

**Rural Municipality of Miltonvale Park**  
**DRAFT Public Meeting Minutes -Rezoning 283325 and a portion of 658799**  
Milton Community Hall Tuesday May 30, 2023

**Present:** Mayor Hal Parker, Planning Board Chair Paul Poole, Planning Board Members -Councillors Jamie Taylor, Leo Doucette, and Spencer MacDonald, and Residents Bob Peake and Zach Stephens; Councillors Rosemarie Ramsay, and developer Councillor Andrew Frizzell, as a private citizen; Development Officer Mirko Terrazas, CAO Shari MacDonald; Residents – Denise MacDonald-Vail, Gezinus Vos, George Piercey, Sheila Curtis, Anne and Dean MacQuarrie, David and Eva Mol, Karina Akramov, Dianne and Terry MacLean, Steve Dickieson, Ricky Gariepy, Wade MacQuarrie, Miranda Jenkins, Connor MacQuarrie, Betty Pryor; and interested persons Detry Carragher and Dave MacLeod

Planning Board Chair Paul Poole opened the meeting at 7:32pm. and invited all those in attendance to sign the attendance sheet by the door. He welcomed everyone and introduced himself. Development Officer Mirko Terrazas was introduced, as well as CAO Shari MacDonald, who noted the meeting was being videotaped.

Chair Poole noted that the meeting was to allow residents and other interested persons to review and make representation concerning a proposed amendment to the Zoning Map of Miltonvale Park's 2021 Development Bylaw to rezone Parcel 283325 (16960 Rte. 2, Milton Station) from General Commercial (C1) Zone and Agricultural (A1) to Light Industrial (M1) Zone and to rezone a 1.83-acre portion of Parcel 658799 from Agricultural (A1) Zone to Light Industrial (M1). A 0.45-acre portion of PID 658799 proposed to be rezoned is currently in use as a parking/staging area. He noted that the parcels are owned by the same individual, who also owns several nearby parcels. The intent of the application is to move the vehicles currently parking in the front of the property to the rear of the building. The parcel to the east of PID 283325 is a potential residential lot (A1) but is currently used for parking.

Planner Samantha Murphy, who wrote the municipality's current Official Plan and Development Bylaws, is reviewing the application to provide a professional opinion with respect to its compliance to the Plan and Bylaws.

There are a number of requirements to change the Zoning Map with respect to notice to residents, including a newspaper ad, letters to residents/landowners within 152 m (500 ft) of the boundary of the subject property, inviting them to comment within 14 days and placing a sign on the parcel.

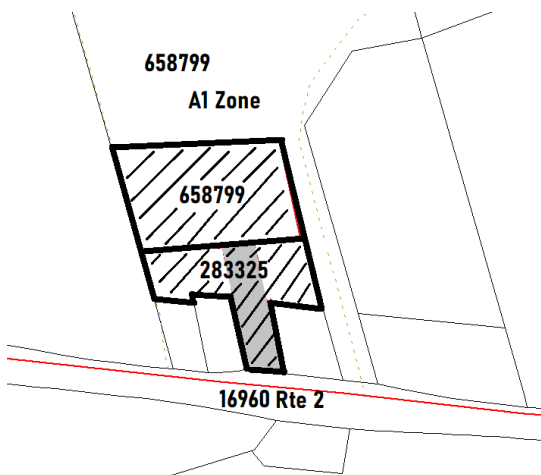
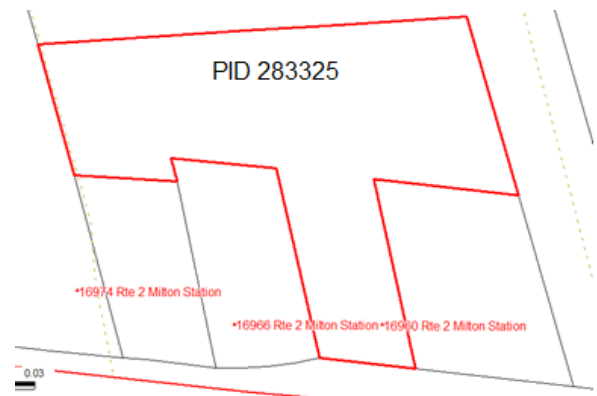
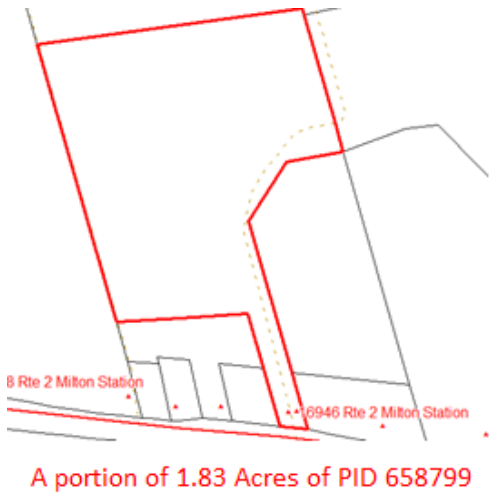
Development Officer Mirko Terrazas reviewed the procedures and the application.

