

DRAFT

**WEST HANTS PLANNING ADVISORY COMMITTEE
MEETING MINUTES
March 19, 2009**

- PRESENT:** Chair Shirley Pineo
Deputy Warden Gary Cochrane
Councillor Reed Allen
Councillor Randy Matheson
Councillor Gloria Shanks
Councillor Tom Brown
Councillor Rick Gaudet
Mr. Raymond Parker
Ms. Traci Curry
- STAFF:** Lynn Davis, Director of Planning
Jeanne Bourque, Planner
Velma Macumber, Administrative Assistant
- REGRETS:** Warden Richard Dauphinee, family illness
Councillor Pam Ainslie
- GUESTS:** Adrian Fuller, District Manager, DOE
Erin Bremner-Williamson, Inspector, DOE
Rev. Thomas Henderson, All Saints Anglican Church
Floyd Wile, All Saints Anglican Church

Chair Pineo called the meeting to order at 6:30 p.m and introduced Councillors and staff.

**PRESENTATION BY NS DEPARTMENT OF ENVIRONMENT
- Adrian Fuller, District Manager**

Mr. Fuller thanked the Committee for the opportunity to come to the meeting, and introduced Erin Bremner-Williams, Inspector. Mr. Fuller advised that he is District Manager of the Central Region, Monitoring and Compliance Division, Nova Scotia Department of Environment. This region is the largest in the Province and covers West and East Hants, and HRM. There are approximately 75 inspectors across the Province, and the Central region alone has 22 inspectors. Their main authority comes under the Environment Act and there are approximately 22 sets of regulations which give them authority to do certain things. The inspectors conduct audits, respond to complaints, and provide emergency response in certain situations such as oil spills and fish kills, 24 hours a day, seven days a week. In addition, another activity is to issue approvals. The Activities Designation under the Environment Act lists activities that require approvals. This could be anything from installing bridges, culverts, altering watercourses and wetlands, to operating gravel pits.

Chair Pineo advised that the item that prompted the idea of having him come in was a development agreement that the Committee was looking at for Falls Lake. She noted that the

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Committee could not answer some of the concerns that the citizens had brought forward. She referred to an approval issued by DOE that allowed a road or driveway to cross a pond. Chair Pineo asked Mr. Fuller to elaborate on how that process works because the concerns of the citizens were that there was wildlife in the pond, and that no part of it should have been infilled. Chair Pineo advised that she had visited the site and it seemed to her the pond was man-made.

Mr. Fuller advised that DOE had the same concerns expressed to them. DOE received an application to do the work, because that activity requires an approval, and part of their review process is that they send information to Department of Fisheries and Oceans, who comment on fish habitat. Fisheries and Oceans did not have any concerns as it was an isolated body of water, and very shallow. He noted that citizens were also concerned about whether the pond was a wetland. Staff inspected the site and determined that it was not a wetland, just a very shallow pond. Part of the DOE review process is to look at the application to see what is intended to be done, and why, and if it can be avoided. In this case, crossing the pond could not be avoided, so an approval was issued.

Chair Pineo noted that other concerns were raised about whose responsibility it is to deal with waterways, regulating speed of boats, watching out for swimmers, and the loon habitat. Mr. Fuller replied that DOE does not regulate speed or noise of activities on the lake. He advised that one thing that triggers an approval from DOE is on-site septic systems which require a 100 ft. setback from a watercourse. Mr. Fuller advised that a building could be built closer to a watercourse and that setback would be a municipal requirement.

Ms. Davis asked for clarification on the approval for the culvert across the pond. She noted that one question citizens asked was if DOE monitored the work once the approval was issued, and if there was followup. She noted the concern was that perhaps that proper procedure was not followed during construction. Mr. Fuller stated their process is for the proponent to provide notification when the work is going to happen so an inspector can go out and check. He could not say specifically in this case. Even after that, DOE tries to go out and do an audit on the approvals that were issued to see if construction was done properly. DOE also responds to complaints about activities that are going on that they issued an approval for, they go and inspect it at that time too. Ms. Davis asked what happens if the proponent does not actually notify DOE when construction is underway. Mr. Fuller admitted this does happen sometimes. In these cases, the only way DOE would know is if they got a complaint, or when a followup is done on the permits they issue.

