

DRAFT

**WEST HANTS PLANNING ADVISORY COMMITTEE
MEETING MINUTES
January 15, 2009**

PRESENT: Chair Shirley Pineo
Warden Richard Dauphinee
Deputy Warden Gary Cochrane
Councillor Reed Allen
Councillor Randy Matheson
Councillor Gloria Shanks
Councillor Tom Brown
Councillor Rick Gaudet
Councillor Pam Ainslie
Mr. Raymond Parker
Ms. Traci Curry

STAFF: Lynn Davis, Director of Planning
Jeanne Bourque, Planner
Velma Macumber, Administrative Assistant

GUESTS: Lise LeBlanc, P. Ag. - N-Viro Systems Canada

**MEMBERS OF
THE PUBLIC:** 11

APPROVAL OF MINUTES OF NOVEMBER 20, 2008

Moved By: Warden Dauphinee

Seconded By: Ms. Curry

**THAT THE MINUTES OF THE WEST HANTS PLANNING ADVISORY COMMITTEE OF
NOVEMBER 20, 2008 BE APPROVED AS CIRCULATED NOTING ANY ERRORS OR
OMISSIONS.**

Question on Motion

MOTION CARRIED.

PRESENTATION - N-Viro Soil Amendment (Biosolids) by Lise LeBlanc

Ms. Lise LeBlanc from N-Viro Systems Canada gave a power point presentation regarding N-Viro's soil amendment process. The N-Viro Soil amendment is an agricultural product made from the Halifax Regional Municipality's biosolids, which are generated at their wastewater treatment plants. The biosolids go through a process for treatment that mixes alkaline materials with de watered biosolids. A quality control program ensures it meets requirements for metal content and pathogen reduction to qualify as an Exceptional Quality 'EQ' biosolids soil amendment. This practice has been used commercially at treatment facilities in the US, Israel, Australia and Canada.

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Moved By: Councillor Matheson
Seconded By: Councillor Shanks

**THAT THE INFORMATION FROM N-Viro SYSTEMS CANADA AND
CORRESPONDENCE FROM THE NOVA SCOTIA FEDERATION OF AGRICULTURE BE
RECEIVED AND PLACED ON FILE.**

Question on Motion

MOTION CARRIED.

Ms. Davis asked about the protocol for testing of medical drugs and when testing would begin. Ms. LeBlanc stated she understood that the protocol would be in place before spring. She advised that some testing has been completed on some drugs already but the company wants to ensure that it is an acceptable standard testing by the scientists.

Ms. Davis asked, now that the soil amendment has been labelled as a fertilizer, is there a need for an approval from the Municipality for a farmer to obtain it? Ms. LeBlanc advised that approval is not needed by the Municipality, but the company wanted to let the Municipality know of the program, as it can become a controversial subject. N-Viro Systems Canada wants to work with the Municipality, provide some information, and advise of the contact person in case the Municipality gets an inquiry.

Ms. Curry advised she had asked the Nova Scotia Federation of Agriculture about their position on biosolids. The Federation does not consider biosolids part of farming activities and they believe that all municipalities should try to take care of their own waste. Ms. Curry advised that she has had the opportunity to work with the Horticulture Council on their National On-Farm Safety Program and they are not in favour of using biosolids for farming. If biosolids are used on a farm then they cannot certify it as having a valid national on-farm safety program. Ms. Curry stated on a smaller level, she has a small farm market, and she believes in the information presented, but there is a negative public perception about the use of biosolids. Ms. Curry advised that she could not rationalize to her customers the use of biosolids in producing the fruits and vegetables that she would be selling to them. She suggested that N-Viro talk to the Provincial Federation of Agriculture.

Ms. LeBlanc agreed it is about public perception. She said that N-Viro Systems Canada does work very closely with the Federation and has been part of the process in bringing agricultural groups together to meet with N-Viro to talk about it. Ms. LeBlanc advised that N-Viro is now in the process of meeting with the Horticulture Council to talk about the use of biosolids. For instance, several processing companies in Ontario will not take produce from farmers who use biosolids, but they will take it from farmers who use the N-Viro soil amendment. Ms. LeBlanc said she recognized the problem, as fruit and vegetables are crops for direct consumption. In Nova Scotia, there are about 500 acres that are non fruit and vegetable crops, and those farmers are the ones signing up for the program. There are no fruit and vegetable farmers signing up.

