officer

RE: Objection to Official Plan Zone Mapping for PID 544940

This letter serves as notification of my objection to the proposed zoning of my private residential property at 3553 Bayshore Road, Stanhope (PID 511940) to 'Environmental Conservation' as reflected in the Draft Zoning Map for the 2020 Official Plan.

Our property is and has been a residential property since we acquired it 18 years ago. My family and I have been living in our family home on the property for the past 18 years.

The proposed mapping of our property to 'Environmental Conservation' by the Municipality is equivalent to an expropriation of my family's private land as the proposed mapping will severely limit or prohibit any improvements to our home and property going forward. The proposed mapping has the potential to severely reduce the value of our property.

I also write to address recent events that have led to a toxic and very unfortunate situation in our community.

It appears confidential and private information regarding a proposed application to the Municipality regarding our family's residential property was revealed to private residents. I believe the confidential and private information regarding the proposed application was revealed around June, 2020 or earlier.

Unfortunately, misinformation, speculation and negative chatter was inappropriately and publicly discussed regarding the proposed applications at a Planning Committee Meeting that was streamed live on Facebook in early June. Further speculation, negative conversations, and the spread of inaccurate information was continued inappropriately by several Councillors at the Monthly Council Meeting held on June 10th that was also streamed on Facebook live.

The situation has recently further eroded. We understand there are several neighbours across the road from our property that have further spread the misinformation and speculation and have gone door to door in our neighborhood asking for residents to sign a petition. I am not sure what the specific contents of the petition are or where the information came from.

We discovered this information on August 24th, 2020 when we received calls from other neighbours upset that they were solicited and being pressured to sign a petition against our family.

This is a very unfortunate situation as any neighbours could have come to us and had an open and transparent conversation. The divisive activity and nature of those few leading this initiative is now pitting neighbours against neighbours and creating unnecessary conflict for those of us who have lived here year-round for years.

The Special Committee for the Official Plan has the authority to fix the existing errors in the mapping of our Residential property and we ask to have a meeting with the Committee to discuss the situation and have the problem rectified.

The Municipality of North Shore should be very concerned about these events and the toxic environment being created in our neighbourhood, as this is not what the community Stanhope is known for.

After I made a statement at the Public Meeting for the Draft 2020 Official Plan on August 26th, 2020 Hope Parnham of DV8 Consulting, who is leading the Official Plan process, agreed to establish a meeting to address this situation.

We look forward to further engagement and next steps to rectify the issues.

Sincerely,



Kent MacLean
902 626 5650
kent@kent-maclean.com

APPENDIX B



65 Queen Street
P.O. Box 522
Charlottetown
Prince Edward Island
CIA 7L1

Telephone: (902) 892-4156
Facsimile: (902) 566-1377
Web: www.csmlaw.com

February 20, 2020

Hope Parnham
Rural Municipality of North Shore
2120 Covehead Road, Rte. 25
Stanhope, PE
C0A 1P0

Attention: Hope Parnham

Dear Ms. Parnham,

**RE: Proposed Rural Municipality of North Shore Official Plan (2020) and Mapping of
PID No. 544940 Located at 3553 Bayshore Road, Stanhope PE in Parks and
Conservation Zone**

WITH PREJUDICE

We represent Kent MacLean and Patti Sue Lee and attended the public meeting on February 13, 2020 regarding the draft Rural Municipality of North Shore Official Plan (2020). We write to you to object to the incorrect mapping of our client's private property located at 3553 Bayshore Road, Stanhope, Prince Edward Island, identified as PID 544940 in the Parks and Conservation Zone.

In 2014, the property located at 3553 Bayshore Road was incorrectly depicted as the Parks and Conservation Zone on the Maps of the Rural Municipality of North Shore in the Community of North Shore 2014 Official Plan and 2014 Land Use Bylaw. The mapping of this property in the Parks and Conservation Zone was made in error and must be rectified by the Municipality of North Shore. We have reviewed the Rural Municipality of North Shore Official Plan (2020), the Community of North Shore 2014 Official Plan, the 2014 Land Use Bylaw, the Land Use Zoning Map, and the Existing Land Use Map and provide the following comments.

