

Minutes
Resort Municipality Public Meeting – Eddie MacKenzie
Monday, December 14, 2020
7:00 p.m.

The Public Meeting for Eddie MacKenzie for a special permit use for a multi-family dwelling at PID # 1805415, as well as to amend the plans for a vacant land condominium development at PID # 694745 was held on December 14, 2020 at the Resort Municipality Office and electronically with Zoom.

PRESENT: (In Person) - Mayor Matthew Jelley, Councillor George Clark Dunning. (Zoom) – Deputy Mayor Lowther, Councillors - Bill Drost, Lee Brammer and Chris Robinson. CAO – Brenda MacDonald. Administrative Assistant - Heather Hay.

ABSENT: Nil.

VISITORS: (Zoom) - Bill Power, Lloyd Adams, Vic Greenwood, Darlene Lawless, Diane MacKenzie. (In – Person) Richard Moore, Alvin MacNeill, Katie Morello and Eddie MacKenzie

CALL TO ORDER:

Mayor Jelley called the meeting to order at 7:09 p.m. and welcomed everyone to the meeting.

Mayor Jelley advised everyone to state their name for the record when speaking.

Mayor Jelley advised everyone that if they are showing any signs of COVID-19 to remove themselves from the meeting immediately, including cough (new or increased chronic), congestion, headache, body aches, fever / chills, runny nose, sore throat, loss of taste or smell, fatigue.

Mayor Jelley advised everyone that the meeting is being taped for office use only.

Mayor Jelley advised the public that the meeting being held is for a change of use permit for a special permit use for a multi-family dwelling as well as to amend the site plan for the vacant land condominium and that no other discussions will take place.

Mayor Jelley advised that the meeting is being held in person and on zoom so each person will have to address the Mayor in order to speak. The public cannot speak over each other and each person will have a chance to speak and ask any questions that they may have.

Mayor Jelley advised that Eddie MacKenzie and Katie Morello from Cox and Palmer are here to speak on Eddie's application.

Katie Morello spoke on behalf of Eddie MacKenzie on the development permit application.

Katie Morello spoke on the development permit application. The plan is that there will be 11 cottages that would be 1 ½ stories with a garage, two existing cottages and a 4 unit multi-family dwelling in the farmhouse.

Katie Morello stated that they are also seeking a minor variance on the front yard setback to accommodate the

new deck and steps and will require 2.5' minor variance.

Mayor Jelley advised that the minor variance request would not be reviewed tonight as part of the meeting as this request was not submitted with the original application and will need to go before the planning board and the Council at their next monthly meetings.

Katie Morello advised that in 2019 Eddie MacKenzie had submitted an application for the change of use for a special permit for a multi-family dwelling as well as to amend the plans for the vacant land condominium. She advised that the renovation of the farmhouse started and then the foundation wall collapsed that led the developer to complete a large scale overhaul on the structure. Based on the fact that the property had formerly been used as a bed and breakfast the developer felt that a four unit multi-family dwelling would be similar and the work to change the farmhouse was not done intentionally.

Eddie MacKenzie commented that the initial plan was for a renovation to the existing farmhouse which was a one-off that got carried away as Hurricane Dorian caved in the East foundation wall, so they decided to lift the house to save it and replace the foundation which snowballed into an originally unplanned major overhaul and somewhere along the way, they thought that breaking the house up into separate units made more sense.

Katie Morello commented on the plans that are being presented from Coles Associates tonight and that they include the amendment to the plans as well as the four unit multi-family dwelling and the plan is for long term rentals as there is a need for that on the North Shore.

Mayor Jelley asked if there were any questions from the public.

Vic Greenwood questioned how many units will be in the farmhouse.

Katie Morello advised that there are two, one bedroom units and two, three bedroom units.

Councillor Drost asked how much square footage is on each floor.

Eddie MacKenzie commented that there is 900 square feet on each floor.

Lloyd Adams asked if they had any statistics on long term rentals and what they propose.