Councillor Brown asked if DOE dealt with concerns about uranium in wells. Mr. Fuller advised that DOE does have regulations for well construction, but they do not restrict where people can put their wells. However, there are regulations on what the safety limits are for uranium or arsenic content in water, and people are given this information. In addition, the DOE website shows mapping of areas prone to problems.

Councillor Gaudet asked before DOE issues an approval, is there any reason for the department to go out to a public meeting with the residents of the area. Mr. Fuller advised that the department is not required to hold public meetings and the Act gives them authority to make decisions.

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Chair Pineo noted that another citizen was concerned about silt runoff onto their property. She asked if this were something the department monitors. Mr. Fuller advised that it is the responsibility of the applicant and it is often a condition of DOE approval.

Councillor Shanks asked if DOE was involved in approving quarries. Mr. Fuller said yes, quarries do require approvals from the department. For quarries, it is any size, and pits two hectares.

Councillor Shanks asked about the process to get a quarry approved. Mr. Fuller advised that he would get the information on the application process and what an applicant would have to submit such as standards and separation distances.

Chair Pineo asked what the difference was between a pit and a quarry. Mr. Fuller advised that the main difference is that blasting takes place in a quarry while in pits it does not. Chair Pineo expressed concern about pits expanding into something larger than they are supposed to be. Mr. Fuller stated it was tricky because pits are supposed to be under a certain size. The department looks at the whole property and what activity had happened this year and last year.

Deputy Warden Cochrane expressed concern about blasting by quarry operations. He asked if the department requires the companies to notify residents when blasting is going to take place. Mr. Fuller advised that with a quarry operation, when approvals are issued there are requirements for blasting setbacks. He stated he could not recall specifically on this matter but he would look into it and get back to the Committee.

Mr. Parker noted that the Auditor General released an extensive report on the department's monitoring and compliance division and several questions were raised about issuing of approvals, enforcement and the compliance process. He commented that most of the Committee was probably aware of the challenges the department was experiencing with the lack of resources. The Auditor General Report talked about ways of effective monitoring and compliance. Mr. Parker asked how the department worked within the constraints and how can citizens recognize the constraints to make the process work better. Mr. Fuller agreed that the Auditor General Report was quite extensive. He noted the department is addressing several of the recommendations and improving the way they do business. Mr. Fuller advised that the main thing the Municipality and citizens can do is contact the department if there are any questions or concerns. Many times the department hears about things after the fact. There is an enforcement component in which all of the inspectors are peace officers, who can investigate, lay charges, issue summary offence tickets, take people to court, or issue directives for work. However, there are only 22 inspectors in the Region. Anyone can contact the department, anonymously, to provide information on a activity, so it can be looked into. Mr. Fuller advised that DOE was improving their complaint tracking system, so when complaints are received, to ensure that followup is being done.

Ms. Bourque stated as a planner, it would be beneficial to DOE, if planning staff had information on inspections, so when calls are received, staff can advise of the details of the inspection. Ms. Bourque asked if the inspector's reports can be released. Mr. Fuller advised that it would have to be a FOIPOP request. Ms. Bourque asked if the date of a site visit could be released. Mr. Fuller stated he did not see a problem with it.

