

Minutes of a **Public Hearing** conducted by the Municipal Council for the Municipality of the County of Annapolis on **March 23, 2010**, at the Municipal Administration Building, 752 St. George Street, Annapolis Royal, N.S. at 10:00 a.m.

**Present:** Warden Peter Newton; Deputy-Warden Reg Ritchie; Councillors: Marilyn Wilkins, Brian “Fuzzy” Connell, Wayne Fowler, Paul McDonald, Tom Vitiello, Patrick McWade, Frank Chipman, Martha Roberts, and Ron Trimper; and Citizen Members of the Planning Advisory Committee Gary Mailman and Jim McGill.

**Also**

**Present:** Chief Administrative Officer Brenda Orchard, Municipal Clerk Carolyn Young, Manager of Planning Albert Dunphy, approximately 35 members of the public.

### **Purpose of Public Hearing**

Warden Newton chaired the meeting and advised the purpose of the Public Hearing is to inform the public of Council’s intention to adopt the proposed amendments to the Annapolis County Municipal Planning Strategy and adopt the proposed Annapolis County Land Use Bylaw. The purpose of a Public Hearing is also 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. 2010-MPS/LUB-001: Amendment of the Annapolis County Municipal Planning Strategy and Adoption of the Annapolis County Land Use Bylaw**

- ***Presentation by Planner*** – Application Specifics & Planning Process to date  
Albert Dunphy, Manager of Planning, presented a Staff report noting the application specifics as follows:

In terms of process, on December 15, 2009 Municipal Council decided to amend the Annapolis County Municipal Planning Strategy and adopt a land use by-law. Municipal Council gave notice of 1<sup>st</sup> reading on January 19, 2010 and referred the application to the Planning Advisory Committee for their review and recommendation. As part of the public participation process, the Planning Advisory Committee held two public meetings on February 9, 2010 and February 23, 2010 and recommended approval on February 23, 2010. Municipal Council set aside March 23, 2010 as the date for a public hearing on its intent to adopt the amendments to the Annapolis County Municipal Planning Strategy and to adopt the Annapolis County Land Use By-law.

The amendment of the Annapolis County Municipal Planning Strategy, Section 2.0 onwards, establishes policy with respect to regulating wind turbines. These planning policies are implemented by way of a separate document called the Annapolis County Land Use By-law. The intent of the policies and regulations is to regulate the development of wind turbines. All other types of development, except as regulated through the various Annapolis County “secondary area planning documents”, will continue to be permitted within the Municipality and will not be subject to planning or development control. As this municipal planning strategy and land use by-law focuses on the specific issues of the acceptance of municipal roads via the Annapolis County Subdivision By-law and wind turbine development and regulation, they are consistent with the Provincial Statements of Interest. The Annapolis County Municipal Planning Strategy and its accompanying Land Use By-law applies to all lands within the Municipality of the County of Annapolis.

### **PLANNING PROCESS TO DATE**

December 15, 2009 – Planning Advisory Committee Meeting (PAC)

Action – Motion – Recommend to Council to proceed with MPS & LUB re a one-year moratorium on wind power development.

December 15, 2009 – Municipal Council Meeting

Action – Motion – Proceed with land use by-law re one-year moratorium on wind power development.

January 12, 2010 – Committee of the Whole Meeting (COTW) Staff presented draft MPS & LUB (Wind Power Regulation).

Action – Motion – Recommend Council accept draft MPS & LUB as presented, Council give 1<sup>st</sup> reading and to hold PAC meeting on February 9, 2010.

January 19, 2010 – Municipal Council Meeting

Action – Motion – 1<sup>st</sup> Reading given & set Feb 9, 2010 PAC public meeting date.

January 28 & February 4, 2010 – PAC Public Meeting ads in Annapolis County Spectator, Digby Courier, Lighthouse Log and Queens Advance.

February 9, 2010 - Planning Advisory Committee (PAC) Meeting

Action – Staff presentation. Motion: to hold additional February 23, 2010 PAC meeting to continue discussions.

February 18, 2010 – PAC Public Meeting ads in Annapolis County Spectator, Digby Courier, Lighthouse Log and Queens Advance

February 23, 2010 - Planning Advisory Committee (PAC) Meeting

Action – Motion: recommend to Council to amend MPS & adopt LUB.

February 23, 2010 – Special Session of Municipal Council

Action – Motion: Set aside March 23, 2010 as Public Hearing Date.

March 4 & March 11, 2010 – Council Public Hearing ads in Annapolis County Spectator, Digby Courier, Lighthouse Log and Queens Advance.