Chair Pineo asked the Committee if they had further questions.

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Warden Dauphinee asked if there were farmers in West Hants using the soil amendment. Ms. LeBlanc said there were a few farmers in West Hants using the soil amendment.

Chair Pineo asked for clarification about whether the biosolids were coming from the waste treatment plant or the water treatment plant. Ms. LeBlanc said it was the new waste treatment plant.

Chair Pineo advised that she had heard this presentation before at a Hants County Federation of Agriculture meeting. She noted that then, many farmers plus the presenters were talking about farmers over saturating their land with manure and having too much fertilizer on their fields. Would this be something that would absorb the excess or would it still be used? Ms. LeBlanc said what she is seeing is that farmers are in a huge deficient now because of the shortage of manure, especially now with the closures of the hog and beef industries. Chair Pineo noted from the other presentation there had been talk about taking waste from Bowater. Ms. LeBlanc stated it was wood ash. Under the environmental permit, Brooklyn Power in Liverpool has an agricultural wood ash program. Port Hawksbury also has this program. It is not sludge, but waste from wood used for power. N-Viro is waiting for an organic certification for this. Chair Pineo asked if the soil amendment is just for farm use or can individuals buy bags of it. Ms. LeBlanc advised that here in Nova Scotia it is strictly for farm use. Ms. LeBlanc stated some people are asking for the soil amendment. However, because N-Viro is requiring a nutrient management program, they want fields tested and to keep records of where the soil amendment is going.

Chair Pineo thanked Ms. LeBlanc for the presentation.

Ms. LeBlanc thanked the Committee for the opportunity. She said if anyone had any further questions, or if there were any public inquiries, to contact her.

Ms. LeBlanc left the meeting at 7:05 p.m.

BUSINESS ARISING FROM THE MINUTES

Infrastructure charges

No new information.

Lot Grading By-law

No new information.

Development Agreement - Falls Lake Resort Inc.

Chair Pineo advised that Council tabled the motion to approve the development agreement and referred the matter back to PAC for further discussion.

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Ms. Davis provided the Committee with a summary of the main issues and concerns raised at the public hearing on January 13, 2009.

Ms. Davis advised the issues included: the density of development along the Falls Lake shoreline; enforcement of the development agreement for the Canyon Point development including lighting, water testing, the buffer zone required along the lake shore; the loss of wildlife habitat; the emergency access becoming a through-road; rental units; and docks and floats obstructing the narrow waterway. Other issues were: noise and litter, speeding motorboats, unsupervised swimming, concerns about actions or approvals by other levels of government, and insufficient notice of the public hearing.

Chair Pineo asked Ms. Davis if the Municipality was following its planning documents in regard to the density along a shoreline. Ms. Davis advised that the West Hants MPS does not specify a particular number of units or density around a watercourse. There is a policy that talks about the overall density of a development that could be considered, which would be one dwelling unit per acre. The proposed development does meet the requirements that are in place for overall density. Ms. Davis provided the Committee with a revised concept plan that Mr. McDow submitted today. Ms. Davis advised that the number of units in this concept plan has been reduced from 132 to 118. She noted that six units have been removed from the Falls Lake shoreline. Another eight units have been taken out of the interior of the property, off of Resort Lane. As a result, a width of 100 to 125 feet has been provided at the building line for the 34 lots along the lakeshore of Falls Lake. Chair Pineo advised this would certainly address the density issue.

Ms. Davis advised that the next point was about enforcement of the Canyon Point Resort development agreement. The issue of exterior lighting was raised at the public hearing. With this particular issue, the Development Officer did not receive any complaints and this is something he would not necessarily be aware of, unless he was there after dark. The matter of the lighting has been corrected, and it has been properly shielded and deflected downward. There was also an issue of headlights glaring when vehicles are parking. The developer had arranged for most the units to have their parking behind the units and not beside the units to ensure that headlights are not glaring across the lake. There were a couple of lots where this was impossible because of topography, so these lanes are beside the units. The developer is intending with the proposed development to have parking behind the units, but there could be situations where it may not be possible because of topography.

