

**Town of North Rustico  
Public Meeting Minutes  
Wednesday November 5<sup>th</sup>, 2025, at 7:00PM  
Eliyahu Wellness Centre, Hospitality Room**

**PRESENT**

**Mayor:** Heather Mckenna

**Councillors:** Donna Coll, Margaret Goulding, David LeClair, Michelle Pineau, Lana Penman, Linda McFalls

**Planning Board** Selwyn Buote, Tracey Compton, Heather Walker

**Staff:** Stephanie Moase, Jade Mckenna, Satyajit Sen

21 Members of the Public

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**1. CALL TO ORDER**

Mayor Heather McKenna called the meeting to order at 7:00pm at the Eliyahu Wellness Centre.

The purpose of the meeting is to present the application for rezoning and allow residents to ask questions and provide feedback.

CAO Stephanie Moase introduced the Town's Development Officer, Satyajit Sen.

Sen provided an overview of the rezoning application received by the Town change a portion of PID 237347 from R2 to family residential zone to R3 multifamily residential (see slides) and then opened the floor for Public questions and feedback.

**Donna Coll-** I just wanted to know, the property number is the same across the road. Are you granting the change across the road or just that portion?

**Sen-** Just that portion of the PID. That's a very good question actually. Usually, when there is a road or natural boundary, there are two PIDs generated, but this has been problem in PEI. The Province does not automatically generate a second PID. So, that's why both the properties, with the road as the divided line, this side and the other side, have the same PID. We are only being requested to rezone the portion which is on the left of Simon Dr.

**Donna Coll-** So, are you going to give them different numbers then? Or are you

**Sen-** That is the responsibility of the provincial government. The land division will look into that

**Tara Waddell-** Will you wait to make a decision based on whether or not they get that second PID number?

**Sen-** No, we only identify the exact portion of the PID that we are going to rezone. And that will change the land use map, if this goes through. Again, everything is subjective at the moment, the council will eventually have to make the decision. But when they make the decision, let's say it goes through, then the portion will only change, from R2 to R3, not the entire PID.

**Tara Waddell-** So, if they don't get another PID number, could they build on the opposite side and build more units?

**Sen-** No. No.

**Tara Waddell-** Okay. What would stop them from that? If it is one PID?

**Sen-** That would be through conditions on the development.

**Andrew Hughes-** I'd like to submit a couple of documents. I have the letter here from the town of North Rustico. I also have the map of the property in question, I do deal in my real job with a lot of property transactions. And changing the zoning on a PID number applies to all of the PID number unless it is severed. So, the proper format for this is to sever the corner lot, if that is what is intended, to get a separate PID number, and then be able to do that. Otherwise, the risk is once the PID number has been granted in R3 status, it applies to the whole property. Therefore, then you're into going to IRAC to get it changed. So I think it would make much more sense if we had the meeting after the PID number was changed. And I can submit both those documents here. I did bring a couple maps if people want to look at it.

The other thing I did want to bring to everyone's attention is the townhouse bylaws. The property that we are looking at is supposed to have been provided with a detailed measurement map, and I know you put that on the screen, that is normally provided ahead of time for review before the meeting. That has not been the case here. That is a little bit irregular in my opinion.

The thing is, I do believe that the townhouse as proposed on that corner does not meet the guidelines for the amount of property that would have to be covered, over 35%. The amount of paving that must be done. The parking requirements will be at least 10 parking spaces. There will also have to be lights used for illumination in the parking lot that must be arranged in such a way as to light access away from the street adjacent lots of buildings. I do not believe that is possible. Single family R3 zoning, section 10.1, when you're talking about going to R3, you have a minimum lot area that must be 12,000 square feet with an additional 3,000 square feet for each additional unit. That would give me about 26,000 square feet. I have not measured the lot. I do believe that the building would be far over that. Additionally, there must be a minimum frontage of 40 feet as it is on a curve. I do not know how you get a driveway onto Simon Drive safely on either direction or 40 feet. The minimum height of the building could be up to 2.5 stories.

There is only one multi-unit family home on the street. It's wonderful. It's a duplex. I'm not objecting to multi-family homes. I'm not objecting to anything like that. But I just do think that the... It appears to be a bit too cute with how the facts were presented in terms of the PID number. I think that there is a real risk that this will go through the process quite quickly and then the town will have to try to get out of it. Because once it's applied to all the PID number, you could have multiple townhouses built on the same PID number or across the street. I think that is a concern. The other thing is with the townhouse you have to have a landscape strip minimum of 20 feet wide, consisting of existing trees and shrubs of newly planted trees which are minimum 5 feet in height to maximum spacing not to exceed 6 feet. Provided refuse containers for the townhouse would have to be screened off with at least a 6-foot high opaque fence or otherwise enclosed structure. This is a fairly major departure for what has been traditionally a family oriented single home duplex area. And I would urge the council to consider that. It's going to be a fairly major departure from that.

