

WEST HANTS PLAN REVIEW
Public Information Meeting
West Hants Council Chambers
February 21, 2008, 7:00 p.m.

PRESENT: Chair Shirley Pineo
Warden Richard Dauphinee
Deputy Warden Gary Cochrane
Councillor Randy Matheson
Councillor Anne MacDonald
Councillor Rick Gaudet
Councillor Gloria Shanks
Mr. John Shanks

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

REGRETS: Ms. Traci Curry
Councillor Tom Brown, medical appointment
Councillor Reed Allen, business commitment

Public: 68

Welcome and Introductions

Chair Pineo welcomed the public and introduced Councillors and staff. She advised that Ms. Curry sent her regrets as she could not attend this meeting, and Councillor Brown advised that he will not be attending due to a medical appointment. Warden Dauphinee advised that Councillor Allen had a business commitment.

Presentation of the Draft Municipal Planning Strategy, Land Use By-law and Subdivision By-law

Ms. Davis explained that previous drafts of the proposed Municipal Planning Strategy and Land Use By-law were presented to the public at a series of community meetings in June 2007. The drafts were well received, although some concerns were raised. As a result of the comments received at those meetings, as well as some written submissions, zoning requests, and recommendations from staff, a number of changes are proposed to the draft planning documents.

Ms. Davis gave a PowerPoint presentation which included an overview of the key provisions of the draft MPS and LUB, a summary of main comments from the June meetings, and the changes proposed to the drafts. She explained the main changes include deleting the 300 ft. maximum setback for non-farm dwellings in agricultural zones, strengthening noise controls for off-highway vehicle courses, adjusting wind turbine provisions, and removing mobile homes as a permitted use in the Three Mile Plains Growth Centre outside mobile home parks. A new provision for major resort development has been added. Ms. Davis also noted that watercourse protection and coastal zone planning has been identified as a special project to be addressed after the completion of the Plan Review.

Ms. Sodero gave a brief presentation regarding the changes to the Subdivision By-law and the next steps in the Plan Review process.

Chair Pineo called a recess at 7:35 p.m.

The meeting reconvened at 7:55 p.m.

Questions and comments from Public

Daryl Sheehy, 501 Avondale Road, asked if consideration could be given to limit subdivision in the AR-2 zone to one lot per calendar year in the Avondale area rather than two lots as proposed in the draft planning documents. Ms. Davis advised that this is something the Committee could consider. She noted that the Committee also has to consider that areas which did not have any zoning before are being zoned AR-2, and some residents may not be keen on additional restrictions. Ms. Davis advised that if there was a desire for more restrictions, this is something that the Committee would want to hear about. Mr. Sheehy further commented that the area currently had the restriction of one lot per calendar year in the AR-1 zone and it was working well.

Jim White, 35 Dill Road, said he was commenting on behalf of the non-millionaire farmers of West Hants. He advised concerns were raised since the June public meetings about the draft plan preventing development in the areas zoned agriculture. Mr. White noted that there are provisions for development such as development agreements, however he believed the link to soil classification would prevent farmers from developing their land. Mr. White stated that this provision will devalue farmland. He suggested the Committee retain more flexibility and allow Council at least to look at development agreements as long as they consider the concerns of neighbours. Mr. White stated without that ability, he believed Council's hands would be tied.

Chair Pineo advised that there had been several meetings with the farming community and the Committee heard quite strongly that the farmers wanted to keep agricultural land in West Hants.

Wynne Rutledge, 444 Sangster Bridge Road, stated he attended a PAC meeting with Jim Bremner last fall, and it was his understanding that this was not Mr. Bremner's position.

Craig Faulkner, 1280 Highway 1, Mount Denson, asked why the title of Village was changed to Hamlet. He stated he was trying to figure out the fiscal impact. Ms. Davis stated that Mount Denson has never been designated as a Village or a Hamlet or anything else in the previous planning documents. Mount Denson's current zoning is General Use which allows for all land

uses except new landfills. Whether it is a factory or other industrial use, any type of use can locate next to a dwelling.

