



## 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:** Mayor Zebian and Members of West Hants Regional Municipality Council

**Submitted by:** \_\_\_\_\_  
Alex Dunphy, Planner

**Date:** January 24<sup>th</sup>, 2023

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

### LEGISLATIVE AUTHORITY

Municipal Government Act Section 205 & 210

### RECOMMENDATION

If Council wishes to proceed to a Public Hearing the following motion would be in order:

...that Council gives First Reading and will 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 23<sup>rd</sup>, 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.

## **DISCUSSION**

A Public Information Meeting was held on November 10<sup>th</sup>, 2022. Three (3) members of the public spoke about concerns with the removal of agricultural land for residential development, the development of lots behind the subject lots, a request for further explanation of the agrologist's report, and a request for stipulations within any potential development agreements regarding access to the lot behind the subject lots. In addition to this, a member of the public presented concerns with the rezoning, a complaint with the Nova Scotia Department of Environment and Climate Change, and a potential violation of the Land Use By-law.

The public comment period ended on November 25<sup>th</sup> with staff receiving one (1) phone call and three (3) emails. The comments from the public included concerns with the existing access to the subject lots, pedestrian safety, support for the member of the public who presented at the Public Information Meeting, and a list of additional questions.

On December 8<sup>th</sup> 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

During the December 8<sup>th</sup> meeting, PAC/HAC recommended in favour of the proposed rezoning.

## **NEXT STEPS**

The proposed amendment has been considered based on the West Hants Municipal Planning Strategy and has proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider amending the designation of PID 45366515 to the Residential designation and rezoning the subject lots on Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515) to the Two Unit Residential (R-2) zone.

## **FINANCIAL IMPLICATIONS**

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

## **ALTERNATIVES**

In response to the application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendment as drafted or as specifically revised by direction of Council; or
- provide alternative direction such as requesting further information on a specific topic.

## **APPENDICIES**

Appendix A 2022-12-08 Staff Report - File # 22-24: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (West Hants)

Appendix B Agrolgist Report

**CHIEF ADMINISTRATIVE OFFICER REVIEW**

The PAC / HAC have reviewed the application and as noted “the proposed amendment has been considered based on the West Hants Municipal Planning Strategy and has proven consistent with the intent, objectives, and policies of the Planning Strategy”.

I support the recommendation.

Report Prepared by: \_\_\_\_\_

Alex Dunphy, Planner

Report Reviewed by: \_\_\_\_\_

Madelyn LeMay, Director of Planning and Development

Report Approved by:  \_\_\_\_\_

Mark Phillips, Chief Administrative Officer

**Appendix A – File # 22-24: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (West Hants)**



**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 8<sup>th</sup>, 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 23<sup>rd</sup>, 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