**Sen-** So those are really good points. Number one, first let me address the PID. It has

been done in the past.

**Andrew Hughes-** I know a lot of things have been done in the past, that doesn't make them right.

**Sen-** That's not a town jurisdiction, that's really the provincial jurisdiction because the province never really rectified the process of automatically generating two PIDs. They are doing it. When we rezone the portion of the PID, it's a portion of the PID and it has to be mapped properly before approval from the land division. They will not automatically give the rezoning right to the entire PID. I'm pretty sure about that, but we can clarify that from the land division. Second point is, yes, you're right on the development side. This is just an application to rezone the property They would still have to go through the entire development permitting process, which requires us to look at the site plan, the setbacks, whether the layouts, this is just to consider the rezone plan right now because they cannot build, you know, a five unit or even for that matter four unit townhouse in an R2 zone. So this is about whether the concept plan is adequate for that particular land use In this case, no So that's why they have to first go through rezoning And once the rezoning is done, then we have to look into the exact setbacks and the site plan and the council would make a decision accordingly Now, it may very well be possible that, you know, that may not be the case You know, the town might say, well, we cannot approve five units We can do up to four units Or maybe three units But that would require you to have a proper zoning of the land, of this portion of the PID But those are really good points And I think that should be noted and we will make an assessment of that comment, when we prepare the final draft recommendations.

**John Callbeck-** I'm on Churchill Avenue And I guess I have two concerns, one of which is with the PID And the application, there's supposed to be a legal, according to bylaw, there's supposed to be a legal description of that property included in the application for rezoning And the same with the development There has to be, in writing, a copy of the plan for what's going to go in there Because at this point in time, with the history of this particular developer, what's to prevent him, if it's not in writing, from changing it to say, a 12-unit, two and a half-story. What stops him? Has there been anything submitted in writing that covers this? I know I saw it on the screen, but has that been submitted in writing as part of the application?

**Sen-** Yes, as part of the application. But, you know, to your point, they just simply cannot build whatever. Just because something is re-zoned doesn't mean I can build 12 units or 6 units or, for that matter, 8 units or 3 or 4 units You need a development permit. And that development permit also, once the council approves it, it comes with a development agreement

**John Callbeck-** That development agreement has to be made in writing.

**Sen-** Exactly

**John Callbeck-** And it's not subject to a public hearing, there is no public meeting on the development.

**Stephanie Moase-** No, just a re-zoning

**Sen-** Re-zoning, yes

**John Callbeck-** That's you.

**Sen-** No, that's not me, that's actually the council

**John Callbeck-** So, I wouldn't mind seeing a copy of the written application, because the last time I was involved in re-zoning with this particular developer, the application had no details, and it started out as a condominium. Line was drawn through it Then it was written as apartment. This is all on the re-zoning application. Line through it, and then senior residence. So, there were three, you know, like I say, you can't just make an amendment to what you applied for, just by drawing a line in it and putting, like the detail was never there.

**Sen-** I don't know the history of that particular application, but the fact is, you know, we have to have a development agreement and whatever is permitted to use. So, if the permit clearly states for a four unit or five-unit townhouse, that's what exactly needs to be built. Otherwise, they're violating the by-law, and that is also- yes?

**John Callbeck-** But the reason I think, that's the BR3, which is the first thing, 12 units are allowed.

**Sen-** Yes, but it doesn't mean 12 units, council would allow 12 units.

**John Callbeck-** Do you have anything, you know, you'd have to trust council then to restrict the development. to exactly what you presented here

**Sen -**Yes, sir

**John Callbeck-** And I'd love to see that in writing, so that even the council has the ability to back up any decision that allows, you know, one story, five units, or four units.

**Sen -** Yeah, yeah, that's exactly what we do when we issue the development permits. Everything is clearly stated there And also, be mindful of the fact that, once a development permit is given they have to go to the province for a building permit And the province, the first thing they will ask for is the development permit and they'll see what has been allowed by the town council. If the town council has specified for four units or five units, they cannot give a building permit for 12 units. That's just not possible.

**John Callbeck-** So where is the indication that it has been five units that are applied for one story?

**Sen -** Well, that's the concept plan that has been submitted and they would still have to submit a development permit application.

**John Callbeck-** OK, so in the rezoning application, that five units and one story has been included in the rezoning application?

**Sen –** Yes, it has been included, that came from the applicant, those concept plans.

**John Callbeck-** Okay. Anyway, I'm just wondering how detailed that is and how enforceable it is.

**Tara Waddell-** It seems like the like four people have talked about this PID number. Why can't you just wait until that gets subdivided and have its own separate PID number? Because everybody's concerned that the opposite side of the road is going to get a built. You would put our mind at ease if you gave it two different PID numbers and you maybe have another meeting about rezoning that R2 for that PID, not a portion of the PID.

