DECISION **2025 NSRAB 106**
M12151

NOVA SCOTIA REGULATORY AND APPEALS BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF AN APPEAL by **LIBERTY LANE POWER AND LOGISTICS INC.** from a decision by the Municipality of Cumberland Council to refuse a rezoning application respecting property located at 1370 Southampton Road, West Amherst, Nova Scotia (PID 25394958)

BEFORE: Julia E. Clark, LL.B., Vice Chair

APPELLANT: **LIBERTY LANE POWER AND LOGISTICS INC.**
Philip Allen
Carolyn Allen
Scott Allen

RESPONDENT: **MUNICIPALITY OF THE COUNTY OF CUMBERLAND**
Dennis James, K.C., Counsel

HEARING DATE(S): July 8, 2025

FINAL SUBMISSIONS: August 15, 2025

DECISION DATE: **October 8, 2025**

DECISION: **Appeal is allowed.**

ORDER **M12151**

NOVA SCOTIA REGULATORY AND APPEALS BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF AN APPEAL by **LIBERTY LANE POWER AND LOGISTICS INC.** from a decision by the Municipality of Cumberland Council to refuse a rezoning application respecting property located at 1370 Southampton Road, West Amherst, Nova Scotia (PID 25394958)

BEFORE: Julia E. Clark, LL.B., Vice Chair

ORDER

The Board issued its decision on October 8, 2025.

The Board allows the appeal and orders that Land Use By-law 24-16 be amended as follows:

1. **change the zoning of the subject property at 1370 Southampton Road (PID 25394958) from Country Residential Zone (RCou) to Rural Industrial Zone (IRur);**

2. **add "office" to the list of permitted as-of-right uses in the Rural Industrial Zone; and**

3. **create Section 11.3.8 to maintain a 10 m buffer area from the common property line of any adjacent residential use.**

DATED at Halifax, Nova Scotia, this 8th day of October 2025.

Lisa Wallace

Chief Clerk of the Board

Nova Scotia Regulatory and Appeals Board

NOTICE OF PUBLIC HEARING

LIBERTY LANE POWER AND LOGISTICS INC. has made an appeal to the Nova Scotia Regulatory and Appeals Board from a decision of the Municipality of Cumberland Council to refuse a rezoning application respecting property located at 1370 Southampton Road, West Amherst, Nova Scotia (PID 25394958)

Hearing starts:	**Tuesday, July 8, 2025** **10:30 a.m.** **(Continuing Wednesday, July 9, 2025, if necessary)**
Evening Session:	**Tuesday, July 8, 2025** **6:00 p.m.**
Hearing Location:	**Cumberland County Council Chambers** **1395 Blair Lake Rd** **Upper Nappan NS**

Board Hearings are open to the public and you may participate as follows:

- You may speak at the hearing. You must notify the Board by **Tuesday, May 27, 2025.**

- You may make written comments by sending a letter to the Clerk of the Board at P.O. Box 1692, Unit "M", Halifax, NS B3J 3S3, or by email at: board@novascotia.ca**,** or by fax at (902) 424-3919 by **Tuesday, June 17, 2025.**

- You may request formal standing as an Intervenor, subject to Board approval. This will allow you to present evidence or cross-examine witnesses. Your request must be received by the Board by **Tuesday, May 6, 2025,** and a copy of your written evidence by **Friday, May 23, 2025,** for Intervenors supporting the Appellants, and by **Friday June 6, 2025,** for Intervenors supporting the Municipality.

- Alternatively, you may request a copy of the audio file for proceedings after the hearing by contacting the Clerk of the Board.

Additional information about the matter is as follows:

A copy of the appeal and any timetable applying to this matter may be viewed on the Board's website at https://www.nserbt.ca/nsrab by clicking on "Matters & Evidence", "Search Records", and in the "Go Directly to Matter" search box, enter Matter No. **M12151,** or at the offices of the **Municipality of Cumberland.**

To assist the Board in using correct forms of address and pronouns in our hearings and decisions, we invite all parties, lawyers, and all other participants to share their pronouns and titles with the Board and each other if they are comfortable doing so. There is no requirement to provide this information.