Councillor Gaudet asked if the Development Officer enforces the development agreement, how often inspections are done and who does he report to. Ms. Davis advised that the Development Officer administers development agreements in the same way he administers the land use by-law. She advised that when developments are getting underway, the Development Officer frequently monitors what is going on. Once a development agreement is in place and the development is completed, at that point, under policy, the Development Officer will do a yearly site inspection. He reports his findings to her on whether there are any violations or if there is compliance. If the Development Officer finds a violation, it is dealt with in the same manner as a land use by-law violation. He would contact the property owner and advise of the problem with noncompliance and ask them to comply. If the property owner does not comply, it may become a legal issue.

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Ms. Davis advised that the other issue of enforcement had to do with water testing. Both the developer and the Development Officer misinterpreted the provisions of the development agreement with respect to chemical testing. Bacteriologic test results have been received every six months as required by the development agreement but chemical test results were not. The Development Officer felt that chemical tests were not required for two years. However, because the two-year chemical testing was coming up, the chemical tests have now been received. Ms. Davis advised she had become aware of this problem and at the Council meeting, she had suggested a few changes to the wording of the development agreement with respect to water testing.

Councillor Gaudet asked if the test results are available if a citizen member requests them. Ms. Davis advised that all water test results are available for residents of that development; however, it would be preferable if the residents went through their Condominium Board to get the results, rather than having the Development Officer respond to 50 requests. Chair Pineo asked Ms. Davis to clarify the requirements for water testing for the proposed development. Ms. Davis advised that the owner would have to submit bacteriological tests before getting an occupancy permit for each dwelling. Once that initial bacteriological test is done, then every six months bacteriological tests would have to be submitted. The Department of Environment recommends that chemical testing not take place until after the well has been in service for two months. The new provision is that chemical tests are submitted after the well has been in service for two months and from then on every two years.

Warden Dauphinee noted at the Council meeting, the issue of uranium was mentioned. He asked where the liability lies if uranium shows up. Ms. Davis advised this is an area where there is a potential for uranium, as in fact, is a large part of Nova Scotia. In terms of liability, a solicitor would have to answer that question. However, the development agreement is clear on the requirement for notification of purchasers that this is an area where uranium has been found and they need to test for it.

Ms. Davis referred to the enforcement concern about whether the buffer zone at Canyon Point was cleared out more than 25 percent. When the development was starting out, the Development Officer looked at the whole issue of the buffer zone being retained. There were a couple of places where he thought it may have been thinned out too much. A letter was sent out to the developer with respect to this. The Development Officer felt this was something that did have some compliance, and it was not a violation to the extent that it would require legal action. The reduction of the buffer zone was very limited.

Ms. Davis commented at the public hearing that staff has learned a lot from dealing with this development. In particular, one of the concerns that the Development Officer has, is not knowing what was there before, so he can judge whether or not it has been reduced. If the proposed development agreement is approved, staff would certainly monitor it closely and would be looking at ways to ensure there is a baseline to start with, possibly by taking photographs. If a property owner decides to clear more than they should, it is a problem because the Development Officer cannot be there all the time to see what is going on.

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Ms. Davis noted that one gentleman who attended the public hearing was on the Board of Directors for Canyon Point. He mentioned that once the Board gets running, then they will take a stronger role to ensure that their by-laws and the development agreement provisions are being followed.

Warden Dauphinee asked if the Municipality had any control over wildlife habitat. Ms. Davis advised that the Department of Environment (DOE) is responsible for watercourses when issuing approvals to cross watercourses. Their approval was issued before the development agreement application went to the Planning Advisory Committee. Ms. Davis advised that the issue of wildlife habitat is a concern. There is a requirement in the development agreement to maintain wetlands and the buffer zone so there is a minimal impact.

Ms. Curry commented that she understood the public's concern and she felt that common sense would have prevailed in regard to the timing of the inspection done by the Department of Environment. Ms. Davis stated the Municipality cannot regulate the Department of Environment.

Councillor Gaudet asked if a letter had been received from the Department of Natural Resources (DNR) regarding approval. Ms. Davis advised that a letter was received when PAC was dealing with the Canyon Point Resort development that talked about the entire area and there were no issues. Staff had contacted the Department of Natural Resources again, but did not receive any correspondence from them with regard to this particular property. DNR staff advised they were not aware of any issues with the development.

