

WEST HANTS PLAN REVIEW
Public Review Meeting
Centre Burlington Community Hall
June 25, 2007, 7:00 p.m.

PRESENT: Chair Shirley Pineo
Warden Richard Dauphinee
Deputy Warden Gary Cochrane
Councillor Reed Allen
Councillor Randy Matheson
Councillor Gloria Shanks

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

REGRETS: Councillor Rick Gaudet, due to a previous commitment
Councillor Anne MacDonald, due to a previous commitment
Councillor Tom Brown
Ms. Traci Curry
Mr. John Shanks

Members of the Public: 10

Welcome and Introductions

Chair Pineo welcomed the members of the public and introduced the Planning Advisory Committee members and staff.

Presentation of proposed Municipal Planning Strategy and Land Use By-law

Ms. Davis welcomed the public to the meeting. She noted this meeting is the fifth of seven community meetings. Ms. Davis advised that so far approximately 100 people have attended the meetings. She explained the purpose of the meeting was to present drafts of the proposed Municipal Planning Strategy and Land Use By-law. The Planning Advisory Committee is seeking comments from the public. Once the community meetings are over, the Committee will be reviewing those comments to decide how to proceed. Ms. Davis stated that assuming the draft planning documents move forward to the formal adoption process, a public hearing will be held so the public will have another chance to give comments.

Ms. Davis stated, due to time constraints, the presentation will only highlight the main changes in the documents. She encouraged the members of the public to take time to read the documents and go over the maps. Ms. Davis asked that written comments or concerns be submitted as soon as possible after the meeting, or by the end of July 2007.

Ms. Davis gave an hour long Power Point presentation. She explained the process for rezoning and development agreements to allow various uses, the designations established by the MPS, and the zones within each designation.

The meeting recessed at 8:00 p.m.

The meeting reconvened at 8:15 p.m.

Questions and Comments from public

Garnet Dodge asked how much farmland was lost each year in Falmouth due to residential development. He expressed concern that development is using up the prime agricultural land. Ms. Davis stated that approximately 20 to 30 new dwellings are constructed each year in Falmouth. Mr. Dodge noted that people will sell their land to developers if offered enough money. He expressed concern that there will be a shortage of farmland to grow food in the future. Ms. Davis agreed that the areas which are feeling development pressure are in the centre of the Municipality, from Highway 101 going to Mount Denson, and the whole area around Windsor. The central part of the Municipality is also where most of the agricultural land is located. Mr. Dodge commented that the presentation stated that the Municipality is looking for more land for an industrial park, noting that the Industrial Park in Windsor is built on farmland. The new school and new hotel are also built on farmland. Mr. Dodge stated he felt that the whole Town of Windsor was built on farmland, and the new Petro Canada, A & W, and Subway were built on dykeland.

Barb Gallagher asked what an agrologist looks at in preparing a report. Ms. Davis advised that an agrologist has to determine that 90 percent or more of the development site has Class 4 soil or worse in terms of agricultural capability. Other issues that are considered include slope, stoniness, permeability, proximity to non-farm buildings. In addition, the agrologist looks at context and the location within the area, whether it is adjacent to existing active farms, whether the proposal would fragment the land and cause difficulties in terms of future agricultural use. An agrologist has many things to look at including the implications of letting the parcel going out of agricultural production.

Barb Gallagher asked if studies were required for rezoning from other zones. Ms. Davis advised that in all agriculture zones except AR-3, the less restrictive zone, studies are required for all non-farm development such as rezoning or development agreements for commercial, residential or industrial.

Barb Gallagher asked about the validity of the agrologist's study. Ms. Davis advised that the reports comes into the Planning Department first for review, if the person who prepared it was not qualified, or the report was not detailed enough, then the Planning Department would contact the Department of Agriculture to get expertise. Normally, the public would not know

about the study until the public hearing was advertised. At that point, everything is public and if someone had another report they could present it to Council for consideration. An agrologist must be a full member of the Nova Scotia Institute of Agrologists.

Barb Gallagher asked what zone was given to the area outside Summerville. Ms. Davis stated that the General Resource zone will apply outside the Hamlets of Summerville and Cheverie.

Don Aldous advised that he is part of a group hoping to build an interpretative centre on a piece of land that is now owned by the Municipality in Cheverie. Mr. Aldous asked if the property had to be rezoned to make it happen or would the appropriate zone be applied through the Plan Review process. Ms. Davis believed this property would be zoned Open Space, and trails do not require special zoning. Mr. Aldous asked if the Open Space zone would apply to all lands owned by the Municipality. Ms. Davis advised that parks and playgrounds are permitted in any zone in the Municipality while the larger recreational sites such as Irishman's Road and St. Croix Recreation Site have been zoned Open Space. Ms. Davis stated that more information and thought is needed to figure out if the property should be zoned Institutional or Open Space, and whether this should be done through the Plan Review process.

Barb Gallagher asked about the process to rezone to Resource Industrial. Ms. Davis advised this would be considered by development agreement in the AR-2 zone. Council would have to consider the criteria under Policy 8.9.5 of the MPS such as whether the proposed use would compromise the integrity of existing agricultural operations, and that the predominant agricultural character of the area would not be adversely affected. There would have to be adequate separation distances and buffering from agricultural and non-agricultural uses. Policy 8.9.5 states that use should not be one which, because of its size or nature, is more appropriately located in the Growth Centres, Village or Hamlets. This policy would apply to major industrial uses that require much land and generate a lot of traffic, and would not be suitable for a rural area. Council also has to look at whether there is safe roadway access and adequate parking, whether the use is compatible with adjacent land uses with respect to vehicle and pedestrian traffic, safety, hours of operation, the size and design of the building and signage. In addition, in the development agreement, Council could look at provisions for maintenance, landscaping, etc. Also, Council has to consider Policy 16.1.3, for any rezoning or development agreement. It includes a policy to address the environmental conditions of the site, and whether there would be costs to the Municipality as a result of the development. From the GR zone, a rezoning process would be required to allow for Resource Industrial uses.

