

**Town of Kensington  
Minutes of Public Meeting  
Thursday, September 28, 2017  
6:00 PM**

**Presiding:** Mayor Rowan Caseley

**Council Members Present:** Deputy Mayor Mann  
Councillors: Mill, Doucette, Spencer and Pickering

**Staff Members Present:** Town Manager/Administrator, Geoff Baker; Deputy  
Administrator, Wendy MacKinnon; Administrative  
Assistant, Kim Caseley

**Absent:** Councillor MacLean

**Visitors:** Richard Moszynski – Victoria, PE  
Arlene & Mark MacAusland – 27 Broadway Street  
Grant Paynter – Paynter Construction  
Dale Adams – 8 Park Rd, Valley Truss  
Cheryl MacInnis – 48 Victoria Street, Kensington Country  
Store

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**Mayor Caseley** called the meeting to order at 6:00 PM and explained the purpose of the meeting.

**PURPOSE:**

The purpose of the meeting is to allow residents and other interested persons an opportunity to make representation concerning an application to re-zone lands of Lisa Durling, being PID No. 449173 (10 Glovers Lane) from its current Multi-Unit Residential Zone (R3) to Industrial (M1).

The purpose of the meeting is to also allow residents and other interested persons to make representation concerning an application to amend the general land use map that is part of the Town's Official Plan as it relates to the application.

The applicant, Grant Paynter Construction, indicates that if the property is re-zoned, they will construct a building to be used to support a contracting business and will use the property for storage of concrete forms, and other materials and equipment needed to support their business. It is further indicated that the property may be used to construct and prep for some of their projects.

**Mayor Caseley** introduced the applicant and read a statement (email) from the property owner, Lisa Durling, providing her authorization for Mr. Paynter to proceed with the re-zoning application on her behalf. Mr. Paynter is offering to purchase the property, which is conditional on the property being re-zoned from R3 to M1.

**Mayor Caseley** outlined the re-zoning process for the meeting attendees:

*The application was received from Grant Paynter Construction on or about the 25<sup>th</sup> of August, 2017. The application was considered by Town Council, according to the Town's Development Control Bylaw and the PEI Planning Act on September 11, 2017 where staff were instructed to proceed with the application and to schedule a public meeting to hear resident's concerns or support for the application. Two notification ads were placed in the Journal Pioneer on September 16<sup>th</sup> and September 18<sup>th</sup>. Notification letters were delivered to all neighbouring (affected) property owners within a five hundred (500) foot radius of the subject property on September 18, 2017. Following the public meeting, staff will forward all information to DV8 Consulting, who will complete a report for Town Council prior to their formal consideration of the proposed Zoning Bylaw and Official Plan amendment.*

**Mayor Caseley** further indicated that a map showing the location of the subject property and Bylaw regulations related to the Multi-Unit Residential and Industrial zones were available for all interested parties in attendance at the meeting.

**Mr. Baker** read two emails from Kensington resident Peter Moszynski which was received at 4:55PM on Thursday, September 28, 2017 and the second at 5:25PM on Thursday, September 28, 2017. Mr. Moszynski was unable to attend the meeting due to previously scheduled work commitments. His email expressed his concerns regarding the proposed re-zoning application. *A copy of his email correspondence will be included with and will form part of the approved minutes for this meeting.*

*Councillor Pickering joined the meeting at 6:07pm.*

*Councillor Mill joined the meeting at 6:08pm.*

**Mayor Caseley** opened the floor at 6:08 PM for any residents present at the meeting to introduce themselves and to make representation/comments on the proposed bylaw amendment.

**Grant Paynter** responded to the email correspondence from Mr. Moszynski and clarified that he does not intend to construct low income housing, but noted that if there was residential housing on the lot, which would be permitted under the current zoning, the road would see more traffic than what it would with his proposed use. Mr. Paynter stated that he likes the location because of its quiet area and he does not intend for the development to be used as a store front, but primarily as a storage for his existing carpentry business. Mr. Paynter apologized for Mr. Moszynski's assertion that he attempted to bully Mr. Moszynski as it was not his intention.

**Richard Moszynski** requested clarification on the intended use of the property and inquired if the business is run all year around or seasonally.

**Grant Paynter** confirmed that his business operates 12 months of the year, however the concrete forms and some of the materials would not be used during the winter months.

**Arlene MacAusland** read a letter with her concerns regarding the re-zoning application. *A copy of her letter will be included with and will form part of the approved minutes for this meeting.*

**Cheryl MacInnis** spoke on the Kensington Country Store's current use of Glovers Lane. They access their property pretty much daily with a 1/2-ton truck and regularly with tractors and grain trucks through Glover's Lane during the months that the road is accessible. They do not typically use it in the winter months as the Lane is not snow cleared. Ms. MacInnis indicated that they would make use of the road in the winter months for access if it were maintained.