Eddie MacKenzie stated that the intention is to rent to families as they are easy to rent to for the long term. Based on the housing shortage it was felt that long term rentals were needed rather than short term rentals. He advised that he and his wife have 50 other rental properties across the province and have a good clientele that they rent to.

Councillor Robinson asked what the height of the structure is.

Eddie MacKenzie confirmed that the structure will be 33' to 35' in height.

Katie Morello advised that the site plan is similar with some minor changes to the lines and the previous plan had been approved by the Council.

Eddie MacKenzie advised that the previous plan had allowed for the farmhouse to be moved closer to the road and he made the decision to leave it in the existing location.

Bill Drost questioned who were the nearest neighbors to the site and the proposed construction timelines for the development.

Eddie MacKenzie confirmed that it is not his intention to construct anything from June 15 – September 15 on the site as that was part of the standards within Driftwood Landing as well.

Bill Power raised concerns on the five properties at the front of the development and the impact that could be had on Driftwood Landing with the spring runoff as both developments and the driveways slope toward Cavendish Road. He raised concerns on the drawings and that there is no indication on the drawings on the swales and whether the new change to the site plan will cause water backup on the site. At the third house the culvert goes under the roadway.

Eddie MacKenzie advised that if there is an issue with water he will install a culvert or whatever is necessary to eliminate any water issues.

Mayor Jelley advised that if the boundaries are changing a review will need to be completed by the Department of Environment and an analysis of the property.

Lloyd Adams asked about the permitted uses in the RD2 (Resort Accommodations) Zone.

The CAO read out the list of permitted uses from the Zoning and Subdivision Control (Development) Bylaw for the record.

7.2 PERMITTED USES

No Building or Structure or part thereof and no Parcel of Land shall be used for purposes other than:

- (1) Single Family Dwellings
- (2) Summer Cottages or Seasonal Residences

- (3) Tourist Accommodation Facilities
- (4) Personal Service Shops
- (5) Accessory Buildings
- (6) Private Garages
- (7) Business Office or Professional Office pursuant to the provisions of Section 4.46
- (8) Historic Sites

7.3 SPECIAL PERMIT USES

(1) Notwithstanding Section 7.2 above, Council may issue a Development Permit for the following Uses subject to such conditions as Council deems necessary:

- (a) Duplex Dwellings/Semi-Detached Dwellings
- (b) Convenience Stores
- (c) Multiple Family Dwellings
- (d) Condominiums
- (e) Community Care Facilities
- (f) Child Care Facilities
- (g) Group Homes

Vic Greenwood commented on a water problem near the North end of the property through the swale and the snow being ploughed could be an issue as well depending on where it is piled on the site.

The Mayor advised everyone that there have been ten phone calls received, eight people have been into the office to review the plans and get information on the development and there have been four written comments and questions received to date.

December 11, 2020

Paul and Margaret Bent.

Brenda

Eddie MacKenzie reached out to me earlier this week and provided me with a copy of the original and revised plans as well as a discussion of his request in regards to the house located on the property.

As a result of this we will not be attending Monday's virtual meeting.

Paul & Margaret Bent

December-01-20 11:06 AM

Dear Brenda:

Margaret and I were in receipt of your correspondence dated November 26th with reference to the upcoming special meeting on December 14th. At this point we have no information regarding the nature of the "proposed change of use" and "special permit use for a multi-family dwelling" for the subject property adjacent to ours. Similarly we are interested in the proposed development plan amendment. Given the connotation of the term "special permit" and its implication that this is a request for "variance of existing rules", our interest is very high to attend this meeting. We would appreciate receiving in advance of the meeting the details of the 3 items noted in your letter for our consideration.

As you are aware our property is in Margaret's name however during our attendance we wish that I be noted as the spokesperson for our property ownership and request that you advise what you may need from us to convey that status to me.

Thanks in advance.