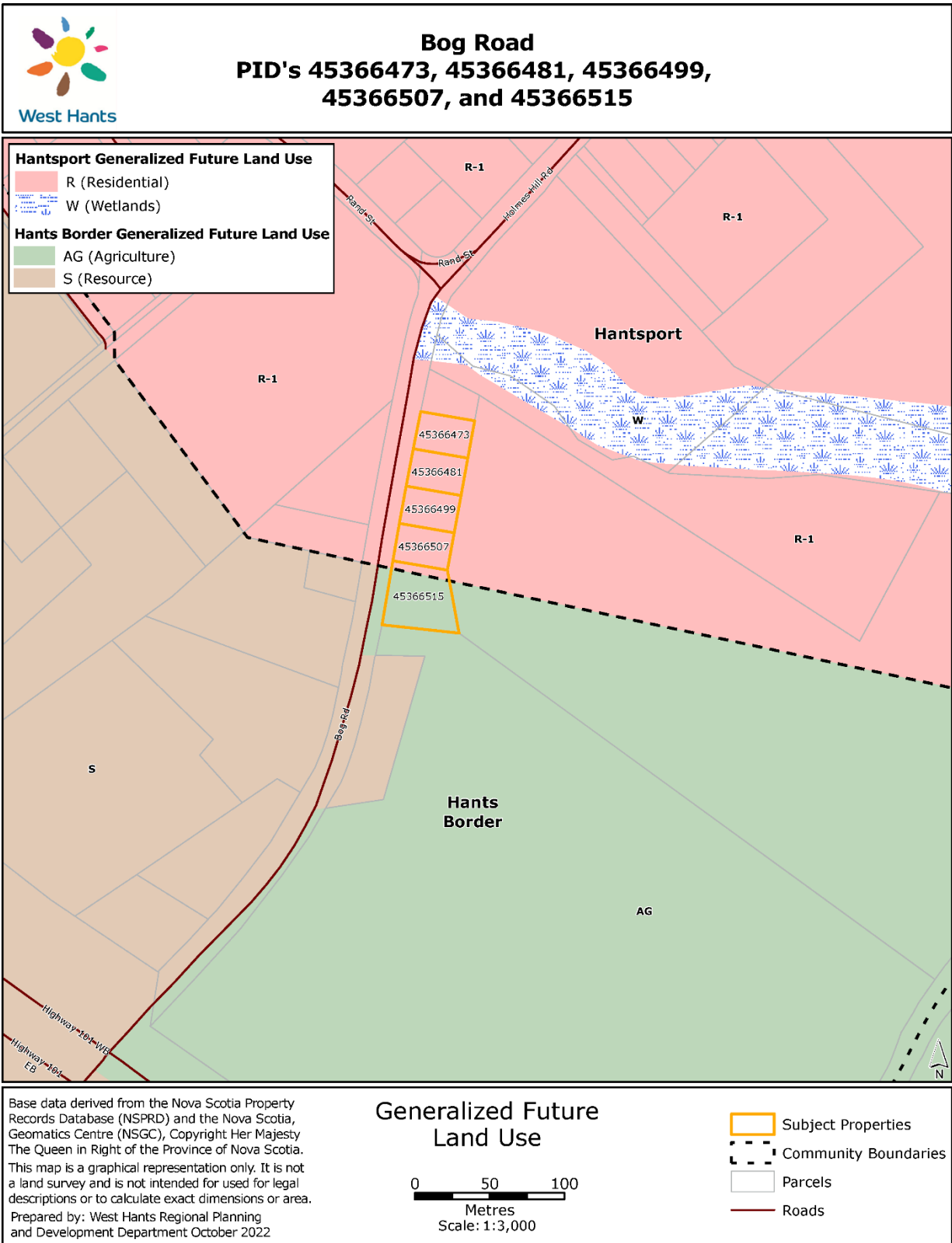


Figure 2 – West Hants Zoning Map Extract

