

Hanwell Working Group Meeting

February 20, 2007

Present: Will Hyslop Muriel Weadick Reade Moore
 Peter Michaud Colleen Adams Paul Lightfoot
 Keith Manual

Meeting start at 7:50 pm

Dallas Started where we had left off last meeting by talking about storm water management.

Dallas Said he contacted DOT and since 2003 they've starting requiring a drainage study prepared by a professional engineer to be submitted for new subdivisions unless the district engineer exempts the subdivision, which would be for only the most basic subdivisions.

Dallas Said the *Community Planning Act* states that we can regulate the altering of grade to affect surface drainage; however, DOT sets the culvert height, which would be the starting point for most min. elevation standards and has professionals in that field. We would be wise to recognize their role and not duplicate responsibilities. We need to remember that we can't fix past problems but we can learn from them and try not to worsen them. One thing we can do is we can include policies and proposals that relate to new development. We can identify areas that we have now and look at undeveloped areas b/c maybe we don't want to see the undeveloped areas to develop like the developed areas that are having problems.

Ideally the water that falls on your property on a 1 acre lot should be managed on your lot b/c no more than 35% of a lot should be impermeable. But there are really two issues, design and maintenance.

WG member: What about the existing development that cannot handle the problems that new development is causing? In some areas there is nowhere for the water to go and it backs up and doesn't drain which causes flooding. The culverts that have been installed are too small to handle the flow. DOT has told the LSDAC that they'll twin the culvert, but we're relying on DOT to handle these problems. We should have something that says that new development should make sure that existing development infrastructure should be able to handle the increased flow. I understand that the plan can't fix the problem, but we have to look to the future.

Dallas Stated: that reinforces getting away from the ability to develop large subdivision as of right, and having a system in place where developers apply to develop and we can raise the standards in our evaluation process.

WG member: let's learn from that mistake and give the plan some teeth or something that will make new development be aware of the effects they'll have on existing development. There is no control out there. Anyone can do whatever they want right now, but we have to make sure people know that there are limits to that.

Dallas: A policy to that effect would be good in the residential section. We have a proposal in the commercial section that listed a number of things that would be considered for a rezoning. We should add a something similar that says new residential development should follow certain requirements. To do that we'd have to make people come in to apply for new development.

WG member: There is also the threat of somebody coming in and doing work on land that could alter the land and the drainage.

Dallas stated: The only way we can control these issues is if we have a plan in place to control development. In some areas it's a hard sell b/c people think that they won't be able to use their property. Once the plan is in place we could say that new development must ensure that they don't negatively affect the people downstream.

WG member: It's the clearing of the land that creates the water draining off, but I would think that commercial and industrial development causes more. Isn't it more in terms of cleared area?

Dallas: Hanwell has a clearly defined industrial area, residential area, etc... Residential development is usually seen as a good use and not a threat, but it's the cumulative effect of all these lots. It's uncontrolled development causing most of the issues, and in Hanwell the greatest, in terms of scale, is the residential development. It can happen with commercial development, but not at the same scale.

WG member: I've seen a lot of land being cleared and bogs being drained.

Dallas: Even currently I don't think they're allowed to drain a bog. If you notice that you should contact the Department of Environment

WG member: Isn't the issue the fact that water is being diverted?

Dallas: The diversion happens with the development. The water goes to ditches is from rain events, snow melt and at times from pond overflow.

WG member: EMO has controls that they use to say someone cannot develop within so many metres of something b/c of the danger. We have all this urban sprawl here in Hanwell and we need some kind of process that guides developers away from watercourses and clearing them right down to the water's edge. That's what's happening today and if you were going to buy, the developers don't tell you that your house is within 30 m of the watercourse, etc...

Dallas: DOE does require a permit for development within certain distances from watercourses, we can be stricter. They can only fine people who violate their rules. The Rural plan can control development. DOE says you can develop within 30m of a watercourse without a permit, many of our plans say you can't period. Developers to receive information from DOE that lays out how to develop to not disturb watercourses, and reduces runoff etc...

WG member: There's not a lot of topsoil to absorb a lot of the run off storm water in this area and it's because of the land. Perhaps we can say that people who develop above grade have to be conscious of the people downgrade.