Councillor Matheson stated the problem is that once a driveway is put in, it affects the environment. He commented he could not think of anything else to make it more environmentally sound. Ms. Davis advised that the policy talks about conserving important natural features of the site. Staff needs to get information to tell them what is significant, and their usual resources are the DOE and DNR. Staff has also looked at topographical mapping to see if any wetlands and watercourses were identified within the property. It showed nothing. DNR's significant habitats mapping was also reviewed and it showed that all of Falls Lake had a designation for loons, but no other particular features were noted.

Chair Pineo recalled from a previous meeting when PAC first started talking about the development, she thought that DOE requested Mr. McDow to move the road over to have the least possible impact on the pond. Ms. Davis agreed that DOE did have some very specific requirements with respect to crossing the pond and how it should be done. It had to be done in the driest time of the year and complete by September 30th. The purpose of DOE's requirements was to reduce the impact.

Warden Dauphinee advised that the Municipality has no say concerning DOE issuing permits. He asked if inspections were done to see that the work was done properly. Ms. Davis advised that DOE may or may not do inspections.

Mr. McDow explained the crossing of the pond required three approvals from different government departments. The application is made to DOE who in turn requests comments from Nova Scotia

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Department of Fisheries and the Federal Protection Branch of Navigable Waters. Inspections are done and findings are reported to DOE. Mr. McDow stated he did not know when the inspections were done, but he did hear back from DOE that the other two departments had done inspections before the permit was issued. Mr. McDow explained further that he had contacted DOE to find out the status of the permit in early summer and was told that DOE was waiting for word from the other government departments.

Warden Dauphinee suggested writing a letter to DOE inquiring about when inspections are done. Ms. Davis suggested that it may be more useful for a future PAC meeting to have a representative from DOE attend and talk about their procedures. Warden Dauphinee agreed with this suggestion.

Ms. Davis advised that the concerns about the emergency access becoming a through-road were addressed by her and the Acting Fire Chief at the public hearing. If the emergency access road were to become a permanent road, the Chateau Village Property Owners Association would have to agree to it. Warden Dauphinee asked if the crash gate could be put in even if the Association does not agree. Ms. Davis replied yes. Warden Dauphinee asked if the access road would be plowed up close to each side of the gate? Ms. Davis stated that it was correct.

Ms. Davis advised that she also addressed the matter of rental units at the public hearing. She said that the Municipality cannot monitor people living in a single family dwelling and whether the houses are being rented to someone. It is hard to monitor and to enforce anything other than it is a single family dwelling and that is what the use is.

Warden Dauphinee questioned if the comments were about the military resort. He stated that the Municipality has no say because it is federal government.

Councillor Matheson asked about commercial businesses being permitted. He noted a comment was made about commercial businesses setting up at the development. Councillor Matheson stated that monitoring it would be difficult. Ms. Davis advised that the development agreement does not allow for any commercial use. She suggested that perhaps this could be something that the Condominium Board would be interested in enforcing.

Ms. Davis advised that concerning docks and floats extending into the waterway and causing obstructions, this is not something that can be addressed through a development agreement. Docks and wharfs are regulated through DOE. However, Mr. McDow did mention that it had been a concern to him as well and the Canyon Point Resort Board. He suggested this will be an education process of working with the prospective purchasers and new owners to try to keep the length of the docks to a minimum.

Ms. Davis said there was a good comment made at the public hearing that noise and litter are an indication of increased pressure because of density; i.e., more units on the lake creating more noise and more litter. Ms. Davis noted there has been an effort by the developer with the new plan to try to reduce density around the lakeshore. Again, other than the provision in the development agreement that talks about maintaining the property and keeping it in a tidy state, there is not a lot that the Municipality can do to address litter. The Development Officer cannot be there every day.

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If there is a major complaint about a serious problem; for instance, someone dumping or an unsightly pile of garbage, those are types of things that the Municipality would address. Also the Municipality does not have any way to address noise. Chair Pineo questioned if these would be issues that the Condominium Board would address through their covenants.

Chair Pineo noted that another issue had to deal with speeding motorboats and unsupervised swimming. She advised that the Municipality cannot deal with any matter that is on the water.

Chair Pineo stated she believed the Committee had touched on the concerns about actions, and approvals by other levels of government. She noted this is not just DOE. Chair Pineo asked if the Committee wanted a letter written about their concerns or questions. Warden Dauphinee stated the suggestion made by Ms. Davis to bring someone in from DOE would be sufficient. Chair Pineo agreed, but stated there are many people working for DOE hearing from them all would be important.

