



Richmond County Municipal Council

Public Hearing

November 25, 2024, 6:00 p.m.

- Location:** Council Chambers
- Present:** Warden Lois Landry, Deputy Warden Brent Sampson, Councillor Brian Marchand, Councillor Amanda Mombourquette, Councillor Shawn Samson
- Staff Present:** Shelley David, Municipal Clerk
- Also Present:** Kristen Scanlan, Eastern District Planning Commission (EDPC) Senior Planner/Development Officer
- Regrets:** Troy MacCulloch, Chief Administrative Officer (CAO)

Call to Order:

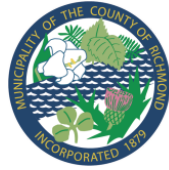
Warden Lois Landry called the meeting to order at 6:00 p.m.

Roll Call of Councillors

The Municipal Clerk took roll call of Councillors.

Public Hearing re:

- a) Amendments to the *Richmond Subdivision By-law* by clarifying right-of-way easements need be “assignable and perpetual and clearly granted by deed” as opposed to “clearly surveyed” which was the original wording. The purpose of this amendment is to bring the wording of the by-law into conformity with the Provincial Subdivision Regulations.
- i. Verbal Presentation from Staff
- Kristen Scanlan, EDPC Senior Planner/Development Officer, spoke to the proposed amendments to the Richmond Subdivision By-law.



ii. Receipt of Oral or Written Submissions

There were no oral submissions.

Written submissions were received from Delores Callahan and Buddy & Germaine MacDonald. (attached)

- b) Amendments to the land Use By-laws for *West Richmond, Central Richmond, Isle Madame, St. Peter's, and Richmond County* by increasing the period for appealing a variance in the requirements of the corresponding land use by-law from Fourteen (14) to twenty-one (21) days. These amendments apply to all areas of Richmond County and the purpose of the amendments is to allow for more time for the Municipality to receive an appeal.

i. Verbal Presentation from Staff

Kristen Scanlan, EDPC Senior Planner/Development Officer, spoke to the proposed amendments to the land Use By-laws for West Richmond, Central Richmond, Isle Madame, St. Peter's, and Richmond County.

ii. Receipt of Oral or Written Submissions

Germaine MacDonald approached Council.

Written submissions were received from Delores Callahan and Buddy & Germaine MacDonald. (attached)

Adjournment

There being no further business the chair adjourned the public hearing at 6:30 p.m.

Municipal Clerk

Chairperson

Shelley David

From: Delores Callahan [REDACTED]
Sent: November 22, 2024 8:35 AM
To: Shelley David
Subject: November 25th By-law Amendment Public Hearing

You don't often get email from delicalla60@gmail.com. [Learn why this is important](#)

Ms. David,
Good morning!

I am unfortunately unable to attend the Public Hearing scheduled for Monday, November 25th, 2024, regarding the amendments to the Richmond Subdivision By-Law and amendments to the West Richmond, Central Richmond, Isle Madame, St. Peters, and Richmond County Land Use Bylaws.

I respectfully request and ask that this email be accepted and read at the public meeting of November 25/2024.

1. RICHMOND SUBDIVISION BY-LAW

I OPPOSE the re-wording of the by-law to "assignable and perpetual and clearly granted by deed" from "clearly surveyed".

Removing the word "clearly" would be acceptable since it has no real purpose, however, the removal of the word "survey" can severely affect the process as it relates to subdividing off of a right of way or easement.

If Richmond County's only reason for this change is to conform with the Provincial Subdivision Regulations, and the plan is to keep doing so with Land Use By-Laws, why do we need an external Planning Commission?

2. WEST RICHMOND, CENTRAL RICHMOND, ISLE MADAME, ST. PETERS, AND RICHMOND COUNTY LAND USE BY-LAWS

Appealing a variance :

Increasing the timeline for appealing a variance in the requirements of the corresponding land use by-law from Fourteen (14) to Twenty-One (21) days, is an improvement, but it means nothing if the notice is received after the fact or, worse case scenario, not received at all. I would venture a guess that regular mail would likely not be received out-of-country within the proposed Fourteen (14) day timeline.

At a minimum, notices to affected landowners should be sent by either Registered mail OR Courier. This would demonstrate a clear attempt on the part of the Municipality, to communicate effectively and efficiently with all affected parties. Currently, there is no proof that a letter was sent if it is sent by regular mail.

Thank you for this opportunity to voice my opinions.

