

**West Hants Plan Review
Public Meeting
West Hants Planning Advisory Committee
Centre Burlington Community Hall
November 25, 2002, 7:00 p.m.**

MINUTES

PRESENT:

Chairman Randy Matheson
Councillor Norm Clarke
Councillor Fred Horne
Ms. Traci Curry

STAFF:

Lynn Davis, Director of Planning
Jane Sodero, Planner
Velma Macumber, Administrative Assistant

ABSENT:

Councillor Reed Allen, due to business commitment
Councillor Gloria Shanks, due to illness
Mr. Larry Frenette

OTHER COUNCILLORS:

Councillor Shirley Pineo

GUESTS:

Members of the Public - 6

Warden Dauphinee sent his regrets as he had to attend another meeting.

Welcome and Introductions

Chairman Matheson introduced members of the Planning Advisory Committee and Staff to the public. He explained the purpose of the public meetings was to receive ideas from the public for the plan review. Chairman Matheson advised that this public meeting is the sixth out of seven meetings scheduled.

What is the Plan Review?

Ms. Davis thanked the public for attending the meeting. She explained the planning documents, and stated that the Municipal Planning Strategy sets out Council's and the community's vision and policies for development of the Municipality. In conjunction there are two regulatory documents. The Land Use By-law is a regulatory tool that puts the municipal planning strategy into effect through methods such as zoning. The Subdivision By-law governs subdivision. "Subdivision" means adding to or consolidating lots, taking away from a lot or creating a single lot, as well as creating fifty or one hundred lots. She advised that the purpose of the plan review is to update all the planning documents and consolidate all into one planning document for the entire Municipality. Ms. Davis advised that over time the documents may have become outdated because of changing population, provincial regulations and residents' desires for their community.

Ms. Davis explained that the plan review began approximately one year ago with Staff working on background studies including the statistical profile which outlines demographic and building trends, and also a household survey. The Plan Review for West Hants is being done in conjunction with Windsor's. All the information from public meetings, the survey and consultation with focus groups will be used to move to the next stage which is to develop a strategy concept or vision which will form a framework for the new planning document. This will not include all of the policy and regulations. It will be presented at public meetings probably in February 2003. Following the strategy concept, the next step will be to prepare a first draft of the planning strategy and land use by-law. The first draft will be presented to all communities next fall with the final draft being completed sometime in May or June 2004. Then there will be a public hearing and adoption of the final draft.

Results of Plan Review Survey

Ms. Sodero reported that a household survey was sent out to every household in Windsor and West Hants. There were 8,100 surveys sent out, with 756 returned from households in West Hants. Staff were pleased with a 10 percent return rate from West Hants respondents. 54 surveys were returned from Hants Shore and 21 from Burlington.

In West Hants, most of the respondents were between age 45 and 65. Most Burlington respondents were between ages 45-54 which reflects the 2001 Census information. The survey showed that most of the respondents from West Hants were working, of those not retired, the majority from Burlington worked in either West Hants or Halifax Regional Municipality. Overall, the survey found that 26 percent of West Hants respondents travelled to Halifax to work.

Over 90 percent of respondents lived in single family dwellings. The main difference between the responses from Windsor and West Hants, was that about 40 percent of Windsor respondents had lived in their current home for only one to five years while most West Hants respondents had lived in the same house for twenty years or more; however, 38 percent of Burlington respondents were new to the area.

The survey showed that the major influences in choosing to live in the West Hants area included: the quiet, rural setting, closeness to family, proximity to Halifax, and the cost of land. Burlington respondents' influences included being able to have horses, farming and lower taxes.

About 80 percent of West Hants respondents indicated the condition of streets, roads and sidewalks, pedestrian safety, speed of traffic, and condition of buildings were all considered serious concerns. The survey asked about encouraging different types of residential development, and respondents indicated that only two types, single family dwellings and senior housing, were acceptable. Most nonresidential uses such as home businesses and a wide range of other uses were acceptable to respondents from this area. Respondents included many of the factors which influenced their decision to move to West Hants as reasons why they liked their community. Some dislikes which were noted were: poor road conditions, lack of water and sewer services, unsightly properties, and derelict vehicles.

When asked about commercial development and where respondents did their shopping, most West Hants respondents do their shopping in Windsor-West Hants. Most clothing purchases, however, are made in HRM. Respondents from Hants Shore/Burlington did more shopping in Halifax and New Minas. Over 50 percent of respondents indicated that new businesses should locate in existing buildings downtown, existing mall space and industrial parks. About one third indicated that Wentworth Road and Brooklyn could be possible locations for new businesses. Over 60 percent of respondents from West Hants felt that they did not need a new mall; however, more than 50 percent of respondents from Burlington felt they needed a new mall.

When asked about downtown Windsor, West Hants respondents were somewhat satisfied with most aspects of downtown Windsor. A considerable number, however, were not satisfied with parking, condition of buildings, and condition of streets and sidewalks.