Mr. Parker asked Ms. Davis if there was a provision for planning staff to contact and consult local residents. Ms. Davis stated it was a possibility but it is difficult to know who to ask. Staff prefers to rely on well known resources to get information.

Chair Pineo spoke about a situation at Zwicker Lake a few years ago when the dam was replaced. She noted that DOE and DNR relied on the people of the area to get information.

Ms. Davis suggested another approach, but it is not in place in the current policy, to have a policy that requires the developer to have a biologist or other expert do a study to identify important habitat and other aspects of the site. However, this requirement is not in the current policy, so the Municipality cannot enforce it. Ms. Davis suggested that maybe the Committee might want to look at this in the future as an amendment to the MPS.

Chair Pineo noted that the other concern was about the insufficient notice of the public hearing. Ms. Davis advised that procedures and policies under the MGA were followed. Ms. Davis advised that PAC dealt with the application in October, and again in November. Unfortunately, because of the timing, the first ad was published around the holidays. She advised that planning staff recognized this issue and ensured that the notices were mailed out to adjacent property owners before Christmas. Ms. Davis commented that the public was well aware that PAC was dealing with this proposal and was in contact with planning staff about the matter since last summer.

Councillor Shanks asked about a comment which referred to having a lifeguard posted at the Provincial Park to supervise children when they are swimming. Chair Pineo stated this is not something that the Municipality can do anything about unless they started having swimming programs there. It was noted that the Recreation Commission tried to get swimming lessons in the area for years, but the biggest problem was trying to hire certified lifeguards. If the community wanted to have swimming lessons they could contact Red Cross and take over the liability and responsibility.

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Ms. Davis noted with the reduction in the number of units, there would have to be a minor change in the development agreement that specifies the maximum number of units permitted. Also, the developer had mentioned the concern expressed at the public hearing about the location of the community lake access points on the concept plan and whether there may be a mud bottom that would be unsuitable for the lake access. Mr. McDow asked if PAC would consider putting a provision in the development agreement that would allow the developer to change the location shown on the concept plan for the lake accesses where necessary. Ms. Davis advised that this could be an approval by the Development Officer.

Warden Dauphinee asked who would determine if the area were unsuitable. Ms. Davis stated it is probably the Development Officer working with the developer to identify issues.

Ms. Curry asked about the issue of sand being placed close to the high water mark, and if this is something that DOE would address. Ms. Davis said yes. She stated that she understood it was an individual lot owner in Canyon Point Resort who did this on their own accord and this was not part of the development plan.

Chair Pineo asked the Committee how they wanted to proceed. Warden Dauphinee advised that the matter of the development agreement will go back to Council.

Rezoning Application - Jana & Darrell Church

West Hants Council approved the Land Use By-law amendment on December 9, 2008 and no appeals were filed.

Chair Pineo stated this matter can now be removed from the agenda.

BUILDING INSPECTOR AND DEVELOPMENT OFFICER REPORTS

Monthly Report of November 2008

Monthly Report of December 2008

Moved By: Councillor Matheson

Seconded By: Warden Dauphinee

**THAT THE MONTHLY REPORTS OF THE BUILDING INSPECTOR AND
DEVELOPMENT OFFICER FOR THE MONTHS OF NOVEMBER AND DECEMBER 2008
BE RECEIVED AND PLACED ON FILE.**

Question on Motion

MOTION CARRIED.

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NEW BUSINESS

No new business to be heard.

PLANNING PROGRAM UPDATE

JPAC Executive

No meeting to date.

MISCELLANEOUS

Atlantic Superstore Parking

Deputy Warden Cochrane advised that in October he had asked staff about the second access to the Superstore, and has not heard any information to date. He asked if this matter could be revisited and the information brought forward for the next meeting. Deputy Warden Cochrane expressed concern about children's safety when in the parking lot.

NOTICES FROM ADJACENT MUNICIPAL UNITS

No notices were received.

QUESTIONS & COMMENTS FROM PUBLIC

Development Agreement - Falls Lake Resort Inc.