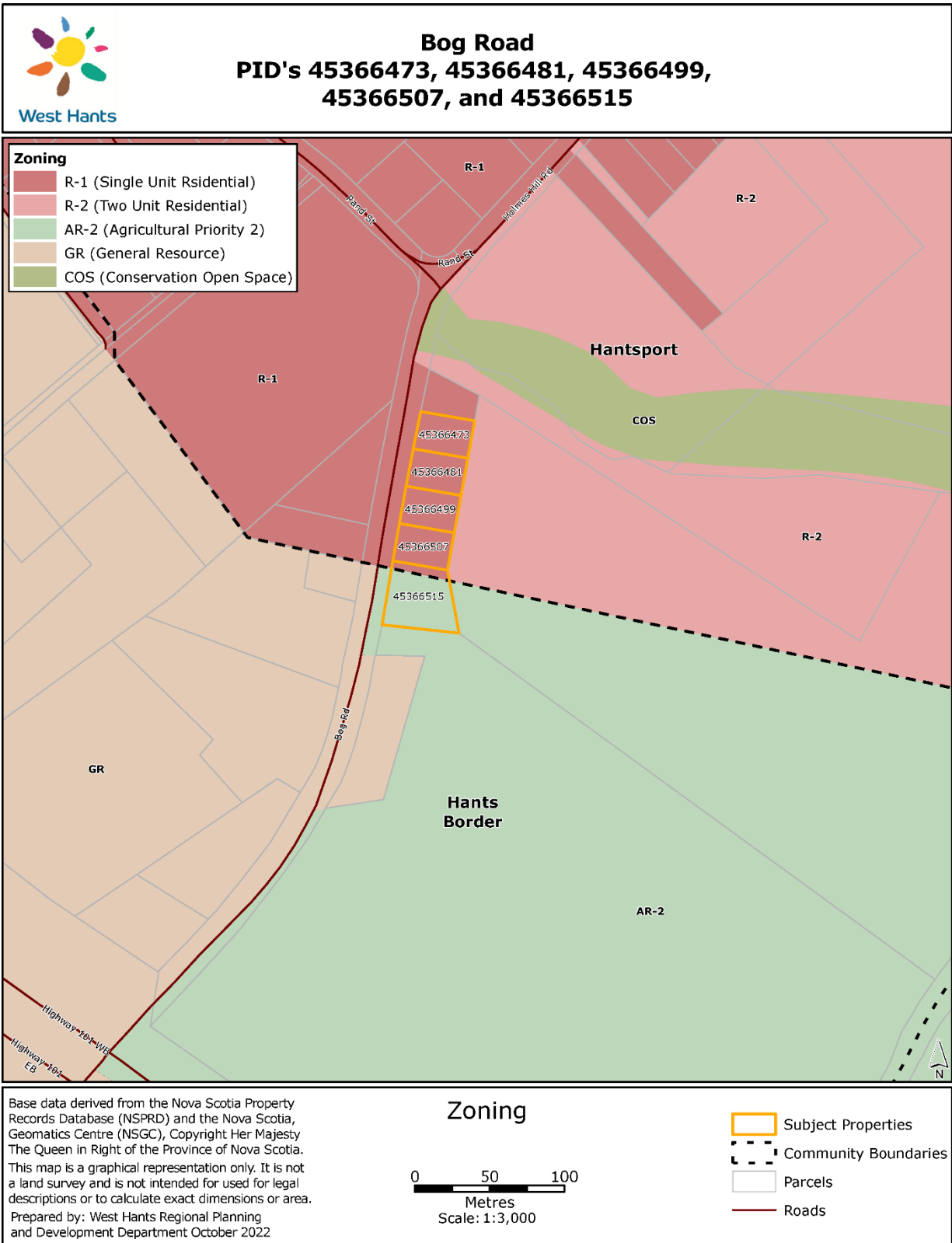
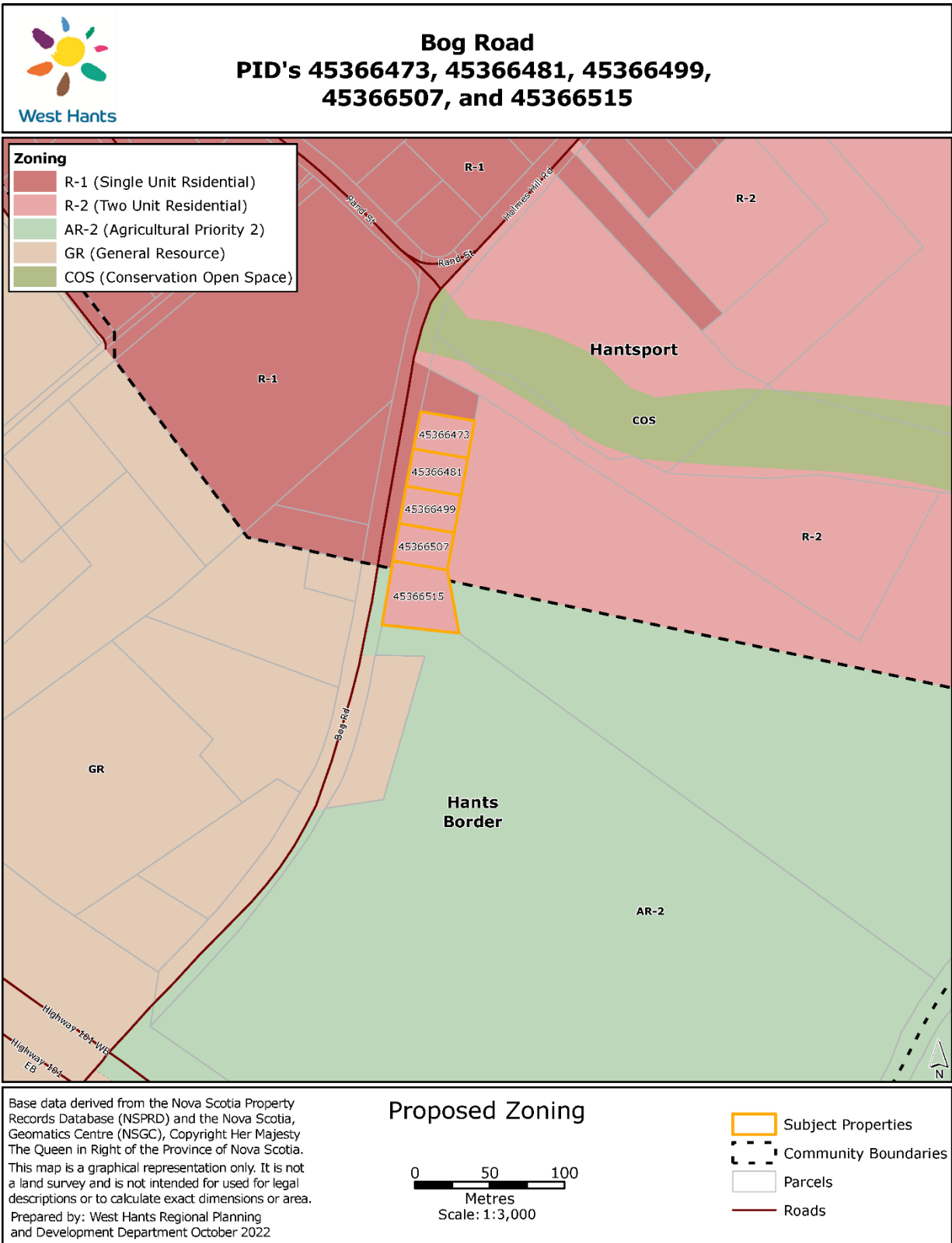