Most of the comments from West Hants respondents about commercial development included development in the Town of Windsor, since West Hants respondents view Windsor as their town as well. Some felt there was a need for a major retail store while others wanted to encourage small local businesses. Some respondents felt that incentives should be given such as lower taxes to encourage business development. Concerning Industrial Parks, respondents felt a wide range of commercial and industrial uses should be permitted, similar to Bayers Lake.

Over 60 percent of the respondents from West Hants felt that residential development should be directed away from prime agricultural land. Another 27 percent felt that limited residential development should be allowed on agricultural land.

When respondents were asked about municipal services, over 50 percent were very satisfied with garbage and recycling collection and 60 percent were satisfied with fire and police protection.

The survey included questions about recreation programs and composting. It touched on five different planning issues in the Windsor-West Hants area and asked how important the issues were to the residents. West Hants respondents felt protection of heritage buildings, downtown architectural standards and downtown Windsor revitalization was important as they viewed Windsor as part of their community. More than 70 percent of West Hants respondents felt preservation of farmland was very important.

With regard to future development of Windsor-West Hants, 42 percent of respondents agreed that development should be encouraged in serviced rather than unserved areas; however, over 20 percent from Hants Shore and over 30 percent from the Burlingtons disagreed. About 38 percent of West Hants respondents felt that residential development should be limited in areas with poor well water or inadequate ground water supply; 20 percent of Hants Shore respondents and 40 percent of Burlington respondents disagreed.

The question about a by-law limiting the use of pesticides in lawn care in Windsor found that over 60 percent of West Hants respondents agreed or strongly agreed, with many adding that a by-law should also be considered for West Hants.

The question about the Avon River Causeway was not a yes or no question so the answers were interpreted. Overall, approximately 38 percent of West respondents suggested that the causeway should be removed, while approximately 39 percent of Windsor respondents felt it should stay. In the Hants Shore area, 37 percent of respondents felt that the causeway should be removed, while 33 percent of respondents from the Burlington area felt it should be removed.

The public meeting recessed at 7:28 p.m.

The public meeting reconvened at 7:44 p.m.

Existing Planning Documents

Ms. Davis explained the existing planning documents. The intention is to consolidate all the separate documents into one simpler and more consistent Municipal Planning Strategy and Land Use By-law. There are four separate Municipal Planning Strategies (MPSs) and Land Use By-laws (LUBs) that cover all of West Hants. Area One covers the southeastern part of the Municipality area extending from the Kennetcook River, and including the Highway 101 corridor area, as far as Windsor. Area Two is the area north of the Kennetcook River. Area Three is the southwestern part of the Municipality extending past Windsor on Highway 14 toward Martock, and Vaughan. Areas Two and Three have the same Municipal Planning Strategy (MPS) and Land Use By-law (LUB).

Falmouth has a separate MPS and LUB, and there is another separate one for Upper Falmouth.

Area One MPS was first adopted in 1982 and last reviewed in 1991. It is the most complex of all, and has 31 zones. There are some very sound planning principles upon which the planning strategy is based. The strategy makes a clear distinction between urban and rural. The urban designation includes a concept called the Growth Centre. The Growth Centre designation applies to the Three Mile Plains/Hillcrest Drive serviced area. There are several rural designations which include a Village designation, Brooklyn, and eight Hamlets, and resource areas. The idea of the MPS is to concentrate development in the serviced Growth Centre, and to a lesser extent in the Village and Hamlets, thereby protecting and preventing development from scattering throughout the resource area. In Area One there are three Agricultural Priority zones with various degrees of restrictions.

The Falmouth MPS was first adopted in 1976 to address the rapid residential growth that Falmouth was experiencing in the 1970's and 80's. The intent of the planning strategy is that Falmouth is to develop as a predominately residential community within very defined servicing boundaries.

The Upper Falmouth Municipal Planning Strategy and Land Use By-law were adopted at the request of farmers in the area in 1989. Its intent is to protect prime agricultural land in Upper Falmouth.

The Area Two & Three MPS and LUB were adopted in 1994. It is a very simple two-issue strategy developed to protect the Falmouth Water Supply Area and prevent undesirable land uses, namely landfills, from coming into the area. There is a French Mill Brook Water Supply Watershed zone and a General Use zone. The General Use zone permits everything but landfills. Areas Two & Three have no agricultural zone. There is no identification of good agricultural land and no protection for it except dykeland. There are restrictions on intensive livestock operations, such as separation distances for new barns and from watercourses.

Intensive livestock operations shall not be located within 200 feet of an adjacent property; 150 feet of the nearest edge of a provincial highway; 300 feet from any watercourse; and 30 feet from the edge of any property on which an intensive livestock operation is located. There is a requirement that on private roads, only seasonal residential development or cottages are permitted.

Questions and comments from Public

Ms. Davis asked the members of the public for their comments.

Allan Palmer expressed concern regarding Fundy Gypsum Company expanding its mining operation by crossing Ferry Road. The concern was raised that the mining operation is creating an unsightly mess and is expanding and getting noisier. Ms. Davis stated it is a big issue and the matter was discussed at the Poplar Grove public meeting where there many concerns voiced. She stated unfortunately because of Provincial regulations, the Municipality can regulate only the location of mining structures, not the mining itself. This is very frustrating because it is in an Agricultural Priority One zone (AR-1) which protects prime agricultural land. The Province has an interest statement that municipalities must identify and protect prime agricultural land yet it allows mining to destroy the land.