Moved By: Councillor Matheson
Seconded By: Warden Dauphinee

**THAT THE CORRESPONDENCE FROM LEAH RISSESCO DATED JANUARY 15, 2009
BE RECEIVED AND PLACED ON FILE**

Question on Motion

MOTION CARRIED.

Chair Pineo opened the floor for questions and comments from the members of the public.

Christine Brush thanked the Committee for the opportunity to speak. She said she wanted to clear up some misinterpretations that the Committee may have. Ms. Brush stated that the Chateau

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Village Property Owners Association has asked the developer several times to confirm in writing that the emergency access road will not become a through-road. She said the developer had refused to confirm this. Ms. Brush stated the Association is not against safety. With regard to rentals, the developer has many rentals and in the summertime, there have been issues with open fires started by renters, when there has been a fire ban in the Province. Ms. Brush advised that they have brought this matter to the developer's attention, but nothing was done.

Chair Pineo advised that the Municipality does have a By-law Enforcement Officer who looks after illegal burning. Ms. Brush asked for his name and number. Chair Pineo stated his name is Gary Lunn and he can be reached by calling the Municipal Office.

Mr. McDow stated his company only owns two rentals and they are right beside his house. Ms. Rissesco asked who owned the rentals on Summit Ridge Road and Village Path. Mr. McDow advised there are no rentals on Summit Ridge Road and Village Path. However, there are two rental units on Alpine Way, which are owned by a company called Just Perfect Solitude, which is owned by Robert and Jeanette LaLonde. Mr. McDow stated he only manages the property for them. He commented there are other people in Chateau Village that rent cottages, which he has no control over. Mr. McDow read aloud from a brochure that is given to renters which includes provisions for quiet times, garbage collection, and restrictions for outdoor fires. Mr. McDow noted there have been other comments about fireworks and noise. He pointed out this is not only by rental units but people who own properties on the Chateau Village side as well, who have fireworks in the summer, and who also have large lights that light up their whole yards in front of their cottages facing the lake.

Chair Pineo asked Mr. McDow if he dealt with the Association and if this is the route that should be followed for complaints. Mr. McDow responded that first, to the best of his knowledge, he has only ever received one complaint, and this was about five years ago, about young renters who were being outspoken with another property owner.

Mr. McDow stated he has not been asked for a commitment about the emergency access becoming a through-road. He said this was not a decision for him to make. This decision has to be made by Council, the Fire Department, the development agreement and the Condominium Corporation.

Leah Rissesco asked who would be liable when her well becomes contaminated from the drilling and blasting for wells and septic. She also asked how the Municipality addresses complaints when they receive a complaint. Chair Pineo advised that the Municipality has a development agreement with the developer. If someone calls in a complaint, then it would go to the Planning Department and then to the Development Officer. Ms. Rissesco expressed concern about a culvert being placed under her fence. Ms. Davis stated at this stage, Council has not approved the proposed development yet. The draft development has provisions for design and construction of the road, and there is a requirement for a storm water management plan. Ms. Rissesco asked who monitors the development until the development agreement is approved. Ms. Davis advised that Ms. Rissesco and the developer as property owners would have to work out the issues. If there is an

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issue that affects DOE, then they could be involved. Ms. Davis stated before a development agreement is approved, the Municipality does not have anything to enforce.

Ms. Rissesco asked if environmental impact studies were going to be requested from DOE and DNR. Ms. Davis stated it was not required.

Ms. Rissesco expressed concern about a time when she came in to get a building permit for a garage. Ms. Davis replied that she would need to know more specifics about what she applied for.

Ms. Rissesco advised that when the Fire Society was planning to construct walking trails on the other side of Murphy Lake, they were told they needed a complete environmental inventory before they could do this. She questioned why the developer does not have to do this. Ms. Davis commented that she did not have any information on this, but perhaps it could have been DOE's environmental wetland assessment to which Ms. Rissesco was referring. Ms. Davis stated the Committee could not speak for DOE.

Ms. Rissesco commented that DOE and the Municipality were both contacted by residents to let them know what was living in the pond. She asked if this were on record. Ms. Davis advised the Municipality does not regulate DOE. DOE based on whatever information they had, issued an approval to cross the pond. Ms. Rissesco concluded that the Municipality has no control over noise, litter, docks, and unsupervised swimming. She asked if the Municipality had a noise by-law. Chair Pineo advised that the Municipality does not have a noise by-law. Ms. Davis advised that she had talked about litter earlier in the meeting, that a provision in the development agreement requires the property be kept in a tidy state, clean and maintained. Ms. Rissesco commented if the Municipality does not have any influence over the developer how are they supposed to enforce anything he does. Ms. Davis advised what the Municipality can enforce and what they can have in a development agreement is set out for municipalities under Provincial legislation.