Paul & Margaret Bent

December-13-20

Keri Winsor

Hello,

I would like to ask the following questions: I would appreciate an answer in writing from the Municipality

RE: PID # 1805415

1. Why is this permit only being requested now when it was obvious construction began in the summer of 2019 (well before Sept 15th)
2. What controls will be put in place by the Municipality so this type of request, long after the fact, in respect to current residents, does not happen in the future
3. Will there be fines issued for non-compliance with Resort Municipality construction permit guidelines
4. Does the Property ID # 1805415 only belong to what is now the multi-family (apartment type) building
5. Does the current 'special permit' only pertain to what is now the multi-family (apartment type) building
6. What does the current 'special permit' allow
7. Will changing the current 'special permit' allow more than just conversion into a multi-family apartment type building
8. Will this property be used for short term rentals ie: monthly; weekly; or week-ends ie: Cavendish Beach Music Festival

RE: Original parcel # 694745

1. Is the Original Parcel still in effect and does it pertain to all the land other than PID# 1805415 ~ the multi-family (apartment type) building
2. Will the change to the current 'special permit' for PID# 1805415 enable the developer to erect other multi-family dwellings on what is referred to as the 'Original parcel' whether that is the current intention or not

3. Will there be a detailed description of what the amendments to the Vacant Land Condominium are and will allow
4. In the Original parcel designated as a Vacant Land Condominium it is my understanding that the 2 existing condominium buildings only own the land which the building directly sits on.
5. Does changing the Original parcel allow for the parcel to now be subdivided into lots
6. Without drawings/permits for the proposed dwellings (not required at this time), will there be guarantees that drawings will be submitted for permit in advance of building
7. Will the property, once changed, still be run as a Condominium development or will the current Vacant Land Condominium be dissolved as result of the change in land use ie: no Declaration; no by-laws; no Board of Directors; no condo fees etc.
8. Will the dwellings constructed be sold or strictly be Provincially licensed rental units by the developer/owner ie: Air BnB's for example
9. Will the current power poles be left where they are or will they be moved. If so, to where
10. Will there be fencing erected between the Green Village development and the adjacent property known as Driftwood Landing
11. What measures will be taken to ensure proper land grading to prevent run-off/flooding to the lower properties in Driftwood Landing especially in the winter
12. Will there be a 'current' written commitment/agreement regarding times of construction: ie: before June 15th & after Sept 15th provided to adjacent property owners
13. Will there be landscaping between Green Village & Driftwood Landing and if so what type of vegetation ie: trees, shrubs

Thank you

Keri & Paul Winsor

55 Landing Drive

December 14, 2020

Keri Winsor

Hi Brenda,

I regret because of timing I cannot attend.

I would be happy to have the Mayor or whomever read it. I don't expect answers will be available immediately but I would hope that things would not get approved until enough due diligence is performed. This is not to asses blame on anyone in office at the Municipality. It is my understanding that Mr. Mackenzie is a well-seasoned property developer & should know that there are rules and regulations in place & that just letting things snowball & get "carried away" without permits etc. is if nothing else ~ unfair to the residents of Cavendish. How do I trust that what is being requested, if approved without transparency & full disclosure that things will actually end up as being presented. I know that some may think the questions irrelevant & perhaps a bit dumb, but in an email communication from Mr. Mackenzie he said the following:

"It's just the old farmhouse conversion that is being requested as a multi-unit, which was a one-off that got carried away. Hurricane Dorian caved in the east foundation wall, so we decided to lift the house to save it and replace the foundation which snowballed into an originally unplanned major overhaul. Somewhere along the way, we thought breaking the house up into separate units made more sense."

It is this type of statement & mindset that causes me concern.

Thank you for your understanding

Katie addressed the comments from Keri on not obtaining a permit based on the former use on the property and it being used as a B&B in the past and the intensity of use for the property is similar. There is no intention for short term rentals on the property.

Eddie MacKenzie advised that there is no intention to change any of the other units into multi-family units as the plan is to have condos on the property.

Katie Morello confirmed that the intent is for the one multi-family dwelling unit and the 11 new condo units with garages and the two existing units that are located on the site.

Mayor Jelley commented on the plans and that the only review on the table at the present time is for change of use for the special permit use for the multi-family dwelling and the amendment to the condo plan. There is no application at this time for the condo development itself and this will be dealt with at a later date.

