



WEST HANTS REGIONAL MUNICIPALITY

Public Hearing Minutes – Ski Martock Rd Land Use By-law Amendment PID 45038510

September 22, 2020 6:00 pm

In-Person at Sanford Council Chambers, 76 Morison Drive, Windsor, NS

Also held via Zoom and Facebook Livestreamed

1. Call to Order

The Public Hearing was called to order at 7:50 pm.

Council Present:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Mark McLean, Councillor, District 3

Jeff Hartt, Councillor, District 4

Debbie Francis, District 5

Paul Morton, Deputy Mayor, District 8

Bob Morton, Councillor, District 6

Ed Sherman, Councillor, District 7

Richard Murphy, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Staff and Guests Present:

Mark Phillips, Chief Administrative Officer

Todd Richard, Dir. Public Works

Shelleena Thornton, Administrative
Supervisor

Saira Shah, Planner

Carlee Rochon, Dir. Financial Services

Rhonda Brown, Municipal Clerk

Madelyn LeMay, Dir. Planning &
Development

There were no members of the public present in the Council Chambers, other members of the public watched the meeting using Facebook Live.

2. Introduction

Mayor Zebian advised that Public Hearings for amendments to planning documents and Development Agreements are required by Part 8 of the *Municipal Government Act*. This virtual public hearing is hosted by Council. The Public Hearing for this application began on July 28th and resumed tonight to allow the Planner to bring forward any comments received from the public.

When the Public Hearing is complete, the Council meeting will resume, and members of Council may then ask questions and make comments. Council members were reminded that in order to be able to vote on this matter, Councillors must have been present at both parts of the hearing July 28th and tonight; the Mayor confirmed all Councillors were present at both parts.

3. Presentation by Planner

Planner Saira Shah reviewed the presentation (attached). Planner Shah informed there were six emails submitted for the public hearing. Clerk Brown read the emails (attached) from the following residents and the developer:

Carolyn Banks – 52 Ski Martock Rd, Windsor Forks
Ryan and Jill Bruce – 142 Ski Martock Rd, Windsor Forks
Adam Bunin – 4202 Highway 14, Windsor Forks
Courtney Bayne – 170 Ski Martock Rd, Windsor Forks
Patricia Cook-Bergeron – Windsor Forks
Stanley and Patricia Boyd – Martock Property Development

Planner Shah summarized the concerns raised in the emails and addressed the concerns based on requirements of the Planning document, as well as discussions with Nova Scotia Transportation and Infrastructure Renewal and the area Fire Chief.

Mayor Zebian declared the Public Hearing closed.

The meeting ended at 8:18 pm.

Abraham Zebian, Mayor

Rhonda Brown, Municipal Clerk

Rhonda Brown

From: Carolyn Banks [REDACTED]
Sent: Monday, August 10, 2020 3:03 PM
To: Saira Shah
Subject: Rental cottages

[CAUTION: EXTERNAL EMAIL]

Carolyn Banks
52 Ski Martock Road
Windsor NS
B0N 2T0

Recently I was made aware of a news article in The Chronicle Herald, July 27 2020 detailing what the Boyd's actual plans are for the lot if the zoning changes.

<https://www.thechronicleherald.ca/business/local-business/hants-county-couple-eager-to-build-cottages-near-ski-martock-478043/>

The article highlights that they want to build 7- 10 cottage the notification from the municipality states ' several ' since when is 10 only several? Using the word several many in the area were under the impression it would be around 3 cottages

7-10 cottages so potentially 20-40 rotating renters as my immediate neighbours, I do not think anyone would want that. This brings absolute strangers essentially to my back yard and makes me feel very unsafe. Meanwhile my property taxes continue to rise even though I am receiving no additional service and now am faced with the potential of living next to a glorified camp ground.

The news article states that most of the concerns they have received so far from the public is noise, they go on to say there is a "large forested buffer" area that will reduce noise. Yes, there are some trees between their lot and our yard but I can tell you this does little to nothing to stop noise. As an example we can honestly hear the livestock at the Boyd's farm even inside our home. These livestock are not only on the other side of the "forested buffer" area but also across the #14 highway. Obviously I don't have an issue with livestock but this is an example of how the noise carries in this area. This forest area will do little to nothing to stop noise coming from 7-10 cottages full of renters especially after much of it is cut down to build these cottages.

