

**Special WEST HANTS PLANNING ADVISORY COMMITTEE
MEETING MINUTES
October 16, 2007**

PRESENT: Chair Shirley Pineo
Warden Richard Dauphinee
Deputy Warden Gary Cochrane
Councillor Reed Allen
Councillor Randy Matheson
Councillor Gloria Shanks
Councillor Tom Brown (7:02 p.m.)
Councillor Anne MacDonald
Councillor Gaudet
Mr. John Shanks (6:35 p.m.)
Ms. Traci Curry

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

MEMBERS OF PUBLIC: Peter Traves
Margot Young, Environmental Design and Management Limited (EDM)
John Heseltine, EDM
Sairah Tyler, EDM

Chair Pineo called the meeting to order at 6:05 p.m. She advised that Mr. John Shanks would be arriving late.

DEVELOPMENT PROPOSAL

Moved By: Warden Dauphinee
Seconded By: Councillor Matheson

**TO MOVE IN CAMERA TO DISCUSS A DEVELOPMENT PROPOSAL FOR WHICH THE
COMMITTEE HAS NOT YET RECEIVED AN APPLICATION.**

Question on Motion

MOTION CARRIED.

Mr. Traves was excused from the meeting for the in camera session.

The Committee went in camera at 6:08 p.m.

Moved By: Warden Dauphinee
Seconded By: Councillor Gaudet

TO COME OUT OF IN CAMERA AT 6:55 P.M.

WEST HANTS MPS & LUB REVIEW

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Plan Review Status Report

Wind turbine setbacks

Ms. Davis provided examples of turbine setback policies from Kings County and Pictou County. She noted that Kings County only deals with small-scale residential wind turbines. Kings County requires small wind turbines to be at least 600 ft. from a neighbouring dwelling. Ms. Davis noted that the West Hants draft documents do not specify a separate distance from dwellings; however, there is a setback from lot lines which is the height of the wind turbine. Ms. Davis advised that the provision in Kings County is a recommendation from the Canadian Wind Energy Association to minimize noise impacts.

Councillor Matheson asked what would happen if a new dwelling was constructed closer than 600 ft. from the tower. Does the tower have to come down?

Ms. Davis advised that there could be a separation distance that works both ways from the turbine and from the dwelling. The person who moves in on the vacant lot should be aware that there is a turbine next door.

Councillor Matheson stated he preferred the provision for setback from property lines.

Chair Pineo questioned how many people would have 600 ft. of property. She felt this was limiting people. Ms. Davis agreed it is limiting in terms of where turbines could be located.

Ms. Curry had the same concerns if the setback was from residential dwelling instead of the property lines. She stated she preferred the setback from property lines. She felt this would deter a lot of issues in the future.

Deputy Warden Cochrane expressed concerns about noise from large wind turbines, but he stated that it would depend on the design.

Councillor Matheson asked if a noise requirement could be included in the provisions. Ms. Davis advised that this matter would have to be researched further.

Councillor Allen stated he believed that with new technology, the new models that are coming out are probably not as noisy.

Chair Pineo asked the Committee if they want to keep the provision for a setback from property line which is the height of the turbine.

The Committee agreed to leave the provisions for small-scale wind turbines as is.

Ms. Davis advised that in the draft documents there are provisions for utility scale turbines and wind farms by development agreement. The policy does not specify a separation distance from a dwelling. Ms. Davis noted that the wind energy industry suggests that setting a separation distance may not be the most appropriate way of dealing with it because of noise attenuation through topography and site specific factors. It is difficult to know how to deal with it because of public perception and concern about the siting of wind farms and noise from them. Ms. Davis surmised that the public may be more comfortable with having a specific separation distance.

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Ms. Davis advised that the Pictou County MPS and LUB were adopted to deal with wind farms and large turbines. The documents permit as-of-right development of large wind turbines with a 600-metre separation distance from dwellings.

