

Minutes of a **Public Hearing** held on Tuesday, April 15, 2025, at 11:06 a.m., at the Municipal Administration Building, 752 St. George St. Annapolis Royal, N.S.

Present: District 1 – Karie-Ann Parsons-Saltzman, excused
District 2 – Jesse Hare, present
District 3 – Dustin Enslow, Deputy Warden, present
District 4 – Charles “Chuck” Cranton, present
District 5 – Lynn Longmire, present
District 6 – Jon Welch, present
District 7 – Ted Agombar, present
District 8 – Nile Harding, present
District 9 – Gail “Gidget” Oxner, present
District 10 – Brian “Fuzzy” Connell, present
District 11 – Diane Le Blanc, Warden, present

Also Present: CAO Chris McNeill; Administrative Clerk – Municipal Clerk Office Kelly Kempton; Director of Planning and Inspection Services Linda Bent; Manager of Planning Barbara Boateng; Communications Coordinator Nadine McCormick; Manager of Information and Technology Ben Olsen; and 6 members of the public.

Welcoming Remarks – Warden Diane LeBlanc

The purpose of a Public Hearing is to permit members of the public to make their views known to Council via oral submissions concerning, solely, the application before Council. This Public Hearing concerns a Development Agreement Application for PID 05187471, Ben Phinney Road, Margaretsville. At the end of the public hearing, the Public Hearing will be closed, and Council will return to its regular session of Council. The Warden requested all questions and comments throughout the hearing be addressed to her as the Chair.

New Business

Re: Development Agreement Application – Jason Milner

Presentation by Staff

Manager of Planning Barbara Boateng provided an overview of the information report and specifics as follows:

- An application had been received to develop a residential building containing a single dwelling unit on PID 05187471. As this property is within the GW3 Zone, development of single-unit residential uses is permitted through a Development Agreement. The subject property is approximately 2 acres located on Ben Phinney Road, Margaretsville, in the Annapolis County Planning area. Land use in the area is predominantly residential.
- At the February Planning Advisory Committee (PAC) meeting, the application was recommended for a Public Information Meeting (PIM) session. The PIM was held on February 25, 2025, to review the application and respond to public questions. Twenty members of the public attended and were supportive of the application. PAC held a

second meeting in March and recommended that Municipal Council give first reading to the application and hold a Public Hearing pending identification of a well. The well has since been identified on the Site Plan.

Call for Oral Presentations

Laverne Slauenwhite stated that she lives on Ben Phinney Road, directly across from the Margarettsville Water Utility. She noted that she is in support of the application. She commented that it has been nearly two months since the public meeting was held; and she felt that it was too slow for a builder. She felt the process had been drawn out, expensive and unnecessary. Ms. Slauenwhite stated that she learned of the zoning for the Margarettsville watershed during the public meeting held on February 25, 2025. She noted that she has lived there approximately 50 years and felt the new rules are very restrictive. She mentioned that there are pages of rules to be followed. She referred to a sign being posted on Mr. Milner’s property parallel to the highway.

Warden LeBlanc reminded Ms. Slauenwhite to speak only to the application.

Ms. Slauenwhite stated that it would be hard to speak only to the application as the whole watershed area is involved. She mentioned that she was not aware of existing rules that were adopted by Council in April 2024. She wondered if Mr. Milner knew of these rules. She stated that Municipal Council is to protect the landowners, including Mr. Milner. She felt the utility users have the use of the water; however, the landowners in the watershed area are the ones paying the cost. She commented that she felt the zoning of the watershed devalues Mr. Milner’s property. She wondered if lowering the tax rate in the watershed area should be considered. She mentioned the background to the agricultural land as the watershed involves many acres. She noted that many trees are being cut, changing the land from forestry to agricultural. She stated concerns with flooding.

Anna Clark stated that she lives at 1468 Ben Phinney Road. She is a neighbor of both Mr. Milner and Ms. Slauenwhite. She noted that she is in support of the application. Ms. Clark commented that she concurs with Ms. Slauenwhite’s statements. She mentioned that she was surprised to hear of the decision made in April 2024 of the new watershed bylaws. She remembered a meeting in 2014 where changes were going to be looked into; however, she stated that she never heard anything more about the changes to be made. She felt no one from the area knew what the rules were until the public meeting held in February 2025.