**Stephanie Moase-** I actually went to the province for this exact reason because I knew that it might be confusing. The issue is that property, that portion of that piece of property was only created when the road was put in. So what the province told me is because that

portion is separate, it's already a subdivided piece by the extension of the road. So they consider that a natural subdivision. So it is considered a separate subdivided piece, but they will not give it a new PID until it has changed hands. So it has to change, it has to be transferred. It can be transferred to self, from self, but it has to be transferred or it has to have a civic number issued to it which cannot be done until a development permit has been approved.

**Tara Waddell-** But they can transfer it to themselves.

**Stephanie Moase-** Yeah, they have to go through that whole legal deed process.

**Andrew Hughes-** The PID number, that section can be severed by the owner to create a second PID number if they so choose as an act of good faith to say "I want one, two, three, which is this side of the road, to be this zone, and I'm ignoring four, five, six across the road."

**Tara Waddell-** Yeah, I think that would give people a lot more confidence.

**Stephanie Moase-** The only issue with that is it's not a requirement by law to do that. So to say that we can't have a rezoning meeting because it hasn't been severed when the province doesn't require that and they won't do it automatically.

**Andrew Hughes-** But the end result of the rezoning meeting would be it is essentially severed. So it's either chicken or egg.

**Stephanie Moase-** But that would be subdivision, not rezoning but like the end result of the subdivision would give it a PID, once transferred.

**Andrew Hughes-** So has it been subdivided currently or is it to be subdivided?

**Sen-** It's called a natural subdivision.

**Andrew Hughes-** I know I understand, but again, the rules around subdivisions, subdividing PID numbers are completely different under the Planning Act.

**Sen-** Yes, two things. First of all, this happens usually, let's take an example of a large subdivision, right? When you have a large subdivision, one PID, and then you put a road and extension of the water and the sewer systems and then you further subdivide it. It would all have the same PID unless the ownership is transferred.

**Andrew Hughes** No, that's...

**Sen-** You can check with the provincial department on that.

**Stephanie Moase-** Yes, that is correct. They just give them a lot number. So it's all the same PID, lot one Lot two.... All of Autumn Lane and Abegweit was all the same PID number until each lot was sold. As each lot sold, it changed PID numbers, but it was all... it was all rezoned with multiple zone types, subdivided, given lot numbers, and some of them built on before the PID ever changed. That entire subdivision was that way. Every single lot was the same PID number until it was sold.

**Sen-** So I agree with you Andrew, this actually is an outdated practice in PEI, whereas in a different jurisdiction, that's not the case. The moment you subdivide it, a new PID is automatically generated. We (FPEIM) have been working with the province on this particular issue for years now. And, unfortunately, the system has not been modernized yet. So there is a lot of confusion, regarding when the lot is subdivided, that's why we need the lot numbers alike Lot 1 and Lot 2, if something is subdivided into two lots. And

then once the ownership transfers, you get a new PID. But until that happens, the same PID exists for all the lots. But when we say that we are rezoning a portion of the PID, we have to map it out on the zoning map. And that changes the town's zoning and the development, the official plan, the map is there. So when that changes, once the minister approves it, only that portion is re-zoned. And you can always... you can have a portion of the PID zone. For example, in many cases in PEI, a portion can be an environmental zone. And a portion could be a residential zone. So it can be same PID, but that portion, which is maybe a stream of water or a woodlot, that cannot be re-zoned. So only a portion of that PID could be re-zoned or could be developed. And it happens all the time in PEI, especially as we are an island. There are areas which are environmentally sensitive and something cannot be built on it.

**Andrew Hughes-** Okay. So, every town map that I have looked at does not include the extension of Simon Drive in any way, shape or form. So how do you explain to me how 237347 is on both sides of the road? There is also what appears to be lot 237362 has been subdivided, which is the cemetery I believe, if I'm thinking correctly here I don't understand how anywhere else that I've lived, and I do mortgages for a living. So it's not like I'm not aware of this. I have seen four foot lots have to be added to a PID number because they've had their own PID numbers. Why it would not be easier as a precondition for Council to say, in good faith, would you just simply have it severed? It's not a big cost to the developer. I think that would put a lot of people's minds at ease. I'm just not trying to be difficult about this, but...

**Stephanie Moase-** It can be a precondition from council, just not for this meeting. Like we cannot deny the applicant a rezoning meeting based on that. But council can say, we cannot get the final approval on the rezoning until this is done. If they choose to do that, they can put that as a condition, but not as a condition to having a public meeting.