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Chair Pineo advised that she has received inquiries by residents concerning on-site septic regulations. She asked what would happen if someone was hired to design and install a system and then went out of business, and the system malfunctioned after five or six years. Chair Pineo asked if this happened, who does the homeowner go after and how can they get an inspection done to show it was installed improperly. She said it was her understanding that DOE does not inspect every system installed. Mr. Fuller agreed. Chair Pineo asked if DOE has run into this yet and what happens to the homeowner if the system was installed improperly. Mr. Fuller advised that DOE has had Qualified Persons One (QPI) and Qualified Persons Two (QPII) since 2000. However, before the regulations changed, inspectors were going out and doing final inspections for every system. Now Qualified Persons Two, QPIIs, can select a system, install it and do the final inspection. Mr. Fuller advised that if a system malfunctioned in five or six years, and the installer is not around, then there is no one to go after. DOE does respond to complaints if a system was just recently installed and is now malfunctioning. An inspector will investigate how the system was installed and what caused it to malfunction. The inspector also reviews files regarding the application. Mr. Fuller advised that he is the Administrator for the on-site programs for the Province and this issue has not come up too often yet.

Councillor Brown asked if he hired an engineer to design an on-site septic system, does he need a QPI or QPII to install it? Mr. Fuller advised that if an engineer designed a system, a Qualified Person, a licensed installer, would still have to put it in. Councillor Brown asked why? Mr. Fuller advised that an engineer can design a system but may be unable to properly install it. The licensed installers take training on how to install them properly.

Mr. Parker advised that he spoke with a neighbouring dairy farmer, who was frustrated by the process of trying to get a water withdrawal permit. Mr. Parker stated he did not want to take up the Committee's time on this specific issue and asked Mr. Fuller if they could get together to discuss the process after the meeting. Mr. Fuller agreed and advised that DOE would need certain information before an approval was issued.

Chair Pineo thanked Mr. Fuller and Ms. Bremner for coming to the meeting.

Mr. Fuller and Ms. Bremner left the meeting at 7:00 p.m.

Chair Pineo advised that representatives from All Saints Anglican Church were present so with the Committee's permission, would adjourn the PAC meeting to later in the evening, so they could move into the Heritage Advisory Committee meeting.

Moved By: Councillor Matheson
Seconded By: Councillor Shanks

THAT THE MEETING ADJOURN.

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The meeting adjourned at 7:00 p.m.

The meeting reconvened at 7:40 p.m.

APPROVAL OF MINUTES OF JANUARY 15, 2009

Moved By: Councillor Allen

Seconded By: Councillor Brown

**THAT THE MINUTES OF THE WEST HANTS PLANNING ADVISORY COMMITTEE OF
JANUARY 15, 2009 BE APPROVED AS CIRCULATED NOTING ANY ERRORS OR
OMISSIONS.**

Question on Motion

MOTION CARRIED.

BUSINESS ARISING FROM THE MINUTES

Infrastructure charges

No new information.

Lot Grading By-law

No new information.

Development Agreement - Falls Lake Resort Inc.

Ms. Davis updated the Committee about the appeal to the Nova Scotia Utility and Review Board of the approval of the development agreement for Falls Lake Resort Inc. She advised that at the preliminary hearing, which was held by telephone conference, the Municipality's solicitor and Mr. McDow's solicitor asked that the appeal be dismissed because the appellant did not provide proper grounds for appeal. At the preliminary hearing, the Board decided to allow the appellant time to revise their notice of appeal by providing proper grounds for the appeal. The appellant had until March 18th to submit the revised grounds. The Municipality's and the developer's solicitors had until March 20th to respond. Once this process takes place, the Board will decide whether there are reasonable grounds for appeal and whether it will be going forward to a hearing on the merits, or dismissed.

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Atlantic Superstore, Cole Drive, - driveways

Ms. Davis noted that Deputy Warden Cochrane had previously asked for information about a second access to the Atlantic Superstore. The Development Officer contacted Deputy Warden Cochrane about this. The Development Officer had advised that this might require losing several parking spaces and the store is already close to the minimum number. If the garden centre was reduced in size, fewer spaces would be needed. The Development Officer had also advised that he was in favour of taking a site visit, but snow was covering up the back parking spaces.

Deputy Warden Cochrane agreed that the Development Officer had contacted him and both of them agreed to wait until the snow was gone. He noted that other structures were also taking up parking spaces such as the Red Cross bin. Deputy Warden Cochrane stated he would have to have a better gauge on the matter before approaching management.

