

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
Minutes of a Special Meeting of
COUNCIL
Held in the Council Chambers, 210 Aberdeen Road, Bridgewater
Tuesday, October 7, 2014 11:55 a.m.

ATTENDANCE

Councillors: Mayor Don Downe
Deputy Mayor Eric Hustvedt, District 12
Councillor Errol Knickle, District 1
Councillor Don Zwicker, District 2
Councillor Frank Fawson, District 3
Councillor Michael Ernst, District 4
Councillor Claudette Garland, District 5
Councillor Terry Dorey, District 6
Councillor Cathy Moore, District 7
Councillor John Veinot, District 8
Councillor Carolyn Bolivar-Getson, District 9
Councillor Lee Nauss, District 10
Councillor Martin Bell, District 11

Staff: Darrell Hiltz, Interim CAO
Alex Dumaresq, Deputy CAO
Jeff Merrill, Director of Planning & Development Services
Douglas Reid, Municipal Planner
Norma Schiefer, Development Officer
Sherry Conrad, Administrative Assistant

1. CALL TO ORDER

Mayor Downe called the Special Meeting of Municipal Council to order at 11:55 a.m.

2. STAFF RECOMMENDATION

2.1 Proposed Rezoning Amendments to the Hebbville Secondary Planning Strategy and Land Use By-law (Environmentally Sensitive Zone Boundaries: PID #60690435; 60291309; 60290178)

Mr. Merrill reviewed a report he had circulated with the agenda on the Village of Hebbville Secondary Planning Strategy and Land Use By-law rezoning of Environmentally Sensitive Zone Boundaries (copy attached to original set of Minutes). He explained that the rezoning amendments apply to three parcels changing the zoning from Environmentally Sensitive "ES" Zone to Two-unit Residential Zone. The proposed development affected an area currently designated an "ES" Zone. The ES Zone in the Hebbville Secondary Planning Strategy was created to identify established provincially-identified wetlands in the Hebbville Plan Area.

Councillor Bolivar-Getson asked for clarification in regard to the proposed lots to be rezoned. She asked if the proposed amendments would affect the old Acadia Construction property because if it did she would need to declare a Conflict of Interest. Mr. Merrill confirmed that the proposed amendments would not affect the property Councillor Bolivar-Getson is referencing.

Mr. Merrill advised that there are two properties and part of another property that are located in the ES Zone. The owners of these properties had qualified wetland delineators visit the sites to do a study of the land, and it was determined that areas of these properties were not wetland as shown on the provincial wetland mapping. As a result of these studies, the Department of Natural Resource revised the provincial wetlands mapping, for both wetlands, to reflect the boundaries as determined on the ground.

Mr. Merrill gave a PowerPoint presentation (attached to original set of Minutes). The presentation explained that Hebbville Policy 3.6.4 states that “wetlands that are identified in the provincial inventory are designated as a “no-build” zone. Hebbville Policy 3.6.6 states that “It shall be the policy of Council to rezone the ES Zone in the Land Use By-law to an adjacent zone where study of a wetland by a qualified person shows that land within the ES Zone is not wetland.

Mr. Merrill reported that the Hebbville Area Advisory Committee reviewed the request and reports and is recommending Council to approve the rezoning of the portions of the subject properties from the ES Zone to the adjacent Two-unit Residential Zone where the lands have been deemed not to be wetland by a qualified person. The recommendation from the Area Advisory Committee went forward to the Planning Advisory Committee and the Planning Advisory Committee forwarded it to Council without recommendation.

It was noted that the Planning Advisory Committee put forward the recommendation of the Hebbville Area Advisory Committee without recommendation as there was some question as to whether or not there would be any recourse to the Municipality if the property was rezoned and it flooded.

Council was advised that there would be no recourse on the Municipality as the Municipality has documentation advising that qualified persons have visited the wetlands on the subject properties and have determined that the mapping did show areas that are not wetland and the Department of Natural Resources has provided revised map files of the actual wetland boundaries. As per section 3.6.6 of the Hebbville Secondary Planning Strategy and Land Use By-law, Council shall rezone the ES Zone boundaries based on a study from a qualified person that shows the land within the ES Zone is not a wetland.

Moved by Councillor Nauss, seconded by Councillor Garland that Council give notice of their intention to rezone the portions of PID 60690435, PID 60291309, and PID 60290178, which have been deemed not to be wetland, to the adjacent Two-unit Residential Zone; and further, that Council set a Public Hearing date of October 29, 2014 at 7:00 p.m. in the Council Chambers.

As requested, Mr. Merrill explained the difference between a flood plain and a wetland. He advised that Council does not have policy to deal with a flood plain; and, that under the existing policies, Council has no reason not to issue a development permit for these lots.

It was asked how a wetland area can change. Mr. Merrill explained that most of the mapping is done from air photographs which is at a different scale.

A discussion was held with regard to mapping. It was noted that the Planning Area Advisory Committee will be discussing wetland mapping and policy at a future meeting.

3. IN CAMERA

The In Camera agenda item "Personnel Matter" was removed from the agenda and deferred until the October 14, 2014 Council meeting.

4. ADJOURNMENT

There being no further business at 12:20 p.m., it was moved by Deputy Mayor Hustvedt, seconded by Councillor Bolivar-Getson that the meeting adjourn. Carried.