Helen Lindley asked what area of Falmouth was being designated as a Growth Centre. Ms. Davis suggested looking at the maps showing the designated areas of Falmouth at the end of the meeting. She advised that it includes the area from the Falmouth Bridge to the intersection of Highway 101 and Highway 1, and extends over to Payzant Bog Road.

Linda Mason, 494 Highway 1, Mount Denson, stated it was her understanding that if Mount Denson was designated a Hamlet, then water and sewer services would not be permitted. She commented it was well known that Mount Denson had been wanting these services for years. Ms. Davis advised that it is not the designation of Hamlet that prevents the provision of sewer and water services, but the fact that it is not a Growth Centre where there are existing services. The intention of this Strategy is to provide services in the existing Growth Centres of Three Mile Plains and Falmouth due to the cost and difficulty of extending services to new areas. Ms. Davis stated it does not matter whether Mount Denson is designated a Hamlet, a resource area or agricultural zone, anything outside the Growth Centres is not intended to have municipal water and sewer services.

Ms. Mason commented that the upcoming meeting at the West Hants Ground and Search Rescue in Mount Denson on February 27th is about water services. Ms. Davis stated it was her understanding that Mount Denson residents wanted to find out the costs of services, and the purpose of the meeting is to advise of the costs.

Charlotte Baldwin, 721 Highway 1, Mount Denson, asked if the residents of Mount Denson all agreed they wanted to pay the cost, then would water would come to Mount Denson even if it is designated outside the Growth Centre? Ms. Davis stated under the planning documents, the way they are currently written, services are not to be extended outside the Growth Centres. Ms. Baldwin asked what is the purpose of the meeting on February 27th.

Chair Pineo stated the Municipality has updated the costs which were presented to Mount Denson in 1994. She further explained there is no capacity in the sewer plant to take on Mount Denson at this time, and the Municipality is struggling to get infrastructure funding to upgrade the sewer treatment plant. Until then, the Municipality has to watch development closely as there is limited capacity left. Until the dam is raised in Falmouth, the Municipality does not have the water capability to get to Mount Denson. There have been some preliminary discussions on whether the Municipality could obtain water from Hantsport, but there has not been any progress on this. Chair Pineo stated the meeting in Mount Denson is to give residents the costs, and should the Municipality get infrastructure funding, a good water supply, and get the sewer treatment upgraded, then, yes, in the old documents Council may have looked at the matter. Council has the ability to make changes if residents want it enough and are willing to pay the cost, and if everything else falls into place.

Warden Dauphinee added that he was the Chair of that meeting in Mount Denson in 1994, and the costs were found to be too expensive for the residents. The Councillor of the area, since he has been on Council, has asked that those costs be updated. Warden Dauphinee agreed with Chair Pineo that even if the residents agreed to the updated costs, the Municipality could not provide water or sewer services at this time. Warden Dauphinee advised that the residents wanted the updated costs and the Municipality is providing this information. He stated the Plan is a working document and the Committee would like to move forward with the draft documents so staff has something to work with. Warden Dauphinee stated a matter can be opened again if

an opportunity presents itself. The Municipality intends that the Growth Centres be infilled so it can be financially responsible.

Krista McDow, 86 McKinley Road, asked what the benefits were for Mount Denson becoming a Hamlet. Ms. Davis responded that the current zoning is General Use which is a wide-open zone. She noted that there is some development pressure, with quite a bit of subdivision and new building activity. Ms. Davis stated things are changing in West Hants from a rural atmosphere where people may accept various types of uses next to homes. Now, people want to have some idea of what can take place on adjacent properties. Ms. Davis advised that Hamlets are primarily intended to be zoned residential, but there would be opportunity to consider some types of commercial uses. There is a process that has to be followed. Someone cannot get a permit to start an industrial or commercial type of use without going first through a rezoning or development agreement process which involves a public hearing and notifying neighbours by mail. So residents have some protection in terms of land values and what can happen on surrounding properties.