NOTICE OF REJECTION

By-law to Amend the Land Use By-law 24-14 & 24-16

Second Reading of the By-law to Amend the Land Use By-law 24-14 & 24-16-01 took place on Wednesday, February 26th, 2025 at a Council meeting held at the Upper Nappan Service Centre. Council voted to reject the by-laws due to;

- **By-Law to Amend the Land Use By-law 24-14**
  - To rezone a portion of 19 McCully Lane, Wards Brook from Agriculture (AG) Zone to Commercial Recreation (CRec).

  Rejected due to: Public concerns towards environmental stewardship.

- **By-law to amend the land use by-law 24-16**
  - To rezone 1370 Southampton Rd. (PID 25394958), West Amherst, NS from Country Residential (RCou) Zone to Rural Industrial (IRur) Zone.

  Rejected due to: Potentially hazardous traffic conditions created by the proposed development.

Any aggrieved person, the Provincial Director of Planning, or the Council of any adjoining municipality may, within fourteen days of the publishing of this notice, appeal to the Nova Scotia Utility and Review Board (1-855-442-4448 / board@novascotia.ca) in accordance with the provision of the municipal government act.

Amanda Kinnear
Deputy Clerk

municipality of cumberland

COUNCIL MEETING

SECOND READING

Date: February 26th, 2025

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: February 20th, 2025

SUBJECT: **Second Reading - By-law to Amend the Land Use By-law 24-16 to rezone 1370 Southampton Rd. (PID 25394958), West Amherst, NS from Country Residential (RCou) Zone to Rural Industrial (IRur) Zone.**

ORIGIN: On November 22, planning staff received an application to rezone 1370 Southampton Rd. West Amherst (the "subject property") to permit the development of transport truck storage and potential accessory office use.

PID	Location	Current Zone	Current Use	Proposed Zone	Proposed Use
25394958	West Amherst	Country Residential (RCou)	Vacant	Rural Industrial (IRur)	Transport truck storage/office

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve a rezoning unless council is satisfied;

(a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;
(b) If the proposed change is not prohibited by any other policy in this Plan;
(c) The purposed of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands
(cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and
(d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.

RECOMMENDATION: THAT Council approve Second Reading of the By-law to Amend the Land Use By-law 24-16 to rezone 1370 Southampton Rd (PID 25394958), West Amherst from Country Residential (RCou) Zone to Rural Industrial (IRur) Zone AND to add office as a permitted as-of-right use in the Rural Industrial (IRur) Zone AND to create Section 11.3.8 to create a 10m buffer area from the common property line of any adjacent residential use.

BACKGROUND: Currently, the subject property is designated Resource and zoned Country Residential (RCou). The general area of the subject property has a mixture of land uses in the area with properties largely being designated Resource or Commercial.

The property owner would like to rezone the property to permit the development of transport truck and trailer storage and a small office for the transport truck company. The small office would not take clients or perform commercial transactions, it would be used for the administration of the truck transport business. In the future, the property owners would like the ability to permit an automotive service structure/area which would be used for the repairs of the company trucks and trailers.

DISCUSSION: The land use identified in the Land Use By-law what would be assigned for this development would be transportation services. According to Section 14 Definitions of the Land Use By-law, transportation services are

> *…a building, structure, land, or part thereof used for the purpose of transporting any kind of item or thing by truck or other vehicle, including, but not limited to, loading facilities, storage, and maintenance facilities, but does not include the transport of people. 14-13*

Transportation services would permit the storage of the trucks as well as allows for the potential future development of repair and maintenance facilities for the company trucks. Currently, the Country Residential zone does not permit transportation services as a land use. The Rural Industrial Zone permits the development of transportation services as-of-right.