Dallas: Section 34 of the CPA says that a rural plan can regulate the altering of land levels for building or other purposes in so far as it will affect drainage, but we don't want to duplicate what DOT and their experts have been doing since 2003.

WG member: The reason that they have the setbacks from watercourses is to save the trees along the watercourses and the wildlife corridors. That's existing legislation that controls that. If we have something that limits the crossing of the watercourses to cut them down from 5 to 1 so that the river is not disturbed so much.

Dallas: It's difficult for a plan to design all new development. On a broad level, it'll paint a broad plan of the area, but we can't get into the physical design of undeveloped properties. We can only make broad strokes that permit us to consider design that meets our standards when it is proposed.

WG member: Can't we use existing legislation to control development? If someone has already developed along a stream, will we continue to allow this type of development?

Dallas: I'd go above that. I'd put that legislation into ours and go above those existing requirements and possibly be more restrictive or controlling.

Dallas reads section from the Kingsclear plan, which requires no building within 30 m of Longs and Kelly creek. Dallas stated how that plan allowed for exceptions s for development that was within 30m where the neighboring properties are developed that way.

WG member: Why would you have that provision in there (4.13?)

Dallas: We, as a group, can differ from the KG group. KG had those provisions based on WG meetings and consultation with the public. People want to protect watercourses until it actually has to be set down on paper, and people are actually affected, people start treading lighter.

WG member: Around the lake, homes are built on it and are probably within the 30m of the water. That would be a touchy issue. In a tidal area, this would be a problem, on a lake not so much. In a lake situation, if the level rises a foot or more, as long as the septic or well is far enough back from the water.

Dallas: Wouldn't feel comfortable in saying the lake hasn't been impacted by the surrounding development.

WG member: In Yoho Lake, nothing else can really happen there that would add to the impact. Controlling development around the lake could cause a riot.

Dallas: How are future goals reconciled with placing burdens on current development. For example, would you support denying someone who owns a seasonal property on a lake from renovating their property if it burnt down?

WG member: Can't we have a provision that says that if you meet a certain criteria for development in these certain areas around the lake? I'm looking at the brooks that turn into rivers and the inefficient culverting system that is causing that. I'd like to see something that says you can't build in certain areas due to flooding.

Dallas: DOT has a mechanism that relates to new development. We can be more effective than DOT b/c we can say no to new development.

WG member: Can we force development away from the roads to allow for future bike paths?

Dallas: Then we're talking about trespassing b/c you wouldn't be using DOT right of way, it would be private property. It would involve Dot if we are talking about promote biking on their ROW. We could put a proposal in place that says we want to retain this corridor for an eventual bike path and could prevent development that would affect it. But if we do that we have to be very serious about investing the means to acquire it.

WG member: What about along a strip of road where it is currently undeveloped? That's a problem out here, there is nowhere to put recreational properties.

Dallas: If you look at the KG plan it does have a conservation zone and in that zone a current walking and biking trail exists. It's not impossible to do, but that's in Woolostok Park and has history of those types of uses. What we can do is allow uses to occur. We should not get specific and only allow limited uses in certain areas, except perhaps some crown land, if we are not sure we'll be able to acquire the property. What we can do to achieve all the similar aims is to place more controls on development in the undeveloped areas.

WG member: If 2 lots, for example, were purchased on Yoho lake and were turned into public access, then it would ruin the lake b/c all the people who live in those intensely developed areas would come up to the lake. We can't prevent someone from purchasing a property and turning it into public access?

Dallas: No. The plan can't prevent public access if people want to provide it. The plan can state what you can construct and regulate how it's done or the property is used. We can increase required lot sizes lot regulate densities. We could require 5 acres for new lots in certain area instead of 1 acre. We can limit new development around the lake.

Soon we will be taking what we've come up with out to the public for their comment.

Everything we've been talking about is uncontrolled development. What this plan does is place restrictions on new development, control densities.

