



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: December 8th, 2022

Subject: File # 22-25: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (West Hants)

LEGISLATIVE AUTHORITY

Municipal Government Act Section 205 & 210

RECOMMENDATION

To allow the requested development, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy to include PID 45366515 in the Residential designation and amending Schedule A of the West Hants Land Use-Bylaw by rezoning PID 45366515 on Bog Road, Hants Border from the Agricultural Priority Two (AR-2) zone to the Two Unit Residential (R-2) zone.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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The completed application was submitted by Claude O’Hara on October 23rd, 2022 to change the zoning of 5 lots on Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499,

45366507, and 45366515) to the Two Unit Residential (R-2) zone to permit multiple semi-detached dwellings. The applicant has now changed to Sheldon Chisholm.

Surrounding Context

The subject lots directly abut Bog Road. Lands within the jurisdiction of the West Hants Municipal Planning Strategy (MPS) and located west of the subject lots, across Bog Road, are designated Resource, zoned General Resource (GR), and include residential dwellings as well as vacant lots. Lands to the east, behind the subject lots, have portions within the jurisdiction of both the Hantsport MPS and the West Hants MPS. The West Hants portion of this property is designated Agriculture, zoned Agricultural Priority Two (AR-2), and hosted a former agricultural use.

DISCUSSION

Four of the subject lots (PIDs 45366473, 45366481, 45366499, and 45366507) are located completely within the jurisdiction of the Hantsport MPS, while the last subject lot (PID 45366515) is partially within the jurisdiction of the Hantsport MPS and partially within the jurisdiction of the West Hants MPS.

The subject lot within the jurisdiction of the West Hants MPS is designated Agriculture on the Generalized Future Land Use Map (GFLUM) of the West Hants MPS (Figure 1). This subject lot is zoned Agricultural Priority Two (AR-2) on Schedule A of the West Hants Land Use By-law (LUB) (Figure 2).

Municipal Planning Strategy Document Review

Policy 8.6.1 provides the criteria which must be met by an agrologist's report in order to permit the consideration of certain non-farm development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the agrologist has stated that the subject lot is considered Class 4 as per the CLI soil classification and exhibits constraints with regard to agriculture including stoniness, steepness of slope, and poor drainage;
- the author of the report is a professional agrologist (endorsed by the Nova Scotia Institute of Agrologists) who performed a site visit;
- the report includes a site plan showing the study area; and
- the report identifies site features and reasons that the subject lot would not be productive agricultural land.

Policy 16.1.1 allows Council to review and make amendments to the West Hants MPS including the Generalized Future Land Use Map (GFLUM). Amendments may be considered when the GFLUM is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intentions or the development environment. Residential development in the area, coupled with this request for amendment suggests a change in the development environment for this area.

Policy 16.3.1 establishes the general criteria that all amendments to the West Hants Land Use By-law must meet. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, Municipal Traffic Authority, and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.

Nova Scotia Statements of Provincial Interest

The Statement of Provincial Interest Regarding Housing seeks to provide a wide range of housing types and opportunities to meet the needs of all Nova Scotians. The proposed development aligns with this interest as permitting two-unit residential dwellings in this area would enable a higher density and increased number of residential units to be provided for the community.

The Statement of Provincial Interest Regarding Infrastructure seeks to make efficient use of existing municipal water supply and wastewater disposal systems. The proposed development aligns with this interest as the subject lots are currently vacant and enabling infill development would allow for effective use of existing municipal services.

The Statement of Provincial Interest Regarding Agricultural Land seeks to protect agricultural land for the development of a viable and sustainable agriculture and food industry. This statement applies to all active agricultural land and land with agricultural potential in the Province. As determined by the agrologist, the subject lot (PID 45366515) has very low agricultural capability and would be unsuitable for the use of agricultural production of most crops due to various characteristics of its soil and topography, particularly its steep slope and poor drainage. As a result of the assessment of the subject lot being unsuitable for agricultural production of most crops, the Statement of Provincial Interest Regarding Agricultural Land would not be applicable.

NEXT STEPS

Discussion from PAC/HAC will be incorporated into the report and presentation to Council.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- discuss the proposed Municipal Planning Strategy and Land Use By-law amendments as specifically drafted or as revised by the Committee; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Policy Summary for Rezoning
Attachment B	Public Information Meeting Notes
Attachment C	Agrologist Report