By definition, transportation services does not include an operations office, and offices are not listed as permitted uses in the Rural Industrial Zone, however the development of the office would be permitted under section 4.6 of the Land Use By-law, which permits accessory uses in all zones. To provide further clarity and eliminate potential misinterpretation of the policy, staff is recommending adding offices as a permitted use under the Rural Industrial Zone. One of the intentions of the Rural Industrial Zone is to protect dwellings and other less-intensive uses from being disturbed by industrial and intensive uses. An office of this nature is considered a less intensive use, and there is no negative impacts identified by staff that an office would pose on an industrial land use. Additionally, seeing the relation between resource-based industries and operations offices, it would make sense to permit an office in the Rural Industrial Zone, as this may be a required structure for the operation of certain industrial uses.

Additionally, staff are recommending a text amendment to section 11.3 special requirements, to add a requirement that industrial uses must maintain a 10m buffer from existing residential land uses. This amendment would protect existing adjacent residential uses, ensuring the intent of the Rural Industrial Zone is maintained and the impacts of the industrial uses on residential uses can be minimized.

First Reading of the proposed amendment was given on December 18, 2024. A Public Hearing was duly held on January 22nd, 2025. At the Public Hearing, four representatives of the public spoke, to reinforce the concerns their raise in their written submissions to Council (Attachment F).

FINANCIAL IMPLICATIONS: None have been identified at this time.

ENVIRONMENTAL IMPLICATIONS: Site meets the suitability requirements to qualify for a on-site sewage disposal system, however installation permits are regulated through the NS Dept of Environment. At the permitting phase, a development officer/building official will determine if a washroom is required under the National Building Code for operation. Should servicing be required, building permits would be subject to a permit to install an on-site sewage system.

The subject property is located in an area close to marshlands identified on the Ducks Unlimited Mapping and other local mapping. These marshes are not identified as protected marshes, for this reason the applicant has confirmed with DOE that the proposed development is suitable for area and he does not require further approvals from DOE for development. Staff has advised the applicant that at the permitting stage, they should have DOE review the property to ensure there are no further approvals/requirements that need to be obtained/met.

COMMUNITY ENGAGEMENT: A Public Hearing for the proposed amendments was held on January 22nd, 2025. In accordance with MGA Section 206, a notice for the Public Hearin was placed on the Municipal Website on January 7, 2025, two weeks prior to the scheduled hearing date. Further notices were placed on the Municipal Facebook page, two weeks prior to the public hearing date, and re-circulated more than one week prior to the hearing date. A notice was also placed in The Chronicle Hearld on January 11, 2025. A Planning Notice Sign was placed on the property. Prior to the Public Hearing, staff received 10 letters of objection from the surrounding property owners. After the Public Hearing, staff received an additional two letters of objection from the public, and a supplemental letter from a member of the public who had previously submitted and attended the public hearing. This supplemental letter included a petition signed by residents who are opposed to the rezoning of 1370 Southampton Road. This petition was created and circulated by locals on behalf of the residents of the immediate area. The varying concerns raised by the public can be summarized into the following;

1. Public Safety/ Traffic Concerns: due to the irregular intersection that is in close proximity to the subject property, residents are concerned regarding the visibility of the driver's truck drivers coming and going from the site driveway.

2. Environmental Protection: Residents of the area feel strongly that the property is in close proximity to wetlands that form part of the Chignecto National Wildlife area. Staff do not have data to support this claim. Residents have noted that the site sees seasonal flooding and are therefore concerned contaminants and chemicals produced from the site will impact the local wetlands.

3. Community Interest: Due to the number of people who spoke out about their concerns, residents feel the proposed use is not reflective of the community's desires.

While the concerns raise are valid concerns, two of which staff cannot substantiate, Staff does not have the authority to regulate driveway access as the subject property fronts a provincially owned public road. The applicant has provided approval from the NS Dept of Public Works for a

driveway. In the letter of approval, it states the stopping sights are adequate for the driveway. This is an approval that staff does not have the authority to overrule.