**Andrew Hughes-** What category of lot is this PID number?

**Sen-** It is R2

**Andrew Hughes-** No, no. Is it lot category one, two, three minimum lot size standards for residential developments. It's in your bylaws, and just wondering which site it is? On-site water supply and on-site sewage disposal system, minimum lot frontage?

**Stephanie Moase-** But none of that is considered for rezoning, only when it gets to the actual development stage. So when he applies for a development permit all those things are considered. And where it is, if there are not already town, water, and sewer going there, then they would have to consider a septic and well, which then they have to comply with all of those minimum lot standards. Those minimum lot standards are specifically for your water and sewer.

**Andrew Hughes-** I'm aware. I'm just, again, just asking a question. Because it's been subdivided. Was there a PERC test done? There's a lot of questions regarding the law. But anyway, I'll...

**Sen-** The lots are in the municipal water and sewer system, so you don't need a PERC test. But when it comes to, you know, the subdivision, there was no subdivision of that property. It's what we call the natural subdivision because of the extension of that road.

**Andrew Hughes-** Which does not appear on the Town's official maps.

**Sen-** No, it will eventually appear in the plan. Once the map is updated, it will appear in that plan.

**Stephanie Moase-** If you look at the province's maps, it's there. The approved subdivisions and rezonings are amendments to the plan. It's just the town is working on the official planning by-law update.

**Andrew Hughes-** And that will be done next year, is that true?

**Stephanie Moase -**We sure hope so. Planning board is having a great time Ask any of the planning board members how many hours they have put into reviewing those by-laws to try to make them fair and equitable

**Andrew Hughes-** That's right. I am monopolizing time, I apologize

**Sen-** No, no, no, no. Those are good points. Actually, we would make a note of that and see during the development of the process. And everything is subject to the council's approval and the planning board's approval. And that might be a condition, you know, before you get the development permit, you first have to get a new PID.

**Andrew Hughes-** Right on. Yeah

**John Callbeck-** Okay, so the rezoning process is a separate process from the development process, right? So, what prevents, after the rezoning has been given, what prevents him from making a different application for development? And decides, no, I think I'd like to have four two-story buildings.

**Sen-** They can do that, yeah. Anybody can...

**Stephanie Moase-**Unless council puts it as an additional condition

**John Callbeck-** And what would stop me?

**Stephanie Moase-** Council can put a condition on the rezoning based on his proposal

**John Callbeck-** And I would suggest that happen because... Because you have two processes After you present here is what's supposed to happen. But once you've got that R3 in your hand, right, you can make another different application for the development plan.

**Sen-** Yes and no. Partly because, yes, you can absolutely, once the property is re-zoned, you know, your property is entitled to all the permitted uses, however, your rezoning was based upon a concept plan. And hence, the council can absolutely deny the development application based on that. The council can say, we rezoned the property based on the five-unit townhouse. Let's say this rezoning goes through, but at the development stage they can absolutely deny, even if it is a permitted use, they can say, no, you cannot build 12 units here.

**Stephanie Moase-** And it also has to fit.

**John Callbeck-** What I would like, you know, if I had my brothers, and if it were Christmas, I would ask that council therefore make it a condition of the rezoning, that the development, the following development concurs, or is the same as what was presented at the town meeting. Can you do that?

**Stephanie Moase--** Not exactly. It can't be exactly because what if a five unit doesn't fit there? Then they may have to make it a four unit. Because the other resident has already stated that he doesn't think it fits.

**John Callbeck-** But in all material purposes other than the number of units.

**Stephanie Moase**-So the Town hasn't verified any measurements at this time, it's going by a concept plan. Somebody drew it up and said, 30 feet here, 40 feet here, this works

**Donna Coll**- Stephanie, what happens if the lot, he decides to sell the lot, then somebody else decided to develop there That's what happened with my place when I was at the condo on Autumn Lane You know, we had a beautiful development that was next door And now we've got all those old senior places built up It's just a mess in there. So, when we changed the land there, it was supposed to be this beautiful development. And now it's just a mess.

**Stephanie Moase** - Well, that would be the condition part. It depends on if there was conditions attached to it.

**Andrew Hughes** The zoning goes with the land. If it's moved to R3, it stays R3

**Sen**- It stays R3, right but that's something the council would always have to, and the planning board, and the council would have to be mindful about. Let's say the property is sold to somebody else, and they come back with a new concept plan. You know, we want a development permit for that. So, the council can absolutely deny based on the previous, you know, we allowed for rezoning on this property based on the concept plan. And now it's a completely different concept plan, which is not even modestly, or even close to what it was. They can absolutely deny it. And there's a valid reason for the council to make a decision like that even if something is permitted, it doesn't mean the council have to permit So, there has to be some principles or rationale behind the acceptance or denial of those permits. Now, to your point, yes, and Stephanie is right, once a rezoning happens, during the approval process or in the approval documents, we can always put a condition based on the concept plans submitted during the time of the application

**John Callbeck** So, that would give me a lot more assurance, things can happen real quick, And if there's nothing to stop it.

