

*Ms. Fraser (D12-051-2009, D09-047-2009, D14-160-2009)*  
*March 5, 2010*

Yours truly,

*Sara Jane O'Neill*

Sara Jane O'Neill, BScH, MEdes  
Environmental Planner

cc: Todd Norris, Ministry of Natural Resources, via email  
Kathy Sonnenberg, Parks Canada, via email  
Margo Watson, FoTenn Consultants Inc., via email

**MEMORANDUM** Recreation & Leisure Services Department  
Sustainability & Growth Group

**TO:** Karen Fraser, Senior Planner Development Approvals  
**FROM:** Kristine Hebert, Parks & Open Space Coordinator, Parks Development Division  
Chanda Theng, Planner Parks  
**DATE:** March 2, 2010  
**SUBJECT:** OPA/Zone Change/Draft Plan of Subdivision


Comments based on technical circulation dated February 4, 2010 and Draft Plan dated January 29, 2010.

**Parkland Conveyance:**

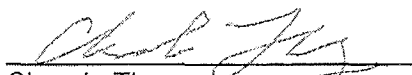
1. The approved Draft Plan shall include the following Blocks for Parkland conveyance, based on the 5% residential land contribution:
  - Block 150 as a neighbourhood parkette.
  - Blocks 148 and 149 as open space for trail connections. The design shall be sympathetic to the adjacent EPA lands.
2. That the Developer shall be responsible for hiring a Landscape Architect to design of Block 150. Prior to the any design work being undertaken by the Landscape Architect, Parks Development staff will require a meeting to talk about the intent of the space and general accessible design feature being required.
3. Park drawings for approval shall include grading and servicing and landscape plans as well as details of major elements on the site. These plans shall form part of the approved engineering plans submitted through the final subdivision approval process.

**Open Space / Environmental Protection Areas**

4. That the Owner shall deed the lands described as Open Space, to the Municipality, said lands being described as **Block 147**. Text shall be included in the Subdivision Agreement between the Owner and Municipality, to advise all purchasers that these public lands are intended to remain in a naturalized condition and that only risk management practices will be done on the land as required by the Municipality. No regular or periodic maintenance will be done on the subject parcel.
5. The approved Draft Plan shall include the **Block 151** for storm water purposes.
  - This block shall also contain a pathway connection linking Waterside Way west of Lot 50 around the north side of the pond and linking in an accessible manner up to Waterside Way east of Lot 45 of the plan. The design shall be sympathetic to the adjacent EPA lands.
  - The build out of the pathway connections shall be designed and constructed by the developer and reimbursed by the City through development charges reserve funds.
  - Approval of the design and plans and implementation schedule of the pathway system shall be to the satisfaction of the Manager, Parks Development or designate.
6. No above ground public utility such as Bell pedestals or transformers shall be situated within Block 150.
7. Warning clauses are to be included in the subdivision agreement that indicate:
  - Lot 51 abuts a neighbourhood park. The uses in this park may change over time based on neighbourhood demographics and recreation needs. The uses in the park may at times interfere with the quiet enjoyment of the yard space of this lot.
  - Lots 16-41, 44 and 45-50 abut lands that are to be used for a linear pathway system. This pathway system may on occasion interfere with the quiet enjoyment of the rear yards of these lots.



Kristine Hebert  
Parks & Open Space Coordinator, Parks Development Division



Chanda Theng,  
Planner Parks, Parks Development Division

**Nigel & Tessa Dearsley**  
**1368 Highway 15**  
**Kingston**  
**Ontario, K7L 5H6**

April 23<sup>rd</sup> 2010

Karen Fraser  
Senior Planner  
City of Kingston  
CC Carolyn Downs

**Re:** Proposed Residential Subdivision, Hwy 15:  
File #s: D09-047-2009, D14-160-2009 & D12-051-2009

Dear Karen

We are at 1368 Highway 15, (lots 5 & 6), to the north end of the proposed subdivision and adjacent to Hwy 15.

We would like to reaffirm our concerns in relation to this development and ask that they be considered by the planning committee. Taggart Investments arranged a meeting with us (25<sup>th</sup> November 2009) to discuss our concerns following the previous Public meeting and have made suggestion that, in part address some of these issues. (See attached report of meeting)

### **Property Devaluation and Privacy Issues**

(This issue was not adequately addressed at the aforementioned meeting with Taggart Investments)  
As with any development there will be a loss of privacy and quiet enjoyment. Two-story buildings will, in future, overlook our property. To this end we believe it would be appropriate to build a substantial fence and plant mature trees as a screen between the proposed development and our property. **We believe that there is a requirement for City Planning to enable us (and others) to maintain 'quiet enjoyment' in our homes, and as such City Planning should require developers to provide appropriate fencing/screening as a standard requirement wherever new construction occurs adjacent to existing residential property. We ask that such fencing/screening be constructed by the developer prior to development commencing to minimize the disruption to our lives.**

### **Lot sizes:**

On average it would appear that 10-meter wide lots are proposed for this subdivision. This would appear to be in conflict with the existing properties in this area that have very wide lot sizes. Although we understand that economies come into play when planning new sub-divisions we believe that 16 – 20 meter lot width would be more appropriate adjacent to our property. We would also suggest that only one home should be allocated to Lot 4. to be in keeping with the lots already in existence along this stretch of Hwy 15.

**Water & Sewer**

Our property is currently listed as phase 1 for both water and sewer, but neither is available and the sewer system does not presently go along highway 15 as far north as our property. The City Planning department has advised us that, because we are part of phase 1 for water and sewer, consideration should be given to the provision of such during the development of this sub-division. Also, we have concerns that construction may adversely affect the water supply to our well.