Michael George, 486 Highway 1, Mount Denson, expressed concern with respect to Policy 7.0.3 in the MPS that water and sewer services will not be provided in Hamlets. He believed that sentence should be removed as it ruled out the community from ever getting services. Mr. George commented that there were items in the MPS that would deprive Mount Denson from ever getting water such as sewer services have to go with the water services, the service boundary of Falmouth, and turning Mount Denson into a Hamlet. Mr. George stated he would be satisfied if this sentence were removed.

Councillor Gaudet said he was the Councillor for Mount Denson and he agrees with the comments made. When he first received the draft documents, he asked if this would prevent Mount Denson from ever getting water, and the response was yes. Councillor Gaudet said he was against the idea ever since then and believed it was against the residents' human rights. He advised the meeting on February 27th is about costs. He was not saying they are going to get water and sewer services; that it is something the residents would have to agree on later. However, if the residents want to move forward, then it is the job of the Municipality to look for water and sewer for the residents of Mount Denson. Councillor Gaudet agreed Mount Denson should not be a Hamlet, and stated he will vote against the plan on that issue.

Dean Benedict, 733 Highway 1, Mount Denson, agreed that the statement should be removed as he felt that stating that the residents cannot ever have services was unfair.

Sherry Farmer, 205 Schurman Road, Mount Denson, pointed out that page 54 refers to the Hamlet of Mount Denson and she takes offense to this. She stated that the website states that Mount Denson is already a Hamlet. Ms. Farmer referred to the section in the plan that states development pressure would increase due to the twinning of Highway 101 and she stated she would not like growth to be cut off just because Mount Denson does not have access to water and sewer services. Ms. Davis commented concerning the wording of the Hamlet of Mount Denson, this is a draft document. The document proposes that Mount Denson would be designated a Hamlet, as Summerville and Cheverie are in this document. They are not Hamlets in the current documents. Ms. Farmer said it was confusing as people who have been on the website feel it has already been done.

Wanda Hazlett, 515 Highway 1, Mount Denson, asked what was meant by extending the boundaries of the Growth Centre. Ms. Davis advised that there is a provision in the planning documents that enables Council to consider expanding the boundaries of the Growth Centres

as the need arises. Ms. Hazlett asked if this provision could be used for a new area. Ms. Davis advised that the boundary could potentially be extended for a new area. Ms. Hazlett commented that this would mean Mount Denson. Ms. Davis advised the policy requires that the new area must abut the Growth Centre, and over time this could be possible. The policy states it could be considered when the supply of serviceable land has been used which means there is no more land in the serviced areas to accommodate more development. Ms. Hazlett referred to Policy 16.5 of the MPS dealing with infrastructure charges. She asked if the expansion of existing services would refer to Mount Denson. Ms. Davis stated if the Growth Centre boundary was expanded, it could be possible.

Claude Davidson, 790 Town Road, questioned the provision allowing multi-unit residential development in Falmouth, and how it came about to be in the draft documents. Ms. Davis advised that the provision was also in the draft presented in June 2007. She explained the policy which allows Council to consider residential development which could consist of a mixture of dwelling types, excluding apartment buildings, by development agreement in the Falmouth Growth Centre. It could include semi-detached, duplexes, and attached townhouse structures up to four units. Ms. Davis stated because of the concerns of Falmouth residents about multiple residential development, this policy is very restrictive about what can occur. The development has to have 30 percent of the units devoted to single family dwellings, and it can only occur on properties that are at least 25 acres which are on an arterial or collector street with municipal services.

Dean Benedict, 733 Highway 1, Mount Denson, asked if he was correct that all of Mount Denson is considered a Hamlet, or just a portion. Ms. Davis said the Hamlet extends roughly from the Hantsport boundary encompassing the pink area of the map. Mr. Benedict noted it was not all of Mount Denson and that the pink area of Mount Denson is the Hamlet, and the green on the map is agriculture. Ms. Davis agreed and stated the agriculture zoning was AR-2. Mr. Benedict noted that Craig Faulkner spoke about being in a Hamlet, but actually his property is in the agriculture zone.

