

**West Hants Plan Review
Public Meeting
West Hants Planning Advisory Committee
Poplar Grove Community Hall
October 24, 2002, 7:00 p.m.**

MINUTES

PRESENT:

Chairman Randy Matheson
Councillor Gloria Shanks
Councillor Fred Horne
Ms. Traci Curry

STAFF:

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

ABSENT:

Mr. Larry Frenette
Councillor Reed Allen
Councillor Norm Clarke

OTHER COUNCILLORS:

Warden Richard Dauphinee, Three Mile Plains
Councillor Shirley Pineo, Mantua

GUESTS:

Members of the Public - 17

Welcome and Introductions

Chairman Matheson introduced members of the Planning Advisory Committee 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 the Committee would like to hear all views from the public.

What is the Plan Review?

Ms. Davis thanked the public for attending the meeting. She advised that the purpose of the plan review is to update all the Municipal Planning Strategies and consolidate all into one planning document for West Hants. Ms. Davis explained that the policies and regulations set out in the municipal planning strategy and land use by-law govern land use and development. The Municipal Planning Strategy sets out Council's and the community's vision and policies for development of the Municipality. The Land Use By-law is a regulatory tool that puts the municipal planning strategy into effect. The other regulatory tool is the Subdivision By-law. Ms. Davis stated the last plan review done for Area One was in 1991. She advised that over time the documents may have become out-dated because of changing demographics and residents' desires for their community.

Ms. Davis explained that the plan review schedule started with Staff working over the last year on background studies including the statistical profile, and household survey. This meeting is the first of a series of community meetings scheduled in West Hants between now and the end of November. Ms. Davis advised that the Committee met with developers and will also be meeting with the farming community sometime in January. The next step is to use all the input from the public meetings to try to develop a strategy concept or vision that will form the framework for the new plan for the entire Municipality. This will not include all of the policy and regulations. It will be presented at public meetings probably in February 2003. 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 second draft in 2004. There will be more public meetings, then the final draft will be completed in May or June 2004.

Results of Plan Review Survey

Ms. Sodero presented the results of the Plan Review Survey.

Ms. Sodero reported that there were 8,100 surveys sent out, over half to households in West Hants. There was a 9.4 percent return rate for the West Hants respondents, which is a good return rate. Ms. Sodero advised that she prepared a breakdown of communities of the West Hants surveys and tried to bring out responses particular to this area. Over 3 percent of the total West Hants respondents were from the Avondale-Belmont-Poplar Grove area.

In the Avondale-Belmont area, over 23 percent of the respondents were between age 55 and 65. The survey showed that 75 percent of the respondents from this area were working, of those over 36 percent worked in Halifax Regional Municipality with another 17 percent working in West Hants. Overall, the survey found that 45 percent of West Hants respondents worked outside of Windsor-West Hants area with 27 percent travelling to Halifax to work.

Single family dwellings were the most common type of dwelling for respondents in West Hants and the next most common type of housing was mobile homes.

Ms. Sodero noted that about 35 percent of West Hants respondents had lived in the same house for twenty years or more, while in Windsor, about 40 percent had lived in their current home for only one to five years. This was the main difference between the responses from Windsor and West Hants.

The survey showed that the major influences in choosing to live in Avondale/Poplar Grove included: the quiet, rural atmosphere, proximity to Halifax, and the cost of land.

Ms. Sodero found that 80 percent of West Hants respondents indicated that the condition of streets, roads and sidewalks, pedestrian safety and condition of buildings were all considered to be serious concern. The survey asked about encouraging different types of residential development. Most West Hants respondents felt that single family dwellings and senior housing should be encouraged but more than 50 percent felt that apartments should be discouraged. Most non-residential uses such as home occupations and convenience stores 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: 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 grocery shopping in Windsor. Most clothing purchases are made in HRM, but furniture, appliances and autos are generally purchased in Windsor. Respondents from Avondale/Poplar Grove did more shopping in West Hants than West Hants respondents as a whole. Ms. Sodero said that most respondents indicated that new businesses should locate in existing buildings downtown, existing mall space and industrial parks. Brooklyn and Wentworth Road were also mentioned as a possible locations for new businesses. More than 60 percent of respondents felt that a new mall was not needed.

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 about commercial development included development in the Town of Windsor, since West Hants respondents seem to view Windsor as their town as well. Some respondents felt there was a need for a large retail store while others wanted to encourage smaller local businesses. Most respondents felt that the industrial parks should include a wide range of uses such as are found in Bayers Lake.

Over half of the respondents from West Hants and Windsor felt that residential development should be directed away from prime agricultural land. This number was significantly higher in the Avondale/Poplar Grove area.

