



Public Hearing Town Council Meeting
Monday, December 3rd, 2018 at 1:00 p.m.
Council Chambers – Town Hall

40

A Public Hearing of Truro Town Council was held on Monday, December 3rd, 2018 at 1:00 p.m. in the Council Chambers of the Truro Town Hall.

Present: Mayor W.R. (Bill) Mills, Deputy Mayor T. Chisholm, Councillors D. Joseph, B. Kinsman, C. Fritz, C. Hinton, B. Kinsman, and W. Talbot

Regrets: Police Chief D. MacNeil

In Attendance: Director of Public Works A. MacKinnon, Fire Chief B. Currie, Director of Planning J. Fox, Assistant Director of Parks, Recreation and Culture J. Dawe, Deputy Police Chief J. Flemming, Town Solicitor J. Rafferty and CAO M. Dolter

a) Public Hearing Date – 185 Kaulback Street, Development Agreement

The CAO advised that the Town Planning Advisory Committee was recommending that Council establish a public hearing date to consider permitting a development agreement for three 50-unit residential buildings at 185 Kaulback Street.

The CAO reviewed comments provided by the Town's Urban Forestry Coordinator.

The Director of Planning reviewed his staff report with Council and it was his recommendation that Council approve the Development Agreement as presented.

Will Szubielski addressed Council, on behalf of Gordon and Terry Bowie, residents of 171 Kaulback, which is the property immediately to the north of the subject property. He stated that they moved to that property approximately three years ago and recently demolished the house that was there and rebuilt a bungalow for their retirement home, only to find out there is 150 units proposed to be constructed. Mr. Szubielski advised that he and the Bowie's have participated in the Town Planning Advisory Committee process for this development and submitted a letter with concerns to the committee. He stated that they have an issue with this development complying with Policy R38-B and its companion policy IM-22. Mr. Szubielski stated that the neighbourhood is mostly single family homes, there is one six-unit building nearby. His clients would also like to know about the fencing proposed and where exactly that will start and end.

The developer, Mr. Wallace, advised that the fencing does not extend along the entire driveway. It will be in front of the parking lot to address screening issue, and trees will be planted along the driveway. He noted there is a current fence along the driveway that will remain there.

Mr. Szubielski noted that the setbacks have been moved back nine feet which they do not believe makes the buildings any more compatible with the neighbourhood when the buildings are 53-63 feet high. He noted that in 2016, Council denied a development agreement for Lyman Street that was a smaller development on a larger piece of land. Mr. Szubielski stated that if it's the Town's position that the landscaping, fencing and trees that have been proposed are what makes this development compatible with the Municipal Planning Strategy, then his clients would request that those features be firm requirements in the agreement. He also noted that the development is phased over 10 years and that is a prolonged disruption to the neighbourhood. While the Town's Bylaws also for construction noise between 8am and 8pm, they would request that heavy machinery not be permitted during weekends or holidays and perhaps ending at 5pm instead of 8pm. Mr. Szubielski also raised concerns about the circumstances regarding the acquisition of the property. The property was at one point deemed surplus by the Town, after being considered a possible location for a school. From the public records, it appears that the developer approached the Town and negotiations were entered into regarding a land swap for land he owned in the Business Park. In February 2016, that land swap was approved by Council and the agreement of purchase and sale was contingent on entering into a development agreement prior to January 2018. He noted that date has passed and asked if it was extended by Council.

The Mayor advised that with regards to the school, the property did not meet the requirements of the school board and was therefore not used. However, at that time, it was privately owned. Years later, the owner approached the Town about selling the property.

The CAO advised that there was a discussion of a land swap between the Kaulback Street property and land in the Business Park, but due to the death of a property owner for the Business Park property, the exchange did not occur. The developer, Mr. Wallace, purchased the property from the Town after that. The CAO stated that the Town had listed the property as surplus and sent out a request for proposals on it years ago with little interest until Mr. Wallace approached the Town a year or so later.

Mr. Szubielski stated that he did not understand how a minor change to setbacks and the addition of a small fence and some trees that will mature in 10-20 years has changed this development to now be compatible, when previous reports from the Planning Department deemed it incompatible.

The Director of Planning stated that this question was addressed at the Town Planning Advisory Committee discussion. He noted that the building needed to be far enough away to address the issue of scale, and it was his opinion that if the building is too far away, then it's no longer compatible based on distance. The Director stated that the guiding principle used by the Town through the Land Use Bylaw is half the height of the main building. He stated that the developer has moved the buildings back and even the balconies are located outside of that distance.

Mr. Szubielski requested that if Council were to approve the development agreement, could the setbacks, the fencing and trees be made substantive matters.

The Director of Planning advised that that would be up to Council as they approve the agreement. The agreement before Council is a draft and is subject to change and review, and the developer would have to be in agreement to any proposed changes.

The CAO noted that with regards to the comparison to Lyman Street decision, that neighbourhood was a residential neighbourhood compared to Kaulback where there is a mix of multiunit and residential homes, as well as a number of larger apartment buildings.

Councillor W. Talbot asked if the Bowie's were requesting that Council not approve the development or approve it with the amendments Mr. Szubielski was proposing.

Mr. Szubielski stated that their first request would be that Council not approve the development. If they do though, the Bowie's would like the setbacks, trees and fencing to be firm requirements.

Councillor W. Talbot noted that it was Council's role to ensure Town Bylaws were followed and compliances met, and if they are, Council does not have a legitimate reason to deny the development agreement because it would then be appealed and the Utility and Review Board would approve it.

The Director of Planning confirmed that any stipulations outlined in the development agreement, such as the setbacks, trees and fencing, would become binding and firm upon execution of the agreement.

Councillor C. Fritz asked if the developer planned to clear cut the entire lot at one time or do it in phases as each building is built.

Mr. Wallace stated that the first phase would involve clear cutting for the first building, as well as the laneway and cul de sac that will link the buildings.

Councillor C. Fritz noted that it did not appear to be a dense forest in the location of the proposed cul de sac.

Mr. Wallace stated that the property used to be a farmers field and therefore did not have many trees through the middle of it, they were more around the perimeter of the property. He noted that if there are very large, mature trees around the perimeter, he has every intention in keeping those trees.

Adjournment

There being no further questions, the Public Hearing was adjourned at approximately 2:00 p.m.

W. R. (Bill) Mills
Mayor

M. Dolter
CAO