

**PLANNING ADVISORY COMMITTEE  
REGULAR MEETING  
JUNE 3, 2015 - 7:00 P.M.**

**MINUTES**

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**Present:** Councillor Susan MacLeod, Chair  
Councillor Brian Fralic  
Councillor Peter Waterman  
Don Kimball  
Heather Kelly  
Jessica Van Dyne Evans  
Richard Smith  
Robert Ross  
Mike MacLeod, Planner

**Regrets:** John Winters

**1. CALL TO ORDER -**

The meeting was called to order at 7:03 p.m.

**2. APPROVAL OF AGENDA –**

It was **MOVED** by **Robert Ross** and **SECONDED** by **Peter Waterman** that the Agenda be approved as circulated.

**Motion Carried Unanimously.**

**3. APPROVAL OF MINUTES - May 13, 2015**

It was **MOVED** by **Don Kimball** and **SECONDED** by **Richard Smith** that the Minutes of May 13, 2015 be approved as circulated.

**Motion Carried Unanimously.**

**4. CHICKENS IN URBAN RESIDENTIAL ZONES -**

Mike MacLeod reviewed a discussion paper respecting the keeping of chickens in urban residential neighbourhoods. Initiated by a request from a local resident; Mr. Edward Whynot; to keep several chickens on his property in a Restricted Residential (R1) Zone, Council directed staff to investigate implications of allowing chickens on lots in urban residential areas. Chickens are considered livestock (poultry) and are currently permitted in the General Residential (R2) Zone, Mixed Use Rural Residential (R5) Zone and Mixed Use Coastal Residential (R6) Zone. The minimum lot area to be able to keep livestock in these Zones is 1 acre. The Restricted Residential (R1) Zone, which is a low density urban residential zone under the LUB, does not allow for the keeping of livestock.

Mike MacLeod outlined a number of items for Committee to take into consideration when discussing this issue, and included: 1. Changing attitude – food safety, 2. Noise, 3. Odour and waste disposal, 4. Pests, 5. Predators, 6. Aesthetics, 7. Disease – avian influenza, and 8. Residential fabric of an urban neighbourhood.

Mike also outlined several options for Committee to consider in making a recommendation to Council, including potential amendments to the Land Use Bylaw to address the options. Peter Waterman advised that he would in no way support the option which considered allowing roosters in the urban area. Strictly from a noise consideration, the likelihood of issues with neighbouring properties is too great.

Robert Ross advised that the definition of chicken is important. Where do birds like guinea hens fall? These birds are very noisy and he would want to be sure that any amendments were specific enough to exclude other species of birds.

Robert felt that the keeping of chickens has a role to play in the community, but it should be determined by lot size. He supports the minimum lot area of 1 acre. Amending the Bylaw to allow chickens in urban areas is setting the Municipality up for a lot of nuisance complaints and enforcement issues.

Robert went through the considerations in the discussion paper and felt that all had to be taken into account in making a decision on potential amendments to the Bylaw. In his opinion, one of the most important considerations is maintaining the residential fabric of an urban neighbourhood. A home is one of the biggest investments a person will make. They buy where they do with the expectation of a certain quality of life. To implement changes that may effect that persons expected quality of life is not something that should be rushed into. Part of a bigger discussion / consultation.

The Committee reviewed the potential amendments to the options presented. Under Options 3 and 4, Robert felt that provision also needed to be included that addresses location and management of manure as well as size of chicken coops.

Robert also questioned how we would control the intensity of this use. What if 5 or 6 property owners in one neighbourhood want to keep chickens. How is that going to effect the other properties in the area?

Jessica Van Dyne Evans enquired as to the regulations that were put in place in Kings County. Mike MacLeod advised that their regulations are very similar to what is presented in the discussion paper.

Robert Ross advised that Kings County is primarily rural in nature and their main urbanized centres do not fall under the Municipalities Land Use Bylaw. Wolfville is a better example. Robert also noted that perhaps another option to consider would be to create a new zone specifically for this use and apply it to this property.

Richard Smith noted that he grew up with chickens and was very familiar with potential implications of this use. He cautioned that amendments may be opening up the door for potential land use issues or concerns.

Brian Fralic advised that he is struggling with this issue. He felt that perhaps amendments were being reactive to a specific situation and while he understood and agreed with the concept of chickens in urban areas, he also felt that discussion needs to be part of a bigger picture of future development in the Region.

Don Kimball agreed that this should be part of the Region's long term future plans and addressed as part of an overall plan review.