**Dale Adams** noted that Glovers Lane has historically been heavily used for industrial use.

**Mark MacAusland** expressed his concern regarding the resale value of his property should an industrial lot end up bordering his property located at 27 Broadway Street S. He indicated that when they recently purchased the property, they assumed there would be a buffer between residential and industrial zones.

**Richard Moszynski** inquired if the roadway was wide enough for the proposed use.

**Grant Paynter** responded to Mr. Moszynski, confirming that the roadway is more than sufficient for the ½ ton trucks and utility trailers which is used in his business. Mr. Paynter also noted that he has no intentions to cut the trees bordering the property.

**Geoff Baker** responded to Ms. McAusland's letter. He ensured her that there are no pre-conceived notions as to the outcome of the re-zoning application. The Town is taking the necessary steps in the process which is outlined in the Town's Development Control Bylaw and the Provincial Planning Act. The Public Meeting is the initial step, which allows residents to express their concerns to Town Council. It was noted that unincorporated areas do not hold the same process and would not give residents the same opportunity to voice their concerns. Should the application be approved by Kensington Town Council, it will be sent to the Provincial Minister of Communities, Land and Environment for final approval. Following the re-zoning application, Mr. Paynter will be required to submit a Development Permit Application to Town Council for consideration.

**Richard Moszynski** stated that they had considered moving to Kensington, he expressed his concerns that the Town would be reducing the residential housing market by re-zoning the property.

**Mayor Caseley** ensured that there was not a shortage of residential lots in the Town of Kensington.

**Arlene MacAusland** expressed her concern of reducing the number of residential lots and that they should be protected.

**Dale Adams** requested clarification as to who owns Glovers Lane. It was confirmed that Glovers Lane is owned by the Province of PEI.

**Geoff Baker** noted that the road access, being a provincially owned parcel, would have to be reviewed and included in the report by the Town's planning consultant.

**Grant Paynter** commented that Peter Moszynski's property located at 29 Broadway Street is

currently zoned Commercial, which could be used as such should Mr. Moszynski decide to open a store, as Mr. Moszynski previously indicated is a possibility.

**Mayor Caseley** said his closing remarks and outlined that all the information collected at the meeting would form part of the official report from the Town's planning consultant. He noted that the first reading is tentatively scheduled for the regular Monthly Town Council meeting on Tuesday, October 10, 2017 at 7:00pm, pending the consultant's report is available for Council's review.

*Moved by Councillor Doucette, seconded by Councillor Spencer that there being no further questions or comments on the proposed Development Control Bylaw amendment the meeting adjourned at 6:40 PM. Unanimously carried.*

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Geoff Baker,  
Chief Administrative Officer

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Rowan Caseley,  
Mayor

## Geoff Baker

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**From:** My World Rocks <myworldrocks@live.ca>  
**Sent:** September 28, 2017 4:56 PM  
**To:** townmanager@townofkensington.com  
**Subject:** Fwd: "Zone change"

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From: My World Rocks  
Sent: Thursday, September 28, 4:50 PM  
Subject: Fwd: "Zone change"  
To: marvin@townofkensington.com

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**From:** My World Rocks <myworldrocks@live.ca>  
**Sent:** Thursday, September 28, 2017 1:59:01 PM  
**To:** My World Rocks  
**Subject:** Fwd: "Zone change"

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From: My World Rocks  
Sent: Thursday, September 28, 1:33 PM  
Subject: "Zone change"  
To: My World Rocks

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From: My World Rocks  
Sent: Thursday, September 28, 12:07 PM  
Subject: Fwd: What do you think "Zone change"  
To: richardmoszynski@yahoo.com  
Cc: jcmosz@yahoo.ca

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From: My World Rocks  
Sent: Thursday, September 28, 10:20 AM  
Subject: Zone change  
To: My World Rocks

The Glovers lane is used more for families as a trail more so than for deliveries by the co op. I have seen families park cars and younger children sitting and playing while siblings are put in strollers.

Snow mobiles use the lane in winter to access the Chinese restaurant. So this will have an impact as Grant Paynter said he plans to keep the lane clear in the winter.

Grant has said that he plans to build a large warehouse / shop. Is it true that the building must have a 25' front yard and a 25' back yard and if so is Grant aware of this?