Councillor Gaudet commented if there is a concern regarding illegal dumping a person can contact the By-law Enforcement Officer.

Ms. Rissesco noted that many property owners who live elsewhere were not notified of the public hearing. Ms. Davis advised that notices go out to property owners, at their home addresses, whose properties are within 300 ft. of the proposed development. In addition, ads were published in the local paper. Ms. Rissesco questioned why 300 ft. Ms. Davis advised that the requirement of 300 ft. is in the Land Use By-law.

Glenna Butt commented on what the Committee said about the Municipality being unable to control noise, litter etc. She stated those things are the result of higher density. She said the revisions to the concept plan where the developer has removed some units is not a significant reduction of density as some of those units are back lots. Ms. Butt said the residents are concerned about what is happening on the shoreline. She noted that with the Canyon Point Resort development, if a driveway cannot be put behind the cottage due to topography and had to be put on the side, the development needs redesigning. Even if it is only one property, and if that is the requirement, then it needs to be followed, despite topography. Ms. Butt suggested the Committee question DOE and DNR for the inspection reports before Council approves anything, and make it a policy. She felt

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the 300 ft. requirement was insufficient and that it should be changed in the by-law to notify all property owners.

Alicia Wile questioned when the notices were sent out. Ms. Macumber said that if notices were dated the 17th then they were probably sent out on the 18th. Ms. Wile said that some residents did not receive their notices until the 23rd.

Frank VanBlarcom stated that the 300 ft. requirement for notification would be adequate for more dense areas but not in areas with less density. He thanked the Committee for allowing them to be present at this meeting. Mr. VanBlarcom stated density impacts upon people in many ways. People use the lake for many different things. Development is scattered around the lake and people come for different reasons. Some people come for privacy. Allowing more density effects why people came to the lake in the first place. Mr. VanBlarcom proposed changing the 70 ft. setback from the lake to 100 ft. He stated he thought the idea of taking photographs before a development is approved to see what is there is a great idea. Mr. VanBlarcom suggested taking into account the time of year with respect to foliage when calculating the percentage of view. Mr. VanBlarcom referred to a brochure he obtained from Ontario which talks about things people should think about before purchasing a lakefront property. He suggested handing out a brochure to people when they are interested in purchasing lakefront property. He also suggested that the requirement for building above elevation of 341 ft also be used to ensure that no roads are being constructed below that level, and surveying and marking the area so everyone knows where it is.

Mr. McDow stated he wanted to say a few more things about studies and reducing density. He stated this was something he mentioned at the public hearing. Not everyone wants to be in the wilderness. Most people interested in these developments are retirees who want to see their neighbours and not be far from them. The Condominium Act has restrictions by which the developer is governed. The by-laws cover everything that can be imagined. Items such as on-site sewage permits requiring water meters to be installed in every unit and read every month so it is known how much water is being used. All plumbing fixtures have to be low use of water such as low flush toilets. The drainage around buildings has to be installed properly. Guidelines have to be followed such as when people purchase there is a ten-day cooling off period. When everyone buys a property in a condominium, it is mandatory that they are given the by-law and reserve fund study. With as-of-right development there are very few rules and regulations, but with the Condominium Act there are many. Once they sell 50 percent of the project, the Board of Directors takes it over and then it is their responsibility to administer.

Mr. McDow also commented that traffic and environmental studies have been done, as well as wetland studies. He noted that now people are requesting more studies. Mr. McDow stated looking around Nova Scotia, there is no as-of-right subdivision development going on in rural areas because it is so costly to develop and there would be no buyers. Mr. McDow explained that the proposed development would be good for the economy.

**WEST HANTS PLANNING ADVISORY COMMITTEE
MEETING MINUTES
January 15, 2009**

ADJOURNMENT

Moved By: Warden Dauphinee
Seconded By: Councillor Ainslie

THAT THE MEETING ADJOURN.

The meeting adjourned at 9:26 p.m.

Chair