

PUBLIC MEETING

July 22, 2009

Approved Minutes

DATE: July 22, 2009

TIME: 7:00 p.m. - 7:40 p.m.

PLACE: Stratford Town Centre, 234 Shakespeare Drive

COUNCIL: Mayor Kevin Jenkins, Councillors Emile Gallant; Steve MacDonald; and Diane Griffin

STAFF: Vahid Ghomoshchi, Director of Planning, Kevin Reynolds, Development Officer, and Adele Gillis, Recording Clerk

RESIDENTS: 2

DEVELOPER: Michael A. Farmer & Andrew McCulla

CHAIR: Councillor Gary Clow

CALL TO ORDER: Mayor Jenkins thanked everyone for coming to the public meeting and noted that there are two items on the agenda this evening. One is the revisiting of a rezoning, and the second is the possible amendment to our pool regulations. Council has not made any decision on these two items. We are here this evening to present research, and to allow the applicants to present their applications to us. We will take the public feedback and review it before Council makes a decision on these two agenda items.

Mayor Jenkins introduced Councillor Gary Clow, Chair of the Planning and Heritage Committee and turned the meeting over to Councillor Clow.

Councillor Clow welcomed everyone in the audience and introduced Council and staff members in attendance.

Councillor Clow noted that we are here this evening to hear a rezoning application to rezone Agricultural Reserve Zone (A1) to Single Family Dwelling Zone (R1). Mr. Mike Farmer will make a presentation on the rezoning, and the Development Officer Kevin Reynolds will explain the bylaw as it pertains to the rezoning application. After the presentation the residents will have a chance to present their comments or concerns on the application.

The second part of the meeting is related to the swimming pool bylaw amendment. The Development Officer will make a presentation and input from residents will follow.

Councillor Clow noted that this public meeting is being held as a result of an advertisement published in the Guardian on July 11, 2009 and July 21, 2009, which explained the purpose of the meeting.

Councillor Clow then read the Guardian ad as follows:

The Council for the Town of Stratford will hold a Public Meeting to receive comments on the following items:

1. *An application has been received from Andrew and Jennifer McCalla to rezone parcel number 289710 (1.16 acres) located on the Trans Canada Highway, from the Agricultural Reserve Zone (A1) to the Single Family Residential Zone (R1).*

*The request to re-zone the said parcel will require a change to the Official Plan (General Land Use Map) designation from Agricultural Reserve to Residential (Serviced).
(A Sketch was provided in the ad)*

2. *An amendment to section **5.23 Outdoor Swimming Pools** which would include the following requirements:*
 - i. *Self-closing gate*
 - ii. *Self-latching gate*
 - iii. *Fence constructed to restrict climbing*
 - iv. *Retain 6 foot high fence (or at least 5 feet)*

Details of the above items are available for viewing upon request at the Stratford Town Centre, 234 Shakespeare Drive or by calling the Stratford Planning Department at 569-6255.

The Public Meeting will be held on the following date, time and location:

Wednesday, July 22, 2009 at 7:00 p.m., Stratford Town Centre, 234 Shakespeare Drive
The general public is invited to attend.

Councillor Clow then outlined the process for the public meeting as follows:

- The Applicant (Michael A. Farmer) will make the presentation on behalf of Andrew and Jennifer McCalla.
- Kevin Reynolds, Development Officer will explain the Town's bylaw requirement and the legal process.
- Residents will have an opportunity following the presentations by the applicant and the Development Officer, to ask questions or make comments on the rezoning application.
- The Development Officer will also make a presentation on the proposed amendments to the Bylaw
- Following the presentation residents will have an opportunity to ask questions or make comments on the proposed amendment to the swimming pool regulations.

Councillor Steve MacDonald joined the meeting at this time.

Councillor Clow then turned the meeting over the Development Officer Kevin Reynolds.

The Development Officer summarized the application from Jennifer and Andrew McCulla. In order for this rezoning request to move forward there are two items that we have to deal with. One is the Official Plan which will have to have an amendment to the General Land Use Plan to change the designation from Agricultural Reserve (A1) to Single Family Residential Serviced (R1), and also to the Development Bylaw, an amendment to the Zoning Map classification from Agricultural (A1) to Single Family Dwelling Zone (R1.)

We reviewed a general application in January of this year and at that time we were not involving R1; we were involving R2 which allowed for duplex uses. That application was denied by Council, therefore the applicants are reapplying. (A sketch of the area was displayed for the public to view.) The Development Officer then asked Mike Farmer to make a presentation on behalf of the applicants Andy and Jennifer McCulla.

Mike Farmer explained that in the winter an application on behalf of Andy and Jennifer McCulla to have the area that we are dealing with zoned from A1 to R2. That request was turned down at the February Council meeting. There were some concerns made at the public meeting about the proposed duplexes.