**Sen**- Sorry, I think there is someone at the back that's been trying to speak

**Pierre Mercier**.- I have a more fundamental question. We have a plan that is zoned and has been chosen like that by the community as desirable as it is. We have the flexibility of being able to change that on demand. But I don't see any criteria anywhere. What will be the consideration that the council will look at in order to decide, oh, the request here is more desirable than the desirability of the Zone 2 that we had implemented

**Sen**- Well, an official plan or a zoning and development by-law, these are all living documents. The whole purpose is not to be, it's not like the American constitution, you can't amend it. You know, it's there because, it's a living document that can change. And land use changes, that's the nature of any town, cities, communities, across the world, in this country for sure. Your character of that place changes with new developments and the need of that community. However, it's a valid point. Like, why would we change something which was already decided, let's say, in 2014, when this official plan and the zoning and the development by-law was accepted? First, number one, the community has changed since 2014, it's 2025 now. And also, the Council makes a decision based on two factors. One is the by-law itself, but also on the official plan., whether or not the policies are there that support such rezoning, and if the policies are not there, if the policies do not support it, and in the Council's wise opinion or from the planning

principles, they deem that this is not the proper use of the land, they can absolutely deny it

**Andrew Hughes-** Could you just as a point of clarification, how many R3 zones are in North Rustico currently, and how many of them are just one lot in an R2 zone

**Sen-** Actually, that's a question for Stephanie.

**Andrew Hughes-** Do you know off the top of your head? I don't know.

**Stephanie Moase-** I don't know for sure. Well, actually, Abegweit Lane, is R1, one side of the road, R2, the other side of the road, and then Autumn Lane, which backs that, is R2 on one side and R3 on the other side. So you've got, in two streets, you've got R1, R2, R3.

**Andrew Hughes-** But is there an example of a street that is mostly complete, that has just one R3 lot on it?

**Stephanie Moase-** I'd have to look through the whole map and see.

**Sen-** I don't think there is a particular, you know, in this current zoning map,

**Andrew Hughes-** I am just finding it difficult to find something that clearly indicated R1, R2, R3, it seems. And again, maybe that's my.....

**Sen-** Usually when we make a change to the maps, map is not updated, it is an amendment. We don't have that system of updating, unlike other jurisdictions, where suddenly a property has been rezoned, it's color is changed on the current map and it's all available online. You can go and play with that map and see, okay, this is how the rezoning happened. Stratford is one example of that, how a resident can see which property is going through changes. As a small municipality, North Rustico, and PEI's land-use system is a pretty outdated system, up-to-date information is not available, although everything is recorded in amendments. I believe the previous designation is already with the updated plan?

**Stephanie Moase-** Well, I can tell you currently our map is not up-to-date because it was last done in 2014. And I wish I had been here all the time, but I wasn't. I just came here two years ago. But the first thing I did when I came here, there's people in this room who can attest to this, the first thing I said was this is outdated, we need to start our new official plan and bylaw. And we've been going through that process. But one of the things that I have asked the Council and the Planning Board to add to the bylaw is a requirement that at a minimum, every two years, that zoning map is completely updated. Because it could be that there's not a rezoning amendment in North Rustico for two years, or we could have six in two years. But what has happened is in the last ten years, every rezoning that has been done has not updated on that map. We have all the approved amendments but they have not been consolidated on the map. And it kills me. And I am working hard to do that and to make a change.. And I do apologize profusely that it hasn't been done. And I wish I could just open it up and show you guys as nicely as Stratford has it here. Look, this is exactly as it is. But I have the paperwork, all the approvals, but I do not have it on the map

**Sen-** But this is one of the reasons why, you know, planning documents usually are reviewed every five years. And, you know, the maps are usually updated periodically Unfortunately, it hasn't been done. But I think it is more to do with the capacity issues

here rather than the intention.

**Andrew Hughes-** So if you ask my question, so on GeoLinc, which is the province's way of tracking PID numbers and zoning, you're saying that the town of North Rustico is completely out of date

**Stephanie Moase-** Geolinc does not track zoning. Geolinc tracks PID numbers and that's kind of the biggest difference with what we're talking about here is that the zoning is only tracked by the municipality. It's approved by the province, but it does not show on their maps. They show subdivisions, they show PIDs, they do not show zoning. Look at Geolinc, you'll never see R1, R2, R3 anywhere because it does not show. So it's only the actual municipal maps that show the zoning because the province-wide doesn't even have zoning. No such thing as zoning in province-wide planning.