The article also mentions the cabins will have BBQ's. 7-10 BBQ's will surely attract animals. Some on the street have had bears in our yards this summer. We now make sure our BBQ grills and drip trays are clean to keep bears out of the area. Will renters who have no long term interest in the area do the same? Will they be vigilant about not leaving food scraps around outside? Doubtful

We personally have had a bear go through our garbage and compost this summer. We now keep our receptacles in our garage to avoid drawing any dangerous animals to our community. We have children and small pets in this community.

These 7-10 cottages will produce a lot of waste, again attracting bears, racoons, skunk and others to the area and endanger our kids and pets.

This news article states that the closest accommodations to Martock and area are 20 minutes away. This is absolutely false. Clockmakers Inn is 8 Minutes away, Super 8 10 minutes away, Falls lake cottages 15 minutes away. There are also Airbnb's in the area. All of these places have vacancy on a regular basis in all seasons. So folks can still come to the area for a few days and put money into the economy without the addition of these cabins.

There is absolutely no need for 7-10 cottages to be built. I do not think they have done their market research to see if this enterprise is even needed in the area.

I am also concerned about increased traffic to a street that has no sidewalk, septic run off of these cottages running into our fresh water supply, a drain on the water table that will now have to supply water to 7-10 cottage, decreased property value to the homes neighbouring these rentals as new buyers would be deterred from living next to a loud, busy, unsafe area. These are of major concern to me and after hearing from some neighbours they are also concerned.

Why is the Boyd's desire to build these cabins more important than my desire to have peace and quiet and safety ? This is ruining my dream home! Also why did I have to find out in a newspaper article what's really happening beside me ? I'm extremely disappointed.

Carolyn Banks

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Carolyn Banks

- Banks Cleaning

- Touchup Rx Halifax

-The Shine Factory Burnside



Rhonda Brown

From: Bruce, Jill [REDACTED]
Sent: Monday, August 10, 2020 11:21 PM
To: Saira Shah
Subject: re:Rental Cottages

Importance: High

[CAUTION: EXTERNAL EMAIL]

Hello,

We live at 142 Ski Martock Road. We are very concerned with the future of our neighborhood. If the purposed change in zoning proceeds to commercial zoning in order to build several rental cottages proceeds, our way of life will be forever altered, negatively.

Building "7-10" cottages in our little rural area is a terrible terrible mistake. Strangers in our backyard. The noise pollution, the potential for vacationers who come to "party," The danger of each cottage running BBQ's, the garbage they can create, the wildlife it will attract. We have already had one bear in the area...no need to attract more. We have small children and pets to consider.

Our street traffic will increase considerably. There are enough people who do not obey the speed limit as it is. Again, please do not increase the risk to our children. The potential for septic runoff into OUR fresh water supply, is unacceptable not to mention the strain on our already stretched water table in order to supply water to 7-10 cottages. Our property value will decrease as well.

It seems that the only ones benefitting in this situation is those who can make a profit

Thank you for taking the time to read and review our concerns. We truly hope this does not move forward as we will be forced to sell.

This area our home, not a vacation spot.

Strongly opposed,

Ryan & Jill Bruce

Rhonda Brown

From: Adam Bunin [REDACTED]
Sent: Tuesday, August 11, 2020 7:50 PM
To: Saira Shah
Subject: Concerns re: Rental Cottages Ski Martock

[CAUTION: EXTERNAL EMAIL]

Saira,

I am writing to you to voice specific concerns that I have as a resident in the neighborhood at Ski Martock Road. I am aware that residents in the area have an opportunity to share comments or concerns, and I certainly have concerns.

Firstly, there will be increased traffic in the area. Pedestrian traffic along the sides of a roadway that has no sidewalk. Secondly, noise. Proposed rental cabins in close proximity to residential dwellings is not a smart idea and will adversely impact the quality of life in our neighborhood. Short-term living (1 to 2 days) often leads to loud parties. Sounds carry and this needs to be avoided.

A Third Concern is over water use. As you know, our community has a limited water supply as it is. This will further put a strain on our water supply. Fourthly, Food and garbage left out that will attract unwanted wildlife such as large game. We have small children in the area and this will not be a good mix.

For these reasons, there should NOT be a change in the zoning regulations and there should NOT be multiple rental cottages be built in our neighborhood. This is our home. This is our peaceful sanctuary. There are reasons our community is zoned as residential and NOT COMMERCIAL. We have a peaceful community and we want it to stay that way.