Figure 3 – Proposed Zoning Map Extract



## Attachment A – Policy Summary for Redesignation and Rezoning

<p><b>Policy 8.6.1</b>  <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 <sup>th</sup> , 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.

<b>Policy 16.1.1</b>	
<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.

<b>Policy 16.3.1</b>	
<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)**

<b>Meeting date and time</b>	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.
<b>File Number</b>	22-25
<b>Attending</b>	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"><li>• Councillor Jim Ivey</li></ul> <p>Four (4) members of staff:</p> <ul style="list-style-type: none"><li>• Director LeMay (Chair)</li><li>• Planner Poirier</li><li>• Planner Dunphy</li><li>• Meeting Secretary Lake</li></ul> <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>
<b>Applicant</b> Sheldon Chisholm <b>Properties</b> 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>
<b>Comments</b>	<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"> <li>• Concerns with removal of agricultural land for residential development</li> <li>• There must have been former agricultural use on the property</li> <li>• 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.</li> <li>• What properties does the developer own? Mr. Chisholm responded that not all the properties owned are shown.</li> <li>• 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.</li> <li>• 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.</li> </ul>
<b>Adjournment</b>	The presentation portion of the PIM ended at approximately 6:44 p.m.

**Public Email Responses Submitted for the Application PIM**

November 8<sup>th</sup>, 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)**

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November 10<sup>th</sup>, 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

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November 25<sup>th</sup>, 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

