

**OAKLAND AREA ADVISORY COMMITTEE**  
Indian Point Fire Hall - **October 24th 2018, 19:00**

**AAC Members.**

Tom Lockwood, Chair  
Geoff MacDonald  
Ron Myers  
Bill Scott  
Councillor Michael Ernst

**Municipal Staff.**

Douglas Reid  
Jeff Merrill

**Members of the Public.**

16 (10 signed in)

Meeting called to order at 19:00. Introduction from the Committee Chair. One addition to the agenda: a letter sent directly to Advisory Committee members from Ian & Ray Creery. See **Added Item** below.

**1a. Approval of Minutes**

October 10th meeting minutes were presented. As minutes were not sent out with the Meeting Notice, additional time was taken for review. Adoption of minutes for October 10<sup>th</sup> meeting moved and carried.

*Arising from October 10 minutes:* The reply to Mark Belair's January letter had not yet been prepared. It was identified that the staff response would be carried forward to the next meeting.

**Added Item - Creery Letter**

A letter from Ray Creery to the Committee was read aloud by Councillor Ernst. (*copy of letter to be added to next Agenda package*) The letter supported the proposed amendments to the By-law. It supported the clarity it would provide developers and hopefully discourage them from proposing developments out of character with the community. It supported the proposed fixed roof accommodation limit change from 25 to 3. It supported proposed environmental constraints and noted problems that increased traffic due to new developments would cause. The letter identified that while not against development and not anti-business, it was concerned with maintaining the integrity and character of the community.

Staff then gave a brief overview of the ongoing review process, following the August Open House: with the Committee set to discuss the 14 points identified at the last meeting, which resulted from public feedback, including the 3 identified points that were to be discussed in this meeting.

**2a. Outdoor wood furnace - related regulations**

Staff presented a report on outdoor wood furnaces, the reason for setback restrictions, and the minor change in wording as found in the Draft. The report identified approaches in other Plan Areas, and existing provincial policy framework regarding air quality and energy efficiency. It was noted that, in the Blockhouse By-law, a setback of 60m from any existing structure on an adjoining lot was used, rather than the use of a setback from fixed lot lines. A map was shown of the Oakland Plan Area with the existing 38m setback.

Committee members commented where they felt the continued implementation of the existing 38m setback was appropriate.

(Forbes) Asked if there were fire regulations for these devices, and a consideration that there should be.

(Hutton) Suggested that as they were not in the house, they were not part of fire regulations.

(McLaren) Can the chimney height be controlled, i.e. compelled to be a certain height?

**Staff responses (to identified):** Cannot control for ongoing fire regulations within the land use by-law, can control the issuance of an initial permit. Height of the furnace regarded as part of the manufactured nature of the device, not its use. Setbacks considered the method of controlling for a “use”. To the question on fire regulations: it was added that the Municipality does not require, but recommends, that the devices be professionally installed.

(Belair) Pointed out that taller chimneys to such furnaces would become cooler, (exposure to the elements) collect more creosote, and so were a greater fire risk.

## **2b. Regulations affecting Shelters for Farm Animals**

Staff presented the report on shelters for farm animals, the existing setback regulations for such a structure / manure storage area, and the wording changes in the proposed Draft. Staff noted where an existing reference to bees would be removed from the Definitions section for Farm Animals / Livestock Units.

The approaches used in other Plan Areas were reviewed. In Blockhouse, the approach was to permit for the use provided there was evidence of a Nutrient Management Plan or Environmental Farm Plan undertaken by the applicant. These plans were associated with “best management practices” identified by the Department of Agriculture / Federation of Agriculture. If no plans were undertaken, a “third” approach was a requirement based on a lot’s carrying capacity (*as identified in provincial Manure Management guidelines*), of 1 Livestock Unit per hectare of land. It was noted where Hebbville used a setback of 30 metres from any Residential Zone boundary. Copies of information from the Environmental Regulations Handbook and Manure Management Guidelines, developed by NS Agriculture, were supplied with the report.

A Committee member asked regarding costs in developing a Plan.

**Staff response:** Pointed out that the Environmental Farm Plan had no cost associated with it.

(MacDonald) Preferred the Blockhouse approach to our existing By-law.

(Hutton) Would this apply to existing buildings or only to new ones?

**Staff response:** The permit process could only apply to new buildings. Existing buildings currently in use as shelters for farm animals would have to be documented.

There followed a discussion by Committee members, and citizens, of potential use of either the 15 metre or 30 metre setback requirement as an additional aspect in the “third” approach. (carrying capacity)

Committee Direction: It was agreed that the approach was to revise the drafted regulation, to follow the Blockhouse approach, but with an additional setback requirement. (wording to be identified in next Draft)

## **2c. Framework for Commercial Development in Rural Zone**

Staff presented a written report on possible changes to the Draft’s proposed Framework for permitted Commercial Developments in the Rural Zone. The Report explained the difference between the “Permitted Uses” & “Restricted Uses” approaches.