Land Use Zoning Map and Existing Land Use Map

The Land Uses provided for on the Existing Land Use Map include Commercial, Conservation, Industrial/Utility, Institutional, Residential, Agriculture, and Park and Conservation. According to the Existing Land Use Map, the only private property located along the Covehead Bay that is mapped exclusively in the Parks and Conservation Zone is our clients' private property located at 3553 Bayshore Road. All other properties that are partially mapped in the Parks and Conservation

Zone have been mapped in accordance with the requirements under subsection 6.7 of the 2014 Land Use Bylaw for Parkland Dedication. All other properties located along the Covehead Bay are mapped as Residential or Commercial properties.

Community of North Shore 2014 Official Plan

Subsection 3.10 of the 2014 Official Plan introduces the Parks and Conservation Zone as follows:

Given the current focus on lifestyle and active living, the residents of the Community of North Shore have easy access to a variety of activities and facilities, including the Promenade which also connects to the Prince Edward Island National Park at Stanhope, and the playing fields attached to the Community's Community Centre. The Community recognizes the importance of recreation and public open space facilities to the physical and spiritual well-being of its residents. However, it also recognizes that it does not currently have the population base nor the financial resources to expand the variety of such services and facilities.

Further, at subsection 3.10.1 of the Official Plan, Policy OS-1 it states, "[Council] may consider enhancing nature trails, public open spaces, and small Community parks and playgrounds, as budgetary constraints permit". Subsections 3.10 and Policy OS-1 clearly indicate that the Parks and Conservation Zone is intended to include public open spaces, like trails and playgrounds. Subsection 3.10 and Policy OS-1 clearly indicate that the Parks and Conservation Zone is not intended to apply to privately owned property.

The Plan Action at subsection 3.10.1 Policy OS-3 continues as follows:

The Land Use Bylaw shall establish criteria for parkland/ open space/ green space/ beach access. When subdivisions over four lots are created, the developer shall set aside 10% of the total area as green space and continue to provide beach access where applicable. At the discretion of Council, this land shall be deeded to the municipality, or to a tenant's association or a neighborhood association.

Our clients' property is a privately owned parcel of land that is not parkland, open space, green space, or a beach access. It is a residential lot with a home located upon it. It is palpably clear that our clients' property located at 3553 Bayshore Road does not fit any of the criteria as set out in the

2014 Official Plan for the Parks and Conservation Zone. The mapping of our clients' property in the Parks and Conservation Zone was clearly a mistake by the Municipality of North Shore.

Community of North Shore 2014 Land Use Bylaw

Further, the provisions of the 2014 Land Use Bylaw make it exceedingly clear that the mapping of our clients' property in the Parks and Conservation Zone was a mistake. The Permitted Uses in the Parks and Conservation Zone are set out as follows at subsection 14.1 of the Bylaw:

- Parks, Gardens and Playgrounds
- Trails
- Sports Fields
- Natural Areas
- Conservation
- Accessory Buildings
- Wharves under 3.6 metres in width
- Marine Access Points

The Special Permit Uses in the Parks and Conservation Zone are set out as follows at subsection 14.2 of the Bylaw:

- Activity Buildings/Concession Buildings
- Campgrounds

Our clients' property is not a sports field, a trail, a playground, or a marine access point. The Permitted Uses in the Parks and Conservation Zone are completely at odds with the residential nature of the property, which had been used in such a manner for many years prior to and following the incorrect mapping of the property in 2014.