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

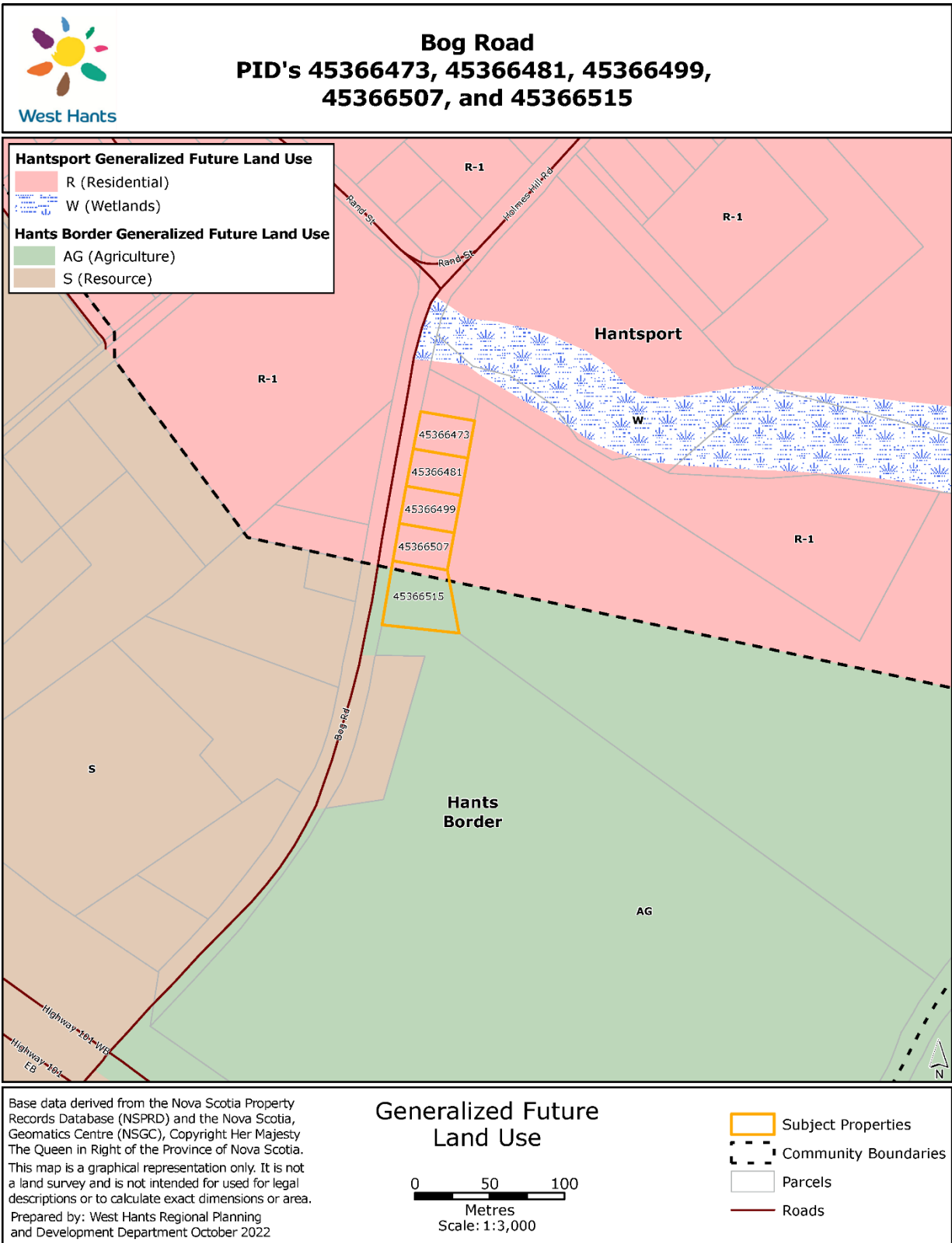