Similarly to the approval of driveways on provincial roads, the Municipality does not have the authority to regulate and/or enforce environmental activities. While the property is located close to wetlands, the property itself is not on a protected wetland, nor is it identified on Municipal Mapping as a sensitive environment. The property may have areas in which there is a drop in grade, however the property is also not located within a Flood Hazard (HzFl) Zone. The applicant has informed staff that the proximity to the existing wetlands is not an anticipated concern for the proposed development, due to provincial regulations that provide strict restrictions towards storage and disposal of fluids on the property. At the permitted stage, the applicant will be required to have DOE review the lot and the proposed development to confirm and additional approvals/requirements are obtained/met.

A Copy of all written submissions to staff throughout the planning process, up to date this report is written, has been included in this report as Attachment F.

ALTERNATIVES: Council can defer the issue to a later date, request further information or reject the proposed amendment.

ATTACHMENTS:

Attachment A: Aerial Image
Attachment B: Street Images
Attachment C: Zoning Map Comparison
Attachment D: Proposed Text Amendment
Attachment E: Policy Review
Attachment F: Letters from the Public
Attachment G: Letters from the Applicant & Owner
Attachment H: Nova Scotia Department of Public Works Driveway Approval

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Report prepared by: Kira Norgren, Municipal Planner

Attachment A: Aerial Image

COUNCIL MEETING

SECOND READING

Date: February 26th, 2025

Attachment B: Street Images

COUNCIL MEETING

SECOND READING

Date: February 26th, 2025

Attachment C: Zoning Map Change

Before Proposed Amendment → **After Proposed Amendment**

Attachment D: Proposed Text Amendment

Uses Permitted As-of-Right

11.3.2 The following uses shall be permitted in the Rural Industrial Zone, subject to all applicable requirements of this By-law:

(a) Abattoir
(b) Aggregate Related Industries
(c) Agricultural Uses
(d) Agriculture Related Industries
(e) Airport
(f) Animal Boarding Facility
(g) Automotive Fueling
(h) Automotive Service
(i) Commercial Livestock Operation
(j) Crematorium
(k) Farm and Forestry Supply Sales
(l) Fishery Related Industries
(m) Forestry Related Industries
(n) Forestry Uses
(o) Heavy Equipment Repair
(p) Heavy Equipment Sales
(q) Manufacturing
(q.1A) Office
(q.1) Propane Fueling Facility
(r) Recycling Depot
(s) Sanitary Service
(t) Self-storage Facility
(u) Solid Waste Disposal
(v) Solid Waste Transfer Facility
(w) Transportation Services
(x) Warehouse

11.3.8 All Industrial uses shall maintain a 10 meter buffer from the common property line of any adjacent existing residential uses and structures.

municipality of cumberland

COUNCIL MEETING

SECOND READING

Date: February 26th, 2025

Attachment E: Policy Review

LUB 11.3.1 The Rural Industrial Zone is intended to accommodate processing and other industries related to resource based industries and to accommodate intensive uses that require large separation distances from dwellings and other less-intensive uses.
Comment:
The proposed development of transport truck parking and storage by definition, is considered to be transportation services, a use that currently is permitted under the IRur zoning as-of-right.

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approved a rezoning unless council is satisfied;	
Requirement	Comment
(a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;	Not applicable
(b) If the proposed change is not prohibited by any other policy in this Plan;	Not prohibited
(c) The purposed of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands	See LUB 11.3.1 above
(cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and	No
(d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.	See MPS 6-19 below

	MPS 6-19 Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal;	
	Requirement:	Comment:
(a)	*Is consistent with the intent of this Municipal Planning Strategy*	Yes
(b)	*Does not conflict with any Municipal or Provincial Programs, by-laws, or regulations in effect in the Municipality.*	Does not conflict
(c)	*Is not premature or inappropriate due to:*	
(i)	*The ability of the Municipality to absorb the public costs related to the project.*	No anticipated public costs related to the project.
(ii)	*Impacts on existing drinking water supplies, both private and public.*	No impacts identified.
(iii)	*the adequacy of central water and sewage services or, where such services are not available, the suitability of the*	Suitability for On-site Sewage disposal is