**Sen-** Only 20% of PEI has zoning, 80% of PEI does not have zoning. And in some cases, yes, there is interoperability between the municipal government and the provincial government. For example, in some cases, like Charlottetown and Stratford, it makes track. But largely, it is not tracked. And that's something I believe it's a much larger discussion between the municipal sector and the province. So, just for the record, I'm also the executive director of the Federation of Municipalities. So, I'm aware of that issue as being an ongoing discussion between the province and the municipal sector for a number of years right now. There was a gentleman at the back, so I'll come back to you.

**David Udell-** I don't know. I'm not really smart, but I don't know why you don't ask the applicant. Tell him that you want the PID number changed and I think everybody in this room would be a lot more... I don't like the idea that like Andrew says, the guy can build whatever he wants across there. I know you go on and there's lot numbers and all this stuff, but I just don't believe that. There are people that wade around everything

**Sen-** That's a valid concern and we are noting that. I will make my recommendations and that might be one of the recommendations, to have that PID changed before.

**David Udell-** Just tell him, if you want this developed, you've got to apply and get the number changed so it's not the same as across the road. I would feel a lot more comfortable.

**Sen-** We can do it, have that noted.

**Stephanie Moase -** Yeah. I've noted that already, to suggest it be a recommendation.

**Sen-** Gentleman at the back. I know you have been waiting for a while

**Sean Furlong-** To Donna's point, and I think what everyone's kind of getting at here is, the fear is, you allow it to get rezoned to R3, and as someone who's built, I understand the other side of that, and you are trying to do your paperwork, you have your setbacks and all the rules that Andrew's been talking about and they have to conform. But somehow the requirements that we all had to follow with our duplexes on Autumn Lane and Abegweit, I don't see how that was ever followed with the three white townhouses that went up on Autumn Lane. Because they are jammed in, it's like off the highway 400 in Toronto and they didn't meet any of the setbacks that we had to meet. It's 8ft to the side, it's 10ft to the front, it's 14ft to the backyard. Well, they could share dinner between the two backyards with the new townhouses on Rte 6 and the white ones on Autumn Lane. So I think there is a serious distrust from this point to when the buildings are erected. And its not that we are fearful because it could or something could, we all saw it

happen, we saw somehow it get approved. I own three properties in that subdivision and I know I never received a letter from anyone that that was going to happen. I received in 2018 a letter that they wanted to put a dairy bar there and everyone was invited to participate and talk and send in your notes and all that. And we did, and then magically one day there was machine equipment there and we just built higher density than any other community in PEI at that one corner without a letter, without a public meeting, without it being mentioned in a newsletter, without any of this process, and now it's there. So we can say that all these things happen, but unfortunately, like this arena that we are sitting in, this community has been told, and gone to meetings and heard things, but there is not a trust in the process in this community because too many times we have been naïve, and trusting and let the process happen and then we end up getting the shaft at the end and looking at what we are sitting in, are not what the community asked for, maybe not done correctly, and we are always in a catch-up and try to fix later. So obviously there is a good turnout here because of this distrust and that is why people are here with real life examples that have happened since 2014 and the trust is probably, I maybe speaking out of turn for everyone, but there is quite an amount of distrust in the process of how things happen in North Rustico.

**Sen-** Two things, and that's a good point, your point is well taken, number one, obviously I see there is a lack of bylaw enforcement sometimes, something gets permitted, then the developer may build something where the setbacks are not met, we have so many non-conforming developments here in this community. And that is really an issue of enforcement of those bylaws. In a different jurisdiction, the city could basically go and demolish your building for not following the exact bylaw. We are not there yet, this is completely a different jurisdiction. However, I would say that, if we were to enforce that, a contractual development agreement is the best way to move forward with that, that they have to abide by those setbacks and allowances for the build. That is really a question for the Town Council, not the Development Officer, to see the general grievances of the residents. If you see development happening in this community which is not conforming to what has been allowed, then that is when you change the bylaw and the official plan and be part of that process which Stephanie is already going through. But your point is well taken, that is something that could be a legal requirement, a binding agreement between the Town and the developer and the Town could take actions in that case if the developer failed to meet the standards of that agreement.

**Alan Kingate-** Been a resident here for about 20 years now, we have seen a lot. I think the question back there, the developer in this particular situation, the general feeling is that he's not trusted. That's what happened the last time he applied for a different thing, that is water under the bridge, just, if we get past this rezoning, we have always seen the issues on Simon Dr, where there are fire hydrants but there is no water. Is it the developer or the Town that is going to put in...is it going to be a septic system up there, is it going to be sewer and water provided by the Town. These are comments that I just want to say. That's a question. Another thing is, as a gentleman who works in this place, for the Town, I was at a meeting where the school put in a proposal about putting in houses in there for students but the main thing I was looking at was how the road that was going to go up behind the property on Simon Dr. I am asking the Council is that proposal out and gone under the weather because that road would pertain to that development up on the corner there because it would run right behind them too.