When respondents were asked about municipal services, most people were “somewhat satisfied” with most services although more than 60 percent were very satisfied with garbage and recycling collection and fire and police protection.

The survey included questions about recreation programs and composting. It referred to five different planning issues in the Windsor-West Hants area and asked how important the issues were to the residents. These included protection of heritage buildings, downtown architectural standards and Downtown Windsor revitalization. Most respondents from West Hants felt that these were important issues. In addition, 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 felt that development should be encouraged in serviced rather than unserviced areas and that residential development should be limited in areas with poor well water or inadequate ground water supply.

The question about a by-law limiting the use of pesticides 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 and Ms. Sodero had to categorize the responses. Overall, approximately 36 percent of respondents suggested that the causeway should be removed, while approximately 32 percent felt it should stay. Some respondents did not have an opinion and some stated they needed more information. In the Avondale/Poplar Grove area, almost 46 percent felt that the causeway should not be removed.

Existing Planning Documents

Ms. Davis explained the existing planning documents. There are four separate Municipal Planning Strategies (MPSs) and Land Use By-laws (LUBs) that cover all of West Hants. Area One includes the Poplar Grove, Belmont and Avondale area. It covers the area south of the Kennetcook River extending from the eastern boundary of the Municipality, and including the Highway 101 corridor area, as far as Windsor. Area 2 is north of the Kennetcook River. Area 3 is the southwest part of the Municipality extending past Windsor on Highway 14 toward Martock, Windsor Forks and Vaughan. There is a separate municipal planning strategy (MPS) and Land Use By-law (LUB) for Falmouth and another separate one for Upper Falmouth. The intention is to consolidate all the separate documents into one simpler and more consistent Municipal Planning Strategy and Land Use By-law.

The Falmouth MPS was adopted in 1976 to address the rapid 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. Its intent is to protect prime agricultural land in Upper Falmouth.

Areas 2 & 3 have a two-issue strategy developed to protect the Falmouth Water Supply Area and prevent undesirable land uses, namely landfills. There is a water supply zone and a general use zone. Approximately half of the Municipality is zoned general use.

Area One is more detailed. It was first adopted in 1982 and reviewed in 1991. It is the most complex of all the planning strategies. The Land Use By-law 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 serviced area. The rural designations apply to a village designation, Brooklyn, and eight hamlets, one of which is Newport Landing, and there are 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.

The Village of Brooklyn is intended to be a service centre for the surrounding countryside. The hamlets are intended to provide locally oriented services to the residents of the area. They allow churches, community halls, and limited residential development. The intent is to maintain the rural atmosphere. Within the resource designations, resource activities are of prime importance. The resource zones include Mining Resource (MR), Forest Resource (FR) and a Combined Resource (CR) zone. There are three agricultural priority zones. The most stringent is Agricultural Priority 1 (AR-1) which covers most of the Avondale Belmont loop area. The AR-2 zone is less restrictive. There is AR-2 land in Scotch Village, Brooklyn area, Ardoise. The AR-3 zone is less restrictive still.

The AR-1 zone permits agricultural uses, resource industries, the sale of produce raised on farms at farm markets stands on farm properties. It permits residential uses such as single family dwellings, mobile homes and two-unit converted dwellings. Development is limited because subdivision is limited to one lot per calendar year, and no new roads are permitted in AR-1 zone. Uses such parks, churches, community halls, and recreational uses except golf courses, are permitted. There are provisions for some small commercial uses, primarily home occupation. These are intended to be small scale, not intended to create problems with neighbours and create disturbances. There are limits on the square footage that can be used and the number of employees. In the AR-1 zone, commercial or industrial uses that do not fit into the home occupation provision, can be permitted by development agreement.

It is an agreement between the Council of the Municipality and the property owner that sets out conditions on how the use can operate; for example, parking, access, buffering, landscaping and hours of operation. It gives Council more control over what happens. The purpose of the AR-1 zone is to protect agricultural land. One of the conditions for a development agreement is that an environmental study must show that the land is unsuitable for agriculture and that the proposed use would not affect neighbouring farm uses.

Hamlets, the closest being Newport Landing, allow locally oriented uses and small scale development. There is a wider range of zones, more uses permitted. Rural Residential (R6) allows for semi detached and duplex dwellings, churches, schools, community halls, post offices, fire stations, and agricultural uses, except intensive livestock operations. There are two other zones, the Hamlet Commercial zone (C1) which allows small commercial uses, and Hamlet Industrial (M2) zone which allows light industry, service shops, sheet metal shops, etc.

Another zone that applies in the Avondale area is the Mineral Resource (MR) zone. The zone is intended to apply to active mine areas. The zone regulates the location of structures related to mineral extraction. There are separation distances between mineral resource industries and residential uses.