Figure 2 – West Hants Zoning Map Extract

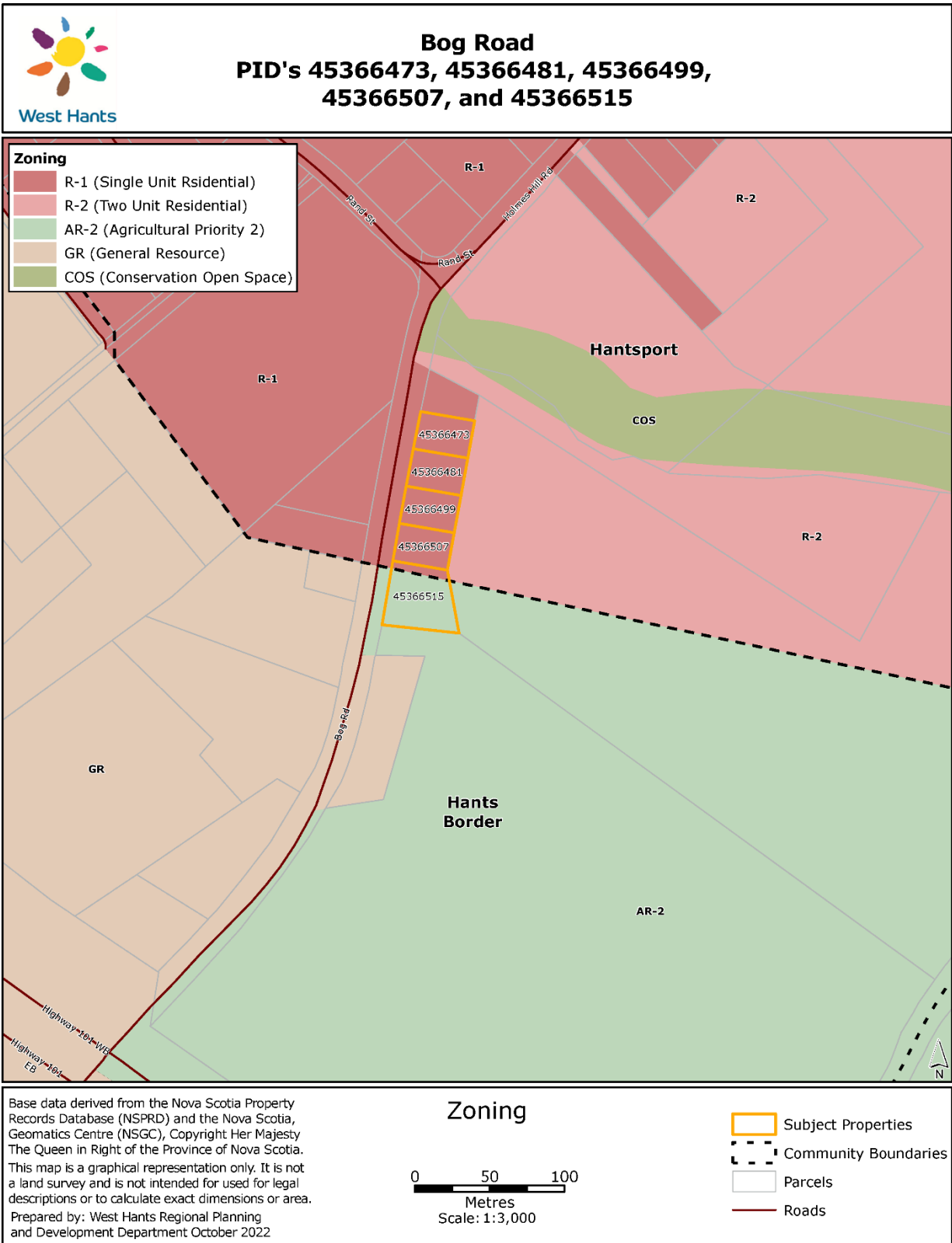
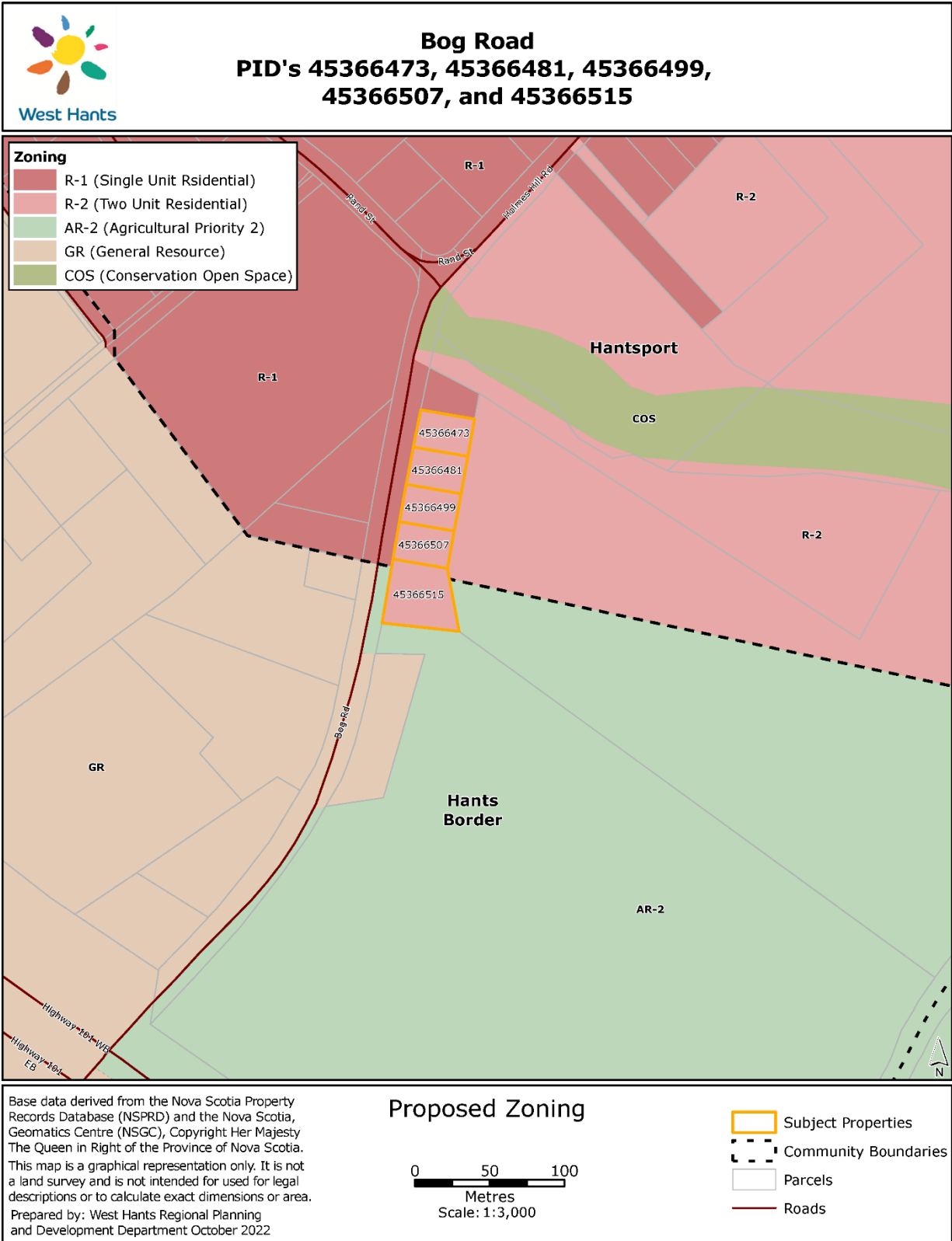