Mayor Jelley advised that concerns have been raised on the development on this property and it not meeting the requirements of the bylaw and based on the information tonight the developer is aware that there are requirements since they have 50 other units around the province. He advised that ignorance of the bylaw is not an excuse and that based on information provided to Eddie from the municipal office that he was aware of the bylaw and the requirements of it for development in the municipality.

December 14, 2020

Lloyd & Judy Adams,

We appreciate the opportunity provided by the Resort Municipality to comment on proposed change to this development. As neighbors of this property, we are pleased that this land may finally be developed. Over the past ten years we've watched several false starts, potential redesigns and repurposing of the land in the absence of what appeared to be any vision or long-term plan. So, while we are happy to see renewed interest from new ownership, we want to ensure that this new development plan will, as much as possible, work for the area and is compatible with Driftwood Landing. Our development, sharing boundary on the north east, is a residential subdivision consisting of 15 dwellings. Four dwellings are owner occupied full time (their homes); the remaining ones are occupied seasonally by their owners and guests. Our expectation is that this new planned development should complement Driftwood Landing and the other adjacent properties. The written documentation provided by the developer was quite helpful, however further clarification is needed for us to comment further.

- Regarding the request for a change of use for a special permit use for a multifamily dwelling at PID # 1805415, this project started over a year ago and was essentially completed except the lower level, by mid-summer 2020.

The completed project looks good and in our opinion is an improvement to the community. We were surprised to learn the developer completed the renovation and alteration to the house without a permit. This application is basically seeking approval after the work was completed. Had this request followed the usual practice, public meeting prior to work being done, our concern then, as it is now, would be around potential noise and increased traffic associated with a four-unit eight-bedroom multi family dwelling. Potentially, this dwelling could easily accommodate up to two dozen occupants. Is its purpose for Air BnB, tourist accommodations, short term rentals long term rentals? Depending on its use, this type of development could be in conflict with the nature of the adjacent residential community.

- Regarding the request to amend the plans for the vacant land condominium development (original parcel # 694745) we believe these to be fairly significant changes from the original approved plan, (Standard Drafting Services 2008-12-C).

The new subdivision plan (Coles 201139) shows 13 dwellings and one, four-unit apartment building. At this point we know the dwellings are the same size as the original, but with the addition of garages. This is what we do not know.

- Are the dwellings single or multi-level?
- Are the dwellings single family or duplexes?
- Are the dwellings to be developed and built by the developer and sold?
- Are lots available for purchase?
- Will there be any covenants?

- Regarding the Certificate of Approval from PEI Environment, Energy & Forestry issued in 2009 and Mr. Ben Lanigan's (PEI Dept of Environment, Water & Climate Change) email of Oct 7, 2020, informing that the Certificate of Approval, issued in 2009 is still in effect, that the system is currently designed for up to 14 connections (condo units) on the water system, with three connections currently presently.

There is an abundance of changes on the new plan from what was submitted and approved by Dept. of Environment 12 years ago. Only three dwellings on the new plan, lots 6, 7 & 8 are situated in the same location as on the old plan. The remaining 11 dwellings are situated and orientated differently than on the old plan.

Ten dwellings will now have double car garages. The old plan showed no garages.

The new plan shows that driveways for all 13 dwellings have been relocated. The two-story house, now a 4-unit apartment building is situated on lot 5 in the new plan. The old plan did not show any apartment building. The old plan showed the two-story house on lot 1. Water and waste-water requirements for the new plan has increased with service required for 17 units, 13 dwellings and a 4-unit apartment building. The 2009 Certificate was for 14 water connections and 30 waste-water connections. These are substantial changes which have altered the initial plans significantly in terms of existing infrastructure, building orientation, traffic, and landscape and as such the certificate of approval should be issued based on this new plan. We would encourage the municipality to ensure the water and wastewater system for this development meets all current standards.

Again, we thank you for the opportunity to provide our input and we look forward to hearing your comments as well as those from the developer, Mr. MacKenzie and from our neighbors at tonight's public meeting.

Katie Morello advised that there are changes in the plan from the original approval and the owner felt that the long term rental would be a good development as more people are looking to relocate to Cavendish.