Chair Pineo suggested that after the meeting, members of the public come and review their properties on the computer mapping system.

Craig Faulkner asked if the Hamlet designation is specific to West Hants or if it was the same as a Hamlet in Kings County. Ms. Davis stated that Hamlets are defined differently in West Hants than in Kings County.

Mr. Faulkner asked what the criteria were for defining Hamlet. Ms. Davis advised that it is an area where there is a small amount of concentrated development usually involving a community hall or church with some small businesses. Mr. Faulkner commented that Falmouth had all of those components. Ms. Davis stated Falmouth has a concentrated area for development and it is already serviced and this is why Falmouth is a Growth Centre.

Craig Faulkner commented the Hamlet designation was a holding zone only used when the Growth Centres need to be expanded. He felt this was preventing development from occurring in Mount Denson.

Ms. Davis advised that development is encouraged in the Growth Centres to take development pressure off the resource areas and concentrate it in areas where services can be provided more efficiently and cost-effectively. Ms. Davis stated this is sustainable development. She advised that all levels of government provide many services, but the costs of providing

infrastructure are growing. Whether it is snow plowing, sewer and water, or garbage collection, it becomes more cost-effective to provide those services in areas of more concentrated development. The Growth Centres are the areas where servicing can best be provided. It is difficult for the Municipality to continue to provide an acceptable level of service to remote areas of the Municipality. For example, when a subdivision occurs creating a new public street, that street is no longer the responsibility of the Province, but the Municipality's. The Municipality then has to provide services which is a cost to all taxpayers. Ms. Davis stated it also costs much more when the public works vehicles have to travel to remote areas of the Municipality rather than providing those services in the more concentrated areas.

Paula Lunn, 171 Ski Martock Road, asked what formula was used in determining a Hamlet. Ms. Davis stated that the Committee looked at Mount Denson, for example, in terms of development pressure and whether there was agricultural land. It was felt that residents along Highway 1 would not want to receive an agricultural zone which would restrict how they could develop their properties. Ms. Davis advised that in the current planning documents, there are eight Hamlets designated. In the proposed documents, three new areas were designated. In terms of process, staff looked at areas with some development pressure located near prime agricultural land. Staff also looked for some concentration of homes with commercial uses and possibly a community hall or church. Ms. Davis advised that the Rural Residential zone would apply to most of the land in the Hamlets with some existing businesses being zoned in. There is a process to consider development of new types of uses through the rezoning process or by development agreement which is an approval by Council.

Paula Lunn asked how the Committee developed the wind turbine regulations, and whether it was a joint effort with the UNSM. Ms. Davis stated as in any new document, research was done to look at how wind turbines were regulated in other municipalities in Nova Scotia, and in other jurisdictions such as Ontario and Alberta. There have been some presentations from people who are in the wind turbine business who also looked at the proposed draft. Ms. Lunn suggested that the Municipality mirror the UNSM's regulations.

Emma Horne, Mount Denson, commented that even if Mount Denson had the money, there is no water. She asked where the water was coming from for Three Mile Plains, and suggested the Municipality raise the dam to accommodate Mount Denson. Chair Pineo advised that Three Mile Plains gets its water from Mill Lakes which also supplies the Town of Windsor. In Falmouth, the dam will have to be raised just to service Falmouth. The Director of Public Works has a study which shows how much development can occur in Falmouth, when capacity will be reached and when the dam needs to be raised. Chair Pineo noted that the last figure to raise the dam in 2012 was more than \$1 million and this cost will have to be borne by Falmouth residents. She commented that upgrading the infrastructure is extremely expensive.

Emma Horne commented that with the amount of water she has to buy, she could easily pay a water bill.

Barb Gallagher, Kempt Shore, commended the Planning Advisory Committee for their efforts to conserve agricultural land. She said she understands the concerns farmers have about agricultural zoning and restrictions on development. She noted that, effectively, we're putting an easement on their land and there should be some way of compensating them for it. Ms. Gallagher further commended PAC on their efforts as she feels that food security will become a huge issue in the future, and she felt that agricultural land should be preserved.