If you wish to discuss any of these things further, you may contact me.

Sincerely,
Adam Bunin
4202 Highway 14
Community Resident, Windsor Forks

Rhonda Brown

From: Courtney Bayne [REDACTED]
Sent: Tuesday, August 11, 2020 8:49 AM
To: Saira Shah
Subject: Proposed zoning change to corner lot on HWY 14/Ski Martock Rd

[CAUTION: EXTERNAL EMAIL]

Hello,

I am emailing to express concern over the proposed zoning change to the lot on the corner of HWY 14 and Ski Martock Rd.

My family and I live at 170 Ski Martock Rd and we had not received any notification from the municipality or the Boyds. Our awareness of the situation was brought to our attention by our neighbor in May. We then went to look for the posted signage and saw the small hard to read signage on the stack - See pic below:



Given the poor signage and poor communication to the surrounding residency, I feel that the awareness surrounding this proposed zoning change has not been done in a way that shows transparency. I do not feel that my municipality has the locals' best interest at heart if I feel I have to search out information that affects my community.

The Chronicle Herald reported on this proposal on July 27th <https://www.thechronicleherald.ca/business/local-business/hants-county-couple-eager-to-build-cottages-near-ski-martock-478043/>. But the story does not reflect the entire picture and presents the Boyds business plan as weak.

Accommodations:

Quote: 'There are currently no accommodations on-site; the closest cottages are near Falls Lake, about a 20-minute drive away. Other accommodations, like motels, inns, and bed and breakfasts, are also

about 20-plus minutes away.' - 20 mins away is false -Clock Makers Inn is a 8 mins drive away and Falls Lake is less than 20min drive. Plus there are plenty of local businesses already established in the area to accommodate travelers.

The current accommodations in the area are not full in capacity over the winter or summer months. And additional rental cottages will not improve this.

On Ski Martock's website site it lists accommodations <https://www.martock.com/mountain/accommodations/> and it lists no less than 8 options.

Out of these established businesses, plus Air B&Bs in the area (19 when Ski Martock searched), there are enough accommodations to support travelers coming into the area. The Boyds need to do more market research to support this business endeavor.

Draw on Water Supply

Residencies and surrounding farms rely on wells for their water supply. With water, in short supply this year, the wells in the area would be affected by an additional draw on the water supply. so addition I draw on it in the years to come will affect permanent residencies.

Local Wildlife

The lot in question is swampy and heavy with peepers, frogs, and other animals that help the ecosystem. One just has to walk by it to hear the life that relies on that area of forest.

On June 22nd it was reported to NS Lands and Forest of a bear sighting in the area. With fire pit activities and rental cottage traffic, there will be an increase of garbage in the area. This will draw local wildlife to the area, and once bears find a food source it if hard to change their minds.

I hope the municipality and other government officials serious look at this proposal. This does not seem to be a positive development for the area and I feel the Boyds will regret their decision due to lack of research in their business plan.

Thank you for your time.

Courtney Bayne
170 Ski Martock Rd.

Rhonda Brown

From: Patricia Cook-Bergeron [REDACTED]
Sent: Tuesday, August 11, 2020 11:32 AM
To: Saira Shah
Cc: Patricia Cook-Bergeron
Subject: Re: Proposed Zoning - Ski Martock Road

[CAUTION: EXTERNAL EMAIL]

I have been recently been informed of the news article that outlines what the Boyds are planning to do if they are allowed the proposed zoning change, they are requesting.

The news article states that most of the complaints involve the noise level and a large forested buffer will reduce the noise. With plenty of trees between ours and neighbouring properties, we can still hear the Boyds when they play their music and we can hear the livestock at the Harvey/Hart farm at the end of the road. This is a farming community and the music doesn't last forever. This proposed buffer will do nothing to mask any noise coming from these rental cottages. These will be forever.

We have lived here 14 years and never had any issues with bears. Recently there have been problems with bears in our neighbourhood and with the proposed barbeques to be installed at these cottages, will the area be kept clean from food and garbage to discourage the wildlife? As already stated, most of the visitors to this area don't live here and don't care about our area.

The article also states that the closest place to stay is 20 minutes away. This is so untrue. We have places as close as 8 minutes away. It seems as though someone is not doing the proper research and this really concerns us. During this terrible time, businesses have been hit hard financially. Do they really need another business to compete with when they are trying to get back on their feet? We don't think so.