The Development Officer presented a short slide show about the process for the proposed development. He noted that those at the meeting are welcome to make verbal comments after the presentation. These comments and all written comments received by 4 p.m. Thursday, June 1 will be reviewed by Planning Board and Council.

The application discussed at the meeting was submitted on May 9, 2023, and Planning Board recommended holding this public meeting. As required in the Development Bylaw, letters were sent to surrounding landowners/ residents (approximately 10) within 152m (500 ft) of the boundary of the subject property to provide comments regarding the rezoning application. An ad was placed in The Guardian newspaper on May 20, 2023, which was more than seven clear days before the public meeting

on May 30, 2023. Sample letters to residents and the copy of the ad were shown in the presentation. A sign was placed at 16960 Rte. 2 and information about the proposal is also available on the website.

Diagrams and maps were also shown. Planning Board will review the information and comments, from the public and the Planner and make a recommendation to Council.



The diagram to the left shows the current Agriculture (A1) Zone in white, the current General Commercial (C1) Zone in grey and the proposed Light Industrial (M1) Zone as striped.

Approximately 0.45 acres of land (from PID 658799) behind PID 283325 is currently being used for parking. The proposal asks that 1.58 acres from 658799 (approximately 10 acres) be rezoned to Light Industrial, as well as the sides of PID 283325 which is currently Agricultural (A1) and the centre portion of 283325, currently zoned Commercial (C1).

Planning Board will review information and comments, including those from the planner and the public and will

decide on a recommendation to Council.

The Development Officer reviewed the permitted uses in each of the zones under discussion.

**Permitted Uses in the Agriculture (A1) Zone** include the following:



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- a) Agricultural and Resource Uses, including a Barn, stable, or other agricultural Structure, Accessory Building, and Residential Use directly related to a Farm
- b) Forestry Use
- c) Resource Commercial Use, including a Farm Gate Outlet
- d) Resource Industrial Use
- e) Single-Unit Dwelling
- f) Mini Home
- g) Duplex Dwelling
- h) Semi-Detached Dwelling
- i) Accessory Apartment
- j) Tourist Establishment
- k) Accessory Building
- l) Craft Studio
- m) Wind Energy Facility

**Permitted Uses in the General Commercial (C1) Zone**

- a) Business or Professional Office
- b) Child Care Facility
- c) Dwelling Unit in a Commercial Building
- d) Funeral Home
- e) Hotel or Motel
- f) Medical, Health and Dental Office
- g) Personal Service Shop
- h) Public Parking Lot
- i) Resource Commercial Use
- j) Restaurant
- k) Retail Store
- l) Wind Energy Facility
- m) Accessory Buildings

**Light Industrial Zone (M1)**

- a) Permitted Uses in the C1 Zone
- b) Activities connected with an Automobile Shop, Automobile Service Station or repair shop
- c) Concrete Plant
- d) Contractor's Yard
- e) Farm Machinery and Heavy Equipment Depot, Dealerships and Repair Shop
- f) Food Processing
- g) Manufacturing and assembly
- h) Restaurant or Cafeteria
- i) Storage of Sand and Aggregate
- j) Transport Operations, including trailer storage
- k) Warehousing
- l) Wholesale Operation
- m) Wind Energy Facility n) Accessory Buildings