Request

Our clients acquired the property located at 3553 Bayshore Road in October 2001. Despite the current incorrect mapping of the property in the Parks and Conservation Zone, the property is and has been residential in nature since the property was acquired in 2001. Additionally, in the Community of North Shore 2004 Zoning & Subdivision Control Bylaws, the property was zoned in the Coastal Zone, which permitted residential use. We attach the Deed of Conveyance in which our clients acquired the property for your review.

The Parks and Conservation Zone simply cannot apply to our clients' private land. The incorrect mapping of the property in the Parks and Recreation Zone is tantamount to an expropriation by the Municipality of North Shore of our clients' private property. From 2004 to 2014, this land was zoned as Coastal Zone, as was the entire peninsula. We have been advised that the change on the map in 2014 occurred without consultation with members of the Committee and that apparently the committee members were unaware of the change. Our clients had no knowledge of this rezoning until they applied to subdivide their property in April of 2019. The error in mapping must be rectified immediately. The onus is on the Municipality of North Shore to rectify its mistake made in the mapping of the Community of North Shore 2014 Official Plan and Land Use Bylaw.

We understand that the Municipality of North Shore is in the process of reviewing its current Official Plan and drafting a new Official Plan for the municipality. We require that you rectify the incorrect mapping of our clients' property located at 3553 Bayshore Road in the new Official Plan and Land Use Bylaw and map our clients' property as Residential. If the error is not rectified, we will be forced to seek a legal remedy plus legal costs to correct this error.

We have examined this issue from many perspectives. Rectifying the mistake of mapping our clients' property as Parks and Conservation to Residential in the new Official Plan, Land Use Bylaw and Maps is the most expedient and least costly option available to the Municipality of North Shore. We request you apply this option and rectify this unfortunate mistake in this manner. If you require any further explanation or clarification as to our position, we would be pleased to attend at the offices of the Municipality of North Shore to discuss this matter further. Further we wish to be informed of any public meeting related to zoning within the municipality or the new Official Plan and Land Use Bylaw.

Yours truly,

CARR, STEVENSON & MacKAY



BARBARA STEVENSON, Q.C.

/img

Encl.

Appendix C

13. ENVIRONMENTAL CONSERVATION ZONE (EC)

13.1 GENERAL REQUIREMENTS

- (1) All buildings and parts thereof erected, placed or altered or any land used in the Environmental and Conservation Zone (EC) Zone shall conform to the provisions of this Section.

13.2 PERMITTED USES

- (1) A building or lot in the Environmental Conservation Zone shall be used for no other purpose than:

a.	Trails and pathways
b.	Natural area
c.	Conservation area
d.	Marine access (not including wharfs and structures)
e.	Accessory Building

13.3 LOT SIZE AND DEVELOPMENT STANDARDS

- (1) Where only a portion of a property is within the EC Zone, no building or structures, or grade alterations shall be permitted on that portion of the property that falls within the EC Zone unless the structure is designed to have the least impact necessary to provide safe egress/ingress across that portion of the property, and applicable permits have been issued by the provincial government department responsible for *Environmental Protection Act*.
- (2) Where an entire property is located with the EC Zone, the only building or structure that may be erected on the property is an accessory building and the accessory building shall have no other use ~~that than~~ to provide shelter or storage as necessary to support the maintenance of the property.
- (3) Notwithstanding any other section of the Bylaw, accessory buildings in this zone may be permitted in the front yard.
- (4) All development shall conform to the following development standards:

a.	Lot coverage (maximum)	10%
b.	Front yard setback (minimum)	7.6 m (25 ft)
c.	Height (maximum)	7.6 m (25 ft)

- (5) All lots shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be

From: Stewart, Jennifer (PC)
Sent: Friday, December 4, 2020 3:17 PM
To: admin northshore <admin@northshorepei.ca>; 'Gerard Watts' <gwatts@northshorepei.ca>;
'kshaw@northshorepei.ca' <kshaw@northshorepei.ca>
Cc: Jans, Karen (PC) <karen.jans@canada.ca>; Gormley, Ellen (PC) <ellen.gormley@canada.ca>
Subject: RE: Rural Municipality of North Shore Official Plan and LandUse Bylaw

Hello,

Thank you for the opportunity to comment on the Official Plan and Land Use Bylaw for the RMNS.