Ms. Sodero advised that the Province's regulation would depend on whether the expansion across the Ferry Road is considered a new use or a continuing use. It is up to the Department of Environment whether an environmental assessment has to be done. She advised that the company's plans are not public. A concern was expressed that the Company would drain a brook. Manfred Zillig advised that if there are fish in the brook the Company would have to deal with the Federal Government through Department of Fisheries & Oceans. Another comment was made that the Federal Government is more lax than the Provincial Government. It was suggested that something be put in the municipal planning strategy to deter the Company from draining the brook. Mr. Zillig advised that if the brook is small and has dried up during the summer, anything can be done to it. However if there are fish, a permit has to be obtained.

Councillor Pineo noted that the permitted uses in AR-1 and the resource areas do not list mining as a permitted use. Ms. Davis advised that the Municipality can only regulate the location of structures and not the extraction or mining activity.

Councillor Pineo stated she did not want Fundy Gypsum Company to go across the Ferry Road. She noted that some municipalities have regulations about removing top soil. Ms. Davis advised that there are restrictions in Upper Falmouth about removing top soil.

Councillor Pineo commented that gypsum is not a mineral. She advised that the Company has two options available to them to obtain land. They can purchase out right from property owners or purchase the rights. Councillor Pineo stated she is trying to find out more information about it. Ms. Sodero advised that reclamation plans are needed for new mining operations. All new uses have to be submitted with plans and bonds. However, the question is whether it is in this case it is new or continuing. The reclamation requirements are higher than before and the companies have to work with the community. A comment was made that the Municipality should have more say in what goes on in that area.

Manfred Zillig asked if the Municipality had a grand scheme for Area 2. Ms. Davis replied there is no grand scheme yet, as Staff are still gathering information to find out what the people see as problems.

Ms. Sodero asked the public what they wanted to see. Mr. Zillig stated he felt that in Area 2 there is not much wrong. He stated he would like to see prime agricultural land protected. Mr. Zillig commented that this plan will affect the grand scheme for the next 20 years. He asked what could be done to protect agricultural land and what if there are no farmers. Mr. Zillig asked if they protect agricultural land, in 20 years what happens if they want to sell and there is no one who wants to farm. A comment was made that it is coming to a point where farmers cannot afford to operate. Allan Palmer noted that in the future, the land will be needed to produce food.

Mr. Zillig expressed concern regarding mega farming. Ms. Davis advised that at the Scotch Village public meeting discussion was held regarding mega farms. She asked whether this type of operation would likely to locate there and if there should be special requirements. A public member stated he was not sure if an intensive livestock operation would locate in the Municipality. Mr. Zillig commented that it could.

Ms. Davis said without agricultural protection, what if the area gets a new subdivision. She noted a new house only has to be a few feet from a property line. Mr. Zillig stated that there should be set back requirements for subdivisions similar to those for new barns. He also asked what if they wanted to give land to a family member. Ms. Davis advised that perhaps in 20 years the Province will have a land banking scheme, where farmers can sell their land to the government until someone else wants to take over the farming.

Chairman Matheson asked whether he was correct in thinking that the members of the public present wanted to have agricultural protection in the area. Mr. Zillig replied that it was correct.

Ms. Davis advised that in the AR-1 zone for example, there are separation distances for dwellings. The uses permitted are single family dwellings, agricultural uses, resource industrial uses such as those that support agriculture. There are no commercial or industrial uses permitted except by process of development agreement, if an environmental study shows the soil is Class 4 or less. The AR-1 zone only permits subdivision of one lot per calendar year, and only on existing roads. The AR-2 zone permits the same uses, plus recreational uses such as golf courses, and also allows for existing commercial uses, but no new ones. It is slightly less restrictive than AR-1. It does allow for two lots per calendar year. There are no restrictions on new public roads.

Mr. Zillig asked if AR-2 still had setbacks for houses from intensive livestock operations. Ms. Davis replied yes. Ms. Davis advised at the Poplar Grove public meeting, it was mentioned about the difficulties farmers are experiencing with set back requirements for new intensive livestock barns, which is 1000 ft. from an adjacent residential building. Ms. Davis advised that with the long narrow lots a comment was made that the distance between a house and barn was not workable. Ms. Davis advised the old farm buildings were often built close to watercourses, and if the farmer wants to expand there is no way the separation distances can be met. One way to allow this may be that the farmer has to have an agricultural engineer do a study showing suitable manure storage and containment. Mr. Zillig commented that intensive livestock operations would not probably locate in the middle of a village but likely anywhere else. He suggested that new single family dwellings should have a separation distance of 1000 ft from farms.

Ms. Curry stated there is the Farm Practices Act, which is provincial legislation that protects the farmer and the farming community. It protects the farmers from issues that may arise in any community, and it saves the farmers from litigation.

Ms. Davis asked the public for further input. Someone suggested "hamlets" of agriculture.

Adjourn

The public meeting adjourned at 8:35 p.m.