The Development Officer also noted the following:

1. Planning decisions are about the land use – not about the person.
2. An Official Plan and a Development By-Law are completely separate documents, although they complement each other. An Official Plan sets out a community's vision and goals for the future. It ensures that new development and growth considers a broad range of interests and perspectives and that land use planning decisions reflect local values. It includes long term growth forecasts, future development patterns, and strategies for protecting resources. Development Bylaws put the Official Plan into effect and provide for its day-to-day administration. The Official Plan is the overriding document.
3. A final Council decision to approve the re-zoning will need to be deferred until the Future Land Use Map in the Official Plan is being amended to show the subject parcels as M1-Light Industrial.
4. Written comments will be received at the Municipal Office or to [develop@miltonvalepark.com](mailto:develop@miltonvalepark.com) until **Thursday, June 1 at 4:00 p.m.**
5. A Planning Board Meeting is scheduled for Thursday, June 1 at 7:00 p.m.

Residents were then given the opportunity to comment or ask questions:

David Mol noted that his concern was that if the property were to be re-zoned Industrial that in the future other industrial uses could locate on the parcels. He asked if there was another way that the proposed changes could happen.

The Planning Board Chair noted that currently parking is taking place on PID 458910 which is zoned A1 and is potentially a residential lot. If the application is approved, the applicant intends to return that parcel to green space, and the front of the business would be approximately 75 feet wide.

Mr. Mol hopes that by adding the parking to the rear of the building that the “creep” of vehicles being parked by him would stop. He would be in favour of consolidating the parking behind the building, but does not want to see more vehicles added to the properties.

The Planning Board Chair noted that there were three other letters received to date and highlighted the contents:

The first letter from residents noted that they were against the rezoning proposal. They currently experience dust, noise, trucks leaving the property at all hours, and the business operates late into the evenings and on weekends. They had previously agreed to a body shop; however, they feel they live near a junkyard. They noted that parts of PID 658799 are currently used for trailers and other junk.

The second letter from a resident summarized the purposed of the application as being two-fold. PID 283325 was being rezoned to bring the property into compliance with the existing use of the property which had operated for 30 years. The second component is to rezone land from Agriculture to Light Industrial, in which one-third is already operational and non-conforming, and two-thirds would be for the expansion of a successful thriving business. The resident was in favour of the proposal in its entirety.

The third letter was received from the City of Charlottetown which noted that they had no concerns with the application, especially if it meant that vehicles parked near their wellfield would be moved further away.

Detry Carragher spoke on behalf of her parents and listed a number of concerns. Her parents own PIDs 283366 and 512319 have lived there for 25 years. They were actively involved in agriculture with raising sheep, llamas and strawberries. Their concerns are not about Mr. Frizzell, the property owner, as a person.

Ms. Carragher noted that the property is within the Charlottetown Special Planning Area (SPA). The Official Plan (2021) at 2.9 notes that the objectives of the SPA regulations are to minimize the extent to which unserviced residential, commercial, and industrial development may occur and to sustain the rural community by limiting future urban or suburban residential development and non-resource commercial and industrial development in order to minimize the loss of primary industry lands to non-resource land uses; and to minimize the potential for conflicts between resource uses and urban residential, commercial and industrial uses.

The family is concerned about the lost of agricultural land. The Official Plan allows for additional industrial development but without the lost of agricultural land. They feel this application is contrary to the Official Plan, and to section 11.2 of the Development Bylaw, which outlines permitted uses in the Light Industrial Zone.

She noted that the Official Plan section 3.5. *Industrial Land Uses* notes that the existing industrial properties within the Rural Municipality are located within proximity to one another, near the intersection of Route 2 (Malpeque Road) and Route 248 (North York River Road), and feels that the subject property is not in close proximity, but is located in the midst of Agriculture Property. She referenced 5.1 where the Vision Statement for the community is summarized as “the future vision of the Rural Municipality of Miltonvale Park is to continue to be a rural agricultural community while supporting residential development in appropriate areas and promoting recreational and institutional services for its residents.”

