



Municipality of the District of St. Mary's

Special Council Meeting / Public Hearing

Tuesday, October 18, 2022

We acknowledge that we are gathering in Mi'kma'ki the traditional unceded territory of the Mi'kmaq people.

1. Meeting, Date & Time:

The Special Council Meeting / Public Hearing of the St. Mary's Municipal Council was called to order on Wednesday, October 18, 2022, at 7:00 pm in Council Chambers, Sherbrooke, NS.

2. Attending:

Warden Wier	Councillor Mailman
Deputy Warden Fuller	Councillor Malloy
Councillor Baker	Councillor Zinck
Councillor Harpell	

Also Attending:

Marian Fraser, Director of Finance (DOF)
Mallory Fraser, Municipal Clerk
Denise Dunn, Economic Development Officer (EDO)
Ian Watson, Senior Planner - Upland Planning and Design Studios

Absent with Regrets

Marissa Jordan, Chief Administrative Officer (CAO)

3. Approval of Agenda

On motion of Councillor Harpell and seconded by Councillor Malloy, Council approved the agenda as presented.

Motion approved.

4. Municipal Planning Strategy (MPS) & Land Use Bylaw (LUB) – Public Feedback

- Deputy Warden Fuller read the written public submission that was received.
- a. Written Submission 1 – Denise Sawlor, Smithfield
 - See the attached submission.
- b. In Person Submission 2 – Gary Greenwood, Gegogan
 - Mr. Greenwood shared their concern about section 2.5 of the LUB which states the maximum size for an accessory building is 9.32 square meters.
 - Mr. Greenwood shared their concerns about section 4.5 of the LUB- Habitation of Vehicle Bodies.
 - Mr. Greenwood shared their concern about section 4.29 of the LUB- Fowl & Rabbits – they stated this section should be removed completely and raised concern about tiny home communities not being able to have chickens.
 - Mr. Greenwood raised concern over the need to register as a hobby farm to keep a rooster. With food prices rising, Mr. Greenwood raised the concern over how the LUB limits food security. He also stressed that he feels the Municipality should encourage individuals to grow and produce their own food.

- Mr. Green raised requested clarification for what is considered one animal unit under section 4.30 – Hobby Livestock.
- Mr. Greenwood raised concern about section 5.1 – Watercourse, Coastal and Wetlands and the minimum setback requirement of five meters above the high-water mark.
- Mr. Greenwood reiterated that their main concerns are the limitations on providing food security for his family, vehicle body habitation, and accessory building size.

c. In Person Submission 3 – Adam Lomas, Sherbrooke

- Mr. Lomas acknowledged the work put in the documents by staff and council.
- Mr. Lomas suggested to consider changing section 4.5 – Habitation of Vehicle Bodies – to any use of a vehicle as a dwelling should not otherwise exceed the land-use of the number of dwellings permitted on a property.

Cynthia Smith & Jenn Young entered the meeting at 6:26 pm.

- Mr. Lomas raised concern that under section 4.14 – Main Building on the Lot if a building like Maple Manor could be built under this new land use bylaw.
- Mr. Lomas raised the concern that there was no section covering dangerous and unsightly properties within the land use bylaw.
- Mr. Lomas raised the concern that under section 4.21 Derelict Vehicle Bodies. He raised the point if it was necessary for two or any vehicles to be stored in core or mixed-use areas. Mr. Lomas proposed including a reasonable amount of time before the vehicle is removed.
- Mr. Lomas pointed out clerical errors in section 5.1.5, such as the date of July 4th.
- Under the topic of Permitted Uses in chapter 7 tiny home communities are only permitted in two zoned areas. Mr. Lomas inquired if it would be possible with a development agreement in the mixed-use zone.
- Mr. Lomas advised that under the section of Hotels, Motels, Inns & Tourist Cottages they could not find the definition of what is a tourist cottage and that it is not clear if a short-term rental is permitted in low or medium density residential.
- Mr. Lomas pointed out that in Chapter 8, section 8.2 the Development Agreement Policy is cut off prematurely.

d. In Person Submission 4 – Cynthia Smith, Melrose & Jenn Young, Stillwater

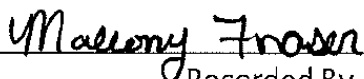
- Ms. Smith raised concern about the maximum number of 5-15 fowl and rabbits permitted on a lot under section 4.29 Fowl and Rabbits. Ms. Smith felt that this was not a reasonable amount and would put members of the community in violation of the bylaw year-round.
- Ms. Smith raised concern over section 4.3 Hobby Livestock which requires 4000 square meters per one animal unit. Ms. Smith also shared concern for the minimum requirement animal housing being of 50 meters away from any offsite dwellings and commercial operations to require a minimum requirement of 300 meters away from dwelling. Ms. Smith suggested referencing the Nova Scotia Farmers Association Regulations.

- Ms. Smith suggested that wind turbines be the same wattage as solar panels and that wind turbines are more economic and can generate as much power if not more.

Adjournment

On motion of Councillor Harpell and seconded by Councillor Zinck, there being no further matters of business, Council adjourned at 6:40 pm.

Motion approved.



Recorded By
Mallory Fraser, Municipal Clerk



Approved By
Deputy Warden Fuller

LUB Feedback Oct 18, 2022

There appears to be an issue dealing with livestock - sections 4.29 and 4.30 appear to contradict each other, as they both have references to "fowl" and rabbits. 4.29 uses zoning as the criteria, whereas 4.30 (more logically) uses a combination of zoning and lot size. Even more of an issue is that the stated limits in each section contradict each other.

I would suggest that section 4.29 be removed entirely, and if there are any specific situations that need to be addressed - e.g. preventing keeping birds in mobile home parks - section 4.30 be updated to include them.

To illustrate how problematic this is, as I read the proposed by-law now, if I lived in a tiny home community on an appropriately sized piece of land, I wouldn't be permitted to have chickens or rabbits - but I could have a cow!

Furthermore, the term "fowl" is ambiguous - does it mean just hens and roosters? What about ducks? Geese? Turkeys? Emus? The terms should be consistent throughout the document, and defined.

I believe section 4.2 regarding shipping containers is still problematic and should be removed in its entirety. If not, it needs to be addressed in a better way, as this isn't HRM and lots/land parcels are often more complicated in our rural municipality.

It seems to me that concerns around shipping containers would be better dealt with under "unsightly premises". Shipping containers are not really special and dramatically different than many other structures that one could place on a property and in a rural municipality like ours, as long as it is well-maintained, placement should not be a concern.

However, if Council believes that there ARE specific areas where the exact placement of shipping containers specifically might be a concern (like Main Street, Sherbrooke), it would be better to apply POLICY 3-37 "Accessory Buildings", as it mentions buildings of a variety of designs and placement requirements "based on the zone standards" - I would suggest rewording section 4.2(b) as follows:

b) be permitted only in rear and side yards in the low density residential zone and medium density residential zone.

If Council is concerned specifically that shipping Containers are placed near dwellings perhaps rewording to the following would better address the issue.

b) be permitted only in rear and side yards of a dwelling structure if the dwelling is the main building on the lot.

Another option is to simply remove 4.2 (b), because as it is currently worded, it opens possibilities of people being in violation of the bylaws that make no logical sense. I don't wish to belabour the point or make this submission longer than required by laying out specific examples, but I can assure you they exist.

While it would be understandable if Council is anxious to complete this process, I would ask that you give these recommendations serious consideration. It is better to get it right instead of just getting it done.

Sincerely,
Denise Sawlor
Smithfield, NS