The parcel of land where Mr. and Mrs. Raynor's home is located is in Agricultural Reserve (A1.) The application now is to rezone the A1 land to R1 which would permit single family dwellings. *(area was displayed for the public)*. The whole piece, six (6) acres will be R1 with SFD on it. The property has been used by Mr. and Mrs. Raynor for approximately 50 years. The proposed subdivision will be Single Family (R1) which will include the six (6) acres parcel. It will be serviced by municipal sewer, and a water system will have to be installed and turned over to the Town.

Mr. Chairman, there is not much more that I can add. Basically it is the same as the previous application - the only difference is it will be R1 rather than R2, and there is no possibility of multi unit dwellings being put in the R1 Zone.

The Development Officer displayed a sketch showing the whole property in question.

Councillor Clow asked if there were any question or comments on this application.

Councillor Gallant: Where will the access to the subdivision be located?

Mike Farmer: The access will be North of Mr. MacDonald's home.

Development Officer: The details for road access will be discussed at the subdivision stage. All of the design work and access points will have to meet the standard of the Department of Transportation and Public Works prior to any approval being granted.

Resident: Is there only one road going into the subdivision?

Mike Farmer: Yes, there will be only one road.

Resident: Where is the sewer going to be hooked up?

Development Officer: The sewer will be hooked up to the existing sewer line on the Mt. Herbert Road. When the municipal sewer was extended to the Mt. Herbert Road, the existing homes were all serviced at that time, but the existing R1 zone extended out into the field behind the existing home on the Mt. Herbert Road. That whole area was taken into consideration and the capacity was built into the municipal sewer line when they installed the line. The sewer line was put in to handle any future development. We will be adding only one acre to the overall R1 zone and the Utility Corporation has given a brief review of that and they don't see any issues with the capacity at this time.

Resident: What about the water system?

Development Officer: This new subdivision will have a central municipal water system that will be developed by the developers. Upon completion of the construction, the system will have to be turned over to the Stratford Utility Corporation and will be owned and operated by the Stratford Utility Corporation. Once you go over five lots in any subdivision, a central water system is required. At this point in time the system will only be designed to service the new subdivision and there would not be capacity built into it, unless the Town was to be involved to service more people with it in the future.

Resident: How many dwelling will be located in the new subdivision?

Mike Farmer: Original subdivision was for 16 lots.

Development Officer: I have not seen a revised subdivision plan, but some of those 16 lots were to be for semi-detached or duplex lots. If there were sixteen lots then you are only allowed one single family dwelling per lot in the residential zones. The number of lots is the number of homes that will be in the subdivision.

Council Clow asked if there were any more questions or comments.

There being no further questions or comments Councillor Clow noted that this application will go before the Planning Board on Monday, August 3, 2009. After careful consideration Planning Board will make a recommendation to Council and Council will discuss the recommendation on August 12, 2009.

Councillor Clow then moved to Agenda Item No. 2, the Amendment to Section 5.3 Outdoor Swimming Pool.

The meeting was then turned over to Kevin Reynolds, Development Officer to give an overview of the proposed amendment.

The Development Officer noted that the Planning Department was approached by Councillor Patrick Ross early in the spring regarding the current regulations for swimming pools within the Town. Particularly pertaining to the height requirement around outdoor swimming pools. The current regulation is a six (6) foot fence. Councillor Ross asked to have a discussion with Planning Board to present some evidence of research that he had done on the subject. On April 6, 2009, Councillor Ross attended a Planning Board meeting and presented them with information from a *Safe Kids Canada* Report. The organization has done research across the country regarding safer pool regulations and they have a list of 19 names that were included in the information.

The Development Officer read the Town's current swimming pool regulations as follows:

Swimming Pool definition under the current bylaw means any outdoor structure, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 60 cm (approximately 24 inches) or more at any point or with a surface area exceeding 10 square metres (108 square feet.)

Section 5. 23 Outdoor Swimming Pools states:

The installation of a Outdoor Swimming Pool shall be permitted in any Zone in accordance with the following provisions:

- *the Property Owner shall first obtain a Development Permit from the Town;*
- *a minimum 1.8 m (6 ft.) high Fence shall be constructed in such a manner so as to impede unauthorized persons from entering over or under the Fence and the Fence shall be aesthetically presentable and preference will be given to a wood Fence;*
- *any gate on the Fence shall be capable of being locked;*
- *the Developer shall agree that other reasonable initiatives regarding maintenance and safety which are reasonable and prudent shall be carried out either at the initiative of the Developer or the Town, the cost of which shall be borne by the Developer;*

- *no outdoor Swimming Pool shall be installed in any required Front Yard or Flankage Yard.*

The Development Officer noted that the information brought forward from *Safe Kids Canada* was reviewed by Planning Board, and they asked that staff do a thorough review of local and regional legislation.