Questions and comments from Public

Councillor Pineo stated that it is known that the AR-1 zone is protecting the farmland, but the Gypsum Company has been purchasing much land and clear cutting. She asked when the company gets to the end of Ferry Road, the end of the Mineral Resource zone, will they be permitted to continue mining, therefore ruining all the farmland that the MPS tries to protect, without coming to Council for rezoning. Ms. Davis replied there is no clear answer, the whole regulation of mineral resources is very complex issue, and the Province has regulations dealing with mining and mineral extraction. What the Municipality is regulating in the Land Use By-law is actually the location of structures. Ms. Davis stated it is her interpretation that if they want to put a structure related to their operation on a property that is not zoned Mineral Resource, they could not do that. However, they may be able to mine without rezoning. She also added that more research will have to be done on the matter.

Donald Pineo expressed his concerns about the Gypsum Company ruining farmland.

Daryl Sheehy stated the way to prevent the Gypsum Company from ruining the land is to allow houses to be built on farmland. However, the Land Use By-law does not allow for that. Ms. Davis advised that the AR-1 zone limits building houses to protect the farmland.

Daryl Sheehy advised that permits are issued to allow for horse stables that have no agricultural use, boarding farms etc. What agricultural use is a saddle horse? Ms. Davis stated that livestock is permitted in the zones.

One member of the public asked whether the Gypsum Company could use Ferry Road, or block it off. Ms. Davis advised that cannot block the road as it is a Department of Transportation Road, however they can get approval for access from the Department of Transportation. One resident suggested that the MPS and LUB not be reviewed until this matter is resolved. Ms. Davis said that is why we are here as it is part of the review to get answers.

One member of the public advised that there were many people who have land with a small amount of road frontage, but maybe ten acres in back, why can't they have a lot on a right-of-way. He did not see the need to have the land when it could be sold off for a building lot. Ms. Davis replied the Subdivision By-law sets out conditions under which a person can subdivide a right-of-way lot. If a parcel qualifies for the right-of-way provisions, then a lot can be subdivided. She suggested contacting the Development Officer, Doug MacInnis, to get a clear answer. He will need specifics about the particular property.

Ms. Davis clarified that the term "subdivision" in the planning documents means adding onto a lot, or creating one lot, as well as creating a hundred-lot subdivision.

One member of the public noted that some of the land that is zoned agricultural is not suitable for farming, but you still can't build a house on it. Ms. Davis advised that if it is a vacant lot, somebody could put one house on it. If you have an existing lot, even if it does not have the required road frontage, you can still put one house on it, however you cannot put a second house on it.

Daryl Sheehy asked about the soil classification in the AR-1 zone. Ms. Davis advised that the AR-1 zone was intended to apply to Canada Land Inventory Class 2 or 3 soils. She said when she referred to industrial or commercial development that has to be done by development agreement, one of the conditions is that an environmental study must show that the soil is unsuitable for agriculture, Class 4 or worse. Mr. Sheehy expressed concerns about classing all the land as Class 2 or 3 soils when it may not be suitable, and leaving it to the land owner to prove otherwise. He said the Municipality should have to prove it. Mr. Sheehy stated there are other things that could show if it is suitable for farmland. Ms. Davis stated the soil classification was based on the mapping available. The scale of mapping was not great but still was the best they had available. The Municipality is relying on the resources they have. Kristie Sheehy said that a person could tell by looking at the land that it is not suitable for farmland.

Warden Dauphinee said the planning review is set up to listen to the people and if they want something changed, this is the time to have it changed. He stated the last review was ten years ago and now they are back to find out if the people still want the same things. Warden Dauphinee stated he did not sit on the Planning Committee but he will be voting on the plan. He said he was here to listen to what people had to say. His understanding is that the Committee is hear to listen to the people.

Warden Dauphinee asked if the Gypsum Company had the rights for whatever is under the ground, do they pay fair market value for the property. He stated it was an important issue and asked if they have rights, how could they be stopped. Chairman Matheson said there may not be a whole lot that can be done because of provincial legislation, but it will be looked into.

Bill Malcolm asked if the survey included a question about where farming is going. In the Avondale area, there is land that no one has farmed. Ms. Davis stated Staff are working on an agricultural profile, including statistical information. It will also be important to look at the actual land use. Mr. Malcolm noted that the farming structure has changed over the years.

Daryl Sheehy asked when doing the Plan Review if setback requirements will be reviewed. He noted that a residential dwelling is not permitted within 1000 ft of intensive livestock operation. Mr. Sheehy asked why the large separation distance for intensive livestock operations. He suggested a compromise that allows residential development by development agreement. Mr. Sheehy questioned what if he wanted to give land to his children. He questioned having sustainable development in the area. Chairman Matheson stated with respect to intensive livestock development, the concern at the time was that there were some high profile cases where many farmers in the Province were being sued by their neighbours.