Figure 3 – Proposed Zoning Map Extract



Attachment A – Policy Summary for Redesignation and Rezoning

<p>Policy 8.6.1 <i>It shall be the policy of Council to consider certain non-farm development, pursuant to the relevant specific policies of this Part, on land within the Agricultural designation that has been determined to have little or no agricultural capability. A determination of agricultural capability shall be based on the following:</i></p>	
<p>(a) <i>90 percent or more of the development site is an existing or abandoned resource extraction site such as a sand pit, gravel pit or quarry for which a permit for extraction has been issued by the Province of Nova Scotia. The resource extraction must have been existing or abandoned prior to the effective date of this Strategy; or</i></p>	N/A
<p>(b) <i>if not a resource extraction site, a study has been prepared by a professional agrologist, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations and:</i></p>	
<p>(i) <i>90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture; or</i></p>	The agrologist determined that the land in the subject lot would be considered Class 4 agricultural land under the Canada Land Inventory classification system.
<p>(ii) <i>the soils have a capability for agriculture rating better than Class 4, but 90 percent or more of the development site exhibits severe limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings;</i></p>	N/A
<p>(c) <i>the study shall:</i></p>	
<p>(i) <i>be prepared by a registered full member of the Nova Scotia Institute of Agrologists;</i></p>	A report was received from Steve Howatt, who is a Professional Agrologist with the PEI Institute of Agrologists. Staff received confirmation that membership with the PEI Institute of Agrologists has been recognized by the Nova Scotia Institute of Agrologists qualifies Steve Howatt as a Professional Agrologist in Nova Scotia.
<p>(ii) <i>require a site inspection by the agrologist;</i></p>	A site visit was conducted on August 5 th , 2022 by Steve Howatt.
<p>(iii) <i>specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;</i></p>	The agrologist performed a site inspection, assessed soil type and quality through digging numerous test pits, observed

	vegetation, and assessed slope, drainage, and stoniness. The agrologist also reviewed soil survey and topography maps as well as the current Canada Land Inventory (CLI) classifications for soils present on the subject and neighbouring lots.
<i>(iv) identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;</i>	Refer to Site Description section in Attachment D.
<i>(v) include a site plan illustrating the area studied and any relevant site features;</i>	Refer to Figure 1 included within Attachment D.
<i>(vi) identify reasons why the use would be compatible with, or not adversely affect, area farms. Reference should be made to the following where applicable: site and locational constraints; infilling between existing non-farm development; logical extension of existing non-farm development; special use with special locational requirements; current pattern of development; parcel size and shape; surrounding land uses; context within which the parcel fits into the farming area; viability of the parcel and remnant for farming; and existing, past and future use of the parcel and remnant;</i>	The agrologist has identified that other than the subject lot, no other agricultural production abuts the subject lot.
<i>(vii) indicate the implications of letting the parcel go out of agricultural production; and</i>	The subject lot is not currently in agricultural production. The agrologist determined that due to stoniness, slope, and poor drainage, the subject lot would significantly restrict agricultural capability.
<i>(viii) indicate the implications of fragmenting the land.</i>	The subject lot is a comparatively small lot and the proposal does not fragment agricultural development in the area.

Policy 16.1.1	
<i>It shall be the policy of Council to review and make amendments to this Strategy:</i>	
<i>(a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);</i>	The GFLUM will need to be updated if Council redesignates the lot.
<i>(b) to bring the Strategy in line with Provincial Statements of Interest; or</i>	The redesignation would address the Statements of Provincial Interest with

	regard to housing, infrastructure, and agricultural land.
<i>(c) when Council deems it necessary because of a change in policy intentions or the development environment.</i>	Residential development in the area, coupled with this request for amendment suggests a change in the development environment for this area.

Policy 16.3.1	
<i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Municipal Project Engineer commented that they had no concerns regarding the addition of the proposed use. The developer would be responsible for any development costs for any required upgrades to receive adequate municipal services.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The local Fire Chief has stated that there is adequate fire protection for the proposed use. The Manager of Building and Fire Inspection Services had no issues with fire protection.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager from the Nova Scotia Department of Public Works and the Municipal Traffic Authority had no concerns regarding the road networks adjacent or leading to the development.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	The Municipal Project Engineer commented that the subject lots would have access to municipal services. The developer would be responsible for any development costs for any required upgrades to receive adequate municipal services.

<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Area Manager from the Nova Scotia Department of Public Works and the Municipal Traffic Authority commented that they had no concerns regarding any aspect of movement.</p>
<p><i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The Development Officer commented that they had no concerns regarding the adequacy of dimensions and shape of the subject lots.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The Development Officer commented that they had no concerns regarding the pattern of the proposed development.</p>
<p><i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i></p>	<p>Any development of the subject lots must meet the regulations of the Nova Scotia Department of Environment and Climate Change regarding the protection of watercourses.</p>
<p><i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p><i>(h) any other matter required by relevant policies of this Strategy.</i></p>	<p>All relevant matters have been addressed in this report.</p>

Attachment B – Public Information Meeting Notes

November 10 - November 25, 2022

File # 22-25: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (West Hants)