March 3, 2010 – Notice of Public Hearing sent to adjacent municipalities.

March 23, 2010 – Public Hearing. Staff prepared a Public Hearing agenda and planning process update report.

- ***Call for Reading of Written Submissions*** – The Municipal Clerk advised that there were two written submission received which were read into the record:
  - Marilyn Jones, (via email)
  - Lewis & Julia Falls, Bridgetown (via email)
  - George Piper, Vault Rd. Kingston (via email)
  - Philip Hyam, Hwy 201, Bridgetown (via email)
  - Diane Rollins, Hampton (via email)
  - Tom Rice, Rice Concrete, Bridgetown (via email)
  - Alan Parish, Clarence (via fax)
  - John and Brenda Hutchinson, Bridgetown (hand delivered)
  - Bruce Spicer, (via email)
  - Village of Lawrencetown (hand delivered)
  
- ***Call for Oral Presentations*** –
  - Dale Hamilton, Delaps Cove, would like another public meeting during evening hours.
  - Tony Navratil, Hampton, commends vision of council to protect the residents.
  - Mayor Art Marshall, Town of Bridgetown, Town ICSP includes wind energy to reduce carbon footprint.

- Derek Eagles, Hampton, supports development of windpower, but location of proposed farm is too close to residences and would not be conducive to his business (farm and spiritual retreat centre). Other areas better suited.
- Timothy Habinski, Centrelea, against the bylaw.
- Mr. Jenner, ReD Wind Developers, urges an open public meeting at a larger forum than council chambers.
- Michelle Gallinger, Bridgetown, against the bylaw as presented, limiting areas for development.
- Joanne Mattinson, Clementsport, asked if there have been any applications for the erection of windmills since the last meeting. None have been received. Would like Council to consider everybody. A public meeting to accommodate everyone during the evening. Not against wind turbines.
- Judith Peach, Digby Neck, encourages Council to move forward and continue to work on the bylaw by passing it today.
- Lewis Falls, Bridgetown,
- JC Mangeant, Tupperville, this bylaw doesn't make sense.
- Jeff Neily, Hampton Mt. Road, has never been approached by developer. Thanked Council for their consideration of this bylaw.
- Laurie McGowan, Moschelle, appreciates Council's 'go slow' approach.
- Shannon Garten, Arlington, would like the vote postponed until another public meeting can be held.
- Julie Falls, Bridgetown, not enough people know about this.
- Gleason Hogan, Young's Cove, in favour of Council's position.

Council members:

- Vitiello, District 5, once document is approved, zoning changes can be made.
- Fowler, District 3, would like North Mountain included as a wind area.
- McDonald, District 4, supports bylaw as written, to be able to carefully consider changes once approved. County is to protect people and property.
- McWade, District 6, adjourn this public meeting and reconvene at another place during the evening.
- Planner – re public consultation – MGA sets out minimums, twice advertised, with 14 days clear notice for a public meeting.
- Warden, District 7, had a phone call from Clarence area who is in favour of wind development and that council is stalling the process and impeding development by a particular developer. This bylaw is for the entire County. The Bylaw will not stop development, simply creates one more step for developers to apply for an amendment, which would include public meetings for each amendment application.
- Fowler, District 3, thinks land use planning is not necessary, should all be dealt with by permit.
- Warden, District 7, land use planning protects the community.
- Wilkins, District 1, land use planning in the East End is very successful, with no appeals since it has been brought in. If people understand planning, they would recognize that it is giving people a voice in what happens in their community.
- Chipman, District 9, notes support for wind development, and listens to those who ask Council to proceed with caution.
- Connell, District 2, because public meetings are held during work hours, it is a disadvantage. Would like to have another public meeting during the evening because there is a question about the process and the public doesn't understand.
- McWade, District 6, council has a lack of communication. Would like to see another meeting first before voting.

- Fowler, District 3, good faith of the developer in the community. Would like to see an evening meeting.
- Planner – two companies have applied for permits. One issued in Parker Mountain Rd. Area; 12 permits issued to the other developer. Therefore, this bylaw would have no effect on these building permits.

- ***Concluding Comments***

In conclusion, the Warden reiterated the comments from Councillors on the valuable input and cooperation demonstrated by the public participation process.

At February 23<sup>rd</sup> meeting PAC recommended that Municipal Council amend the MPS and adopt the LUB as presented.

Warden thanked all for attending, and that Council appreciates the participation by the community.

**Adjournment**

It was moved by Councillor Trimper, seconded by Councillor McDonald, that the Public Hearing be adjourned at 11:25 a.m.

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**Warden**

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**Municipal Clerk**