BUILDING INSPECTOR AND DEVELOPMENT OFFICER REPORTS

**Monthly Report of January 2009
Monthly Report of February 2009
2008 Annual Report**

Moved By: Councillor Brown
Seconded By: Councillor Shanks

**THAT THE MONTHLY REPORTS OF THE BUILDING INSPECTOR AND
DEVELOPMENT OFFICER FOR THE MONTHS OF JANUARY AND FEBRUARY 2009,
AND THE 2008 ANNUAL REPORT, BE RECEIVED AND PLACED ON FILE.**

Question on Motion

MOTION CARRIED.

NEW BUSINESS

Policy re Creation of New General Service Areas (GSA)

Moved By: Councillor Matheson
Seconded By: Ms. Curry

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THAT THE STAFF REPORT DATED FEBRUARY 19, 2009 RE POLICY FOR CREATION OF NEW GENERAL SERVICE AREAS (GSAs) BE RECEIVED AND PLACED ON FILE.

Question on Motion

MOTION CARRIED.

Ms. Davis advised that the draft was similar to the Civic Addressing By-law and Road Naming Policy. She advised that the policy talks about new GSAs not being created unless there is a very good reason for it. It would be a major change that would affect residents and their mailing addresses and personal information.

Ms. Davis reviewed the draft policy with the Committee. The report suggested that the municipal councillor of an area would submit an application along with signatures from 75 percent of the households in the proposed community. The Civic Addressing Coordinator would review the request according to a list of criteria, e.g., if the name was easy to pronounce and spell, whether it was in good taste, and whether it duplicated or sounded similar to other GSAs in the system. One important criterion is that consideration must be given to the long-standing local usage of a name by the community. If the name did not meet the criteria, then the Coordinator would recommend that it be revised or rejected.

Councillor Matheson said he liked the policy and felt it was fair that 75 percent of the households would have to sign up.

Ms. Curry asked if 75 percent meant one signature per household. Ms. Davis confirmed that it was.

Councillor Shanks asked what would happen if the new name was detrimental to what was existing. Chair Pineo noted that Councillor Matheson had residents who were concerned about their community name being lost. She noted that perhaps this could be an avenue. Ms. Davis pointed out the criterion that referred to long standing local usage of the name.

The Committee was generally in favour of the petition being 75 percent of households rather than 75 percent of property owners. Staff was asked to get clarification on what is used in other West Hants policies and by-laws, and provide this information to the next Committee of the Whole meeting.

Chair Pineo suggested going ahead with a motion, and she asked the Chair of the Committee of the Whole to put this matter on their agenda for discussion.

Moved By: Councillor Matheson
Seconded By: Ms. Curry

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THAT THE WEST HANTS PLANNING ADVISORY COMMITTEE RECOMMEND TO COUNCIL THAT BOTH THE POLICY AND APPLICATION FORM FOR THE CREATION OF NEW GSAS BE APPROVED AS SUBMITTED.

Question on Motion

MOTION CARRIED.

Cost of taking over and maintaining new municipal streets (referral from CoW)

Councillor Matheson stated that the Municipality taking over and maintaining new streets has been an issue with him for quite some time as it is expensive. He asked how could the Municipality alleviate the expense. Councillor Matheson noted that some areas of the Municipality do not have new roads, but all residents are paying for new roads in other areas. He stated he believed the users of the road should pay the expense. When the Municipality takes over roads they are supposed to be paved and up to Municipal Road Standards. Councillor Matheson commented that the Municipality will have to repave the road after 15 or 20 years. He stated he believed that this would be burdening future Councils with a huge expense. He suggested putting area rates in place for new roads for maintenance in the future.

Councillor Brown stated this would be fine as long as any money collected goes into a separate account, not into general revenue.

Ms. Curry asked who maintains the roads in a new subdivision. Chair Pineo advised that Municipality maintains the roads. Once a developer creates a development, it is required that the roads be brought up to standard and paved, then it is turned over to the Municipality. Once the Municipality accepts the roads, the Municipality plows, sands, and monitors them. Chair Pineo reiterated Councillor Matheson's comments about as time goes on the Municipality will be responsible for the care of those roads also. Ms. Curry questioned what other municipalities did.