Ms. Curry referred to Pincher Creek, Alberta where large wind turbines are located in agricultural areas, but farmers can still use the fields for livestock and crops. She asked if this Municipality would be open to large wind turbines in agricultural areas such as Falmouth. Ms. Curry stated that it does not impede normal farming practices.

Ms. Davis advised that large wind turbines can be considered only outside the Growth Centres, Village and Hamlets designations.

Ms. Curry noted that dykeland tends to be windy because of the tides. Ms. Davis advised that perhaps the agricultural polices would have to be clarified if the Committee wants to allow it.

The Committee discussed noise produced by large and small wind turbines. They agreed to leave the provisions for utility wind turbines and wind farms by development agreement as is for now. However, the matter will be left open for more discussion.

Letter from Peter Traves (October 4, 2007)

Moved By: Warden Dauphinee

Seconded By: Ms. Curry

**THAT THE LETTER FROM PETER TRAVES DATED OCTOBER 4, 2007 BE RECEIVED
AND PLACED ON FILE.**

Question on Motion

MOTION CARRIED.

Mr. Traves was invited to speak. He expressed concerns about inadequate pricing for local farmers' produce and meat products, their ability to continue farming, and that people are not prepared to pay premium prices for local products. He suggested that the proposed AR-2 zoning would lower the equity of farms because of the restrictions on subdivision. Mr. Traves suggested that farmers want protection from nuisance complaints which interfere with their normal farming practices. He stated that there are very few large local farms left.

Ms. Curry advised that the Nova Scotia Farm Practices Act provides protection to farmers so they can continue their normal farming practices. Ms. Curry advised that the Committee is looking toward the future. The idea is that if someone in Falmouth wanted to buy more land, at least now because of the zoning, there is the ability to buy land back and forth among the farmers. However, once this is opened up for residential subdivision, there will not be any land left to expand farming operations. Ms. Curry stated she believed the AR-2 zoning enables the prices to stay at the level where other farms can still buy in, and without that, Falmouth will grow up and there will not be any farmland left.

Ms. Traves disagreed, and suggested that if the Committee wanted to find out how much the farmers care about the upkeep of farmland, to send his letter to the people who own large parcels and ask them if they are prepared to take a decrease in equity for their properties without compensation.

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Councillor Matheson noted that in previous Committee meetings with the farming community, the farmers generally agreed with the proposed policies. He noted also that farmland is tax exempt. Councillor Matheson said the Committee needs to look forward to the future in case there is a need to grow their own food.

Chair Pineo noted that the Director of Planning had met with a working group of farmers on several occasions, and the farmers wanted to continue to protect farmland and keep the restrictions, especially in Upper Falmouth.

Ms. Curry surmised that large scale farms who farm generationally are not going to want to open up their farm land for residential development. The zoning is not lowering farm land prices as they continue to grow. Ms. Curry agreed that she has also heard from the farmers in Falmouth that they want to continue to protect farmland.

Mr. Traves excused 8:00 p.m.

Outstanding items from September PAC meeting

3079346 Nova Scotia Limited, Old Brooklyn Road, Garlands Crossing

Ms. Davis advised that staff was asked to contact Mr. Hart about his intentions for the property on the Old Brooklyn Road, she did call and left a message, but Mr. Hart did not return the call. Warden Dauphinee stated that he has not had any success in contacting Mr. Hart either. He advised that he would continue if the Committee wishes and get back to the Committee.

Chair Pineo asked the Committee for direction. The Committee discussed whether more time should be given to Mr. Hart to respond. Warden Dauphinee said he would try to contact Mr. Hart prior to the next meeting.

The Committee agreed to leave this matter with staff and Warden Dauphinee.

Letter and Email from Ronald Thorpe

Ms. Davis advised that at the last meeting, staff advised that they needed to meet with Mr. Thorpe about the AR-3 zone provisions for his property. When they met and the provisions were explained to Mr. Thorpe, he seemed satisfied. Ms. Davis stated that she believes that the matter is now resolved.