Garnet Dodge asked whether Fundy Gypsum Company is required to do reclamation of mining sites to make the land useable again. Ms. Davis advised that the Province regulates mining operations, and any reclamation. Mr. Dodge wondered if the quarries could be used for landfill sites. Ms. Davis advised that landfills are not popular either, however, there has been talk about opening up the sites for recreational uses. Mr. Dodge wondered if there was something in place to require the Company to fill holes once a mine is closed as reclamation can mean many things such as planting trees.

Don Aldous noted that the mining operations cover a large area, but what extent does the LUB cover. Ms. Davis advised that the LUB regulates structures; mining activities are regulated by the Province, and the Municipality can only regulate what the Province allows them to do.

Avis Taylor suggested that perhaps when Fundy Gypsum Company is finished mining in the area, it may be prime industrial park land. She asked if there was some place in the documents that summarized the as-of-right provisions in the various zones. Ms. Davis advised that the individual zones would have to be looked at. Ms. Taylor asked if grouped dwellings were permitted by development agreement. Ms. Davis confirmed this. Ms. Taylor commented that the proposed documents were very comprehensive and she wanted to congratulate staff on the superb work.

Don Aldous asked whether consideration was given to designating Brooklyn as a Growth Centre. Ms. Davis advised that a Growth Centre is defined as having existing municipal services. Ms. Davis advised that several studies have been done over the years about providing municipal services to Brooklyn; however, the results are the same. The cost is unaffordable to the residents. Ms. Davis advised that the Municipality does encourage innovative systems such as cluster systems.

Chair Pineo advised that the Municipality also has been looking for alternate water supplies.

Barb Gallagher asked how the minimum setback requirements for wind turbines were calculated, and if it is the same as in Kings County. Ms. Davis advised that staff had looked at regulations from across Canada and the US. Ms. Gallagher asked what the minimum setback distance was for wind turbines. Ms. Davis stated that, for a small wind turbine, it is based on the height of the tower plus the height of the rotor blades. Ms. Davis noted that most of the towers are approaching 50 ft. or more. Ms. Gallagher asked if there could be a minimum setback of 100 ft. Ms. Davis advised that for a tower 100 ft. high, the setback from a lot line would be 100 ft. Ms. Gallagher asked about existing wind turbines. Ms. Davis stated that the Municipality may have two or three wind turbines that are not regulated. She noted that many of the noise concerns with wind turbines relates to the utility wind turbines. Ms. Davis stated that this in part is why large wind turbines are not permitted in the Growth Centres, Village and Hamlets. Ms. Gallagher asked about wind turbines that have a term of two years. Ms. Davis advised that this provision applies to exploration or test wind turbines. Ms. Davis advised that permanent large wind turbines or wind farms can only be considered by development agreement. She noted that an environmental assessment is required before establishing a wind farm. Ms. Gallagher asked if the Committee was going to set minimum setbacks. Ms. Davis advised that the policies do not set out specific separation distances, but require that adequate separation distances are maintained. Ms. Gallagher expressed concern about the possibility of wind turbines being in high demand in the future. She stated she felt it was prudent that setbacks be considered more in line with safety issues. Chair Pineo noted that a small wind turbine is located behind the old Avonian Motors building in the Town. She suggested standing in the parking lot and listening to the wind turbine. Ms. Gallagher stated she was more concerned about the large wind turbines. Ms. Davis advised that because the large wind turbines are only considered by development agreement there would be opportunity for the public to comment.

Don Aldous asked about the dykeland regulations. He noted some areas on the map that are designated dykeland and other areas are marshland that are not designated. Mr. Aldous asked about constraints. Ms. Davis advised that the dykeland designation in the planning documents is based on the Provincial Department of Agriculture's mapping of incorporated dykelands, and this was used as it gave a good mapping base with elevations. There are other marshes and even some dykeland that was not incorporated that do not fall under the regulations. Ms. Davis advised that no new main buildings are permitted on dykeland in West Hants. A building could

only be built on the land if it can be shown by a surveyor that the elevation is above the dykeland elevation. Mr. Aldous referred to the land developed on Wentworth Road and asked what was done to allow these buildings. Ms. Davis advised that the commercial development is located in the Town of Windsor, where there are different requirements. If a variance can be obtained from the Province, then development can occur. There is also a provision for an engineer to assess the site to advise on what has to be done about flood proofing and drainage.

Barb Gallagher asked about the maximum density allowed for grouped dwellings in the Hamlets. Ms. Davis advised that the maximum density is one unit per acre.

Kathy Aldous commented that she felt that having a vision for the community was important, and her vision is to keep the rural aspect, and after reviewing the documents, she feels that this is what the documents are trying to do. Ms. Aldous stated she would support the concept of having the Growth Centres and trying to maintain growth in certain areas, so this could maintain the rural areas.

Barb Gallagher asked about the Gypsum Company expansion and if Council knew if funds were set aside for reclamation when mining operations have stopped. Chair Pineo stated that the Municipality is not privy to that information. Ms. Gallagher asked if the Province had funding. Chair Pineo surmised that the funding for reclamation would not be available from the Province. Ms. Gallagher asked about the possibility of a US company coming to the area, and would funding be set aside for reclamation. Ms. Davis stated that no funding is available at municipal level.

Adjournment

The meeting adjourned at 9:10 p.m.