Ms. Carragher referenced 5.2.2 of the Official Plan which outlines the *Economic objectives* which include

- To protect the long-term viability of farming and other resource commercial and industrial activities.
- To support new resource commercial and industrial development in appropriate areas.
- To support established businesses in the municipality.
- To limit new non-resource commercial and industrial development.
- To minimize conflicts between resource and non-resource land uses.

and 5.2.4 the *Environmental Objectives* which include

- To ensure a secure and safe supply of potable water.
- To protect and enhance the quality of groundwater and surface water.
- To protect and enhance significant natural areas and wildlife habitat

The future vision in the plan is to be a rural community and she noted it does not talk about Light Industrial zoning. The family feels that rezoning is inconsistent with the future land use.

The *Agricultural Protection Policy (8.1.3)*. notes that Council's policy shall be to protect farm and forestry lands from the intrusion of conflicting land uses and to discourage the conversion of primary resource lands into non-resource uses.

The *Resource Commercial and Industrial Land Use Policy (8.1.4.)* supports resource commercial and resource industrial uses and activities that are necessary services for an agricultural community and located in appropriate areas.

The Official Plan's *Non-Resource Commercial and Industrial Land Use Policy (8.2.1.)* is to continue to support existing non-resource commercial and industrial uses within the Rural Municipality and to encourage the reasonable growth of those businesses, while permitting the limited approval of new non-resource commercial and industrial uses in order to minimize the loss of primary resource lands to non-resource commercial and industrial uses in accordance with subsection 63(10) of the *Planning Act* Subdivision and Development Regulations)

Plan action CI-1 will only permit the expansion of existing non-resource based commercial and industrial land uses where the proposed development will not involve the loss of existing resource land for a non-resource use.

The *Commercial Zone Policy (8.2.3.)* notes it shall be the policy of Council to establish a zone on land designated for commercial uses. Plan action CI-5 notes that new non-resource based commercial uses will only be permitted in the C1 Zone and shall be restricted in size in keeping with the rural character of the municipality. Plan action CI-6 notes that the Development Bylaw may be amended on application to apply the C1 zone to lands determined to be unsuited for primary resource uses, for new small-scale commercial activities appropriate to a rural area, where the objective of limiting unserved commercial development and the other policies of this official plan can be met. This section allows for the amendment to Commercial; however, a similar clause is not found in the Industrial Zone policy.

*Industrial Zone Policy (8.2.5.)* states it shall the policy of Council to establish a zone on land designated for industrial uses, with a corresponding plan action of having the Development Bylaw establish a Light Industrial Zone (M1), which shall be applied in areas where non-resource based industrial uses are already in existence.

Ms. Carragher noted that portions of the land being used for parking and storage of vehicles are currently zoned Agriculture, as seen on the notice for the meeting on the municipal website. She asked why the municipality and Planning Board are not holding someone accountable for not currently following the rules. She is not aware of permits issued for the storage of vehicles. If this re-zoning were allowed, she has concerns as to what might occur there in the future and also believed the application may result in a loss of agricultural land.

She does not believe the property is an appropriate location for this activity, and reiterated concerns about the intentions of the applicant, based on his previous actions. She estimates over 100 vehicles are currently on the properties owned by Mr. Frizzell, and asked if they were there for parking, storage or salvage.

She also believes the property is in violation of the Highway Access Regulations as well as the conditions of a 2008 Development Permit. There was not to be parking within 15 feet of the home to the west of the property, and no more than seven cars parked at the front of the property. She believes there is parking

over the septic area, and stated that parking is not supposed to require cars to be moved in order for others gain access. The applicant also owns the Birch Lane Farms property, and Ms. Carragher questions as to whether there were permits for the tractor trailers stored there.

She asked residents who agreed with her presentation to stand and be counted or submit their own letters. Approximately 6-8 in the audience stood.

Denise MacDonald-Vail spoke next and provided her notes and a letter regarding the application to the CAO.