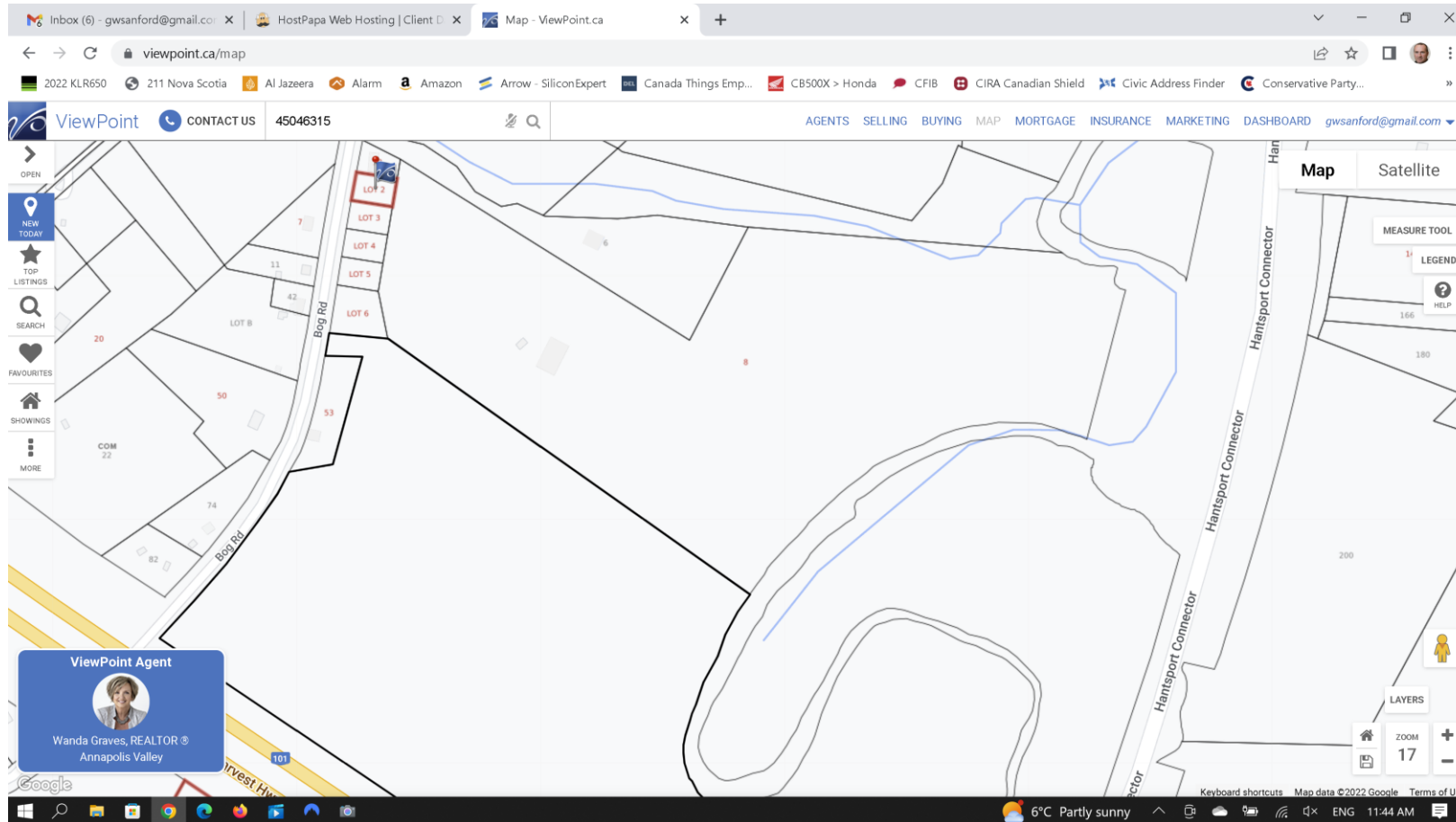
- 1.) PID 45046315 (8 Bog Road) , 26 acres. Inconsistent Information Regarding how R2 Zoning Came to Be
  - Three, separate conflicting answers from WHRM regarding when PID 45046315 (8 Bog Road) , 26 acres, was zoned R2: 1.) When amalgamation occurred, 2.) Prior to amalgamation, 3.) was never agricultural 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



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 10<sup>th</sup>** and it can be viewed live on the Municipal Facebook page at [www.facebook.com/RMWindsorWestHants](http://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 8<sup>th</sup>. Members of the public are welcome to submit comments or questions on the proposed development agreement to Alex Dunphy by noon on November 25<sup>th</sup>, 2022 by:

Phone	902-798-8391 ext. 118
Email	<a href="mailto:adunphy@westhants.ca">adunphy@westhants.ca</a>
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](http://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.

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

**Location:**

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

Scale in a centimetre for the 1:10,000 Project Plan. For a scale of 1:10,000, 1 centimetre on the map equals 100 metres on the ground. The map is a planimetric representation of the ground. It does not show vertical features such as buildings, trees, and other structures. The map is a planimetric representation of the ground. It does not show vertical features such as buildings, trees, and other structures.

