

Purpose:

The purpose of this Public Hearing is to receive verbal and written submissions regarding the Draft Municipal Planning Strategy and Land Use Bylaw.

Notification:

Notice of this Public Hearing appeared in the Progress Bulletin on January 17th, and January 24th, the hearing was also advertised on the Town's Facebook page and website.

Public Hearing: Progress Bulletin January 17, 2024 & January 24, 2024
Town website, Town Facebook page

Submissions Received:

Prior to this hearing, comments were received from:

- George Creaser
- Bryan Palfreyman
- Jeff Frampton
- Karen Pinsent

And forwarded to Council on January 30th and 31st, 2024.

Ian Watson of Upland will provide the background to the development of these draft documents.

Respectfully submitted,

A handwritten signature in blue ink that reads "Kelly Munroe".

Kelly Munroe,
Town Clerk



George Creaser
42 Hedge Row
Mahone Bay, NS, B0J 2E0
January 18, 2024

Kelly Munroe
Town Clerk
Town of Mahone Bay
493 Main St
Mahone Bay, NS, B0J 2E0

Subject: Submission for change of clause in the Plan Mahone Bay Draft Land Use Bylaw, for consideration to amend for 2nd Reading by council, regarding 42 Hedge Row, Mahone Bay

Dear Kelly Munroe:

We own the property at 42 Hedge Row, Mahone Bay. Please direct the requested change to the Town of Mahone Bay Land Use Bylaw – 2024.01.12 First Reading Draft to the appropriate persons with Plan Mahone Bay so that they may take it under consideration for the next Reading by council.

Subject clause in the Draft LUB: Section 5.18 Converted Dwellings, part 2

5.18.2. The gross floor area of a converted dwelling, or a dwelling that is being converted, shall not be increased by more than 20 percent compared to the gross floor area on [adoption date].

Change to consider: State zones affected by this clause and that this limit **does not apply to dwellings in Residential Multi-Unit (RM) zoning.**

Reasoning for change: According to the Draft Municipal Planning Strategy section 4.6.3, it describes the objective of the category for residential development – “Converted Dwellings”- as a method to increasing residential rental units in the town. There is no explanation related to a need to limit the increase of size of dwellings converted into multiple-unit housing structures in the contents of the Draft MPS . My guess is that the intent this limit is to allow larger structures with few people inhabiting them to be subdivided into more units. However, this overlooks the case where a small size single-unit dwelling is located in a Residential Multi-Unit zone. Even if the opportunity exists for this

dwelling to be increased on a lot that has space and setbacks, there is no way to achieve any development to increase units, since the structure is small to begin with. Especially since units created in a Converted Dwelling must be of a minimum size. While there may be reasoning for this clause in some zones, it is contrary to the main intent of the Residential Multi-Unit zone, as per policies 5-10 and 5-11 in section 5.2.3 (Residential Multi-unit Zone) of the Draft MPS:

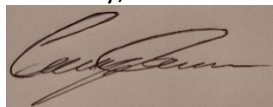
Policy 5-10: Council shall, through the Land Use Bylaw, establish the Residential Multi-unit Zone intended to accommodate multiple-unit residential developments ...

Policy 5-11: Council shall, through the Land Use Bylaw, limit the permitted residential uses in the Residential Multi-unit Zone to medium and high-density dwellings including triplex dwellings, grouped dwellings with three (3) to eight (8) units, and multi-unit dwellings with eight (8) or fewer units.

I have also surveyed online each individual property designated as RM in the town (according to the Zoning Map in Schedule A of the Draft LUB) and it appears that our property at 42 Hedge Row is the only RM zoned property that has a residential single-unit dwelling on it. Thus, there would not be a concern for precedence setting for other dwellings getting similar treatment in the RM zone. Only multi-unit complexes, vacant lots, or commercial/institutional uses presently exist in RM zone, other than the 42 Hedge Row property. No other conflicts could be expected going forward in this regard within the RM zone, as there is a specific purpose for developing multi-unit developments in the zone.

Please consider the above mentioned change to the Town of Mahone Bay Land Use Bylaw - 2024.01.12 First Reading Draft for 2nd Reading by council on January 31, 2024

Sincerely,

A handwritten signature in dark ink, appearing to read "George Creaser", is written over a light brown rectangular background.

George Creaser

From: [Bryan Palfreyman](#)
To: [Kelly Munroe](#)
Subject: Land Use By-law Public Meeting January 31st - Notice of Variations
Date: January 30, 2024 5:21:15 PM

CAUTION: This email originated from an external sender.