There is other legislation that our current bylaw does not cover and the one big issue is the height of the fence. A list of issues and concerns are listed below:

1. Minimum Fence Height

Retain 6' height requirement (or at minimum 5') was felt to be adequate.

- deters climbing (older children are more likely to be able to scale a 4 ft. fence.) Safe Kids shows that a lot of children up to the age of 14 die from entering pools!!
 - Fence should block view of pool, so as to not attract children; the 6' height helps in this regard.
 - the 4' height is just the minimum requirement specified by only 35% of municipalities studied, while 65% required a higher fence.
2. The pool shall have a self-closing / self latching gate
3. In-climbable Structure - this is the design of the fence that goes around the pool. The boards shall be installed in such a way that it doesn't make a ladder effect where children could climb up the side of the pool.
4. Four Sided Fence
- a four-sided fence shall be requested. However, the development officer may retain the ability for a home/building to take place of the fourth wall of enclosure. Parents can take responsibility for locking doors leading to pool decks in the home.

The Development Officer then reviewed a section on Preventing Drowning, Safer Pool Fencing Legislation Chart extracted from the Safe Kids Canada Report. This report lists a number of Canadian Municipalities that were selected and also shows their bylaw requirement.

The Development Officer then read the following proposed amendments to the swimming pool regulations:

5.23 Outdoor Swimming Pools

The installation of an outdoor Swimming Pool shall be permitted in any Zone in accordance with the following provisions:

1. *the Property Owner shall first obtain a Development Permit from the Town;*
2. *a minimum 1.5m (5 ft.) high Fence shall be constructed in such a manner*

- so as to impede unauthorized persons from entering over or under the Fence and the Fence and shall be designed to restrict climbing and the Fence shall be aesthetically presentable and preference will be given to a wood Fence;*
3. *any gate on the Fence shall be self-closing and self-latching;*
 4. *A four-sided fence shall be requested. However, the development officer may retain the ability for a home/building to take the place of the fourth wall of enclosure. Parents can take responsibility for locking doors leading to pool decks within the home.*
 5. *the Developer shall agree that other reasonable initiatives regarding maintenance and safety which are reasonable and prudent shall be carried out either at the initiative of the Developer or the Town, the cost of which shall be borne by the Developer;*
 6. *no outdoor Swimming Pool shall be installed in any required Front Yard or Flankage Yard.*

Councillor Clow noted that Councillor Ross asked that the following message be read at the Public Meeting:

The Safe Kids Canada recommends anything over four (4) feet. Their reason is that children under five have a lack of fear and they have the highest rate of drowning.

Fence of at least four feet will keep them out.

Any age over that they will get in - even if it is five feet or eight feet.

By having the fence height at five feet, we will still be above the national recommendation by one foot.

Six feet does not allow you to enjoy your neighbour, as it obstructs view from them.

This is not a negative thing going to five feet. We would be making it more appealing for people to put up a fence up - both cost and aesthetically.

Councillor Clow then asked if anyone has any questions or comments on the amendment to the pool regulations.

Councilor Griffin: What is the next step? Does this go back to Planning Board and Council?

Development Officer: Planning Board will review the comments and make a recommendation to Council at their next meeting on Monday, August 3, 2009. A resolution will be discussed at the next Council meeting on Wednesday, August 12, 2009.

Councillor Clow: I would like to make a personal comment. I believe that we are taking a step back if we go to five feet, as most insurance companies require a six foot fence, and if it means that it would save a life, I don't see any reason to reduce the fence height from six feet to five feet.

Councillor MacDonald: I already have a pool, and I knew what the regulations were and have no problem with them.

Development Officer: I do know that Johnson Insurance requires a six foot fence, so when anyone applies for a pool permit we tell them to check with their insurance company to see what they require.

Councillor Griffin: Is the request to go to five feet?

Development Officer: I believe that the original request was to go to four feet, but then it changed to five.

There being no further questions Councillor Clow thanked everyone for coming to the meeting.

The Development Officer noted that the following letter was received from Melva J. Nelson on the rezoning application. The letter reads as follows:

I am unable to attend the meeting of July 22, 2009, to offer comments regarding the above Rezoning Request, but I will voice my comments through this letter.

I live at 13 Mt. Herbert Road, where I have resided since 1983 and I owned the same lot of land since the early 1970's. I am in total agreement to this request and expect it to enhance the area and wish you well in your endeavor.

Adjourned 7:40 p.m.

Councillor Gary Clow
Planning & Heritage Chair

Vahid Ghomoshchi,
Director of Planning