It highlighted what changes in wording could be required, to change the current Draft’s approach (“listing of permitted uses”) to an approach as identified in comments made at the October 10th meeting / in written feedback. (“listing of restricted uses”) that was more in keeping with the 2003 By-law’s framework.

Staff noted where the key difference was a determination of which lists of uses were to be identified in the By-law. (As-of-right, Restricted Uses, Prohibited Uses), It was identified where the consequences in the two approaches dealt largely with what to be done about future “unknowns”.

(*Lockwood*) The Chair considered where the current system of listing restricted uses would permit for unknown possible commercial developments as-of-right, with no chance for resident input during the permit application process, and no way of removing them, after the fact.

(*Scott*) Suggested the community take the cautious approach. The approach in the Draft By-law would allow for residents to have input, which does not eliminate the possibility of a development from occurring.

(*Ernst*) The rights of homeowners and their property values should not be forgotten when considering as of right commercial development. Homeowner’s rights should not be sacrificed for the rights of business.

(*Lockwood*) The Chairman pointed out that no business currently in the Oakland Plan Area would be disallowed under the proposed Draft By-law’s approach to listing permitted uses.

(*Hutton*) Asked if a proposed Fixed Roof Accommodation use was restricted to the 4000 square feet threshold, as-of-right? Was that 4000 square feet in all, or by unit?

**Staff response:** In the 2018 Draft: it was 4000 square feet in total for whatever number of units were associated with the use. The development would also be required to meet the the total area threshold of 20,000 square feet on a lot. It was noted where Fixed Roof Accommodation uses were dealt with separately in the By-law, and so regulations affecting that particular use was separated from other commercial uses.

(*Lockwood*) The Chairman re-iterated that residents should have some input in cases where it was an unknown type of commercial development.

(*Forbes*) Suggested that in those cases of unknown possible developments there should be some process to change the lists of uses that are identified, or are prohibited, in the By-law.

**Staff response:** Noted the problems that had occurred in Blockhouse, when an undesired development was first proposed, and difficulty and cost to the community to amend the By-law to stop such applications in the future.

Forbes and Lockwood agreed that having a process for resident input was desirable in the cases of controlling for possible commercial developments that were unknown beforehand.

(*Maclaren*) Also agreed that it was important to see and have resident input in the permitting process.

(*Forbes*) There should be some process in place by the Committee or the Municipality to discuss what should be done with possible commercial developments as they become known.

(*Councillor Ernst*) Land Use By-laws can be changed between Plan Reviews, such as it was done in Blockhouse. There is a process established for this by the Municipality. The issue is that these amendments can take some time. Noted the time that a Plan Review takes.

**Staff response:** Gave an outline of the time taken for the permitting process, vs. Agreement / amendment process. As-of-right applications take about two weeks. Development agreements take four to six months, depending on the application. Much of this time is the requirement to advertise the notifications in the local press so that residents are aware of the application and can offer their views.

(Belair) Requiring a business to undertake a six month Development Agreement process will put off many small business ideas from ever starting. Staff presentation has proposed a good alternative with respect to changes to the Draft that are more in line with what is in place in the current By-law. Having a solid year-round community of residents was desirable. The development of small businesses would help to support this. In Chester Basin, it was noted where several businesses had closed, such as the local pharmacy.

(Maclaren) Welcomed and shared Belair's concerns about supporting local businesses. She likes and supports many of the businesses established in Mahone Bay, including their pharmacy. Considers Oakland community can look at where it is part of that community as well, and not necessarily have to compete in bringing in any type of business, when there are already many existing ones who need the support of Oakland residents.

No Committee direction. It was proposed that where this item was a substantive matter of contention, and where the Committee has had past discussions on the issue, that no decision be made this evening. It was proposed that it come back as an item on the Committee's Agenda, following the next meeting, so that several other items on the list of review items can be dealt with.

### **3. Ongoing Process - Next Topics for Review**

It was agreed that the next meeting should discuss at least the following three points for discussion:

- 1) Lot development limitations
- 2) Environmental -related (watercourse) setbacks
- 3) Fixed Roof Accommodations threshold

### **4. Added item - September 11 petition (added page).**

One of the cover pages to the September 11 Petition was not originally sent to the Municipality. That page was included in this evening's Agenda. Staff was asked to prepare a response similar to that which was provided to the items identified on the Petition's cover page, where any of those items may be of further consideration to the Committee.

### **Next meeting date.**

Next meeting date to be arranged by doodle poll, to take place in November, 700pm, Indian Point Fire Hall

**Meeting adjourned at 21:05**