We have had a chance to review this week and Parks Canada –PEI has a few comments (please see bullets below). This is best we are able to do with a short turn around.

We hope that this input is helpful to you and welcome any further follow-up inquiry.

- Map - watershed detail is hard to distinguish, consider altering the colour to distinguish from federal/recreational land
- The edits/additions to the draft (in red) comply with appropriate environmental standards and take into account resource conservation/utility implications where they were absent before. Good to see.
- The inclusion of referral to an amendment application process is a positive modification
- The inclusion of potential permission for small scale agricultural uses, including hobby farms and greenhouses will foster more sustainable agricultural practices in the community
- Overall, the additional consideration regarding resource and utility implications throughout the draft is good to see and improves upon their previous version.

Thanks again and have a nice weekend.

Jen

Jennifer Stewart BSc, MES

Pronouns: Her/She
Pronom : Elle

A/External Relations Manager
Parks Canada, PEI
2 Palmers Lane
Charlottetown, PE
C1A 5V8

Gestionnaire des relations externes (p.i.)
Parcs Canada, Î.-P.-É.
2, allée Palmers
Charlottetown Î.-P.-É.

C1A 5V8
Jennifer.Stewart@Canada.ca
Tel: 902-672-6423
Cell: 902-393-7627

Parks Canada – 450 000 km² of memories / Parcs Canada – 450 000 km² de souvenirs

From: Jans, Karen (PC)
Sent: Friday, November 27, 2020 11:20 AM
To: 'administrator@northshorepei.ca' <administrator@northshorepei.ca>; Gerard Watts <gwatts@northshorepei.ca>; Krista Shaw <kshaw@northshorepei.ca>
Subject: RE: Rural Municipality of North Shore Official Plan and LandUse Bylaw

Hello Stephanie,

Thank you for this information. As executive assistant to Karen Jans, I acknowledge receipt of this letter. I will ensure it is brought to her attention.

Kind regards,

Ellen Gormley for Karen Jans

Karen Jans

Pronouns: She/Her

Pronom: Elle

Field Unit Superintendent, Prince Edward Island
Parks Canada / Government of Canada
2 Palmers Lane Charlottetown, PE C1A 5V8
karen.jans@canada.ca Tel: 902-566-7362 / Fax: 902-566-7063

Directrice, Unité de gestion, l'Île-du-Prince-Édouard
Parcs Canada / Gouvernement du Canada
2, allée Palmers, Charlottetown, Î-P-É C1A 5V8
karen.jans@canada.ca / Tél: 902-566-7362 / Téléc.: 902-566-7063

From: **Wade MacLauchlan** <hwmaculauchlan@gmail.com>
Date: Fri, Dec 4, 2020 at 2:58 PM
Subject: Bylaw submission
To: North Shore Community <administrator@northshorepei.ca>

Good afternoon Stephanie,

Please find attached a submission from Covehead Development Inc. re the draft Land Use Bylaw. CDI appreciates the considerable work and attention that Planning Board, staff, Council and community members have devoted to this project. Thank you for considering these points.

I am a director and President of Covehead Development Inc. This submission represents the views of our Directors.