Warden LeBlanc reminded Ms. Clark to speak only to the application.

Jason Milner stated that he had a few questions for Council. He asked when he was to be involved in the process. He felt that he had been left out of the process completely. He commented that he had been promised a meeting with Ms. Bent and Mr. Banks that did not happen. Mr. Milner noted that his lawyer had finally answered him, after waiting six months for a reply. Mr. Milner asked Council to grant him more time to work on the development agreement. He felt the development agreement was in favor of the County. Mr. Milner asked the definition of property. He requested a 50% property tax reduction in lieu of the strict restrictions and Federal, Provincial,

and Municipal control of private lands within the watershed. Mr. Milner asked who the stakeholders of the utilities are. He asked for cooperation with the documents and a meeting with someone to help him with the documents. He noted that he is not going to pursue litigation against the County. Mr. Milner stated that no one wants restrictions on their land and felt that it would not be in his favor to sell his land within a protected watershed area. He stated that he wants to be involved in the process; but felt he has been given zero input.

Juele Hortie stated that she is Mr. Milner's partner. She is in support of the application. She noted that she and Mr. Milner live on her property next door to Mr. Milner's property. Ms. Hortie felt that Mr. Milner had been punished without good reason. She noted Mr. Milner has had to pay over \$1500 to apply for permits to go through this complicated, lengthy process. She felt the value of Mr. Milner's property had decreased.

The Warden called for further representation from the floor regarding the application. No further presentations were offered by members of the public.

Call for Questions or Comments from Council Members

The Warden called for questions or comments from councillors and recognized Deputy Warden Enslow to speak.

Deputy Warden Enslow thanked everyone for speaking on the application. He stated that he was confused as to why there had been no engagement up to this point. He noted that this is not the normal process. He would like to support this application.

Manager of Planning Barbara Boateng stated that there had been engagement in the development agreement. She believed the speakers were talking regarding engagement in the Countywide review.

Deputy Warden Enslow clarified that there had been engagement on the application before Council today.

Ms. Boateng confirmed that there was engagement on the development agreement.

Deputy Warden Enslow agreed that it was an inconvenience when you live in a ground source water protection zone. He felt the restrictions were for the protection of the property. Deputy Warden Enslow noted that Council does not do the evaluation of the properties for tax purposes.

Warden LeBlanc recognized Councillor Cranton to speak.

Councillor Cranton stated that he supports the recommendation of staff. He noted that he is also confused by the comments; especially the request of the applicant asking for more time.

Warden LeBlanc recognized Councillor Connell to speak.

Councillor Connell agreed with Councillor Cranton. He noted that if the developer is not ready

for us to pass this application; he is unsure what Council’s position should be. He mentioned that protecting property within water source areas is not a new development. There are several protected areas in the County. There have been many meetings over the past 10 years.

CAO Chris McNeill explained that this is a standard development agreement. There is nothing complicated in the agreement; it allows for a single family dwelling. There are very few restrictions. They are the same restrictions that apply for all applications within a water protection zone.

Warden LeBlanc recognized Councillor Agombar to speak followed by Councillor Hare.

Councillor Agombar shared the element of confusion. He stated that it does not sound like the applicant wants this development.

Councillor Hare noted that first reading had been given. He asked for confirmation that this is a baseline agreement that does not change from applicant to applicant.

CAO McNeill clarified that it depends on the property. This property is within a source water protection area.

Councillor Hare asked if Council passes the development agreement is there still a way for Mr. Milner to back out if he has changed his mind.

CAO McNeill noted that Mr. Milner still needs to sign the development agreement. Mr. Milner can choose whether or not he does so.

Warden LeBlanc recognized Councillor Welch to speak.

Councillor Welch noted his confusion. He stated that he believes Council can pass the application and then it would be up to Mr. Milner to decide if he wished to process with the application.

Next Steps

Manager of Planning Barbara Boateng stated that after the Public Hearing, if agreed, Municipal Council is required to hold second and final reading of their intention to adopt entering into a Development Agreement.

Closing Comments

Warden LeBlanc thanked attendees. This concluded business for the public hearing, and it was declared adjourned at 11:47 a.m.

Warden

Recording Secretary, Administrative Clerk – Municipal Clerk Office