Daryl Sheehy suggested drafting a MPS and LUB stating what people cannot do. He stated he did not agree with the definitions for farm markets and fruit stands. The definitions are not clear.

Ms. Davis clarified that the separation distance for new dwellings near an intensive livestock operation is 500 ft.

Glen Mosher stated he has 60 acres on one side of the Ferry road, 80 acres on the other side, and more on Belmont Road. In all those acres he cannot build a dairy barn because it has to be 1000 ft away from a house. However, someone can build a house 500 ft from his barn. Mr. Mosher stated farmers cannot do what they want on their land. Chairman Matheson asked Mr. Mosher what he would like to see. Mr. Mosher replied he was not sure of what the answers were, but he wanted this looked at. He stated he had all that land and cannot build a barn on it. Chairman Matheson stated the Committee is looking for solutions and if there is something that they can do to alleviate that problem and provide the protection the farmers want, the Committee is open to the discussion. Mr. Mosher advised that farmers need to have a little bit of leeway if they want to build a barn. Ms. Davis advised that municipalities are looking at different ways of dealing with that problem and one way is to have an agricultural engineer do a study showing suitable manure storage and containment. Mr. Mosher suggested reversing the setback requirements.

Councillor Pineo asked as part of the Plan Review, if the Planning Department was going to contact all the major farmers of the area. She felt this was important enough issue that they should have a separate venue and deal with all their points of view and what is going on in their lives. Ms. Davis said Staff will use various ways of making contact, advertising, etc. She stated a date will be scheduled possibly sometime in January to meet with the agricultural community.

Glenn Mosher asked with regard to separation distances, if the distances included crossing the roads. Ms. Davis replied yes. Mr. Mosher asked if one of his children wanted to build a house today do they have to be 500 ft from his barn. Ms. Davis replied yes, if it is on a separate parcel. Mr. Mosher asked what if they worked on the farm. Ms. Davis stated if it is on the same parcel as the barn is on, there can be more than one dwelling as part of the farm operation. But on a separate parcel, the Municipality could not control who would be living there and it could be sold. Ms. Davis stated the Municipality has no way of knowing what relationship that person is to the farm operation.

Bill Malcolm stated when people cannot build a house on farmland due to the Land Use By-law it was not exactly protecting it for future farm families. The land is restricted, they want to stay in the community but are forced to move outside the area because they cannot build there. Ms. Davis said the intent is to protect agricultural land and building houses on it is still taking land away from farming.

Ms. Curry stated she sits on a committee called the Farm Practices Act, a provincial committee, which has provincial legislation which does protect 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. Daryl Sheehy asked if the provincial government had regulations with regard to new barns and manure storage. Ms. Curry replied there are guidelines and standards. There is no permit legislation for every one of these issues. Kristie Sheehy commented that the AR-1 zone protects the land and not the farmer. Ms. Davis stated the intent is to protect the good land that may be needed at some time to produce food.

Discussion was held regarding why a golf course is permitted in AR-2 and not AR-1.

Glen Mosher asked about selling a lot from a parcel of land. Ms. Davis advised that one lot can be sold per parcel per calendar year. Daryl Sheehy commented one lot per year with road frontage. Ms. Davis advised that the parcel could qualify for right-of-way provisions.

Ms. Davis advised that the AR-1 zone was determined by the Planning Advisory Committee and Council and staff at the last Plan Review. It was based on the mapping of Class 2 or 3 soils and actual farmland. Ms. Davis stated at that time people had the opportunity to voice suggestions about change. The final decision is Council's. They listened to the advice of staff, and the public, and then made an informed decision.

Glen Mosher commented that the distance between the house and barn is not practical. He suggested that perhaps the subdivision provisions could allow for one lot to be sold every three years.

Bill Malcolm asked if the separation distance was the same in AR-2 as in AR-1. Ms. Davis replied that the separation distances are the same in both zones.

Daryl Sheehy asked about restrictive covenants when registering a deed as to what a person can do on a residential development. Ms. Davis replied that the Municipality cannot enforce covenants.

Councillor Pineo reiterated concerns about Fundy Gypsum buying up land for possible mining. Chairman Matheson stated the matter regarding Fundy Gypsum Company will be looked into. Glen Mosher stated he would like to see the Ferry Road left open. Chairman Matheson advised that it is not in the Municipality's jurisdiction.

Chairman Matheson thanked the members of the public for attending the meeting. He stated Council commends staff for their work and that they carry out what Council has approved.

Adjourn

The public meeting adjourned at 9:22 p.m.