Sincere regards,
Wade MacLauchlan
December 4, 2020
3 pm

TO: North Shore Council, Planning Board and Staff
FROM: Covehead Development Inc.
RE: Building and lot requirements in the draft Land Use Bylaw
DATE: December 4, 2020

Covehead Development Inc. (CDI) has studied the various building and lot requirements in the draft Official Plan and Land Use Bylaw. CDI has approved subdivision lots in several adjacent areas of MacMillan Point. The majority of these lots have restrictive covenants, and a regulated water utility. Plus, CDI has lands identified as residential on the Future Land Use Map. We offer the following comments:

Water utilities. In Section 6.3 (3), the Bylaw spells out lesser minimum requirements for subdivisions that have a central water supply **and** a central sewerage disposal system. In principle, should the Bylaw not provide a different or more flexible standard for neighbourhoods that have a regulated water utility? Water is probably a more pressing issue in our community than sewerage disposal, given Bylaw 3.7 (1)(a). CDI prefers to use the term “IRAC regulated water utility” as opposed to “central water supply.” The latter is open to a variety of interpretations.

Lot consolidation. Nonconforming lots have given rise to the biggest concerns through the Plan/Bylaw development process. In some cases, such as the impact of minimum standards for sewerage disposal requirements on adjacent lots, the only solution may be to acquire the adjacent lot and consolidate it. This could even extend to subdividing an in-between lot and consolidating part of it with the lot on either side. CDI asks whether the Plan/Bylaw would be strengthened by including a general provision calling for a permissive approach to such consolidations. Without such a provision, landowners are likely going to be reluctant to ask permission to adjust boundaries out of fear they may lose their “grandfathered” status. One part of CDI lands is a subdivision first approved in 1970. In certain situations, it may be in the interest of the Community, the developer and a purchaser if it were possible to consolidate two adjacent nonconforming lots and develop the consolidated lot as a single parcel, even though the new parcel may still fall short of the minimum standards.

Height restrictions. On the question of maximum height restrictions, CDI has three different areas of approved lots: MacMillan Point North, MacMillan Point South and MacMillan Point East [Eagles Path].

The lots in MacMillan Point East [Eagles Path/Bay Vista] are smaller, being a cottage subdivision first approved in 1970. There are no restrictive covenants. In this area, CDI supports the 8 meter height restriction for nonconforming lots.

MacMillan Point North was approved in 1998. It is the first subdivision on PEI to reserve the waterfront buffer zone. Three quarters of the lots are more than 1 acre in size. No lot is smaller than .92 acres. The lots are all served by a regulated water utility. The restrictive covenants permit a maximum height of 35 feet, with only one structure permitted on each lot. In this area, given the buffer zone, the water utility and the restrictive covenants, CDI does not feel it is appropriate to impose the 8 meter height restriction on the handful of lots that are marginally less

than one acre in area. This would create a discriminatory standard by comparison with marginally larger lots. The draft Bylaw's variance process already expresses a desire for consistent treatment in situations where, "Strict application of all Bylaw standards would impose undue hardship on the applicant by excluding them from the same rights and privileges for reasonable use of their lot as enjoyed by other persons in the same zone." Unfortunately, the minor variance process would not permit a return to the 35 foot maximum height, but would be limited to a 10 per cent alteration, meaning a maximum height of 28.8 feet. It is CDI's view that the standard for the neighbourhood in MacMillan Point North has been set. Moreover, a lot that is between .92 and .99 of an acre, which has a water utility, a buffer zone and covenants that are more restrictive than what is permitted by the Bylaw should not be considered "nonconforming." MacMillan Point South has two sets of restrictive covenants. The waterfront lots, which were approved in the 1970s as smaller lots, are limited to a maximum height of "one and one-half stories above the median grade of the lands." This height restriction would be within the 8 meter maximum. In the late 1990s, CDI redesigned the unsold lots to consolidate smaller approved lots into a newly approved subdivision and installed a regulated water utility to serve these properties. By restrictive covenant, these larger lots are limited to a maximum height of 30 feet. Well in excess of eighty per cent of the consolidated, approved lots have an area of more than 1 acre. Five of the undeveloped lots have an area marginally less than 1 acre. Of those five undeveloped lots, three border on a 15-foot pedestrian pathway to which the owners of the adjacent lots have deeded access. One of the lots (.94 acres) borders on a two-acre dedicated Open Area; plus it is a corner lot with a 66-foot R.O.W. on two sides. The fifth undeveloped lot is on a slope such that the 30-foot height restriction would not cause disadvantage to neighbours, who are similarly subject to the 30-foot maximum height restriction of the covenants. Finally, this lot is .97 acres. In sum, CDI strongly recommends that the Bylaw's height restriction be framed and administered in a manner that takes into consideration the characteristics of the neighbourhood, the reasonable expectations of lot owners and neighbours, and all relevant circumstances that go toward determining whether lots are treated as "nonconforming." CDI does not believe any of the lots in the redesigned portion of MacMillan Point South should be considered as nonconforming. CDI would not oppose treating the smaller waterfront lots from the original subdivision as subject to the 8-meter height restriction.

