

**OAKLAND AREA ADVISORY COMMITTEE**  
Indian Point Fire Hall - **November 14<sup>th</sup> 2018, 19:00**

**AAC Members.**

Tom Lockwood, Chair  
Geoff MacDonald  
Bill Scott  
Councilor Michael Ernst  
**Regrets.**  
Ron Myers

**Municipal Staff.**

Douglas Reid  
Jeff Merrill

**Members of the Public.**

11 (4 signed in)

Meeting called to order at 19:00.

Staff reviewed Meeting procedures. Introductions from the Committee Chair. No additions.

**Approval of Minutes**

October 24th minutes were presented. Adoption of October 24th minutes moved and carried.

*Arising from October 24th minutes:*

Noted from 1(a): A letter, written by staff, had been sent to Mr. Mark Belair in response to the submitted letter that had been put on the Advisory Committee's Agenda in January.

Noted from 2(b): Regulations affecting Shelters for Farm Animals - There was no agreed-upon direction from the Committee on the specified setback. 15m and 30m had both been considered in discussion during the meeting. After brief discussion, continued use of a 15m setback was agreed upon.

**4(a) Environmental Constraints: Setback from Watercourses**

Staff presented the written report on Setbacks from Watercourses. The proposed change in the Draft for the horizontal setback for developments went from 14 metres to 20 metres (**section 4.16.1**). This change had been identified as a concern in written feedback. (*submitted newsletter*) Princes Inlet and Riverport By-laws already had 20m setbacks, where Hebbville had a 14m setback.

*(Hutton)* Was this related only to structures or also to roads and driveways as well?

**Staff response:** Structures associated with the identified use. Where a driveway crossed a watercourse was identified with regulations under Department of Environment - not Land Use By-law.

A proposed vertical setback from the coastline was also presented in the staff report. This would be a new regulation. The regulation identified a 2.5m figure above CGVD 28 - which is a Vertical Datum used by NS Land Surveyors. The figure of 2.5m was taken from a review of reports completed for the Province on potential Climate Change impacts and expected sea level rise in Nova Scotia.

*(Sanderson)* Considered that a 2.5m restriction was not enough.

**Staff response:** The figure was considered by using the reports' estimate of possible 2055 storm surges.

*(Hutton)* Would this restriction affect her building a wharf on her land.

**Staff response:** No. The By-law listed (water-based) uses that were exempted, including wharves.

Following discussion, Committee direction was to keep both the proposed change from 14m to 20m for horizontal setback, and to keep the new vertical setback at the identified 2.5m level.

## **4(b) Existing Lot Development Limitations**

Staff presented the written report on Lot Development Limitation. Staff had proposed the deletion of a regulation in the existing By-law (**s.5.1.5**) to bring clarity and a consistency to the allowance for threshold related regulations for commercial developments for all lots in the Plan Area.

The Chair asked for comment from the Committee:

(*Scott*) What have other plan areas done with these Lot Development Limitations in their Plans?

**Staff response:** Princes Inlet had removed this limitation during their recent plan Review. The Limitation was still evident in both the Riverport and the Blockhouse By-laws.

(*Scott*) The August 21<sup>st</sup> newsletter claims repealing s.5.1.5 will end As-Of-Right lot development. Is this correct?

**Staff response:** No. If any consequence, it removes an existing constraint.

(*MacDonald*) Considers **s.5.1.5** could possibly be challenged in Law. In Favour of deletion.

(*Ernst*) It is identified as inequitable. In Favour of deletion.

The Chair asked for comment from the public:

(*London*) Delete the clause.

(*Creery*) Not clear on what the problem is with having this limitation.

**Staff response:** Outlined the issue of inequity in having limitations on potential new lots that were formed out of parts of larger lots that existed when the original By-Law was written in 1992. Also noted where the issue of the 1992 property lines would become less clear over time.

(*Maclaren*) Could this lead to uncontrolled commercial development?

**Staff response:** Not really “uncontrolled”, in as much as the By-Law regulations would still apply to each new subdivided lot. The size threshold requirements for commercial developments would still be in effect,

(*Maclaren*) Considered that this could lead to significant new development on existing large lots. Could possible alternative wording be used to limit As-Of-Right commercial development of large lots by way of future subdivision?

(*Hutton*) Questioned the particular situation of her land, subdivided before 1992.

**Staff response:** Land subdivided before 1992 was not affected by the deletion of s.5.1.5

(*Lockwood*) Asked staff if there was any other way to stop an As-Of-Right commercial development on large lots, as Maclaren said?

(*Maclaren*) It would be unwise to delete this particular clause without alternative wording to limit the commercial development of large lots, via As-Of-Right allowance on smaller lots.

**Staff response:** Considered where application of a size threshold requirement for commercial development as identified in the By-law, was for any lot found in the Oakland Plan Area. Yes, a possible subdivision of a large lot into smaller ones might allow for their future development, but there is nothing to stop the same types of development / uses on existing smaller lots as-of-right. Re-iterated administrative issues in trying to keep development threshold to 1992 lot boundaries.

(*Swinamer*) Disagreed with Maclaren.

(Sanderson) A Development Agreement was required for large commercial developments.

(Lockwood) Could this be controlled by listing Uses Lists framework?

(Ernst) Noted where the new Provincial and Municipal rules on subdivision of lots makes the As-Of-Right commercial development of large lots by way of subdivision more difficult. Also considered where getting fresh water from wells is a limitation on many possible lots in the Plan Area.

Following discussion, Committee direction was agreed to remove s.5.1.5.

#### **4(c) Threshold for Fixed Roof (Tourist) Accommodation Uses**

Staff presented the written report on Fixed Roof (Tourist) Accommodations. The proposed regulation in the Draft By-law for As-Of-Right development (*threshold limit*) had changed from 25 units to 3 rental units.

The Chair asked for comments from the Committee, noting where Myers, who could not be at the meeting this evening, wanted it known that he remains in favour of the proposed change to 3 rental units.

(Scott) After the 21<sup>st</sup> August Open House presentation of the Draft By-Law, only one written comment expressed a specific concern about this change. Ray Creery's letter to the Committee agreed with the change to an As-Of-Right limit of 3 rental units. Considers many people have expressed agreement with the Creery letter. In favour of the change to 3 rental units.

(Ernst) Considered we should not ignore the added traffic involved with tourism rentals. To a new commercial development, believed the cost of a Development Agreement was not large - pointed to where Agreement applications for suitable development in Blockhouse had proceeded smoothly, following their review. The figure of 3 units was identified as it was above the limit where seasonal regional taxation rules change. Re-iterated where water would be a critical problem for large developments.

(MacDonald) Spoke of comments heard at the 21<sup>st</sup> August Open House, and the written comment on the change. This would not affect the typical 3 room B&B business. MacDonald was in favour of the change.

(Lockwood) Considered where this change does not stop developments larger than 3 units, it just requires them to proceed via a Development Agreement, which is the one process that allows for resident input.

The Chair asked for comment from the public:

(Hutton) Expressed concern with where there was a perceived allowance for a number of tourist structures being placed on a single lot (three), where the lot could potentially be only 30,000 square feet, in addition to the lot's allowance for two residences, making a total of five. Her issue is with the number of structures that may be built on a single lot, in relation to a proposed development, with no restrictions or input.

There followed an extensive discussion, both from the public and Committee members, of the impacts associated with the proposed SeaView development. It was pointed out the SeaView development was not associated with tourist rental accommodations.

(Staff - Merrill) Pointed out that developments of more than 3 rental units are permitted, by Development Agreement. Getting a Development Agreement on a single large lot may well be easier and more cost efficient for a developer than building roads required in the subdivision of a large lot. If the community of Oakland wanted to limit this type of development, then it could be specifically added to the Development Agreement list within the Listed Uses framework.

Following further discussion, the Advisory Committee agreed to leave the Draft By-Law unchanged at 3 rental units. **No change in direction.**

#### **4(d) Regulation regarding Electric fences**

This item had been identified by a Committee member at the October 10th meeting for discussion.

(MacDonald) Outlined that the Draft By-Law section 6.2.3 only allowed for use of electrified wire lower than 2m for agricultural uses. This could stop local residents from using such fences to keep deer off garden plants.

After a brief discussion, Committee direction was to add “or horticultural” to that particular section.

#### **4(e) Residential uses in the Water Area Zone**

The Protected Water Area zoning regulations were reviewed by staff. The proposed change found in the Draft By-law did not allow for a single-unit residential development, as had existed in the 2003 By-law.

Staff identified where, at the time of the previous By-law’s adoption, the Utility’s Source Water Protection Plan had not yet been completed. The Plan had since been submitted to the Province and presented at both the Town of Mahone Bay & by Municipal Council in 2007.

The Committee reviewed the specific location of the Protected Water Area zoning designation, and the possibility of any potential residential developments. It was not considered by the Committee that changes were required to the Draft.

#### **4(f) Updates on Correspondence**

A copy of Ray Creery’s letter was included in the Agenda, where the letter had been an added item included at last meeting. Also included in this Agenda was the other item added at the October 24th meeting - the second page of the preamble to the September 11 petition. An updated staff response to items, as requested by the Committee, was also included with it, regarding accuracies/inaccuracies.

(Hutton) Is it OK to keep bees?

**Staff response:** Yes.

#### **Ongoing Procedure**

It was agreed by the Committee the next meeting should discuss the following points, being items raised in written feedback:

- 1) Public Notice Requirements
- 2) Expectation Re: Public consultations (Staff report to consolidate 1 & 2)
- 3) List of Prohibited Uses (*inclusions/exclusions*)
- 4) Review of identified Uses found on other lists in the Draft.

*(Committee to determine of Listed / Restricted Uses framework - Item from October 24th)*

#### **Next meeting date.**

Next meeting Tuesday 27<sup>th</sup> November, 7:00pm at the Indian Point Fire Hall.

**Meeting adjourned at 21:15**