**Orthophoto**

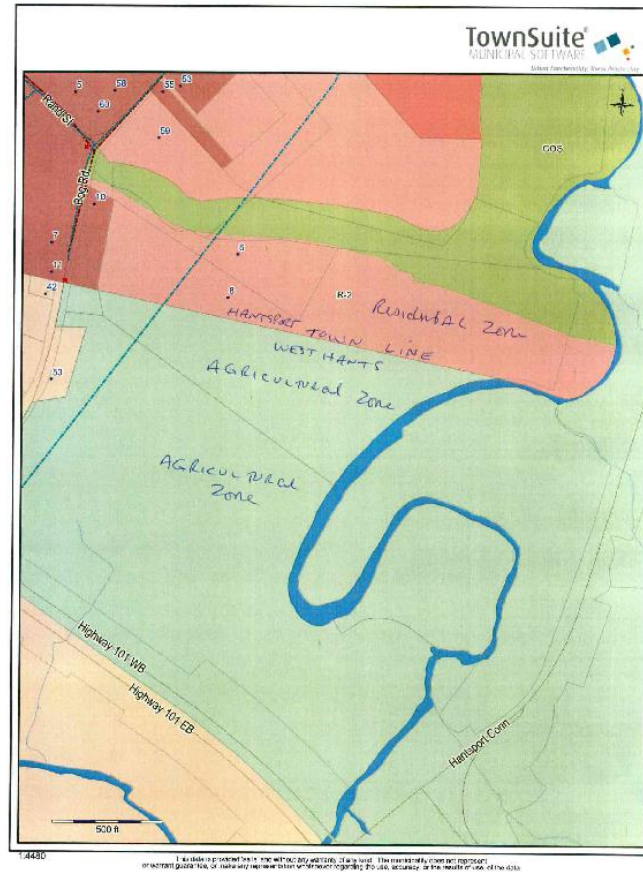
0 50 100  
Metres

- Proposed Properties
- 1:10,000 Orthophoto
- Water
- Roads

West Hants Regional Municipality  
400-500, 78 Markham Drive, Windsor, N3A 8Z9 ON  
519-759-6361 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  $\leq 1$ 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.

**Appendix B – Agrologist Report**

## **Land Assessment for Agriculture Capability**

**NS PID 43566515**

**Located near 8 Bog Road, Hantsport, NS**

## **Addendum**

**October 24, 2022**

Report prepared for:

**49 Cole Drive Ltd.**

Box 880

Windsor, NS

B0N 2T0

Report Prepared by:

**Steve Howatt, M.Sc.(agr), P.Ag**



**Atlantic AgriTech Inc.**

**265 Route 258**

**New Glasgow, PEI, C0A 1N0**

**[www.atlanticagritech.com](http://www.atlanticagritech.com)**

## Executive Summary

An initial assessment of Nova Scotia parcel number 45360914, located at 8 Bog Road in Hantsport, NS was conducted on August 5, 2022 on behalf of 49 Cole Drive Limited to determine its potential agricultural capability. The report was submitted to the client on August 22, 2022. The Municipality of Hantsport has reviewed the report and has requested that the original report be amended to include PID # 45366515 (Lot 6), which is also owned by 49 Cole Drive Limited and is zoned as AR-2. This report is the addendum to the original document.

A site evaluation of PID # 43566515 was conducted during the site visit in August, due to its proximity to PID # 45360914. Following is the assessment of this parcel, based on observations made during the site visit in August, a thorough review of soil and topography maps of the area and its proximity and similarity to PID # 43566515.

Through this assessment, it was concluded that the land in this parcel (PID # 43566515) has very low agricultural capability due to various characteristics of its soil and topography, particularly its steep slope and poor drainage. The assessment revealed that most of the land on the property in question would be considered Class 4 agricultural land as per the Canada Land Inventory (CLI) methodology.

It is the Consultant's opinion that the Lot 6 parcel (PID # 43566515) would be unsuitable for use for the agricultural production for most crops.

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### Introduction

#### General

Steve Howatt, P.Ag. (the Consultant) was contracted by **49 Cole Drive Limited** (the Client) to conduct an evaluation of a property at 8 Bog Road in Hantsport, NS (PID 45360914) for determination of agriculture capability, as per Section 8.6 of the *Municipality of West Hants Municipal Planning Strategy*<sup>1</sup>. Since submission of that report on August 22, 2022, the Consultant has subsequently been asked to provide an opinion on a neighbouring parcel (NS PID # 43566515; Lot 6), which is also owned by the Client.

While the Lot 6 parcel was evaluated during a visit in August, this report is an assessment based on review of soil, property and topographic maps and provides an overview of the overall capability for agriculture of the subject property in the Consultant's opinion.

### Methodology

A detailed site inspection of the neighbouring parcel (PID # 45360914) was conducted by the Consultant on August 5, 2022. At the time of inspection, the Consultant walked the whole of the cleared land in question and assessed soil type and quality through digging of numerous shallow test pits, observation of vegetation and assessment of slope, drainage, and stoniness. In addition to the site inspection, a detailed review of available maps (soil survey, topography, etc) was conducted, as well as review of current Canada Land Inventory (CLI) classifications for the soils present on the subject property. An observation of land use on neighbouring properties, including PID # 43566515, was also conducted at that time.