In general, on the question of the draft Bylaw's 8-meter height restriction for nonconforming lots, CDI believes there may be benefit in adding a provision to the Bylaw's minor variance process that specifically addresses height restrictions. The considerations outlined in our comments offer numerous examples of how a variance may be justified, and why it may be unfair to take a technically rigid approach to what constitutes a "nonconforming" lot. Given that the height restriction on nonconforming lots is a new feature of the Bylaw, a specific provision of the variance process could enable Planning Board, staff and Council, as well as the residents of the North Shore Community, an opportunity to implement the new restrictions in an active and efficient manner that adapts the variance application process to deal with reasonable departures from the maximum standards for height restrictions. E.g., a lot on a cul de sac may fall short of the frontage standards, but be otherwise entirely consistent with the situation of neighbours. As a further example, one neighbour might be a few square feet short of an acre and thus be considered nonconforming and thus limited to 8 meters, while their friends next door are a few square feet more than an acre and be able to build up to 35 feet in height. With height restrictions, the real concern is for the relative situation in a neighbourhood.

We illustrate our point with the following real-life example. In the fall of 2020, CDI has sold adjoining lots in MacMillan Point South to five young families. They either have or expect to have children. They are all young professionals moving in to the Community, exactly the kind of growth that is envisaged by the Official Plan. These five families each bought their lots with the understanding, based on the restrictive covenants, that they could build a home with a maximum height of 30 feet, which is more restrictive than the building height permitted otherwise by the Community. These five couples are interrelated. E.g., two of the new lot owners are sisters. One has a lot of slightly more than 1 acre. The other has a lot that is slightly less. All five of the properties has neighbouring features, such as the two-acre Open Area or the fifteen foot pedestrian passage to Brackley Bay, that are not included in the measured lot area. All five of the lots are served by a regulated water utility. In sum, this is a perfect example of the mix of considerations that can get caught up in the new Bylaw, unless provision is made to take account of all of the relevant factors of the neighbourhood. Not least, we urge the Community to recall that these larger lots were created on CDI's initiative and this new subdivision designed to meet the objectives of the Official Plan, including the installation of regulated water system. In CDI's view, all of the lots in the newly approved portion of the MacMillan Point South subdivision should be treated consistently, as conforming lots.

Private roads and Stormwater plans. CDI realizes that the Community is reluctant to get involved with private roads. However, we believe there is merit in adding reference to private roads in Bylaw Section 3.5(3)(a). The Section asks for stormwater management plans that address adjoining lots and the public right of way. There is no mention of private roads, which may be more of an issue for neighbours. CDI recommends including consideration of the impact on private roads in stormwater management plans.

----- Forwarded message -----

From: **Wade MacLauchlan** <hwmaculauchlan@gmail.com>

Date: Mon, Dec 7, 2020 at 12:28 PM

Subject: Re: Bylaw submission

To: North Shore Community <administrator@northshorepei.ca>

Hello Stephanie,

The note sent on behalf of Covehead Development on Friday has one mistake that I ought to correct.

The maximum height allowed by the restrictive covenants at MacMillan Point North, the area of the circle where we live, is **30 feet**, not 35 feet as indicated.

