

**West Hants Plan Review
Public Meeting
West Hants Planning Advisory Committee
Upper Vaughan Community Hall
October 28, 2002, 7:00 p.m.**

MINUTES

PRESENT:

Chairman Randy Matheson
Councillor Reed Allen
Councillor Norm Clarke
Councillor Gloria Shanks
Councillor Fred Horne
Ms. Traci Curry
Mr. Larry Frenette

STAFF:

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

OTHER COUNCILLORS:

Deputy Warden Gary Cochrane, Wentworth Road

GUESTS: Members of the Public - 7

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.

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 Land Use By-laws and consolidate all into one planning document for the entire Municipality. Ms. Davis explained that 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 Subdivision By-law is the other regulatory tool. Ms. Davis stated that over time the documents may have become outdated because of changing demographics and residents' desires for their community, and provincial regulations.

Ms. Davis explained the plan review schedule. Staff have been working for the last year on background research including reports such as the Statistical Profile which outlines demographics and building trends, and a household survey. This meeting is the second of a series of seven community meetings scheduled in West Hants between now and the end of November. The first community meeting was held in Poplar Grove on October 24th. Ms. Davis advised that the Committee met with developers and also will be meeting with the agricultural community sometime in January. The next step will be to use all the input from the public meetings and consultations to draft a strategy concept or vision. It will be presented at public meetings probably in February 2003. Staff will then be preparing a first draft of the planning strategy and land use by-law to be presented to all communities next fall. The second draft will be presented sometime in January or February 2004. The final draft will be completed in the Spring or Summer 2004.

Results of Plan Review Survey

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

Ms. Sodero reported that approximately 8,000 surveys were sent out to households in Windsor and West Hants, over 4,000 of those to households in West Hants. There was a 9.4 percent return rate for the West Hants respondents. 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.

In the Vaughan area, the majority of respondents were between the ages of 45 and 65. The survey showed that most respondents from West Hants worked in West Hants, while over 27 percent travelled to Halifax to work.

Single family dwellings were the most common type of dwelling for respondents from 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. In the Vaughan area, however, a high percentage had lived in the community for a short time. This is indicative of new development in the area.

The survey showed that the major influences in choosing to live in the Vaughan area included: the quiet, rural atmosphere, closeness to family, and the cost of land.

Ms. Sodero found that West Hants respondents expressed concerns regarding the condition of streets, roads and sidewalks, pedestrian safety, traffic and condition of buildings in their area. The survey asked about encouraging different types of residential development. Most West Hants respondents felt that only single family dwellings and senior housing should be encouraged, but in this area cottages were also considered to be acceptable. West Hants respondents would like to see a variety of non-residential uses such as home occupations and churches. Respondents included many of the factors that influenced their decision to move to West Hants as reasons why they liked their community. Some dislikes that were noted were: poor road conditions, lack of water and sewer services, unsightly properties, and speed of traffic.

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.

Ms. Sodero said that most respondents suggested that new businesses should locate in existing buildings downtown, existing mall space and industrial parks. Garlands Crossing and Falmouth were also mentioned as possible locations for new businesses. 60 percent of respondents from this area felt that a new mall in Windsor was needed, this was unlike West Hants respondents in general.

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 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. There was also a desire to revitalize the downtown area. With regard to Industrial Parks, respondents felt a wide range of commercial and industrial uses should be permitted.

Over half of the respondents from West Hants and Windsor felt that residential development should be directed away from prime agricultural land. In the Vaughan area, some respondents felt that people should be able to do what they want with their property or to let the farmers decide.

When respondents were asked about municipal services, more than 60 percent of respondents were “somewhat satisfied” with most services. In the Vaughan area, respondents were not satisfied with tourism, recreational activities, police and fire protection.

The survey included questions about recreation programs and composting. This area had a lower participation rate in recreation programs linked to location and transportation. There were five different questions on planning issues in the Windsor-West Hants area. 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, 71 percent of respondents either “strongly agreed” or “agreed” that development should be encouraged in serviced rather than unserviced areas. More than 20 percent of the respondents from Vaughan did not agree. With regard to residential development being limited in areas with poor well water or inadequate ground water supply, respondents from this area “strongly agreed” or “agreed.” A high number of respondents from Martock disagreed with this statement.

