

Sheralee Mitchell-MacEwan

Subject: FW: Review of the MPS

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To: Eleanor Roulston <eroulston@easthants.ca>

Subject: Review of the MPS

Good Afternoon Ms.Roulston,

There is a very disturbing trend in our municipality regarding applications for larger scale developments. Through Council's approval of certain developments, by development agreements, policies and bylaws for zones have been circumvented. The planning department of the municipality makes positive recommendations to council allowing these variants and counsellors are then voting to accept these developments. These variants have significant negative impacts on current residents including over height buildings, high density, inadequate infrastructure, and environmental concerns (inadequate setbacks from watercourses). Also, applications for rezoning (something I am well aware of) are allowing developers to build developments that would never be allowed under current zoning.

As you will be aware, I have just gone through a year and a half process of appealing to NSUARB regarding an application for a development on Hwy 214. It has become very clear that due to development agreements, the MPS is valueless. Our appeal was denied by the NSUARB, even though the Board agreed that many policies and bylaws of the RC zone were not in compliance, because development agreements allow for council to apply variances that are in conflict with those in the MPS. The board stated that by council approving the variances, the intent of the MPS was met. This is an untenable position and must be addressed.

I understand that that counsellors rely upon the municipal planning department to give information as to acceptance or rejection of applications but the situation in East Hants is absolutely unfair to residents who rely on the certainty of the application of the policies in the MPS for future developments.

The MPS is under review this year and this situation of development agreements overriding the policies/bylaws must stop. I realize that you and a number of current and past councillors support the necessity of following policies and bylaws in the MPS but generally this has still not resulted in a good outcome for residents rights. Residents are asking to have their communities respected and over and over developers are obtaining variants that do not respect intent of the MPS.

In the past two years, I have spent thousands of hours reviewing the MPS and the Provincial Municipalities Act, writing briefs, appealing to the NSUARB, consulting lawyers, and filing with the Provincial Ombudsman trying to gain understanding of the power of the MPS. Through this lengthy process, it comes down to the construction of the MPS, allowing Development Agreements to override specific policies and bylaws within the MPS. In fact, the tail (development agreement) is wagging the dog (policies and zoning bylaws).

As the MPS is under review this year, the time has come to once again have the final authority reside in policies and bylaws, not in the development agreement. I have expressed my concerns to my counsellor. Thank you for your consideration of this important matter.

Regards,
Jean Cameron

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