Katie Morello advised that the cottages would be single family and be in line with the development at Driftwood Landing. She advised that the approvals from the necessary departments have been received for his development.

Eddie MacKenzie advised that he will build and sell the units himself and the bylaws will be similar to those of Driftwood Landing and Katie has been working on them.

Katie Morello advised that the declaration for the condos continues to be in place and she can circulate the declaration to the public and the municipality and the future condo development will be very similar.

Katie Morello advised that the project was started off with the assumption that it was formerly a Bed and Breakfast and that the multi-family dwelling would be similar to the previous development that was located on the site and that the only explanation was that the project got away from him and got much larger than was expected based on the renovations and the wall caving in during the hurricane.

Bill Power stated that he had nothing more to present as most things had been discussed already during the meeting and his letter was read for the meeting.

Bill and Dee Power

December 14, 2020

Good morning,

This email is in ref to Public meeting on 14 Dec 2020 at 7PM to review and comment on a request for a change of use for a special permit use for a multi-family dwelling at PID # 1805415, and amend the plans for the vacant land condominium development (original parcel # 694745).

I do have some concerns with the new amendment,

I feel there should be additional review of the water system as it was originally set up and approved for 14. Now it will have 17. In addition, the number of bedrooms on the land will have changed from 29 to 43. Original approval, 13 x 2 bedroom and a farmhouse with 3 bed.

Now proposal of 13 x 3 bedroom and 8 bedroom house. I see all the requests as a major amendment And not minor as suggested.

I have concerns that this increase of footprint on the adjacent property will also increase some environmental impact concerns. Is there enough room for proper snow clearing, where is snow going to be stored, Will the now storage prevent drainage from Driftwood Landing, Will it potentially cause water backup in spring causing flooding at lower part of Driftwood landing, environmentally concerning especially where the sewer storage is located on both properties.

In addition there are drainage issues at the top of the property with new proposal.

Presently, the first 5 properties in driftwood landing, rain water drains west under both roadways on each property, toward the farmland and eventually finding its way north toward the ocean.

For the multi family home, I do support the present setup of 2X1 bedroom apartments and 3 bedroom but don't support adding an additional 3 bedroom apartment.

A 5 bedroom house will already see an increased amount of traffic and noise traffic in a condensed area. If we add another 3 bedroom to the farmhouse we can potentially see 16 people in this condensed location in an area that was originally planned for a small single family dwelling residential neighbourhood.

Thanks for giving us an opportunity to voice our concerns.

Regards

Bill and Dee Power

51 Landing Drive

Vic Greenwood questioned if the owners would only have two feet around their buildings as was the previous plan.

Eddie MacKenzie advised that he knows in the past there were issues with the boundaries and what was promised for land around the unit and the current plan is that the landowner would own the vacant land condominium area within the boundaries of the property based on the amended plan.

Katie Morello advised that the main issue before the Council is the change of use based on section 7.3 under special permit uses and there are a list of factors for the Council to consider and the points have been raised during the meeting.

The development will compliment surrounding properties.

The development will bring families to the area and provide for long term residency of families in the community.

Mayor Jelley advised the public that they have until December 21, 2020 to respond back with any written comments either for or against the development with any concerns or issues or support for the request that they might have.

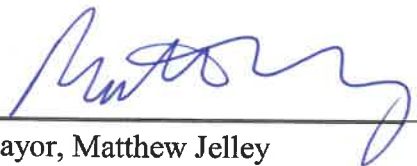
Katie Morello asked about the comments that were received and getting a copy of them.

The e-mails that were received at the time of the meeting and read out for the record will be sent along to her following the meeting.

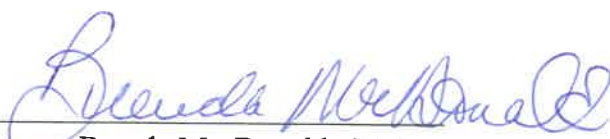
Mayor Jelley thanked everyone for coming to the meeting.

ADJOURNMENT:

Mayor Jelley adjourned the meeting at 8:06 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO