

Minutes of a **Public Hearing** conducted by the Municipal Council for the Municipality of the County of Annapolis on **March 18, 2008**, at the Municipal Administration Building, 752 St. George Street, Annapolis Royal, N.S. at 11:20 a.m.

Present: Warden Peter Newton; Deputy-Warden Reg Ritchie; Councillors: Marilyn Wilkins, Wayne Fowler, Herb Anderson, Tom Vitiello, Patrick McWade, Philip Milo, Ron Trimper, and Peter Terauds; Chief Administrative Officer, Keith Robicheau; and Administrative Assistant Carolyn Young.

Also

Present: Albert Dunphy, Coordinator of Planning & Development Control; Lawrencetown Water Supply Area Advisory Committee Member Eric Slauenwhite.

Absent: Councillor Brian “Fuzzy” Connell

Purpose of Public Hearing

Warden Newton chaired the meeting and advised the purpose of today’s Public Hearing is: 1. to inform the public of Council’s intention to adopt the Lawrencetown Water Supply Area Municipal Planning Strategy and Land-Use Bylaw; and 2. to permit members of the public to make their views known to Council, via oral or written submissions, concerning, solely, the application before Council.

Re: Application No. 2005-MPS/LUB-005: Adoption of the Lawrencetown Water Supply Area Municipal Planning Strategy and the Adoption of the Lawrencetown Water Supply Area Land-Use Bylaw

- **Presentation by Planner** – Application Specifics & Planning Process to date

Mr. Albert Dunphy, Coordinator of Planning and Development Control, presented a Staff report noting the application specifics as follows:

- The focus of the Lawrencetown Water Supply Area Municipal Planning Strategy and its accompanying Land Use By-law is two-fold. Firstly, to protect the quality of the raw water supplies from the well fields in the Lawrencetown Water Supply Planning Area. This is accomplished through the land use by-law provisions detailing development standards related to well head and watercourse setbacks, natural vegetation retention, erosion, sedimentation and land level alteration controls. Secondly, to preserve the rural character of the Lawrencetown Water Supply Planning Area which is achieved via the incorporation of land use zones, such as the Lawrencetown Buffer (LB-4) and Lawrencetown General (LG-5), which permits residential development that respects the established land development pattern of low densities, large lot requirements along with provisions for home occupations. Traditional uses such as agriculture and forestry uses are encouraged in the LG-5 Zone as of right.
- Overall the proposed municipal planning strategy and land use by-law for the Lawrencetown Water Supply Planning Area achieves the balance of integrating residential development as a compatible land use within a water supply area through a common sense regulation approach whereby the regulations tend to lessen as the distance from the production and monitoring well and surface waters increases.
- The planning process to date was provided starting from the June 14-06 meeting of the Planning Advisory Committee to today’s public hearing.

- **Call for Reading of Written Submissions** – The Administrative Assistant advised that there were three written submissions received regarding this application which were circulated in the agenda package and read into the minutes as follows:
 - *Lorraine & Randall Neily, dated February 27, 2008* – stating objections.
 - *Peter Redden, dated March 12, 2008* – stating objections
 - *Randall & Lorraine Neily and Peter & Helen Redden, undated, following January 23rd meeting.*

The CAO clarified and corrected references to Staff, noting that Planner Albert Dunphy was not asked by anyone to not place an ad in the paper, and alternatively, due to a missed deadline, notices were placed in approximately 400 mailboxes as a form of notification. The Warden also noted that processes have been followed professionally, based upon policy.

- **Call for Oral Presentations**

The following presentations were received from the public:

- *Randy Neily, property owner* – Mr. Neily brought regrets from Lawrence Nason and Richard Melvin, Federation of Agriculture, noting their willingness to work with the Area Advisory Committee to develop a strategy good for farmers and villagers. He noted his concerns as follows:
 - Area Advisory Committee is not considering the protection of the Village against future development at higher elevations
 - Watershed areas of Mud Lake and Eel Weir Brook not included
 - Private owners (Irving and Bowater) conducting spraying
 - Fears Committee is not following proper process (i.e. - notification, etc.)
- *David Leonard, Village Commissioner* – reported that, contrary to what Mr. Neily believes, no new wells have been drilled, only test wells, and that funding has not been received. The Department of the Environment mandates the Village to have a Source Water Protection Plan in place by March 31, 2008, and that the Village is only mandated to protect the area now in use.
- *Lynette Gilks, Chair, Village Commission* – reported that it is the consensus of the Commission to fully support the MPS & LUB as presented.
- *Eric Slauenwhite – LWSAAC Committee Member* – Noted that it is the mandate of the Area Advisory Committee to develop a protected area for the *existing* supply by March 2008. Beyond that, the Village is responsible for resolving other problems (i.e. - arsenic is not an issue for the AAC.) If there is a new well, it will have to be addressed by a committee at that time.

The Warden thanked each participant and inquired if there were any other presentations from the public, and there were none.

The following represents comments were made by Councillors:

- Concern that there is a lack of communication with regards to meetings in general, noting the importance of having the people affected attend meetings.
- If the best interests of the Village are being served, and the process has gone fairly, council has a responsibility to proceed. However, if the Village is being treated unfairly and there is a question of the process, council needs to correct these issues before proceeding.
- It was noted that concern seems to be centred around one meeting and that this issue has been clearly addressed (i.e. – the delivery of 400 notices to mailboxes more than addresses the issue).
- It was noted that the Village does not have any concerns.

For clarification purposes, the Municipal Services Director reiterated that the permit issued to the Village requires that a source water protection plan be in place by March 31, 2008, and is a condition of the current approval within which the Village operates.

There were no further comments from Councillors.

- **Concluding Comments**

In conclusion, the Warden reiterated the comments from Councillors on the valuable input and cooperation demonstrated by the Area Advisory Committee that resulted in planning documents that reflect the wishes of the community. He advised that an official review would take place in five(5) years; and in the interim, changes can be addressed through an amendment process.

Adjournment

It was moved by Councillor Vitiello, seconded by Councillor Wilkins, that the Public Hearing be adjourned at 12:19 p.m. Motion carried unanimously.

Warden

Municipal Clerk