This assessment for PID # 43566515 is based on the August visit, and a review of available maps (soil survey, topography, etc) as well as review of current Canada Land Inventory (CLI) classifications for the soils present on the subject and neighbouring properties.

### Site Description

#### Current On-site Conditions and Land Use

The subject site is identified by Nova Scotia property identification (PID) number 43566515 near 8 Bog Road in Hantsport, Nova Scotia. The property is located along the East side of Bog Road, partially within the town limits of Hantsport and is currently zoned AR-2 (Figure 1). The parcel is approximately 20,000 square feet in size. The land on the property is currently non-utilized farmland and has grown up a range of grass and broadleaf species. Figure 2 shows current drone imagery of parcel.

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<sup>1</sup> Municipality of West Hants Municipal Planning Strategy. Amended September 14, 2021.

### Current Adjacent Property Land Use

The subject property is located at the south edge of Hantsport town limits, adjacent to a parcel, located to the south, which is currently zoned for agricultural use and owned by the Client (PID 45360914). On the other sides, the property is bound by Bog Road, and other properties Zoned R-2, and owned by 49 Cole Drive Limited. The surrounding land use is summarized in Table 1 and can be seen in Figure 1. Other than the subject parcel, no other agricultural production is in the immediate area, other than some crop land on the opposite side of Highway 101 to the Southwest.

**Table 1. Adjoining Properties – Current Land Use**

Direction	Current Land Use	Current Occupant/Owner
North	Zoned R-2	49 Cole drive Limited
East	Zoned R-2	49 Cole drive Limited
South	Zoned AR-2	49 Cole drive Limited
West	Bog Road	Province of NS

### Assessment of Soil Quality and Limiting Factors

During the original site inspection of PID # 45360914, the Consultant dug numerous shallow soil test pits across that property to assess and confirm soil characteristics as described above. Across all sites, the average depth of topsoil (to restricting layer) ranged from 25cm to 35cm with a layer of loose stone (4 – 12cm in size) observed at or around this depth. Stoniness was significant enough to be a concern for conventional tillage practices in the opinion of the Consultant. Visual assessment of soil type confirmed it consisted of fine loam soil with significant levels of sand and silt, and the soil structure was similar across all test pits.

Observations taken during the initial site visit in August in the proximity of the Lot 6 parcel confirmed extremely slopes for much of the parcel, sloping down from Bog Road, while lower portions of the parcel border on imperfect to poorly drained areas, with evidence of various marshland species growing throughout the parcel. In addition, several drainage ditches were observed near the southeast corner of the property indicating the need to remove excess water that does not infiltrate the soil, especially in wet seasons. Little standing water was observed during the site inspection on August 5, although the inspection was done after a prolonged dry period. In almost all the subject property, the slope is significant enough to restrict conventional crop production practices and machinery operation, with slopes over 15-20% observed in some areas (Figure 1). The areas of high slope and poor drainage would significantly restrict agricultural capability.

### Overall Soil Capability for Agriculture

Application of the observed characteristics made during the site inspection to the Canada Land Inventory key for soil capability for agriculture would classify the majority of the parcel as Class 4T, with significant topographic limitations due to slope. As per the Canada Land Inventory, soils identified as Class 4 due to slope is a concern because “higher present slope increases cost of farming by decreasing the uniformity of crop growth and by increasing the risk of water erosion”.