We are at the stage now where we can start looking at where we should draw the lines and place the zones and figure out what we want and what that means on the ground. Do we support identifying the currently developed area and drawing a line to mark that distinction? Maybe we'd place different regulations within that line that would mean 2 or 3 different residential zones. We have to make distinctions and define uses that we'll be allowing or disallowing. For example, we might want to take some covenants and turn them into provisions in the plan, and others we might not.

With covenants, some of the things that are commonly included as covenants are outside of the things that are handled in a rural plan. These discussions will take place a little later on in much more detail.

We've had a lot of good discussion today, we see a common theme regarding uncontrolled development through all the issues. Can we make a statement of direction that relates to what we were talking about in terms of storm water, recreational land, transportation, water protection: Specifically, to **limit development in the current undeveloped areas** ... if we can do that, it's a major thing that will help us later as it will affect all of our future strategies for Zoning and General Provisions.

Can we here and now say that we want to go in that direction and proceed?

Group accepts it and agreed that it has been a reoccurring theme that speaks to pretty much every issue.

Dallas: That's good, that's a big step forward for us in terms of meeting our objectives.

WG member: Can we now get back to the Policy discussion?

Dallas: yes thank you.

Policies

Protection of Water Supplies

Dallas read the policies listed on the policy sheet. Dallas recommends that these policies be reworded and that we'd use the word discourage instead of safeguard. Using the word safeguard is not a good idea b/c it could mean that they are on the hook for some kind of remedy. We don't have the resources to say this.

Policy

It is a policy to discourage development which would potentially degrade or deplete ground water resources.

Our goal isn't to keep people out of the area, but it's to keep density at a reasonable scale.

WG member: Can we put the onus on the developer to prove that what they're planning on doing won't have a negative impact later on?

Dallas: We can do things in the zone provisions that can have conditions or standards that relate to development, but it's v. hard for people to prove anything relating to ground water. The best we can do is have an engineer to sign off

We don't have the means to micro-design future development phases. In the future developers will have to meet the plan's requirements and possibly stand up in front of the public and explain their proposal.

Heritage buildings and sites of historic or archaeological interest

Dallas reads the listed policies most of which are similar. Dallas states he wants to keep the verbs from giving the impression we will take over more roles.

WG member: asked about historical land or artifacts and it was decided to add those to the policy

It is a policy to encourage the preservation, rehabilitation and maintenance of historic buildings, areas of archaeological interest, structures, and monuments.

Conservation of the physical environment

Dallas read the listed policy examples, which were fairly similar in all examples.

It is a policy to ensure development occurs in a manner which minimizes impacts to the quality of air, land and water resources for the benefit of present and future generations. - The policy was consistent with the examples and reflected our previous approach to “current and future”.

It is a policy to recognize watersheds for their important ecological, recreational, aesthetic and historical qualities and to strive to enhance and maintain natural watercourses and wetlands in their clean and natural state. - It was felt that it was best to take the Rusagonis-Waasis and New Maryland Policies referencing the Rusagonis watershed and apply them to all watercourse and wetlands in the planning area

The group also decided to add a policy on Flood Plain protection,

It is a policy to discourage development in flood prone areas.

Dallas stated that that concluded all the required policies –however he may suggest additions later on and will try to bring a proposal dealing with storm water for the next meeting.

Final Polices from the meeting

Protection of Water Supplies

- **It is a policy to discourage development which would potentially degrade or deplete ground water resources.**

Heritage buildings and sites of historic or archaeological interest

- **It is a policy to encourage the preservation, rehabilitation and maintenance of historic buildings, areas of archaeological interest, structures, and monuments.**

Conservation of the physical environment

- It is a policy to ensure development occurs in a manner which minimizes impacts to the quality of air, land and water resources for the benefit of present and future generations
- It is a policy to recognize watersheds for their important ecological, recreational, aesthetic and historical qualities and to strive to enhance and maintain natural watercourses and wetlands in their clean and natural state.
- It is a policy to discourage development in flood prone areas.

Dallas asked the group if they mind moving the meetings from the main hall room to the sanctuary on Tuesday nights due to a conflict that has arose with the venue. **Dallas** said he will ask the group be email and they can let him know their thoughts. The Group also determined that they would not like to meet over March Break so there will be a 3 week break until the next meeting.

Meeting ended 9:55pm.