**Stephanie Moase –** That proposal is not dead in the water, we have issues with the lien

on the property. So, there is still a lien on the property that will not allow us to move forward with that proposal that the school put forward. Myself, Council and the consultants hired by the Town have been working hard to finalize all the issues with the lien to have that lifted. So that is a different proposal but yes, it is still on the table.

**Alan Kingate-** But that road going in up there-

**Stephanie Moase** – It is not a road, it is a right of way-

**Alan Kingate-** Road, right of way, same difference, cars are going to be using that to get access down here to the student residences. Will that not have any issues with the back of that development that is being proposed now?

**Stephanie Moase** – So it is basically a drive way to the residences. I don't understand why there would be an issue, it is just a driveway into another property. If this development does not like cars driving at the backside of their property, they can put up a fence, Kelvin knows that the school has also made a proposal for the property behind his., it would be up to him as the developer to decide what he wants to build on the property knowing there may be a right of way behind him. There are other instances where there are right of ways, like the one on Timber Lane, a right of way going through the bottle exchange property to the house behind it.

**Alan Kingate-** What about the water issue?

**Stephanie Moase** – I know there have been issues in the past on Simon Dr, if you have been following any of our Sewer and Water and Council meetings you would see in the CAO reports monthly that for the water on Simon Dr we are searching for funding to extend the sewer and water lines and funding for capacity modelling that will review all the lines and sizing to ensure future developments won't run into the same issues that happened on Autumn Lane where a booster pump had to be added. The Town has been approved for the first half of the funding for Simon Dr, I am expecting the second portion to be approved by Christmas as well as the capacity modelling funding I am expecting to get word by Christmas as well. I realize it is important to residents and it is important to us as well. It is the top project for Sewer and water at this time. The Town did just complete one project at the sewer plant that was \$745,000 for upgrades completed last March. So thanks to Council for working towards getting projects completed, even though they are projects not always seen by residents.

**Alan Kingate-** One further question, I was informed by a Councillor here this evening that putting speed bumps on Simon Dr cannot happen, it is not allowed by the Province. We have been asking for speed bumps, the ones that are drilled in there and then you take them out in the winter because there are a lot of kids on Simon Dr and there are a lot of people that roar down that hill.

**Stephanie Moase** – I know the request has gone to the Finance and Infrastructure Committee and they had looked into it and would not be doing it at this time. This is technically a rezoning meeting so I don't want to take up too much more time to talk about speed bumps but you can definitely come see me at the office and I can bring up the minutes from the Finance and Infrastructure meeting to look into it, as I cannot remember exactly what was determined on that one.

**Sen-** Thank you Stephanie, that was an important comment there. I just want to ask, that was an application into the Canada Housing and Infrastructure Fund for the capacity modelling? Or the CCBF Gas tax?

**Stephanie Moase** – The capacity modelling is the CHIF and the Simon Dr extension is requested through MSC.

**Alan Kingate**- The new development will be on sewer and water.

**Sen**- Yes, you would not be able to build a 5-unit townhouse with onsite septic and well.

**Stephanie Moase** – Yes, it would not be allowed. One of the conditions of this project will be that it must be on municipal sewer and water, which has not been extended to there yet. This isn't something that will be able to happen tomorrow, often we have these meetings and people assume the project is ready to start shovels in ground tomorrow, like the last rezoning for Lantern Hill, these meetings are for gathering info to move to the next phase, I still need to get approval on funding for the sewer and water line extension before this project would even be able to move forward. Even if after the rezoning was approved and the development met all criteria, the sewer and water installation still needs to be completed.

**John Callbeck** – Back to the rezoning, as Pierre noted, in the plan, originally, in 2014 or 2016, whatever, that whole area up there is R2 pretty much, and I guess what I am asking is, when you do review the plan, what criteria do you use? The fact that some individual comes along and wants his property to be rezoned, and that's what this seems to be, and that sets a precedent then for anybody that comes along after then, well you did it for him, you gave him R3, so what's to prevent anyone up there from asking for R3? And if the plan right now is R2 then we have to be careful what we give in terms of new rezoning that is different from what the plan was. So, you don't want to set a precedent, it has been R2 all along but hey, this guy is a great guy you know, we are going to let him have R3.

**Sen**- Yeah, that is a valid point. Usually those decisions are taken based on planning principles and what has been noted in your official plan, the policies that has been set out. And also you have to look at the changing character of the community and what is needed. How would you accommodate growth in the community? And these are the different factors that are taken into consideration. It's a very subjective decision. It's not objective. Obviously within the specified boundaries of the official plan and the zoning and the development bylaw. Just because somebody wants to, like in an R1 zone, wants to change it to R3, it doesn't just happen. There has to be some consistency with the planning principles before you change the designation of a land from R1 or R2 to R3.