Deputy Warden Cochrane stated he sympathized with what Councillor Matheson was saying, however, he felt it would create an administrative nightmare for the Director of Finance. He questioned what would happen if a road washed out, and there was not enough money in the account, if tax payers on that street had to pay such an exorbitant area rate they could not afford their homes. It would have to be prorated so that in 20 years there is enough money in the account to repave. Deputy Warden Cochrane advised that he would like to hear how this could be administered.

Councillor Gaudet noted the Municipality is building a big sewage treatment facility and the residents of his district are asking if the facility is going to be paid for through the general tax rate. He questioned if the Municipality would be putting area rates on everything they did in the Municipality. Councillor Gaudet suggested waiting to hear what other municipalities did first.

Ms. Curry suggested if looking at current subdivisions with denser development, with bigger, more expensive homes and higher taxes, that perhaps the residents are already paying for their roads. Ms. Curry suggested allocating some money for 2future major road maintenance projects.

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Chair Pineo agreed with Ms. Curry's suggestion to set up a reserve now.

Councillor Gaudet asked about infrastructure charges. Ms. Davis advised that infrastructure charges are not for maintenance, but new capital costs.

The Committee agreed they would like more information.

PLANNING PROGRAM UPDATE

JPAC Executive

No meeting to date.

MISCELLANEOUS

NS Planning Directors Spring Conference - May 14-15, 2009

Ms. Davis reported that the upcoming Nova Scotia Planning Directors Spring Conference will be held on May 14-15, 2009 at the Lord Nelson Hotel in Halifax. The topic is about downtowns and main streets. Ms. Davis advised that Council usually approves two PAC members to attend the conference.

Chair Pineo expressed interest in attending the conference.

Moved By: Councillor Brown

Seconded By: Councillor Gaudet

**TO RECOMMEND THAT COUNCIL APPROVE TWO PAC MEMBERS TO ATTEND THE
NOVA SCOTIA PLANNING DIRECTORS SPRING CONFERENCE ON MAY 14-15, 2009.**

Question on Motion

MOTION CARRIED.

NOTICES FROM ADJACENT MUNICIPAL UNITS

Moved By: Councillor Matheson

Seconded By: Councillor Shanks

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TO RECEIVE THE LETTER FROM CINDY L. BARKER, ADMINISTRATIVE ASSISTANT, COMMUNITY DEVELOPMENT SERVICES, MUNICIPALITY OF THE COUNTY OF KINGS, DATED JANUARY 15, 2009, RE PUBLIC MEETING - TELECOMMUNICATIONS TOWERS; LETTER DATED JANUARY 22, 2009, RE PUBLIC PARTICIPATION MEETING - PROPOSED AMENDMENTS TO ALLOW FOR AN ADDITIONS REHABILITATION AND COUNSELLING CENTRE IN THE R6 ZONE (NORTH ALTON); LETTER DATED FEBRUARY 9, 2009, RE PUBLIC PARTICIPATION MEETING - PROPOSED GENERAL TEXT AND MAP AMENDMENTS; LETTER DATED MARCH 11, 2009, RE NOTICE OF PUBLIC HEARING - PROPOSED AMENDMENTS TO BY-LAW 56, THE MUNICIPAL PLANNING STRATEGY, BY-LAW 75, THE LAND USE BY-LAW, BY-LAW 42, THE NEW MINAS SECTOR PLAN, BY-LAW 57, THE NEW MINAS LAND USE BY-LAW, AND AMENDING DEVELOPMENT AGREEMENT.

Question on motion.

MOTION CARRIED.

QUESTIONS & COMMENTS FROM PUBLIC

No members of the public were present.

ADJOURNMENT

Moved By: Councillor Allen
Seconded By: Ms. Curry

THAT THE MEETING ADJOURN.

The meeting adjourned at 8:30 p.m.

Chair