

Minutes of a **Public Hearing** conducted by the Municipal Council for the Municipality of the County of Annapolis on **August 18, 2015**, at the Municipal Administration Building, Annapolis Royal, N.S. at 11:10 a.m.

Present: 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.

Absent: Warden Reg Ritchie

Also

Present: CAO John Ferguson, Director of Community Services Albert Dunphy, Municipal Clerk Carolyn Young, other staff and approximately 3 members of the public.

Purpose of Public Hearing

Deputy Warden Timothy Habinski welcomed all present. He explained the format in that Council will resume its regular session at the end of this second public hearing. He also noted the following purpose and procedure:

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 second Public Hearing is to inform the public of Council’s intention to adopt an amendment to Part 7.18 of the Upper Clements Land Use Bylaw so as to permit the development of a residential single unit dwelling on the second floor of the existing nursery business office building owned by Jill Covill of Bunchberry Nurseries Inc., 2779 Highway 1, in the community of Upper Clements.

He added that all questions and comments throughout the public hearing are to be addressed to the Chair. The Chair will afford an opportunity for public input and asked that persons speaking identify themselves each time 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: Application No. 2015-LUB-001: Amendment to the Upper Clements Area Land Use By-law

• *Presentation by Planner*

The Planner outlined the following specifics and process to date:

Application No. 2015-LUB-001 concerns an application from Jill Covill, representing Bunchberry Nurseries Inc. The application seeks Municipal Council approval to amend Part 7.18 of the Upper Clements Area Land Use By-law to convert the second floor of the existing nursery business office building into a single unit residential dwelling for herself for business security reasons. Functionally, the amendment would be to add the wording “(R-2),” to Part 7.18 subsection (a) immediately preceding (C-1) in the phrase “buildings located in the (C-1), (C-2) or (AG) Zones”.

- June 3, 2015 – application received
- June 9, 2015 – Committee of the Whole Meeting
Action – recommendation Council accept the application for processing.
- June 16, 2015 – Municipal Council Session
Action - motion passed to commence the amendment process and adopt PPP with PAC public Meeting scheduled for June 30, 2015 in the Upper Clements Community Hall.

- June 25, 2015 – PAC Ad appears in Annapolis County Spectator.
 - June 30, 2015 - The Planning Advisory Committee (PAC) Meeting
Action - Public Meeting held. Planner's report reviewed. Motion made recommended Council approve amending Upper Clements Area LUB Part 7.18.
 - July 16, 2015 – Municipal Council Meeting
Action - motion passed giving 1st Reading and to hold Public Hearing on August 18, 2015
 - August 6 and August 13, 2015 - Public Hearing ads appear in AC Spectator.
 - August 18, 2015 – Public Hearing. Staff prepared a Public Hearing agenda and planning process update report.
- *Presentation of the Request*
The applicant, Jill Colville, stated her intention of the application is to be able to reside in the loft area of her business because vandalism has been occurring and she has been spending a lot of time there in order to monitor her business.
 - *Acknowledgement of Written Submissions*
The Municipal Clerk reported that no written submissions had been received on this matter.
 - *Call for Oral Presentations*
The Chair called for comments against the application. Hearing none, the Chair called a second time for comments against the application. Hearing none, the Chair called a third time for comments against the application. No comments against the application were received.

The Chair called for comments in support of the application.

Ian Davidson, Upper Clements – lives next door. No opposition to the proposal. He noted he has been involved in the Upper Clements plan since 1998, and attended the public meeting recently held in Upper Clements and was concerned that there were misconceptions about the plan and wished to comment on that.

- Misconception that the plan was forced on the community by government – Mr. Davidson reported that this is not the case. The community was largely in favour with proceeding with the plan because the theme park was going to open. Provided a background on how the original plan was developed. Remains basically unchanged since 1998
- At the meeting it was stated to get rid of bylaw because it is anti-development. Mr. Davidson noted that it is not anti-development, because development has successfully occurred in the area, and it has not impeded development, just allowed it to happen rationally.

The Chair called a second time for comments in support of the application. Hearing none, the Chair called a third time for comments in support of the application. No further comments in support of the application were heard.

The Chair called for questions or comments from Council Members

Councillor Connell – noted that he is glad the community decided to move ahead with planning, which he now sees is as a good community document.

Councillor Morrison – supports the application, and noted he was happy to have heard the history of the process from an earlier speaker. He noted he believes that citizens don't all understand that it is a bottom-up approach and that multiple opportunities are given for community participation.

Deputy Warden Habinski –noted he supports application.

Closing Comments and Adjournment

The Deputy Warden thanked everyone for attending today and called for a motion to adjourn the public hearing and to return to the regular session.

Adjournment

It was moved by Councillor McDonald, seconded by Councillor Fowler, to adjourn the Public Hearing at 11:20 a.m. and to return to the regular session of Municipal Council. Motion carried unanimously.

Warden

Municipal Clerk