If this land is zoned industrial with no buffer zone to residential, the plan may hold less water, as other neighboring properties on Broadway should also receive the same zoning should it be requested as the property values may plummet with difficulty to sell to families with small children.

It is not just what will be done with the land while in Grant Paynter's ownership, but what will it become when it is sold. Once it is zoned industrial anything goes. Our house is a 4 bedroom home, and it would be difficult for a family to live there with children should this go through.

What compensation package would we receive?

Before we go any further, I believe that a study should be conducted in the summer to see how many families are using this lane as walkway.

I also believe that in keeping the spirit of the official plan that another meeting should take place with this one being forfeited. This is due to I being away with work. I work for the Canadian Coast Guard, and cannot take this month off to attend the meeting.

Not only am I missing the meeting, but also the process that follows the following weeks with is the most important part of the process.

I will miss the opportunity to discuss the meeting with other residents, cannot sit down and have a basic coffee to chat about the property, and to feel peoples emotions or let them see mine.

Grant has told me he has been looking for land for a couple of years now. If this is true then one more year should not hurt him as much as this could hurt Kensington.

Grant also said that if we do not support this change, he could put in low income housing. Said that it was not prime real estate so to speak.

I am taking this as bullying and do not like to be bullied or rushed in such an important matter.

I live on the border of Glovers lane and this does impact me. I therefore am asking the council to forfeit this meeting and hold another if they so wish upon my return from sea.

Thank you,

Peter Moszynski

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## Geoff Baker

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**From:** My World Rocks <myworldrocks@live.ca>  
**Sent:** September 28, 2017 5:26 PM  
**To:** townmanager@townofkensington.com  
**Subject:** Consultant

Hello again,

I would also like to bring up the idea that the consultant not looking into the summer usage of Glovers lane, and how it is used mostly by families rather than fall deliveries with harvest.

Please concern you have received emails

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## **Concerns regarding Rezoning application of PID 449173 (10 Glovers Lane) from R3 to M1**

The Town of Kensington states in their Official Plan revised in 2013, that the quality of life for its residents is a priority. Increasing the population in the Town of Kensington is also a priority. In June of 2017 our daughter Skye, along with two friends organized the protest at the High school to raise awareness of teacher and program cuts. The Mayor was present at the protest and acknowledged the importance and benefits of maintaining quality schools in the town.

So with the sale of our home in Darnley in June 2017, we felt that a move into Kensington would be beneficial. We took possession of our home at 27 Broadway St S, in July 2017. We purchased our house for the convenience of town living, for our children to walk to school, main street access for Arlene's home business, and winter accessibility for health care. The home and lot we purchased has a lovely treed yard suitable for visitors to Arlene's home studio to enjoy before, during and after their visit. Arlene provides excellent tourist information for the area, in terms of attractions, beaches, restaurants, and directions for everything.

An industrial lot will bring increased noise, large equipment, security lighting, signage, dust, and environmental hazards; all undesirable for residential living. We feel that having an industrial lot adjacent to our home greatly affects our physical health and well-being. The industrial lot will also affect the resale value of our property.

Reducing the number of residential lots in the town is not reflective of the Town of Kensington's mission statement, and it is not reflective of the support they stated they have for the school. The school needs an increase in students to maintain teachers and programing. A lack of desirable housing in Kensington is a problem for increasing the needed population. The proposed change in zoning will render our property as undesirable for residential living.

In reading the Official Plan, we see there are policies in place to provide minimum buffer zones, screening and a control of business permitted in commercial areas bordering residential areas. Unfortunately for us there is no such policy in place to address Industrial areas bordering on residential property. Industrial areas are only required to maintain a pleasant appearance suitable to an industrial business. Mr. Paynter has already stated the trees bordering our property and the proposed lot will have to come down.

According to the Land Use Map provided by the Town of Kensington, #10 Glovers Lane is surrounded by R3-residential on 3 sides of the property, and commercial zoning on the other side of Glovers Lane. This tiny industrial lot would be isolated for growth. We know there will be continued pressure put on adjacent landowners to sell their undeveloped residential property, and thus a continued loss of residential land all in exchange for a stack of concrete.

We are sorry that we chose to move to Kensington. We could have moved anywhere on the Island. We are personally insulted that the Town of Kensington does not care about our family and our lives in this Town. Currently Arlene is directing all of her business to Charlottetown. Keeping up appearances for visitors and those wishing to move to the island is becoming increasingly difficult. People want to be reassured that the Island is a lovely place to raise a family and neighbours care about each other. She does not feel she can promote our move to Kensington as a positive experience to her customers.

By Mark and Arlene MacAusland, of 27 Broadway St S, Kensington, Residential lot bordering subject property.