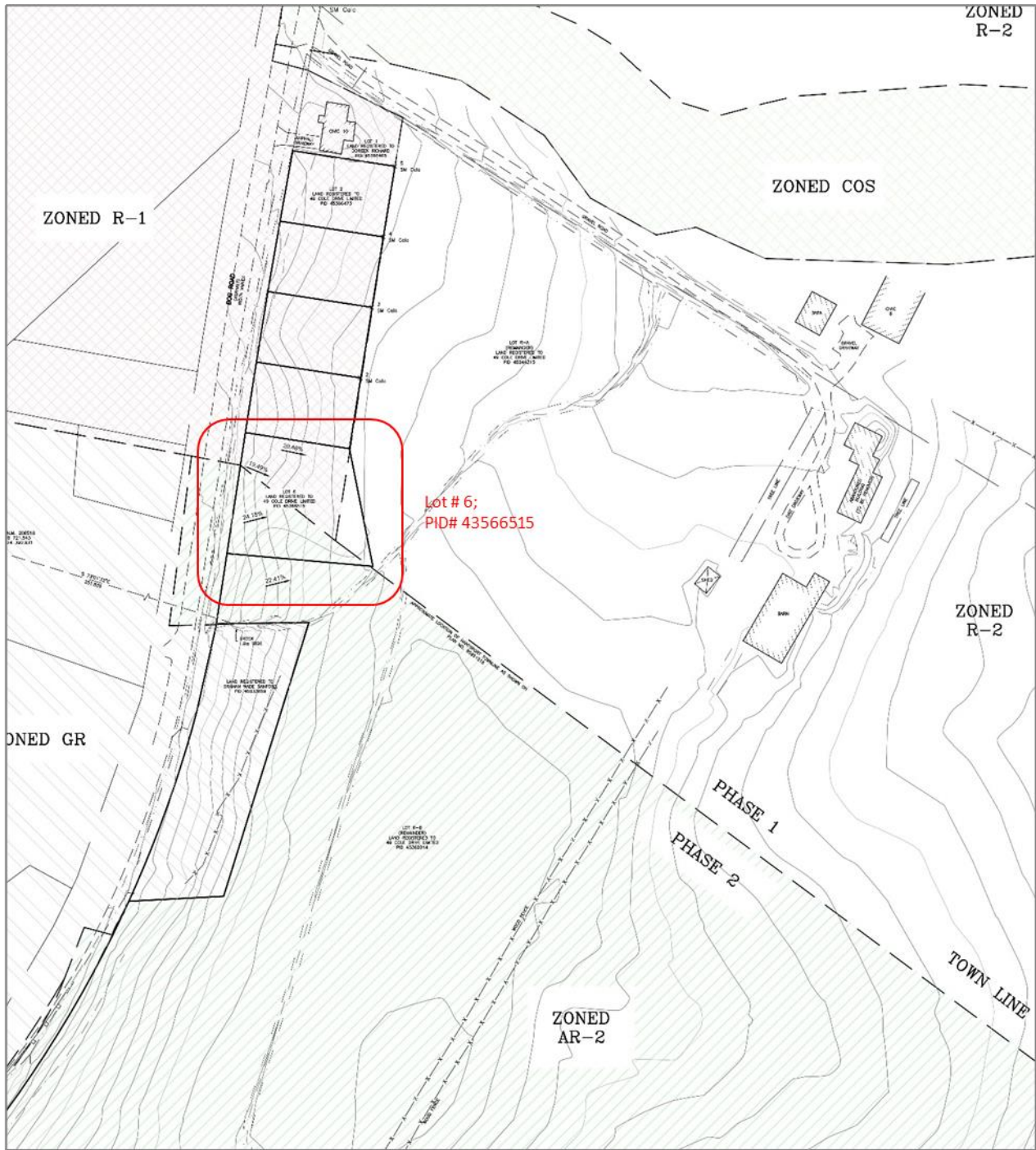
### Conclusions


A thorough review of soil characteristics, topography and other maps of the area, along with observations made during a site visit to a neighbouring parcel in August, would lead the Consultant to determine that this parcel (PID 43566515; Lot 6) has very low capability for use in most agricultural production systems.

When all aspects of the land are considered, it is the opinion of the Consultant that the land in the subject property would be considered Class 4 agricultural land under the Canada Land Inventory classification system. As per the Municipal Planning Strategy, Class 4 and Class 5 land would be classified as Agricultural Priority Three, which would allow for controlled non-agricultural development on the land.

Further, rezoning of the parcel to residential would be compatible with neighbouring land use and would be a logical extension of existing non-farm development in the area. Rezoning of the parcels would not be expected to have any negative impact on agriculture production in the area, since the parcel is bound by Bog Road, and other properties owned by 49 Cole Drive and currently planned for development.


Agrologist Assessment – 8 Bog Road, Hantsport, NS



	<b>Topographic Map of Subject Parcel</b> Agrologist Assessment Parcel ID No: 43566515 8 Bog Road, Hantsport, NS	October 24, 2022
		<b>Figure 1</b>
Client: 49 COLE DRIVE LIMITED		

Agrologist Assessment – 8 Bog Road, Hantsport, NS



	<b>Drone Image</b> Agrologist Assessment Parcel ID No: 43566515 8 Bog Road, Hantsport, NS	October 24, 2022
		<b>Figure 2</b>
<b>Client:</b> 49 COLE DRIVE LIMITED		