As a public member of the Committee and also representing other members of the community, some who have appeared at previous public meetings and spoken to the matter, I wish to bring to Council's attention some recent correspondence concerning the present 30 metre notice requirement for applications for variations.

The concern, as previously expressed and detailed in the attached correspondence, is that the requirement for notice of applications for variations presently limited to 30 metres are inadequate. This is especially the case in historic areas of the town where streetscapes matter.

To date Council has not been willing to extend the area of notification. The rationale given was that, in a survey of other communities, 30 metres was the standard.

The attached correspondence with the Senior Planner, Community Development, Chester evidences that Chester extends notification to 60 metres when variations are applied for. The reason given is that only those receiving notification can appeal variations and for this reason the notification area is increased.

So, Council was misinformed that 30 metres is the standard area of notification. Our close neighbour Chester, with whom we share planning control, operates differently and recognizes the importance of broader community involvement in the process for considering applications for variances.

I would therefore recommend that Council revisit this issue, recognize that they can extend the notification area and adopt the same 60 metre notice area as in Chester. I would further suggest that, in a town highly dependent on tourism, the standard for notification in Mahone Bay extend to 100 metres in historic areas to provide added protection to the all important streetscapes.

Much has been achieved in the LUB review. Care is needed to ensure that variations cannot be processed without broader scrutiny by residents in areas potentially affected by the granting of variations at odds with the intent of standards established in the new Land Use By-Law.

Respectfully submitted

Bryan Palfreyman
54, Pleasant Street
Mahone Bay

Kelly Munroe

From: Kelly.Munroe@townofmahonebay.ca
Subject: FW: Variation Distances

From: Nancy Frampton [REDACTED]
Sent: Wednesday, January 31, 2024 7:41 AM
To: Kelly Munroe <Kelly.Munroe@townofmahonebay.ca>
Cc: Bryan Palfreyman [REDACTED]
Subject: Variation Distances

CAUTION: This email originated from an external sender.

Good morning Kelly. I would like to go on public record and be considered as input into tonight's meeting as supporting what Bryan is putting forward. I will not be able to attend tonight's meeting but as you are aware, I have been strongly advocating for an expanded area at all of the previous meetings and hearings.

If we are serious as a Town to protect our small town character then this administrative change is a must. The precedence has been set in other towns including Chester, is our right to expand it and would make common sense as we use Chester planners and inspectors in our Town. There was overwhelming support for this expansion at previous hearings and was denied based on an incorrect understanding of the provincial municipal act. Town council and staff represent the residents and land owners of this Town and any refusal to do this could only be construed as a deliberate decision to not represent our wishes with the intent of making it easier for developers to bypass our bylaws. I would think this is not the Town's intention since we support a Municipal Heritage Building program along with other initiatives to keep our Town green, friendly and welcoming to residents and tourists.

I would implore the Town to increase the minimum distance to 60 meters throughout the Town and 100 meters in the architectural overlay as recommended. I would also suggest that wording be crafted if necessary to exempt minor development projects and focus this extension to projects that impact neighbors and neighborhoods visually. We should not be afraid of feedback from our residents and landowners.

Respectfully submitted,
Jeff Frampton
33 Pleasant Street
Mahone Bay

From: [REDACTED]
To: [Kelly Munroe](#)
Cc: [Bryan Palfreyman](#); [Nancy Frampton](#); [Trudie Richards](#)
Subject: Land Use By-law Public Meeting, Jan 31
Date: January 31, 2024 11:55:31 AM

CAUTION: This email originated from an external sender.

Hello, Kelly

Thanks to everyone for all the work and contributions to the Town Land Use By-law.

It was good to recently attend the meeting of Council on the subject.

I learned about tonight's meeting today, and have a scheduled gathering related to our festivals, so am not able to attend the LUB public meeting.

Here is my input to the issue of variances:

The position put forward by Bryan Palfreyman and supported by Jeff Frampton, calling for expansion of the area of notification of applications for variances to 60 metres and 100 metres in historic areas, is reasonable.

Considering the value of our streetscapes, which continue to bring visitors, new residents and business, to our community, it is important to "provide added protection to the all-important streetscapes."

As we grow, we can allow - as our neighbours in Chester do - to expand the area of notification beyond the minimum requirement of the Municipal Act.

Respectfully submitted,
Karen Pinsent
74 Pleasant St, Mahone Bay