

Minutes of a **Public Hearing** conducted by the Municipal Council for the Municipality of the County of Annapolis on **May 17, 2016**, at the Municipal Administration Building, Annapolis Royal, N.S. at 11:08 a.m.

Present: Warden Reg Ritchie, Deputy Warden Timothy Habinski; Councillors Marilyn Wilkins; Brian ‘Fuzzy’ Connell, Wayne Fowler, Paul McDonald, Gregory Heming, Alex Morrison, Frank Chipman, Martha Roberts, Diane LeBlanc, and Horace Hurlburt.

Also

Present: CAO John Ferguson, Director of Community Services, Municipal Clerk Carolyn Young, other staff, and one member of the public.

Format, Purpose, and Procedure

Warden Ritchie welcomed all, and noted that Council is holding a public hearing in accordance with Section 205 of the *Municipal Government Act*. At the end of the first public hearing the public hearing would be closed and Council would convene a second public hearing.

The purpose of a Public Hearing is to permit members of the public to make their views known to Council, via oral or written submissions, concerning, solely, the application before Council.

This first Public Hearing is to inform the public of Council’s intention to adopt an amendment to Policy 11.7 and Policy 23.6.1 of the *Bridgetown Municipal Planning Strategy* and to concurrently adopt an amendment to Part 3.7 and Part 17.1 of the *Bridgetown Land Use By-law* so as to permit the redevelopment of the property, identified as Property Identification Number 05149653 and civic address 51 Church Street in the community of Bridgetown by development agreement.

He added that all questions and comments throughout the public hearing are required to be addressed to the chair. The chair will afford an opportunity for public input and will ask that persons speaking identify themselves so that their comments may be recorded in the minutes of these proceedings and that the person speaking identify if they are speaking in favour or against the application. Written presentations are acknowledged first, followed by public oral presentations. Questions and comments from Council members are asked to be held until all public comment is heard.

Re: File No. 66520-35 2015 MPS-004: Bridgetown – Hamilton, Milton 2015-MPS-004 Bridgetown Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) Amendment

- ***Application Specifics & Planning Process*** - Presentation by Planner

This first public hearing is regarding the request to amend the Bridgetown MPS/LUB, otherwise the applicant could not enter into a development agreement. The subsequent vote would be solely on the MPS/LUB amendments. MPS/LUB amendments must follow *Municipal Government Act* requirements, which has happened as follows to date: two PAC public meetings have been held and today a public hearing. The Planner showed photos of the site, including equipment and logs on site, and the equipment works site. He also showed the view to adjacent property (housing) and the sparse tree cover towards the adjacent property; as well as the view from adjacent duplex showing the building and visible equipment.

- ***Presentation of the Request*** – Applicant

Mr. Hamilton was present and noted it is in the area of the Everett & Smith repair facility, Kings Transit and the public works facility. Will make every effort with the berm and fence to control noise for adjacent properties, hours of operation will be well within guidelines 7am to 7pm. Wood comes in by tractor trailer. Hopes to stay within these limits but can’t guarantee that it will happen, will provide

every effort. Development agreement rehabilitation will see new siding and roof, and will be more aesthetically pleasing.

- ***Acknowledgement of Written Submissions*** (Municipal Clerk)

The Clerk reported that no written submissions had been received.

- ***Call for Oral Presentations*** (open discussion from the floor – public).

The Warden called three times for comments against the application. Hearing none, he called three times for comments in support of the application. No comments were received.

- ***Call for questions from council members***

- Councillor Connell asked if these MPS LUB amendments would allow any development agreement. The Planner responded that these amendments are specific to this request. The Councillor added that he has learned a lot about zoning and development agreements by sitting on the East End Area Advisory Committee. He feels that this is a way for the public to feel they have good neighbours, and that time has shown him that development agreements work.
- Councillor Wilkins – noted that the lack of attendance by those most affected gives her great concern. She will not support the amendment as it is not a friendly use, and will hinder future development.
- Councillor Heming noted he has learned a lot about small rural communities. To make local economy work will take a series of innovative approaches to development to keep an economy going. Developing safeguards in the agreement will be good and will minimize disruption. Will support whole heartedly. This is a very tough decision.

- ***Planning Process Next Steps*** (Planner)

- a. Definition of Planning Document - MGA 191 (n) (ii) means an amendment to a MPS and a LUB amendment to carry out a MPS amendment (not a DA – this is adopted by policy)
- b. 2nd Reading of adoption of amendments options – When Council votes on second reading – only those council members present at the public hearing can vote.
- c. Council Direction – all contracts to be reviewed by Solicitor
- d. Voting procedures – MGA 205 (8): Council shall adopt amendments to a planning document, at 2nd Reading, by a majority vote of the maximum number of members that may be elected to Council (12). That would be 7 in favour in order to pass.
- e. Voting Attendance MGA 205 (7): Only those council members present at the public hearing may vote on 2nd Reading of the amendments to a planning document.
- f. MGA 208 – planning documents are subject to Provincial Director of Planning’s review, which will determine if Ministerial approval is required.
- g. After this, it does not come into effect until the ad is published in the paper. Upon completion of (f) a notice of approval ad is placed in local paper. Today, council could vote only on the MPS LUB change. A vote cannot be taken on the development agreement until the amended MPS/LUB is in place and advertised.

- ***Closing Comments and Adjournment***

The Warden called for a motion to adjourn. Councillor McDonald moved, seconded by Councillor Fowler, to adjourn this public hearing regarding the Hamilton Bridgetown MPS / LUB amendment request at 11:30 a.m., and to convene a public hearing for the Hamilton Development Agreement request. Motion carried unanimously.

Warden

Municipal Clerk