We have written previous letters regarding this issue to you Saira. We really don't feel that you are listening and addressing our concerns and the strong feelings of opposition we have regarding the building of these rental cottages.

We live here and are just trying to keep our children, neighbourhood, and pets safe and prevent the commercialization of our beautiful rural area, so please don't change the zoning in this area.

Sincerely,

Patricia Cook-Bergeron

From: Patricia Cook-Bergeron
Sent: June 8, 2020 1:42 PM
To: sshah@westhants.ca <sshah@westhants.ca>
Subject: Proposed Zoning - Ski Martock Road

We have lived here for the past 14 years. Once the construction of Martock Estates occurred our peace and quiet pretty much have disappeared therefore, we do not need any further development on or near Ski Martock Road. If we had known then what we know now things would be different.

Even though we were not notified regarding the construction of several rental cabins in our immediate area, this will have a drastic impact on our way of life. The reasons not to re-zone this area far outweigh the reasons to change it. Please see our reasons as follows:

1. Safety of our area - constant rotating strangers
2. Cabin renters enjoy camp fires and barbeques - increasing the risk of a brush or forest fire
3. Increased level of vehicle and foot traffic on a road without sidewalks on a street that has needed to be paved for the last 14 years including many of those not paying attention to speed
4. Destruction of peace and quiet, due to construction of rental accommodations
5. Decreased property value
6. Increased litter and pollution - people who don't live here don't care about this area as much as we do
7. Major decrease in the wildlife - taking away their habitat with further unnecessary building on this road

Please do not change the current zoning; there are already plenty of accommodations nearby for people to come visit and stay in this beautiful area. Help us conserve the area we live in.

Sincerely,

Patricia Cook-Bergeron

Dear Friends and Neighbours,

As the owners of the proposed Martock Cottages development, we look forward to making a positive contribution to the community by providing local accommodations. We understand that neighbouring residents may have questions or concerns about the proposed development, so we would like to take the time to address any concerns, and answer any common questions you may have.

As many of you know, we are proposing a plan to develop the lot at the corner of Highway 14 and Ski Martock Road in order to construct 7-10 rental cottages, which will provide year-round accommodations to both those visiting the area, and local visitors alike. The Windsor Forks area offers many options for recreation and leisure, such as skiing, rope course climbing and ziplining, golf courses, as well as local wineries and dining. Accommodations in the heart of Windsor Forks will encourage visitors to explore all of the great things our community has to offer, while supporting our local businesses.

We understand that some residents have brought forward their concerns regarding these cottages bringing increased noise, traffic, litter, and unfamiliar visitors to the area. While we understand that these are valid concerns, we want to assure our neighbours that we are dedicated to ensuring that these continue to be non-issues.

In terms of increased noise, we are confident that guests will adhere to the guidelines in their rental agreements, which will place restrictions on the types of noise and activity allowed on the property. In the event of excessive noise, we as the owners would address the issue quickly and directly, ensuring that all guests remain respectful of the area and neighbouring residents. Any general noise that may carry to neighbouring residents will be mitigated by a forested buffer, the depth of which will be maintained in ordinance with municipal regulations. A tree barrier can reduce noise levels by 10-15 decibels- this is the difference between the sound produced by a passenger vehicle driving at 100km/h, and the sound produced by a quiet conversation, or a bird call. In any community, even in a rural area, some occasional noise from neighbouring properties is to be expected. We do not anticipate that the addition of these cottages will bring any noticeable increase in noise levels to the immediate area.

While any commercial development may bring concerns of increased vehicle traffic, or the presence of unfamiliar visitors, we wish to assure our neighbours that a small collection of cottages at the base of the Ski Martock Road should not result in any notable change in respect to either of these concerns. It is worth noting that during the winter season, Ski Martock welcomes hundreds of visitors daily, while Ski Martock and Ontree, along with the many special events held at the ski slope, attract thousands of visitors annually. Highway 14, is of course, a fairly busy roadway at present time, and with the entrance to the cottage property being just beyond the entrance of the Ski Martock Road, guests arriving and departing from their cottages will not increase or impede vehicle traffic in the area.