Barb Gallagher stated she was glad to hear there are watershed committees and asked how long it would be before the Committee addresses water protection. Ms. Davis stated it depends on when the Plan Review is completed and staff have time to address it. Ms. Davis added that the watershed committees are looking at municipal drinking water supply areas. There are three water supplies in West Hants: Mill Lakes, French Mill Brook, and Davidson Lake. For each of those areas, there are separate advisory committees that look at stewardship of the water supply areas and regulations. Ms. Gallagher said she hoped that water protection will involve the whole Municipality. She expressed concerns that there are no regulations for forestry clear-cutting. Ms. Gallagher noted the planning documents provide protection for topsoil removal but no protection for forestry. Ms. Davis advised that the Municipality is limited by the Municipal Government Act which sets out what municipalities can regulate in their planning documents. The Municipality can regulate topsoil removal in an agriculture zone because it is required for farming. Ms. Davis stated the Land Use By-law cannot regulate clear-cutting, although there may be some provisions that could be put in place with respect to buffer zones around water courses. Ms. Gallagher expressed concern about the impact of clear-cutting forestry on the water table.

Chair Pineo advised that the Council is looking at ways that compensation for farmers can be addressed.

Jim White said it was important Council not tie its hands so it could not consider large development on farmland; for example tidal power. He suggested not including Policy 8.6 as this would not allow any development on land with good agricultural soils. Ms. Davis clarified that soil type is not the only criterion. There are other provisions that can be looked at in terms of suitability for non-farm uses as well, such as proximity to non-farm buildings, size of the lot and steepness of slope.

Glen Mosher, 36 Ferry Road, asked whether he could sell a lot. Ms. Davis stated that two lots can be subdivided off per calendar year on existing road frontage in the AR-2 zone.

Helen Lindley asked how much road frontage is required. Ms. Davis advised that 150 ft. of road frontage is required and a minimum of 40,000 sf.

Dean Manning, Falmouth, said he felt the planning documents do allow some flexibility for farmers to do certain things. Mr. Manning said he was glad Council was looking at ways to help farmers. As a farmer he does support the agricultural zoning and it is sustainable in the long run. Mr. Manning felt that food is a big issue and will be an even a greater issue in the future. He noted from other areas such as Alberta, that farmland does not stay at a low price. When there is development pressure, it increases with it.

Ron Thorpe, 1320 McKay Road, commented that often site conditions require a much larger lot area than the Department of Environment minimum requirements for on-site septic systems, sometimes as much as 2 to 2.5 acres. Ms. Davis agreed saying the 40,000 sf. lot size in the AR-2 zone is the minimum; however, Department of Environment requirements must be satisfied.

Paula Lunn thanked the Committee and Council for all their work and the opportunity to speak at this meeting. She noted that discussion was held about the Falmouth Growth Centre and the raising of the dam. Ms. Lunn asked, at the projected rate of growth, when would the boundaries need to be expanded. Ms. Davis advised that the Committee looked at the amount of land available that can be developed and the number of lots that could be created. She said she did

not have the figures tonight, but they found that there was sufficient land for a considerable number of years. However, there are unknowns such as whether property owners would sell their land.

Chair Pineo advised that there were two members of the public that could not attend this meeting, Mr. & Mrs. Art McLaughlin. The McLaughlins submitted correspondence which they requested be entered into the minutes of the meeting. One item mentioned was implementation of resources to either have on staff or hire expertise to review subdivisions plans including environmental impacts as the assurance of the developer could not be taken at face value. The second item referred to Policy 16.6 capital improvements. It was suggested to add a new Policy 16.2 to state that Council will continually and actively pursue funding from all sources. Chair Pineo stated that the Municipality does actively pursue funding from all sources. Chair Pineo asked for further questions or comments from the public. None were heard.

Adjourn

Moved By: Councillor MacDonald
Seconded By: Warden Dauphinee

THAT THE MEETING ADJOURN.

The meeting adjourned at 9:10 p.m.

Chair