In effect, there is only one segment of CDI's currently approved lots that would permit a building height greater than 30 feet.

That is the area of smaller lots on Eagles Path and Bay Vista that do not have restrictive covenants. Under the current Bylaw, it would be possible to build to a height of 35 feet on those lots.

Thank you for sharing this correction with the relevant players.

Wade

Wade

----- Forwarded message -----

From: **Tim Banks** <tim@apm.ca>

Date: Fri, Dec 4, 2020 at 5:10 PM

Subject: Fish Factory, Hotel Resort, Administration Building

To: administrator ca> <administrator@northshorepei.ca>

Cc: Glenda Peters <gcmackinnon-peters@gov.pe.ca>, CET Eugene Lloyd <emlloyd@gov.pe.ca>, Dale McKeigan <dfmckeigan@gov.pe.ca>, Bloyce Thompson <MinisterAgLand@gov.pe.ca>

December 4, 2020

VIA EMAIL - ADMINISTRATOR@NORTHSHOREPEI.CA

Rural Municipality of North Shore

2120 Covehead Road - Route 25

York, PE C0A 1P0

Attention:Stephanie Moase

Dear Ms. Moase:

Re:Fish Factory, Hotel Resort, Administration Building – Grand Tracadie

This letter is made as a follow-up to my recent communication to the Community and comments made at the recent public meeting respecting the proposed Official Plan and Land Use Bylaw for the Community. I reiterate the fact that APM and it's related companies received approval from the province for a Commercial Fish Factory, Hotel Resort and an Administration building on our property in Grand Tracadie. The Official Plan circulated for discussion does not reflect these approved uses on your mapping and must be taken into account the vested rights of APM Landmark Inc. to reflect such. I also reiterate my request for a direct meeting with your planning consultant to address this missing piece in the context of the proposed Official Plan. Furthermore we believe our development warrants a Resort zoning which is not identified in your bylaws.

APM Landmark Inc. reserves all legal rights available to it in the event the Community proceeds with the proposed Official Plan without proper consideration of our request.

Yours truly,

Tim Banks

President, APM Landmark Inc.

Tim Banks

CEO - APM group

----- Forwarded message -----

From: **Tim Banks** <tim@apm.ca>

Date: Fri, Dec 4, 2020 at 4:54 PM

Subject: Blackbush

To: administrator ca> <administrator@northshorepei.ca>

Cc: Glenda Peters <gcmackinnon-peters@gov.pe.ca>, CET Eugene Lloyd <emlloyd@gov.pe.ca>, Dale McKeigan <dfmckeigan@gov.pe.ca>, Bloyce Thompson <MinisterAgLand@gov.pe.ca>

December 4, 2020

VIA EMAIL - ADMINISTRATOR@NORTHSHOREPEI.CA

Rural Municipality of North Shore

2120 Covehead Road - Route 25

York, PE C0A 1P0

Attention:Stephanie Moase

Dear Ms. Moase:

Re:58 Lot Subdivision – Grand Tracadie

This letter is made as a follow-up to my recent communication to the Community and comments made at the recent public meeting respecting the proposed Official Plan and Land Use Bylaw for the Community. I reiterate the fact that APM Landmark Inc. received preliminary approval from the province for a 58 lot subdivision in Grand Tracadie in 1995, which is in the process of being re-designed as a 43 lot subdivision. The Official Plan circulated for discussion does not reflect this approved subdivision, and must take into account the vested rights of APM Landmark Inc. with respect to such subdivision. I also reiterate my request for a direct meeting with your planning consultant to address this subdivision in the context of the proposed Official Plan.

APM Landmark Inc. reserves all legal rights available to it in the event the Community proceeds with the proposed Official Plan without proper consideration for the approved subdivision.

Yours truly,

Tim Banks

President, APM Landmark Inc.

Tim Banks

CEO - APM group