**Land Drainage**

The natural land drainage is down from Highway 15, westward towards the Cataraqui River. This would abut the boundary with lands to the west of us. Any development of these lands would need to take account of the natural drainage. This requirement, together with the requirement for water and sewer, may call for an easement through any property located immediately adjacent to our property. An alternative would be to place a road adjacent to our property to provide drainage and access for water and sewer without the need for an easement.

**Lot 4**

The boundary line indicated for lot 4 is immediately adjacent to our driveway (Lot 5). This driveway was located in its present position prior to the original subdivision of these lands. Our concern is in relation to the clearing of snow from our driveway and could possibly become an issue. Perhaps a three-meter easement should be provided on lot 4 to accommodate this requirement.

Yours sincerely

Nigel & Tessa Dearsley

## Report on Meeting with Taggart Investments

**Nigel & Tessa Dearsley**  
**1368 Highway 15**  
**Kingston**  
**Ontario, K7L 5H6**

November 29th, 2009

Karen Fraser  
Senior Planner  
City of Kingston

CC Planning Committee, City Council  
Taggart Investments (Barry Smith)  
AECOM (Doug Prinsen)  
ForTenn (Margo Watson)

**Re: Proposed Residential Subdivision, Hwy 15:**

File #: D09-047-2009, D14-160-2009 & D12-051-2009

1368 Highway 15, (lots 5 & 6), to the north end of the proposed subdivision and adjacent to Hwy 15.

Dear Karen

We are pleased to advise that Taggart Investments arranged a meeting with us (25<sup>th</sup> November) to discuss our concerns. In addition to myself and my wife, present at the meeting was Barry Smith (Taggart Investments), Doug Prinsen (AECOM) and Margo Watson (FoTenn Planning & Urban Design). We were pleased that Taggart took this initiative, appreciative that this meeting occurred and are grateful for the time that was taken to address our concerns.

The following items were discussed.

**Water & Sewer**

It was agreed that Taggart would provide a cost estimate and estimated time line to us for the provision of 4" water and 6" sewer through an easement concurrent to that required for land drainage. Access would be towards the southwest corner of our property.

Additionally, Taggart would provide a quotation for the laying of 4" water and 6" sewer from our property boundary to close proximity of our building (connection to the house system by independent plumbing contractor)

## **Land Drainage**

We were advised that it was intended to provide a swale on the property immediately adjacent to our property, to the west boundary, to control ground water flow. This swale would lead to a DRAIN located close to the southwest corner of our property. The swale to be controlled by Kingston planning to prohibit future modification that could alter the effectiveness of this swale.

## **Privacy fence**

With regard to the requested fencing for privacy: -

### ***“Property Devaluation and Privacy Issues***

***At issue:*** - *As with any development there will be a loss of privacy and quiet enjoyment. Two-story buildings will in future overlook our property. To this end we believe it would be appropriate to build a substantial fence and plant mature trees as a screen between the properties (both lot 4 (south) & Lot 2 (west) and our own property). We ask that this be constructed prior to development commencing to minimize the disruption to our lives.”*

We were advised that there is no legal requirement for such a fence to be constructed (other than the requirement for a partial fence on the south boundary of lot 5. This required fence is for noise issues from Hwy 15, to the benefit of the proposed development).

As an existing resident of Kingston I believe I have the entitlement for continued ‘quiet enjoyment’ and that such a fence should be provided between my property and the proposed development, as a condition of development, and that this should be provided wherever new construction is undertaken adjacent to established property. This should, in my opinion, be a formal policy adopted, by Kingston, wherever such development occurs.

## **Snow Clearing**

***At issue:*** - *“The boundary line indicated for lot 4 is immediately adjacent to our driveway (Lot 5). This driveway was located in its present position prior to the original subdivision of these lands. Our concern is in relation to the clearing of snow from our driveway and could possibly become an issue. Perhaps a three-meter easement should be provided on lot 4 to accommodate this requirement?”*

No effective resolution was established for this issue.

## **Lot Size adjacent to our property.**

***At issue:*** - *“On average it would appear that 10-metre wide lots are proposed for this subdivision. This would appear to be in conflict with the existing properties in this area that have very wide lot sizes. We think 16 – 20 metre lot width would be more appropriate. We would also suggest that only one home should be allocated to Lot 4. to be in keeping with the lots already in existence along this stretch of Hwy 15.*

We were advised that increased lot “intensity” was a directive from the city planners and that “low density” referred to single-family homes not the rate at which such homes are squeezed together. We were also advised that this subdivision “intensity” falls within the requirements of city planning.

It seems questionable to construct homes with four feet of property on one side and six on the other, just to provide a “detached home”. From an environmental and sustainability perspective, up-scale row (terraced) homes (as developed in Bath, UK) have provided a template for superior residential development, with the added green space. This much sought after type of development is not only less expensive to construct, but also provides economies in relation to heat retention/insulation, social community and land usage – providing the advantage of additional common parkland to the community.

The prime obstacle here would seem to be in relation to the definition of “low density” (presumably meaning detached homes). The true definition should be in the number of homes in a given area? Perhaps it is time to re-evaluate the definition of “Low density” / “intensity” and think more towards sustainable energy efficient homes built with strong community aesthetics and values?

#### **Other issues**

We were also pleased and impressed with the overall planned walkways as highlighted by Taggart. This, together with the suggested improvements to walkways through the existing Waterside Way subdivision (walkway on the river side of the road) seemed to be a positive step towards the objectives highlighted through **10B. RIDEAU COMMUNITY SECONDARY PLAN** of the official Plan.

Yours sincerely

Nigel & Tessa Dearsley