

WEST HANTS PLAN REVIEW
Public Review Meeting
Scotch Village Community Hall
June 11, 2007, 7:00 p.m.

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

STAFF: Lynn Davis, Director of Planning
Tracy Robinson, Planning Technician
Velma Macumber, Administrative Assistant

ABSENT: Councillor Rick Gaudet
Councillor Reed Allen
Councillor Gloria Shanks
Ms. Traci Curry

Members of the Public: 25

Welcome and Introductions

Chair Pineo welcomed the members of the public to the meeting and introduced Councillors and staff.

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

Ms. Davis explained the purpose of the meeting was to present the first drafts of the proposed Municipal Planning Strategy and Land Use By-law and to receive comments from the public.

Ms. Davis advised that the Municipal Planning Strategy (MPS) sets out Council's and the community's vision and policies for development of the Municipality. The Land Use By-law (LUB) contains the regulations that implement the policies of the MPS. Once the community meetings have been completed, PAC will be reviewing the comments received 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 that, because of time constraints, she could only highlight the main changes in the documents. She stressed that the public should take time to read the documents and review the maps.

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

The meeting recessed at 8:02 p.m.

The meeting reconvened at 8:17 p.m.

Questions and Comments from public

Chair Pineo opened the floor for questions and comments.

Andrew Connolly from Ashdale expressed concern about the provision to allow off-highway vehicle courses as on-farm businesses. He said he was concerned about the noise in his backyard generated from an existing off-highway vehicle course, and the lack of provisions in the Off-Highway Vehicle Act to control noise. Mr. Connolly stated he checked into other off-highway vehicle courses in other areas. In Sheffield Mills, there is a course where there is a requirement to add on a muffler system. The hours of operation are considerably less than what he has been subjected to in the last year, 9:00 am to dusk, seven days a week. The track in Sheffield Mills operates one evening a week for approximately one hour, and on Saturdays after 1:00 pm. for about four hours. He noted that a noise by-law does not exist in West Hants. Mr. Connolly asked if there would be some protection for him and his neighbours in the future.

Ms. Davis stated that a development agreement could control the hours of operation.

Mr. Connolly asked if it was Council's intention to include private courses. Ms. Davis advised that anyone who is privately operating a course for their own use is not something Council can regulate. What can be regulated is a commercial operation through a development agreement. Mr. Connolly commented again about the lack of a noise by-law. Ms. Davis stated that the other difficulty is that on private land it is difficult to enforce as the enforcement official would have to be there when the event is taking place.

Rita Connolly commented that she felt there would be huge implications if off-highway vehicle courses are permitted. She said property values would decline if potential buyers heard the noise generated from the course, and that future development would be stifled. Mrs. Connolly felt that the enjoyment for other people who want to take a walk or go camping would not be there. She felt that safety was also an issue. Mrs. Connolly said it was unrealistic to provide for off-highway vehicle courses in the planning documents as on-farm businesses.

Chair Pineo advised that the comments will be taken back and discussed further by the Committee.

Max Pye asked if the old Midland Railway land would be zoned like other properties or could it be used for commercial development. Ms. Davis stated that anyone who wanted to develop the land would have to follow the regulations.

Gary MacLean commented that if the 300 ft. setback for building on farmland was put in place, he would be unable to build a house 1,000 ft. back from the road. He suggested that this requirement be revisited. Ms. Davis explained that the reason for requiring new dwellings to be built within 300 ft. of the road is to avoid interference with farm activity and consumption of good farmland. Mr. MacLean advised that he has farmed in this area all his life, his days of farming are almost done and he feels that the financial impact needs to be reviewed.

Pat Taylor advised that he had just built a house a few years ago more than 300 ft. from the road for personal reasons; he wanted to get away from the traffic. He stated he did not understand the reason for 300 ft. setback as he believed it was not anyone's concern what he did with his property. Ms. Davis stated she wanted to clarify this a little further. The proposed maximum 300 ft. setback came from the farmers working group who indicated because of the provincial regulations and guidelines, the distance they had to be away from a dwelling was making it difficult to carry on their farm practices such as spreading manure.

Alan Bailey stated he would like to speak about the provision for off-highway vehicle courses. He advised that he had serious concerns about noise coming from the existing track. Mr. Bailey stated he believed that the geography of the area allows the noise to travel. He stated it is quite annoying and aggravating as it is seven days a week, and this is not only affecting him but other neighbouring properties. Mr. Bailey stated he hoped that Council would take this into serious consideration and revisit the provision.

Pat Taylor stated in response to the off-highway vehicle course provision, he was concerned about the separation distance from neighbouring properties, that there are no noise limitations, and nothing to address pollution and environmental concerns, smoke, etc. Mr. Taylor stated all these things are vague and if PAC was going to allow it, they should put more thought into all these issues. The noise from a dirt bike or 4-wheeler can carry for miles. Mr. Taylor also expressed concern about allowing off-highway vehicle repair businesses as home-based business as someone could operate one next to a residential area. Ms. Davis advised that it is not allowed as a home-based business. However, rezoning to other commercial or industrial zones can occur.

A brief discussion was held about the results of the Plan Review Survey where people indicated that the reason why they like to live in West Hants is because of the quiet, rural atmosphere.

Chair Pineo asked Ms. Davis to explain the development agreement process. Ms. Davis advised that when Council is considering a development agreement there are specific policies that have to be considered such as if the use is compatible with surrounding land uses, noise, environmental issues, whether the land is unsuitable for agriculture or whether it is a flood plain.

The Council reviews a staff report which outlines the policies to determine if the application meets those requirements. The development agreement can be site-specific and details are laid out for where the use can occur, the hours of operation, and any buffering needed such as bushes or fencing.

Rita Connolly asked what happens if there is a violation to the development agreement and how are people held accountable. Ms. Davis advised that once a development agreement is approved, the Development Officer normally visits the property once a year. However, in between times if there are any concerns from the public, the Development Officer would may visit the property more often. Ms. Davis advised that hours of operation are hard to enforce when staff works from 8:30 am to 4:30 pm and the violation takes place after those hours. The Development Officer would then begin monitoring the situation. Mrs. Connolly asked if the development agreement was a public document. Ms. Davis advised that the document and all the specifics that go into the document are available for public information. When Council begins the process to consider the development agreement a draft is available before the public hearing.

Alan Bailey asked about the approval process. Ms. Davis advised that like a rezoning there is formal adoption process where Council has to hold a public hearing. Notification is sent out to adjacent property owners within 300 ft. of the subject property.

Erin Rose stated she disagrees with some of the comments made about the off-highway vehicle course. She commented that not everyone is interested in a quiet sport like golf, and believed the course would bring more people to the community.

Andrew Connolly commented that he was not opposed to the off-highway vehicle course but it is the noise coming from the activity that he does not want to hear. Mr. Connolly commented he felt that everyone should have reasonable enjoyment of their land.

Chair Pineo asked the public if they had any further questions. None were heard.

Chair Pineo thanked the members of the public for coming to the meeting. She encouraged them to attend the other public meetings, and to contact staff if they had further questions.

Adjournment

The meeting adjourned at 8:55 p.m.