Kennels

Ms. Davis advised that at the last meeting, staff was directed to discuss the matter of kennels with the municipal solicitor and she has not had the opportunity to do this.

Zoning for proposed Cheverie Salt Marsh Interpretative Centre

Ms. Davis advised that at the last meeting, the Committee agreed that the Society be invited to a

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future meeting. Ms. Davis stated she also understands that the Society has been invited to a Committee of the Whole meeting. She asked if it was necessary that they come to a planning meeting too. Deputy Warden Cochrane stated that a future meeting was suggested, but it was not confirmed. A brief discussion was held about whether the presentation should be made at the Committee of the Whole meeting or a PAC meeting. The Committee agreed that staff contact Mr. Aldous regarding a presentation to PAC.

Restrictions on size of woods camps

Ms. Davis advised that the Mill Lake Watershed Advisory Committee suggested that in the Water Supply zone, a maximum building footprint of 600 sf. be established to keep camps from getting too large.

Ms. Sodero stated she believed that there would be no opposition to this restriction from the Davidson Lake Watershed Committee.

Chair Pineo stated that the Falmouth Watershed Committee would be in favour of this restriction as they did not even want woods camps in the first place. She asked the Committee if they agreed with this restriction of 600 sf. The Committee agreed to include the requirement in the LUB.

Mr. Shanks was excused at 8:16 p.m.

Subdivision By-law Amendments

Ms. Sodero advised that the Subdivision By-law is one of two documents which carry out the Municipal Planning Strategy's policies. The Subdivision By-law needs to be updated because of recent amendments to the West Hants Municipal Service Specifications Manual and the provincial Subdivision Regulations and the draft MPS. The Subdivision By-law was adopted in 2000 and last amended in 2002.

Ms. Sodero advised that the By-law sets out the different stages and requirements for the subdivision of land. This means whether one lot or 100 lots are being created, or for the consolidation of land and repeals of plans.

Ms. Sodero reviewed the proposed modifications for the Subdivision By-law:

- Housekeeping changes
- Conformance with the Draft MPS and LUB
- Concept Approval
- Flag Lots
- Conformance with Municipal Services Specifications Manual
- Infrastructure Charges
- Fees
- Plans required

The Committee discussed the use of flag lots and fees. The Committee agreed to leave the subdivision application fees as is.

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Ms. Sodero advised that what is not included in the draft and staff is looking for direction on, is that the Municipal Government Act has changed to allow municipal units to require where a piece of land is being subdivided that has river, lake or ocean frontage, that the parkland dedication to the municipal unit must include water frontage to provide public access. Ms. Sodero asked the Committee if they wanted this requirement included in the draft.

The Committee agreed that this requirement be included in the draft Subdivision By-law.

Ms. Sodero advised that a Public Information meeting must be held before PAC can make a recommendation to Council. Ms. Davis suggested waiting until the next meeting as staff had noted some additional items that need to be reviewed further. The Committee agreed.

NEW BUSINESS

Mobile Homes in the Growth Centres

Warden Dauphinee asked the Committee if there was a way to restrict mobile homes from locating on lots near the highway in the Three Mile Plains Growth Centre. He felt that mobile homes should only be permitted in mobile home parks.

The Committee discussed the matter of allowing older mobile homes in the Three Mile Plains Growth Centre. They agreed to prohibit mobile homes on individual lots in both Growth Centres. Mobile homes will be permitted in mobile home parks, which are considered by development agreement. Mini homes will be permitted. The Committee also discussed whether mobiles should be prohibited in the rural areas, but decided against making that change.

ADJOURNMENT

Moved By: Councillor Allen
Seconded By: Warden Dauphinee

THAT THE MEETING ADJOURN.

The meeting adjourned at 9:09 p.m.

Chair