Susan MacLeod advised that this has been a cause of concern for her. While she understands what Mr. Whynot wants to do respecting keeping a couple of chickens on his property, she also has concern with potential impacts on other urban residential properties. She felt that more thought needs to go into proposed amendments, with greater consultation / input from the public.

It was **MOVED** by **Robert Ross** and **SECONDED** by **Richard Smith**:

THAT the Council of the Region of Queens Municipality maintain the status quo respecting the keeping of livestock; which includes chickens; in urban residential zones;

AND THAT this issue be flagged for further consultation and discussion during the formal review process of the Region's Municipal Planning Strategy and Land Use Bylaw.

**Motion Carried Unanimously.**

**5. LAND USE BYLAW AMENDMENTS – 17 SCHOOL STREET, MILTON –**

Mike MacLeod reviewed a discussion paper respecting potential amendments to the Land Use Bylaw. The amendments would see the property located at 17 School Street in Milton, formerly the Milton Centennial School, rezoned from General Residential (R2) to Institutional (I1). The Municipality has been in discussions with Prince of Wales Lodge No. 29 regarding potential sale of the property for a new Masonic lodge. The current lodge property has recently been acquired by the Province to accommodate the construction of a new bridge across the Mersey River. Uses such as Masonic lodges fall under the category of fraternal organizations, which are considered an Institutional (I1) Zone permitted use. The Masons would also like to have the opportunity to provide several residential dwelling units in the former school as well as public space and office space for other community organizations, businesses and professional organizations, with the hope of establishing a community hub. Mike noted that in order to accommodate residential and office uses, amendments would also have to be made to the list of permitted uses in the I1 Zone.

Robert Ross felt that this was a good news story for the community and for the revitalization of a former school building.

Heather Kelly felt that this would be a good use for the existing facility and was in support of the amendments.

It was **MOVED** by **Peter Waterman** and **SECONDED** by **Brian Fralic**:

THAT the Council of the Region of Queens Municipality give notice of its intention to:

1. Rezone PID# 70162210, from General Residential (R2) to Institutional (I1); and
2. Amend the Institutional (I1) Zone permitted uses to include:
  - "Dwelling units as an accessory use to the main institutional use, with a maximum of three (3) units"; and
  - "Business and professional offices"

AND THAT a Public Hearing be held on July 7, 2015 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS. , immediately following a public hearing respecting the sale of the Milton School, which is scheduled for 8:30 am.

**Motion Carried Unanimously.**

**6. DEVELOPMENT AGREEMENT – CELLULAR TOWER – PORT JOLI –**

Mike MacLeod reviewed an application and discussion paper respecting a proposed new cellular telecommunication tower in a residentially zoned area. The subject property, identified as PID# 70065982, is located off Highway 103 in the community of Port Joli, and is zoned Mixed Use Rural Residential (R5) under the Region's Land Use Bylaw. The

applicant; Rogers Communications Inc.; intends to lease a portion of the subject property from the landowner to facilitate this development.

Telecommunication towers are not permitted as-of-right in the (R5) Zone. However, Council can consider such uses through a development agreement process.

The proposed location of the tower is approximately 750 meters back from Highway 103 and is approximately 750 meters from the nearest dwelling.

Mike advised that part of the development agreement process requires the applicant to hold a separate public information meeting to get feedback from the community. Mike noted that representatives from Rogers have scheduled a meeting for June 23, 2015 at the Port Joli Community Hall, from 5:00 pm to 7:00 pm.

Robert Ross noted that, while in support of this particular application, he wonders if there is more that can be done by a cellular tower proponent to minimize the visual impact on the skyline, ie. painting towers a different color.

Brian Fralic felt that, while federally regulated, a municipality may have more leverage on a proponent if the Municipal Planning Strategy contained policy around this issue. Something to be looked at during a review of the planning documents.

Richard Smith noted that service providers should be making better of trying to piggy back equipment on existing towers.

It was **MOVED** by **Brian Fralic** and **SECONDED** by **Peter Waterman**

THAT the Council of the Region of Queens Municipality give notice of its intention to enter into a development agreement to allow for the erection of a new telecommunication (cellular) tower on property identified as PID# 70065982 and located in the Mixed Use Rural Residential (R5) Zone;

AND THAT a Public Hearing be scheduled for July 7, 2015 in the Council Chambers of the Municipal Administration Building located at 249 White Point Road, Liverpool, NS., following a public hearing respecting the sale of the Milton School, which is scheduled for 8:30 am.

**Motion Carried Unanimously.**

**7. OTHER -**

**8. NEXT MEETING -**

The next meeting is scheduled for July 6, 2015.

**9. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:35 p.m.

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Councillor Susan MacLeod, Chair

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Date