Sincerely,
Delores Callahan
Port Royal / Halifax

Sent from my iPhone

██████████
St. Peter's, NS B0E 3B0
November 22, 2024

Municipal Clerk
Municipality of the County of Richmond
P.O. Box 120, 2357 Hwy 206, Arichat, NS, B0E 1A0

RE: Amendments to the Richmond County Subdivision By-Law & West Richmond, Central Richmond, Isle Madame, St. Peters and Richmond County Land Use By-Laws

Dear Ms David:

Please accept this letter as notification of our opposition to the current proposals for amendments to the above noted by-laws. This letter will affirm our concerns of which we have informed our Council previously by emails, meetings with councillors, and question periods at past Planning Advisory Committee meetings. Our concerns are as follows:

Richmond County Subdivision By-Law

1. Council changing our more stringent by-law in order to conform to a 1998 Provincial Legislation appears to be a backward approach for our county. In 1999 when Richmond County council adopted and put into force the Richmond County Subdivision By-Laws, they adopted a more "stringent" approach which gave added protection to the landowners. Someone, twenty five years ago thought it best to add that extra protection and they did. Also, the Provincial Legislation states that when applying the rules, if there is a difference in the legislation and a municipal by-law it would be the most stringent of the two that would apply. Given our municipality has this leeway, we are baffled by the suggestion that our council "has to" or "should" conform to the legislation. After all, the Provincial Legislation is meant to be a guideline for Municipalities.
2. Council removing the word "survey" from the definition of an easement or right-of-way in the current subdivision by-laws, takes what little protection owners of easements or right-of-ways have.
3. Because most older deeds may not specifically describe the size or location of a right-of-way or easement, it leaves the interpretation of such deeds open to "subjective" interpretation.
4. An example of a deed with an ambiguous description of a right-of-way would be one that states: "Also a right-of-way as existing on lands of". When there are no intentions, measurements or locations mentioned in the deed nor on a survey plan, it is impossible to know the location or the intent of a right-of-way.
5. Currently our Planning Commission does not have to advise multiple owners of a right-of-way or easement when one owner applies to create a subdivision off it. Due to this fact, those other owners may find the historical use of their right-of-way or easement changed drastically should the applicant receive approval to subdivide. If a neighbour does not willingly provide information about their application, no one other than the

applicant gets to provide pertinent information about the intent of that right-of-way or easement in the absence of a survey.

6. This amendment appears to lean heavily towards positive outcomes for developers vs the average landowners.
7. If Council insists on removing “clearly surveyed” from the by-laws but have an interest in providing protection to all their taxpayers, they should add to the amendments that multiple owners of a right-of-way or easement will be notified when one owner is applying to subdivide their lot from said right-of-way or easement. This notification would make up for the lack of requirement of a surveyed right-of-way or easement and add a layer of protection for the other owners.

West Richmond, Central Richmond, Isle Madame, St. Peters and Richmond County Land Use By-Laws

1. Extending the deadline from 14 days to 21 days for an appellant to appeal a variance, is a positive change, however, it still does not ensure that landowners will receive the appeal notification letter.
2. Council and our Planning Commission was made aware of one case whereby an appellant lost their right to appeal due to not receiving two appeal notification letters at all. Those letters were supposedly mailed out over 700 days ago and still haven't been received. Those letters were sent by regular mail from Port Hawkesbury to St. Peter's to an address that has not changed in the last 20 years. The 7 day extension provided with the current amendment proposal would not have changed the result for this appellant.
3. The fact that the Planning Commission/Municipality does not have to show proof that a letter was sent when a proposed appellant loses their right to appeal should be a concern for our Municipality, especially if they have a sincere want to protect their taxpayers.
4. A person who does not receive an intended appeal notification letter wouldn't know they were supposed to receive a letter. Unfortunately, not everyone speaks to their neighbours. Also, the Planning Commission would not know if there may have been other intended recipients that did not receive their letters over the years because if an appellant is not aware they should have received the letter they would not be contacting the Planning Commission.
5. Richmond County has non-resident taxpayers who live out-of-country. Non-residents who live in the UK normally receive regular mail from Richmond County within 30 to 45 days from the day mailed. The proposed amendment would not ensure these non-residents received an appeal notification letter in time to appeal.
6. Registered mail, which is not being considered in this amendment, is the only method of mailing, in this circumstance, that provides proof that a notification letter was sent and increases the chances that an intended recipient of the notification letter would receive it within the required timeline for appeal. If a recipient chooses not to accept a Registered Letter, for any reason, that is their choice, however, that would not be the fault of the Planning Commission. Also, a registered letter is less likely to go missing.

The Municipality would be considered to have done their due diligence if an intended recipient hasn't provided a valid mailing address, choose not to pick up their mail for extended periods of time or refuse to sign for a registered letter.

Thank you for the opportunity to voice our concerns and have our concerns on record.

Sincerely,

Buddy & Germaine MacDonald