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 concerning the Avon River Causeway was not a yes or no question and Ms. Sodero had to gauge whether a response was a yes or no. In this area there was an even split. Generally, 38 percent of West Hants respondents suggested that the causeway should be removed and 39 percent of Windsor respondents felt it should not be removed.

There were no questions from the public about the results of the survey.

The public meeting recessed at 7:29 p.m.

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

Existing Planning Documents

Ms. Davis explained the existing planning documents. She advised that intention is to consolidate all four separate documents into one simpler and more consistent Municipal Planning Strategy and Land Use By-law for the whole Municipality. Area One 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 and covers the Shore area. 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 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.

Area 1 has a complex Land Use By-law that has 31 zones. The strategy makes a clear distinction between urban and rural. Chalet Hamlet is in the rural designation. The urban designation is the growth centre which applies to the Three Mile Plains/Hillcrest Drive serviced area. The idea is that most of the more intensive non-resource uses will be directed to the growth centre. The MPS's rural designation applies to a village designation, Brooklyn, and eight hamlets, and the remainder of 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 the resource areas. In Area 1, there is a Forest Resource (FR) zone, which applies to Chalet Hamlet. There are also three Agricultural Priority areas; AR-1, AR-2, and AR-3, whose purpose is to protect agricultural land.

Chateau Village is in Area 3. The Area 2 & 3 MPS and LUB were adopted in 1994. This is a 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 water supply zone and a general use zone. The general use zone permits everything but landfills. Areas 2 & 3 have no agricultural zone. There is no identification of good agricultural land and no protection for it except for dykeland. There are restrictions on intensive livestock operations, such as setbacks from watercourses.

There is a requirement that on private roads, only seasonal residential development or cottages are permitted.

Questions and comments from Public

Marnie Metke asked if within the Forest Resource zone, there were any new areas that were going to be developed, or plans submitted for certain properties for residential or cottage development. Ms. Davis said that plans for developments are confidential until they are actually submitted to the Municipality. She stated she was not aware of anything coming before the Development Officer.

Marnie Metke advised that the road into Chalet Hamlet is being used by forestry companies , and the Department of Natural Resources, as well as Chalet Hamlet property owners. She asked if there were any regulations put in place to ensure that roads are being constructed to today's standards. Mrs. Metke advised that Chalet Hamlet has within its boundaries three roads that the residents' association does not own which are not up to standard. She asked if developers have to follow regulations.

Ms. Davis replied that there are design and construction standards for new private and public roads, but not for existing roads or subdivisions approved under the old requirements. Mrs. Metke expressed concern about a road that was built that did not correspond to the map. She stated the other two roads do not meet standards. Mrs. Metke said the property owners would like to know when a development is coming and what types of roads are being accepted. Ms. Davis advised that when the roads were created the Municipality did not have any construction standards in place. The Municipality has no way to make the developer bring the roads up to today's standards as they were already approved on paper through subdivision approval. Mrs. Metke expressed concern that the company who submitted the original design was not the company who built the roads. Ms. Davis stated the lots were already approved in the plan. When a developer submitted a survey plan showing the design, before the construction standards were in place, they had an engineer look at the road design. Once it was approved the developer could proceed with subdivision plans and new lots without building the road. When the Development Officer reviews the plan, if the lots meet the Land Use By-law requirements then the subdivision plan is approved and filed with the Registry of Deeds. The lots shown on the subdivision plan are separate entities and do exist.

Mrs. Metke expressed concern regarding the infrastructure of roads that they do not match the plan. There have been problems in the past with emergency vehicles not being able to find properties, and there are no road signs. She commented that the roads were poorly constructed. Ms. Davis stated there were lots approved under the old construction standards. One member of the public asked how the developer could change the design of the road without approval. Ms. Sodero stated that the roads would be grandfathered in. Mrs. Metke questioned how the development would be allowed to continue. She advised that the actual road changed from a cul-de-sac to a through road. Mrs. Metke asked if development had to meet today's standards. Ms. Davis stated that new development has to meet road design and construction standards. If the development were existing, the Municipality cannot go back and make the developer rebuild the roads to the current standards.

Pam Tracz said there is an enforcement problem. She questioned the setback requirements for a house in the area. She asked how it was approved since it is within 15 ft of the water and the drains from the property go into the lake. Ms. Tracz stated she felt there was a double standard happening, she was expected to exceed what is needed for her property while someone does not have to meet the requirements. Chairman Matheson asked for more information to investigate the matter.