Meeting date and time	A public information meeting was held on November 10, 2022 beginning at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-25
Attending	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none">• Councillor Jim Ivey <p>Four (4) members of staff:</p> <ul style="list-style-type: none">• Director LeMay (Chair)• Planner Poirier• Planner Dunphy• Meeting Secretary Lake <p>Ten (10) members of the public were present for this meeting. Of those that attended in-person, Melody Dempsey and Graham Sanford spoke.</p>
Applicant Sheldon Chisholm Properties Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515)	<p>Planner Dunphy outlined the application to rezone the five (5) subject lots on Bog Road to the Two Unit Residential (R-2) zone.</p> <p>Sheldon Chisholm, the applicant, spoke to the intention to develop the lots as semi-detached residential dwellings.</p> <p>Graham Sanford, a resident, gave a presentation regarding concerns with the proposed rezoning of the subject lots. Mr. Sanford also explained concerns regarding a complaint with the Nova Scotia Department of Environment and Climate Change, a potential violation of the Land Use By-law, access to and water supply for a property owned by the developer and located abutting the subject lots, food production goals for the Province, and affordability of residential developments.</p>
Comments	<p>Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between November 10 – November 25, 2022.</p> <p>Staff received one (1) phone call and three (3) emails were received. The email responses are attached. The phone call was from Doreen Smith and was concerning the driveway located on one of the subject lots which the resident considered may not be up to code as well as concerns with the safety as a pedestrian on Bog Road.</p> <p>3 members of the public spoke at the Public Information Meeting. The following are comments and questions from the public</p>

	<p>information meeting. Staff and applicant responses are included in purple text.</p> <ul style="list-style-type: none"> • Concerns with removal of agricultural land for residential development • There must have been former agricultural use on the property • Concerns with development of lots located behind subject lots and the view of farmland from existing properties Mr. Chisholm responded that the intention is to maintain some agricultural activity. The full scope of future development has not been determined. The Municipal Planning Strategy has policies for agricultural land which have been followed. Plan to preserve the barn. Director LeMay commented that any further proposed development on nearby land would be required to be addressed through a new planning process. • What properties does the developer own? Mr. Chisholm responded that not all the properties owned are shown. • The agrologist considered the subject lot as not ideal in terms of farmland? Mr. Chisholm confirmed that the subject lot had an agrologist report completed which determined the lot was not ideal for agricultural development. • Mr. Chisholm responded to Graham Sanford’s presentation by commenting that the developer will ensure that the lot located behind the subject lots will have access. The farmhouse was not able to be repaired, but the barn was able to be maintained. Mr. Chisholm disagreed with the current municipal boundary line. Mr. Sanford responded requesting an addition to any development agreement on the property require access for the lot located behind the subject lots. Director LeMay responded by commenting that this planning process is for the subject lots and any further development of other lots would have to be dealt with in another planning process.
Adjournment	The presentation portion of the PIM ended at approximately 6:44 p.m.

Public Email Responses Submitted for the Application PIM

November 8th, 2022

From: Graham Sanford

To: Alex Dunphy

Hi Alex.

Nice speaking with you earlier.

As requested, please find attached my in person presentation for this Thursday November-10-22.

If there are any items I need to change please let me know along with the rationale for the change.

Per your instructions I will bring a data stick with me containing this presentation.

Could you please confirm receipt of this e-mail, that I have been slotted to present, and at what point in the schedule for the evening?

With my thanks,

Graham Sanford

(Presentation is attached below)

November 10th, 2022

From: Greg Pace

To: Alex Dunphy

Good morning Mr. Dunphy

Elsie and I live at 59 Holmes Hill Rd and received the letter regarding the above noted meeting. On Tuesday morning of this week we received a phone call from Councillor Morton in which he said the meeting was open to the public and we were welcome to attend in person. We are both very interested in the apparent development of the land to our west which includes the PIDs as mentioned. Unfortunately both Elsie and I will not be able to attend the meeting this evening.

Further to this, we have been communicating with Graham Sanford, our neighbour, who has prepared a presentation for the meeting. We both concur with the information in his presentation.

Mr Graham indicated he was permitted a 5 minute time slot for a presentation to council regarding the rezoning. Elsie and I were not made aware in any communication that we were able to make a presentation at this meeting; given the opportunity we would have done so.

I am requesting that should Mr. Sanford require more than his allotted 5 minutes he be granted more time to communicate our views which are included in his presentation.

Regards

Greg Pace and Elsie Wetmore

November 25th, 2022

From: Graham Sanford

To: Alex Dunphy

Hi Alex.

Please find attached our questions.

Best regards,

Graham Sanford

Don't Be The Dirt Advocacy

(Question Sheet is attached below)

“We believe the health of where we live is key to all possible outcomes.”



Regarding Public Information Meeting Notice of November 1, 2022. Development on Bog Road, Hants Border.

Presented by Graham Sanford and Don't Be The Dirt Advocacy

53 Bog Road

Hants Border, N.S.

B0P 1P0

Current Concerns

- 1.) PID 45046315 (8 Bog Road) , 26 acres. Inconsistent Information Regarding how R2 Zoning Came to Be
 - Three, separate conflicting answers from WHRM regarding when PID 45046315 (8 Bog Road) , 26 acres, was zoned R2: 1.) When amalgamation occurred, 2.) Prior to amalgamation, 3.) was never agricultural land.**This is the PID behind the lots on Bog Road.
- 2.) Failure to Protect AP2 Land part of PID 45046315, RE: Site Inspection Based on Complaint
 - Conflicting information from WHRM Staff on October-12-22 related to their inspection of the site. See slide 4 for written support, visual support from slides 6/7/8/9.
- 3.) Complaint in Progress with Nova Scotia Department of Environment and Climate Change
 - Complaint with Nova Scotia Department of Environment and Climate Change filed October-11-22, Pit operation, possible no sediment damn leading to pollution of water course that feeds the Halfway River. Video evidence submitted.
- 4.) Development of the PIDS in the notice, will this lead to land locking of the AP2 zoned land, therefore creating a narrative supporting re-zoning for development?
- 5.) How will appropriate access be maintained to the AP2 Zoned land, specifically PID 45360914? **This is the PID Zoned Agricultural Priority 2, that exists between 8 Bog Road, the land behind the lots along Bog Road, and the 101 Highway.
- 6.) By what method will water be supplied to this and any other development this side of the 101 Highway?