Ms. MacDonald-Vail prefaced her reading of her letter by reading sections from the previous (2019) Official Plan, including that Community Goal to be a rural agricultural community while supporting residential development in appropriate areas and promoting recreational and institutional services for its residents. She reviewed the Economic Objectives from that Official Plan as well as the Agricultural Land Use Policy, the Resource-Based Commercial and Industrial Land Use Policy and the Non-Resource Based Commercial and Industrial Land Use Policy. Ms. MacDonald-Vail then read her letter regarding the proposed rezoning. She believed that she and her neighbours have the right to enjoy their properties. While she supports local small business, she is not supportive of small businesses changing the landscape and esthetics of the community. She has lived in this community most of her life and has already witnessed five residential or agricultural properties being re-zoned to Commercial or Light Industrial within a kilometer radius. She has heard complaints from her neighbours of noise pollution, light pollution, air pollution and traffic concerns, as well as complaints about the hours of operations for some of these businesses. She is concerned about how these businesses will affect the soil and groundwater, and drainage for neighbouring properties. Malpeque Road and Lower Malpeque Road are not designated as an Industrial Park, nor in her belief, should they ever be. She referenced the “ugliness” that surrounds residential homes in Winsloe.

She summarized her objections:

1. Agricultural land needs to be protected for future generations.
2. Rezoning the property to Light Industrial opens it up for many other uses, which may not be desirable. The property was originally approved for residential use before the autobody shop was allowed. The development is not compliant with the Official Plan and Bylaws. Council needs to uphold its bylaw for the enjoyment of residents, and should consider employing an enforcement officer.
3. This development is not esthetically pleasing. There are higher noise levels and there will be an increase in traffic and air pollution for those who live nearby.
4. Residents have a right to enjoy their property.

Ms. MacDonald-Vail also asked if Mr. Frizzell has abstained from discussion regarding his development application and if he will abstain from decision-making.

Mr. Mol spoke again, noting that he appreciated the difficult position of Andrew Frizzell, but noted there is a negative impact of sandblasting on neighbours. With the noise and dust produced, sandblasting is more suited to an interior location. The soda dust covers their vehicles and several years ago ruined a dinner party, with the loud noise and the taste of soda in the air forcing them to move inside their house, which is 400-500 ft from the soda blasting. Mr. Mol would appreciate having a building re-erected to mitigate the dust and air quality problems from the soda blasting.

Ms. Carragher asked where the remaining vehicles will be placed.

Eva Mol noted that she did not want to see the area turn into a salvage yard.

Ms. Carragher asked why there was only a 48-hour window after the meeting for the receipt of written responses. The Development Bylaw sets out timelines for the receipt of comments for an amendment. It was also noted that the Municipality must follow the processes, or could risk an appeal to IRAC.

Ricky Gariepy, son of the applicant, noted that they are trying to add to the land base of the business, not to expand. The purpose of the application is to contain everything. Insurance companies tow vehicles to the business that are not mobile. Their intent is not to grow the business, but to make it more pleasing in appearance from the road. Most of the parking from the front of the property would move behind the building. There is a tree line in the back that will screen the parking area, and the applicant will plant more trees to enclose the dust. The operation has stopped using soda dust, and now sandblasts in batches, on calmer days to minimize the inconvenience to neighbours.

Planning Board Chair Paul Poole noted that Planning Board would be meeting on Thursday, June 1 to review the application and make a recommendation to Council. A change in the zoning to Light Industrial would also require a revision of the Future Land Use Map in the Official Plan, which requires another public meeting.

Ms. MacDonald-Vail noted that once the land is re-zoned there is no turning back, and reiterated her concern about the safety of well water and soil contamination in the area.

Steve Dickieson spoke in favour of the application and hoped that Council and Planning Board can accommodate Mr. Frizzell's needs in order to support a local business. He suggested Council consider removing Automobile Shops from the list of permitted uses in the Light Industrial zone to a permitted use in the Commercial (C1) Zone.

There being no further comments, Planning Board Chair Paul Poole adjourned the meeting at 8:56 p.m.

APPROVED July 19, 2023