**John Callbeck** - I'll have to look back and see what is R3 in that area.

**Sen**- Any more comments, please?

**Tara Waddell**- I guess I just want to go on record. As it stands today right now with the information that I have received tonight, I would have to say that I'm against the rezoning based on that PID number. Because, if you go back to across the street, it seems they're proposing quite a large building on this tiny little spot, but yet they have this huge property across the street where they wouldn't have to worry really about the size, the driveway, the hard surface versus the soft surface, runoff and all that. So, I think for me right now where it stands because this is not separated, I would have to be against that since there is property where they could actually build something that is five units and have tons of room around it instead of fitting it into this tiny little corner.

**Sen**- Yeah, absolutely. That's valid feedback. I think the council should take that into consideration. We could very well deny the rezoning and forget about getting it to the

development permit stage. That has happened in the past. It usually happens if a concept plan is not palatable with the designation of the plan, the Council in their wise wisdom can say like, nope, we don't want to rezone that property. But that's the point. That's why we have these public meetings, so we can gauge those feedbacks and help us make some informed decisions at the planning board and the council level. Yes, please.

**David Udell-** Yeah, I've got another question. Like John said, they're on the block. This guy, he's gonna get this little lot approved, R3, and then like Tara and everybody. What's to prevent him? Once he's got the small, then you can jump across the lot too and say, well, you did it there. I got all this property. I'd like it to be R3.

**Sen-** Each land is different. Each lot or each land that requests a rezoning or a development permit has to be looked at in its own perspective. For example, if my property is R1 and I changed it to R2 to have a secondary suite or a garden suite. It does not mean my neighbor's property is the right property for the same designation. Everything has to be dealt with. Each application is separate. We have to look into every aspect of that application. Sometimes, your lot may not be graded well, in 30 degree, so there is risk of runoffs. So, we cannot allow that kind of development. So, again, each development, just because a portion of this PID is getting re-zoned, doesn't mean the other portion is going to get automatically re-zoned. They have to go through the process. The minister is the final authority on changing any designation on the land use. So, Minister Deagle, in this case, would have to review this file before they put a note whether this re-zoning goes through or not.

**Stephanie Moase –** And I just wanted to mention, a couple of you have said, you know, does this set a precedent? Will other people want to re-zone? Every single property in the town has the ability to request to re-zone at any time. Just because, you know, it hasn't been done in a while or not very many people do it, the by-law allows anyone to come forward and say, "I would like to re-zone my property to this for this reason." We can't deny a re-zoning request because we think other people might follow suit.

**Unknown Speaker-** They are entitled

**Stephanie Moase –** They are entitled to request, which is what this is, a request. So they are entitled to request and every single person is entitled to that request. Just as the public are entitled to provide their feedback at a public meeting once that request has been made.

**Andrew Hughes-** So, may I just ask for one point of clarification. So, if council decides they're not going to grant this change, and the developer then comes back with another proposal, and somehow different but the same, will that trigger the same process again?

**Sen-** Yes

**Stephanie Moase –** Yes. Actually, there is a rule that they're not allowed to apply for another re-zoning request on the same property for a certain amount of time.

**Sen-** A certain amount of time. Yes. If something is denied, then there is a waiting period before another re-zoning request can be made on the same property.

**Stephanie Moase –** Additionally, council is also tasked with the heavy burden of ensuring that their decision also doesn't take away a right of the property owner as well. Because the property owner, as well as everyone in this room, has the right to go to IRAC, for IRAC to make a final decision if you do not agree with the council's decision.

And that's why the homeowner, or the property owner, also has that right too. So, council is tasked with that decision, to weigh the info, if I make this decision to deny, am I doing it based on sound planning principles and following the by-law and official plan? Because if not, then IRAC can overturn that against council and it costs the taxpayers to hold a bunch of money.

**Alfred Gallant-** So, I'm just wondering whether it comes to land taxes, water taxes, I heard earlier that you were going to put a water line in and a sewer line, so I was just wondering, is that being done in Canada's new building going up or was that in a plan or something?

**Sen-**That is a separate application.

**Stephanie Moase –** The actual reason we're extending these lines is because of exactly what, um, what Mr. Kingate brought forward is that the pressure on that line where the fire hydrant is it doesn't have a lot of pressure. And one of the reasons for that is because it's an end of line and we were encouraged by, CBCL, our engineers, to close that loop. And now that the road is there it makes that loop able to be closed easier without, you know, before going straight through Mr. Kelvin's property.

**Sen-** So if there are no other comments, have a good night and if you would like to provide written comment you can send it directly to Stephanie at the office until November 12.

The meeting was adjourned at 8:20pm.

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Mayor Heather McKenna

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Date

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CAO Stephanie Moase

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Date