Communications with WHRM

- October-11-22 Complaint regarding Activity on PID 45046315 to WHRM. I hope you are well. Please let this e-mail act as my formal complaint to the activity taking place on PID 45046315. For over a week now top soil that has been stripped from this same PID has been trucked, and is being trucked, off site. I do have proof. Thank you in advance for your appropriate action on this matter. Best regards, Graham Sanford, 53 Bog Rd, Hantsport, NS B0P 1P0 902 788 4989
- October-12-22 from WHRM: Graham, I inspected the Bog Road development yesterday. The top soil that is being removed is in the former Town of Hantsport, Two Unit Residential zone. **This is not a violation as top soil removal is only a violation if within the Agricultural zones.**

Note: Slides 6/7/8/9 clearly indicate the boundary between R2 and AP2, and therefore clearly indicate the removal of top soil from Agricultural Priority 2 Zone, which per the Development Officer e-mail above, is a violation.

Viewpoint

The screenshot displays the ViewPoint.ca web application interface. At the top, the browser address bar shows the URL `viewpoint.ca/map`. The navigation bar includes the ViewPoint logo, a contact number (45046315), and a search icon. A secondary navigation bar lists various services: AGENTS, SELLING, BUYING, MAP, MORTGAGE, INSURANCE, MARKETING, and DASHBOARD. The main map area shows a residential subdivision with several lots labeled LOT 3 through LOT 6. Lot 3 is highlighted with a red border. The map also shows roads like Bog Rd and Hantsport Connector, and a blue line representing a water feature or stream. On the left side, there is a sidebar with navigation options: OPEN, NEW TODAY, TOP LISTINGS, SEARCH, FAVOURITES, SHOWINGS, and MORE. On the right side, there are map controls including a 'Map' and 'Satellite' toggle, a 'MEASURE TOOL', 'LEGEND', 'HELP', 'LAYERS', and 'ZOOM' controls. A 'ViewPoint Agent' pop-up window is visible in the bottom left corner, featuring a profile picture and the name 'Wanda Graves, REALTOR® Annapolis Valley'. The bottom status bar shows the system tray with icons for network, volume, and power, along with the weather (6°C Partly sunny) and the time (11:44 AM).

2022-11-06

Public Information Meeting Letter-Front



November 1, 2022

Dear Property Owner:

**Re: Public Information Meeting
Bog Road, Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515)**

This letter is being sent to you as you are an owner of land within 500 feet of the above property.

You are invited to attend a Public Information Meeting hosted by the Planning and Heritage Advisory Committee. The meeting is scheduled for **6:00 p.m. on Thursday, November 10th** and it can be viewed live on the Municipal Facebook page at www.facebook.com/RMWindsorWestHants.

The meeting is to explain and receive comments on a proposed rezoning to the Two Unit Residential (R 2) zone.

If you would like to virtually attend the meeting, please contact Alex Dunphy by Tuesday, November 8th. Members of the public are welcome to submit comments or questions on the proposed development agreement to Alex Dunphy by noon on November 25th, 2022 by:

Phone	902-798-8391 ext. 118
Email	adunphy@westhants.ca
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional office at 76 Morison Drive

Sincerely,

Alex Dunphy
Planner

West Hants Regional Municipality
PO Box 3000, 76 Morison Drive, Windsor, NS, B0N 2T0
902-798-8391 www.westhants.ca

Public Information Meeting Letter-Back

Note the dotted line between PID 45366507 and PID 45366515, former TOH boundary

PROPOSAL INFORMATION SHEET

Address: Dog Road, Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515)

Request: Semi-detached residential dwellings

Proposal Description: Rezoning to the Two Unit Residential (R-2) zone.

Community: Hants Border	Designation: Residential / Agriculture	Current Zone: Single Unit Residential / Agricultural Priority Two (AR-2)
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Location:

Bog Road
PID's 45366473, 45366481, 45366499,
45366507, and 45366515

Scale in a centimetre from the 1:50,000 Scale Project. For a detailed map of the area, contact the Planning Department at 902-709-6300. This map is for informational purposes only. It is not intended to be used as a legal document. The information on this map is subject to change without notice. © 2011 West Hants Regional Municipality.

