

PUBLIC HEARING (Hearing #2)
held by the Council of the
MUNICIPALITY OF THE DISTRICT OF LUNENBURG
in the Mahone Bay Centre, Mahone Bay, N. S.
RE: PROPOSED AMENDMENTS - HARLEY & EILEEN EISENER
PRINCES INLET & AREA PLANNING STRATEGY AND LAND USE BY-LAW
Tuesday, November 24, 2009 - 7:40 p.m.

ATTENDANCE

Mayor Don Downe
Councillor Basil Oickle - District 1
Councillor Donald Zwicker - District 2
Councillor Frank Fawson - District 3
Councillor Milton Countway - District 4
Councillor Wade Carver - District 6
Councillor Arthur Young - District 9
Councillor Lee Nauss - District 10
Councillor Martin Bell - District 11
Councillor Eric Hustvedt - District 12

Absent: Councillor Sandra Statton - District 5
Councillor Cathy Moore - District 7
Councillor John Veinot - District 8

Staff: Tammy S. Wilson, Chief Administrative Officer
Jeff Merrill, Acting Director, Planning and Development Services
Norma Schiefer, Development Officer
Heather Whynott, Administrative Assistant

1. CALL TO ORDER

Mayor Downe called the second Public Hearing to order at 7:40 p.m.

2. OPENING REMARKS

a. Introduction of Council Members and Staff

The members of Council and staff had been introduced at the first Public Hearing which preceded this Public Hearing.

b. Review of Agenda and Rules of Conduct

Mayor Downe reviewed the Agenda and the Rules of Conduct that are to be followed by members of the public who wish to speak at this Hearing.

3. REPORTS AND PRESENTATIONS BY PLANNING STAFF

a. Staff Presentation on the Planning Approval Process and the Proposed Amendments

Ms. Schiefer reported on the request from Harley & Eileen Eisener for an amendment to the Princes Inlet & Area Secondary Planning Strategy (SPS) and Land Use By-law (LUB) to allow small lots between the Provincial Public Highway and the water to have a minimum 15 metres (49.2 feet) lot frontage requirement to allow for subdivision. She used a

PowerPoint presentation to review the proposed amendments.

The Planning Advisory Committee's recommendation is that Municipal Council approve the amendments to the Princes Inlet & Area SPS and LUB for the creation of an Ocean Shoreline Zone for continuous waterfront land with a depth of less than 40 metres (131 feet) requiring a 15 metre (49.2 feet) minimum lot frontage, as noted in Schedule "H" of the staff report dated August 20, 2009.

4. WRITTEN AND ORAL PRESENTATIONS

a. Review of Written Submissions

Ms. Wilson reported that a total of 12 written submissions were received. Ms. Wilson read the 12 letters received from the following:

1. Charles Carlson - Opposed to the amendments
2. James A. Stewart - Opposed to the amendments
3. Barbara & John Bond - Opposed to the amendments
4. Claudia Woelky - Opposed to the amendments
5. Shirley & Franklyn Burgoyne - Opposed to the amendments
6. Dr. Alexander Steeves & JoAnn Steeves - Opposed to the amendments
7. Virginia P. Miller & David H. Elliott - Opposed to the amendments
8. Robert Hebb & Ann Hebb - Opposed to the amendments
9. Pamela J. Barker - Opposed to the amendments
10. Scott McVittie & Patricia Topshee - Opposed to the amendments
11. Marjorie & Ernst Achenbach - Opposed to the amendments
12. James & Maureen Betts - Proposal - " I would like to see the present by-law revised such that for non-development lots in the Ocean Shoreline Zone the frontage criteria be revised to 15M or 49' from 40M or 131'."

b. Presentations by the Public

Mayor Downe then invited oral presentations.

Harley Eisener (applicant) - He reviewed some of the history of the old school property which he and his wife now own. In 1915 the school was built. In 1958 they purchased it from the Municipality. In 1959 the highway was widened which changed the center of the road and moved it closer to the school house. After talking to the Hutchinsons on the north side of his property, they agreed to split the property on the other side of the road. If it can be done by variance, that is okay with him.

John Bond - He's sympathetic to the Eiseners' request. However, the objection he has is the Ocean Shoreline Zone. As stated in his letter, it could result in a shoreline dotted with boathouses, wharves, cars, recreation vehicles and boat trailers.

Ann Mathison, Mader's Cove - She is against the amendments. Squatters' rights are legal in Nova Scotia. If they (Eiseners) used that land more than 20 years, they have legal right to use that land to access the ocean.

Alan Creaser, 168 Sunnybrook - He opposes the amendment to create an Ocean Shoreline Zone. Common sense tells him these people (Eiseners) should be entitled to the property in front of them. No one is opposing that. The planning staff came up with the solution to create an Ocean Shoreline Zone. He feels there has got to be a way to make this right. If it's spot zoning, then that is what it should be. We don't want this in our area, but we do want these people looked after. We want Council and staff to come up with some common sense solution.

Garrett Crowell, 135 Second Peninsula Road - He's opposed to the amendments. He thinks boathouses will be built and turned into summer cottages. If they use chemical toilets, where will they go to empty them on weekends?

Dr. Alexander Steeves - He has been a member on the Area Advisory Committee. The Committee tries to accommodate everyone, but he questions changing the By-law for the entire area to address the concerns of one family. He noted that both neighbours have agreed on this. Why not extend the property lines and make one lot?

Mayor Downe pointed out that the Area Advisory Committee came with this recommendation to Council.

JoAnn Steeves - When the Area Advisory Committee (AAC) was first established, they accepted a lot of input from residents. However, during the last number of years, we have not heard much from the AAC. If they would ask for input before recommending that we amend our By-laws, we might not be in this situation. She is against the proposal.

A number of those who made verbal presentations stated that they were not opposed to what the Eiseners are asking for; however, they would like the Eiseners' request to be satisfied in some way that will not affect the whole planning area.

Mayor Downe asked three times for further comments/presentations from the public. There were no further presentations.

Mayor Downe asked for Council's direction as to what they wish to do with the amendment. The consensus was to make a decision at the next scheduled Council meeting, being December 8, 2009.

5. REVIEW OF APPROVAL PROCESS

The approval process that is to be followed was printed on the Agenda (copy attached to original Minutes).

Mayor Downe reviewed the approval process.

Mayor Downe informed the members of the public that this will be discussed at the December 8, 2009 Council meeting and invited people to attend, but pointed out that the submissions are in now and Council cannot accept any other comments relative to this issue. As there is still confusion on the other amendment, Council will also discuss that.

Mayor Downe thanked all for coming.

6. CLOSING OF THE PUBLIC HEARING

Mayor Downe declared the Public Hearing closed at 8:26 p.m.

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MAYOR DON DOWNE, CHAIRMAN

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TAMMY WILSON, CHIEF ADM. OFFICER