Ms. Davis advised that the Building Inspector does building inspections and the Development Officer deals with administering the Land Use By-law. She said if there is a LUB violation the Planning Department would like to know about it.

Mrs. Metke stated the Municipality needs to be more proactive then reactive and police the areas.

Marvin Rafuse stated there is a problem with the enforcement of by-laws especially regarding set back requirements near a lake or barn. He advised that there is a property in Upper Vaughan that has its septic waste draining into the ditch. Ms. Davis agreed there is a problem with the Department of Environment enforcing their regulations.

Carmen Rafuse stated that Ken Smiley, from the Department of Environment, had been informed of an incident of raw sewage draining into a lake culvert. Mr. Rafuse said he had not had any further response from Mr. Smiley regarding the matter. He wondered how some property owners obtain permits for building as someone has a cottage on the river. Councillor Clarke noted it was an old existing cottage on stilts. Ms. Davis advised that if the cottage existed before the by-law, it would be grandfathered. She suggested that perhaps the Municipality may require a location certificate that shows where the foundation is actually located on the property so they can ensure the setbacks are met. Pam Tracz stated it would have to be more specific and that it should be done before the foundation is poured. Ms. Sodero gave an example in another municipality where the foundation was poured before the location certification was submitted and the foundation had to be removed.

Ms. Davis asked the public what they would like to see in Chateau Village. She stated that a wide range of uses is permitted in the General Use zone. However, the Forest Resource (FR) zone which applies to Chalet Hamlet is more restrictive. Ms. Davis asked the public if they would like to have a MPS similar to Area 1, with village and hamlets designations, etc.

Mrs. Metke expressed concerns regarding the infrastructure of the community when it came to the costs of maintaining their roads.

Ms. Davis asked the public if they would like to see requirements for lake front development and along water courses more stringent.

Ms. Davis advised that one requirement for construction and design for private roads is that the length of a dead end road or cul-de-sac is limited to 1,200 ft. Ms. Davis advised that one developer commented that this requirement is not workable. The limit on the length of cul-de-sac was put in to stop long dead end roads as there was a concern about emergency access. Ms. Davis asked whether residents were concerned about emergency access.

Mrs. Metke commented that Chalet Hamlet property owners are responsible for maintaining their roads in the winter. The Association assesses fees to property owners to keep the roads open. Mrs. Metke said the 1,200 ft limit on the length of cul-de-sac was a good idea. She stated their road has become a more public road than a private one.

Pam Tracz stated she would like to see the Municipality more involved with the Southwest Fire Society by getting on line to building a hall. The hall could also be used for recreational purposes. Ms. Tracz suggested that Windsor Regional High School and its existing facilities should be used for recreational purposes. Ms. Davis said that it is good to find out what people think should be done with the property. When the old high school is declared surplus, decisions will have to be made.

Ms. Davis explained that in Area 3, the general use zone, there is no special protection from new industrial uses, or businesses setting up next door to their houses. She asked the public if they wanted to change this. No one expressed any opinion on this. Councillor Clarke stated the review was important and it gives an opportunity for the public to lay the foundation for the new plan.

Pam Tracz stated she had heard discussion regarding people moving from the city to Hants County. There have been comments made about “city folks” wanting “city folks” rules. Ms. Tracz felt it was important to set up guidelines to keep the “rural flavour” and that there should be good communication with the community. She stated there are people who do not realize that they are in a general zone that allows for various uses. Ms. Davis advised that Staff take the opportunity to educate the public by speaking with groups and advertising, but it is important to try to do more of this.

Carmen Rafuse asked what can be done regarding the raw sewage leaking into the lake. Ms. Davis said it was the Department of Environment’s responsibility, however, they can pass the concern to the Planning Department and Staff will speak with DOE. She asked for the location of the property. Chairman Matheson stated the matter will be investigated.

Pam Tracz asked if there were regulations regarding cows having direct access to waterways, and did they have to be fenced off. Ms. Curry stated yes, there are regulations that cattle are to be fenced in. Farmers can draw off the water for cattle to drink but the cattle are not permitted to wallow in the water.

Adjourn

Chairman Matheson thanked the members of the public for attending the meeting.

The public meeting adjourned at 8:55 p.m.