Orthophoto

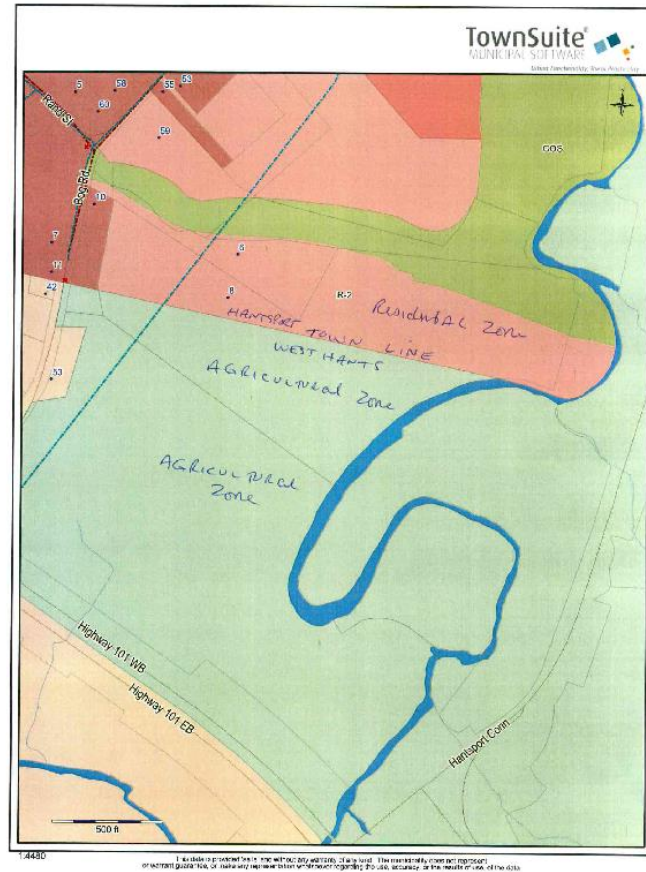
0 50 100
Metres

- Proposed Properties
- Existing Properties
- Roads

West Hants Regional Municipality
400-500, 78 Market Drive, Windsor, NS, B2N 2T0
902-709-6300 | www.westhants.ca

Confirmed Zoning PID 45046315 from WHRM

*Note the zoning inside and outside former TOH boundary



Standing at TOH Line-Fire Hydrant-Compare to Slide 6 and 7

*Left of hydrant flag is R2, right of hydrant flag AP2. Note the top soil removed, extending from Bog Road down to barn, in the AP2 Zone, gravel brought in, possible destruction of the water course, and possible absence of a sediment damn.



Standing at TOH Line-Fire Hydrant-Compare to Slide 6 and 7



Reference from An Act Respecting Municipal Government

- **DEFINITIONS**
- These definitions apply to the Statements of Provincial Interest.
- **Agricultural Land** means active farmland and land with agricultural potential as defined by
- the Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, speciality
- crop lands and dykelands suitable for commercial agricultural operations as identified by
- the Department of Agriculture.

Reference from An Act Respecting Municipal Government

- **PROVISIONS**
- 1. Planning documents must identify agricultural lands within the planning area.
- 2. Planning documents must address the protection of agricultural land. Measures that should be considered include:
 - (a) giving priority to uses such as agricultural, agricultural related and uses which do not eliminate the possibility of using the land for agricultural purposes in the future. Non-agricultural uses should be balanced against the need to preserve agricultural land;

Reference from An Act Respecting Municipal Government

- **STATEMENT OF PROVINCIAL INTEREST**
- **REGARDING AGRICULTURAL LAND**
- **GOAL**
- To protect agricultural land for the development of a viable and sustainable agriculture and
- food industry.
- **BASIS**
- The preservation of agricultural land is important to the future of Nova Scotians.
- Agricultural land is being lost to non-agricultural development.
- There are land-use conflicts between agricultural and non-agricultural land uses.
- **APPLICATION**
- This statement applies to all active agricultural land and land with agricultural potential in the
- Province.

Reference from An Act Respecting Municipal Government

- **(c) setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;**
- **(d) measures to reduce topsoil removal on lands with the highest agricultural value.**
- 3. Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when
- agricultural land is located within an urban area. In these cases, planning documents
- must address the reasons why agriculture lands cannot be protected for agricultural
- use. Where possible, non-agricultural development should be directed to the lands
- with the lowest agricultural value.

Forward Looking Considerations

- Optics of how the Municipal process unfolds is key.
- There are pressures that could lead to decisions that erode the public trust.
- Erosion of public trust weakens our communities.
- Public trust in local governance is a cornerstone of a healthy vibrant community, where people choose to live, raise a family, immigrate, start a business, spend their disposable income, enjoy historic sites, embrace our good fortune in living where we do, without travelling to enjoy the natural world amongst us.
- There is no place for personal beliefs or philosophies in governance.
- Consistency is key.
- Adaptability with a wide lens is key.
- Inclusion is key.
- Integrity is key.

Summary

- We need housing development.
- To be housed, is a necessity. Picture yourself without stable shelter to understand how it affects all other outcomes.
- Market based housing, and the supply of it, WILL lower the cost to acquire it.
- Market based housing, and the supply of it, IS NOT the sole solution.
- Market based housing, and the development of it requires a minimum rate of return for the developer.
- There are over 5000 persons in this province waiting for public housing.
- Approximately 1000 of these can be accommodated by moving the over housed.
- How will the others be housed?
- Thus, the need for other housing options that ARE NOT based on the market.
- Do the math when considering affordability, math does not lie.
- Seemingly valid concerns are already at play specific to the activities on Bog Road, Hants Border.
- The ability to express these concerns in a public format is foundational.
- Never give up the rules in place to protect land and the immediate environment in favor of any “emergency”.

On behalf of Graham Sanford, and Don't Be the Dirt Advocacy...

Thank you!

Disclaimer: By participating in the option to send in questions to the planner regarding the notice dated November 1, 22:

“Public Information Meeting Bog Road, Hants Border, (PID’s 45366473, 45366481, 45366499, 45366507, 45366515)

If you would like to virtually attend the meeting, please contact Alex Dunphy by Tuesday, November 8th . Members of the public are welcome to submit comments or questions on the proposed development agreement to Alex Dunphy by noon on November 25th, 2022”

We by no way forfeit our position, or requests in process, that this process should be halted given 2 violations on abutting PID 45046315, same landowner, **and an unanswered question with requested supporting documentation as to how PID 45046315 became R2 zoning.** If you accept these questions, you hereby agree to this statement.