Another concern brought forward has been that of propane barbecues included with each cottage, and the potential for improperly discarded food or trash attracting wildlife. In the summer months, many people use outdoor barbecues on a regular basis, and provided there is not food left

out, or trash not disposed of properly, wildlife approaching residents is not of great concern. As previously mentioned, all guests will abide by a rental agreement which will outline the importance of discarding leftover food and provide instructions on how to dispose of their trash properly. We trust that guests will be courteous and respectful of these guidelines and do their part to keep the property tidy. Of course, the property will also be carefully maintained by the owners, further ensuring that all waste is disposed of properly.

Additional concerns are related to septic runoff, impacts to the water table, and decreased property values of nearby residences as a result of the addition of these cottages. As with all new construction, the cottages will be outfitted with new plumbing and septic systems, with all work performed in accordance with federal, provincial, and municipal by-laws and regulations, followed by proper scheduled maintenance. The cottages should also have no negative impact on the water table in the area, as ground water fluctuations are largely dependent on precipitation levels. Small cottages typically use considerably less water than the average residential home, especially when considering that every cottage may not necessarily be occupied at all times throughout the year. In respect to the concern that the addition of cottages to the area will decrease property values of nearby residences, there is no evidence to suggest that nearby cottages decrease property values. On the contrary, a small community with year-round, local accommodations that encourage people to visit, explore all the area has to offer, and support local businesses could potentially have a positive impact on the value of other properties in the area.

We hope that we have accurately and thoughtfully addressed any concerns you as our fellow community members may have had, and that like us, you are looking forward to seeing this exciting endeavour come to life in beautiful Windsor Forks. We are continuously grateful for the overwhelming support we have received thus far, and we will continue to do our best to answer any questions you may have.

All the best from Martock Cottages; we can't wait to have you stay with us!

Sincerely,

Stanley and Patricia Boyd
Martock Property Development



Ski Martock Rd.
Land Use By-law Amendment
Public Hearing Continuation
September 22, 2020

Application

- ▶ On February 28th Stanley Joseph Boyd and Patricia Boyd applied for an amendment to permit a tourist accommodation consisting of several cottages on their property.
- ▶ The current zoning permits two (2) seasonal dwellings as-of-right, the applicant would like the ability to have more than two (2)
- ▶ **Policy 9.1.6** enables Council to consider rezoning land zoned General Resource (GR) to allow for commercial or industrial uses permitted in the **Rural Commercial (RC)** or Resource Industrial (M-1) zones.

Comments

- ▶ Five (5) emails were submitted by August 11
- ▶ The applicant submitted their response on September 21

Comments

- ▶ The main concerns raised were:
 - ▶ The number of cottages would make neighbours feel unsafe;
 - ▶ The potential for noise and concerns about the forested buffer area not being sufficient;
 - ▶ The potential for BBQs to attract wildlife;
 - ▶ The increased traffic on Ski Martock rd.;
 - ▶ The potential for septic runoff into the fresh water supply and the additional usage of the water supply for the cottages;
 - ▶ The potential for decreased property values; and
 - ▶ The impact on existing tourist accommodations in the area.

Planning Perspective

- ▶ Policy 7.2.1 specifically encourages tourist accommodations in these areas of the Region
- ▶ As this is a map amendment application, the number of cottages permitted is determined based on the Rural Commercial (RC) zone requirements
- ▶ Noise disturbances will be mitigated by the abutting use requirements
- ▶ The use of BBQ's is not a concern to the Fire Chief and it not considered unusual for a residential area

Planning Perspective

- ▶ Department of Transportation and Infrastructure Renewal have stated safe access can be obtained on Ski Martock Rd. for the uses purposed
- ▶ For areas without services, it is up to the applicant to determine if they have enough water for the uses they propose
- ▶ The viability of the business and property values is not a criteria consideration

Process

Notice was placed in the Chronical Herald and website/Facebook

Letters were mailed to residents within 500 ft. of the property.

All statutory requirements have been met.



Recommendation

Should Council wish to approve the requested tourist accommodation the following motion would be in order:

that Council gives Second Reading to and approves the amendment to the map of the West Hants Land Use By-law for PID 45038510 to the Rural Commercial (RC) Zone as shown on Figure 3 and amending the text of the West Hants Land Use By-law to ensure adequate separation is provided for residential uses abutting a property zoned Rural Commercial (RC), in a manner substantively the same as Appendix A, all as attached to the planning staff report dated June 11, 2020.



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TOGETHER