If you reject these questions, please provide justification of the rejection.

1. Lot 3, PID 45366481 is a driveway. What is the purpose of the rezoning request given the only access to land behind these PID’s is from this location, this PID on the Bog Road?
2. With the exception of Lot 2, PID 45366473, the remainder of the lots are below the grade of the Bog Road. How will they be accessed?

3. Will the excavation for the structures dig into the bank closest to the road as with Lot 3, PID 45366481?
4. If so, will a guard rail be placed where the drop from the road shoulder to the excavation is a safety concern?
5. Can they developer provide examples from their portfolio of other housing developments in Nova Scotia?
6. Why does the developer not have a website and a clear public face, contact person with listed contact information and title, position held, at the developer organization? At last count there were 18 corporations registered to 49 Cole Drive in Windsor N.S.
7. How does this developer plan to finance this development?
8. Will the developer commit to participating in a Commitment Matrix? See example below.

Commitments Matrix: Takes the comments collected, makes commitments, and then references where in the plan these commitments are kept. This attachment is typically included in regulatory planning documents where it is essential to ensuring stakeholder alignment, e.g.

Consultation	Commitment	Reference
<p>“Save trees” – 49 comments in PC</p> <p>“Protect Wildlife” – 2 comments on website</p>	<p>Development will fell no existing trees.</p>	<p>Section 2.1</p> <p>Section 4.9</p> <p>Appendix A</p>
<p>“More active transit” – 21 comments in PC</p> <p>Town of Wolfville Active Transit Plan</p>	<p>A safe bike trail will permit bicycle commuter access to every building within the development area.</p>	<p>Section 3.7</p> <p>Appendix B</p>

9. How will the developer work around the water course to ensure no further contamination?
10. Will there be restrictions on the new property owners to ensure no unpermitted contamination enters the water course?
11. PID 45366515 is mostly Agricultural Priority 2. Given the comments of the landowner representative, Surveyor Sheldon Chisholm, at the Public Information Meeting Nov-10-22, the main concern that this PID supposedly failed agrologist testing, is the slope. If you would be excavating this PID to offset the issue of the slope to allow for housing construction, the same rational thinking could be used to do the same to permit continued Agricultural designation. Adding the Provincial Statement of Interest around the protection of Agricultural land, and, the Province’s published target

of 20% local food production by 2030, this PID should be removed from the application.

12. How will water be supplied to any housing built?

13. We would also like to see some more quantified metrics.

Not everyone is a visual

thinker. It would be good to have a table that included the following metrics extracted from

the proposed layout. We recognize some of these would be not available or would be mere

approximations at this juncture, but many could be populated.

Total square footage SFH

Total number of ≤ 1 BA

Total number of 2BA

Total number of 3BA+

Total number of rental units

Total number of purchase-able units

% of purchase-able units that will have a purchase price equal to or

less than the median price per square foot in Hantsport and Hants

Border

% of rental units that will have a monthly rental rate equal to or less

than the median monthly rental rate in Hantsport and Hants

Border

14. Is there any intent to do a wildlife study as part of this process? This area is extremely

well travelled by local fauna. This development will disrupt an existing hunting ground.

Building corridors and leaving wildspace within the development could mitigate this without substantially impacting the developable square footage. Reference green space between PID 45366515 and 53 Bog Road in conjunction with the water line for CKF over which no structures can be built.

15. We would like to know if there are any disclosures with respect to the development area landowners. Do they own or control other properties near the development area or in the municipality generally? Will they materially benefit from the configuration of the resulting development above and beyond their stake in it?

16. It has been mentioned that it is important that the development be attractive for developers. We take this to be a reference to ultimate profitability. Has any economic modeling been done in support of this development plan? Could it be shared?

17. Is there any possibility of pursuing any alternative development models for this land, such as housing cooperatives? Cooperative housing seems like it would fit the character of Hantsport and Area, and could provide a means of ensuring upkeep of common areas and development of additional cooperative services.

18. Were any alternative or supplemental scenarios considered in addition to developing

these lands, such as re-developing existing low-density housing?

19. The landowners who border the development parcels should be engaged with separately as a group and it seems like a fumble they were not. We would appreciate it if all bordering landowners were invited to a special consultation session focused on their concerns.

20. Could we be provided some comparables to the building forms being proposed?

21. We think we need information about how this will be managed in terms of minimizing disruption to residents while bringing habitable assets online quickly to meet demand.

What activities will be executed first? What milestones exist to confirm the full development will remain viable as it proceeds? What scale-back options exist if the economy changes not in favor the development?

22. Could we look to receive artist's renderings of the views as they will appear from typical viewing locations prior to approving presentation.

23. Could we understand more of the thinking process behind the buildings being proposed and the resulting density?

24. What are we leaving for the next generation if we landlock access to the agricultural land making it inaccessible?

25. There are many uses for sloped land in the agricultural context, it really depends on what model is being used for production and how non-cropped land is viewed. ie. The slope can house an apiary for pollination or developed for homing beneficial predatory species. Cattle can be mob grazed for a few hours in a rotational management strategy.

26. Having brought forward the slope as disqualification for ag land the agrologist has shown the limited big ag approach that is being used to assess the land.

It might be beneficial to find another agrologist to make comment on the land as a whole, one that is attuned to the holistic approaches to agriculture, using regenerative whole systems approach to the production of food.