	site to accommodate on-site water and sewage services	determined and regulated through Department of Environment (DOE). The proposal will be subject to approval from DOE, if required.
(iv)	*The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal*	Applicant has received approval for a commercial driveway from Nova Scota Public Works, deeming the stopping sight distances to be adequate.
(v)	*The adequacy of fire protective services and equipment;*	Sufficient fire protective services available
(vi)	*The adequacy and proximity of schools and other community facilities.*	Not applicable
(vii)	*The creation of a new or worsening of a known pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.*	No known pollution problems related to the project
(viii)	*The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas*	No anticipated flooding or drainage concerns posed by the proposed development.
(ix)	*Impacts on sensitive environments, as identified on Schedule B*	The Subject Property is not Identified as a sensitive environment on Schedule B of the LUB .
(ixA)	*Impacts on wildlife corridors*	No wildlife corridors noted on Schedule B
(x)	*Impacts on known habitat for species at risk*	No anticipated impacts
(xA)	*risks presented by geohazards*	No risk for geohazards on the site
(xi)	*the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility right-of-way*	The site appears suitable. All stormwaters cannot be directed onto adjacent private lands. Stormwater must be directed to existing public highway drainage ditches.
(xii)	*negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.*	No negative impacts towards existing businesses.

Attachment F: Letters from the Public

Attached Separately

Attachment G: Letter from the Applicant

Attachment H: Nova Scotia Department of Public Works Driveway Approval

Attachment F: Letters from the Public

PUBLIC INPUT SUMMARY

Emails/Letters **against** the proposed amendments
12/13 Comments Received
Concerns Expressed 1. Public Safety/ Traffic Concerns: due to the irregular intersection that is in close proximity to the subject property, residents are concerned regarding the visibility of the drivers truck drivers coming and going from the site driveway. 2. Environmental Protection: Residents of the area feel strongly that the property is in close proximity to wetlands that form part of the Chignecto National Wildlife area. Staff do not have data to support this claim. Residents have noted that the site sees seasonal flooding and are therefore concerned contaminants and chemicals produced from the site will impact the local wetlands. 3. Community Interest: Due to the number of people who spoke out about their concerns, residents feel the proposed use is not reflective of the community's desires.

Neutral Public Comments

Vaughn Melanson
1405 Southampton Rd.
West Amherst, NS B4H3Y4

January 31, 2025

Dear Mayor Gilroy and Councillors,

Subject: Clarification Regarding My Letter on Parking at 1405 Southampton Rd.

I'm writing to make sure there are no misunderstandings about the letter I provided regarding Liberty Lane Power and Logistics Inc.'s use of my property. While I have allowed them to park their trucks and trailers at 1405 Southampton Rd, I want to be clear that my letter was not meant as an endorsement of the rezoning application for 1370 Southampton Rd.

I wish to remain neutral on this rezoning application, as I have relationships with people on both sides of this issue. However, I want to ensure that my previous letter provided to the Applicant is not misinterpreted as support for the application.

My property at 1405 Southampton Rd has been available to them and still is. It's set up well for truck parking and industrial use, with about 180 feet of driveway space, excellent sightlines, and very safe access pulling in and out of the property. They've been operating from my property without any issues to my knowledge.

I trust that Council will carefully consider all factors in its decision-making.

Thank you for your time.

Sincerely,

Vaughn Melanson

To Whom it May Concern:

I, Vaughn Melanson, have permitted Liberty Lane Power and Logistics Inc to park their trucks and trailers on my property, at 1405 Southampton Rd, West Amherst, NS, which is directly across from their property at 1370 Southampton Rd, West Amherst, since September 19, 2023. Prior to that I allowed Phillip Allen to park the same vehicles on my property for the previous 4 years. There have no complaints to this date coming and going about commercial vehicles from my property. Also, Southampton Rd is a truck route to go to Parrsboro etc. Gravel trucks, B-trains etc. run this highway practically 24/7.

Thanks,

Vaughn Melanson

January 22, 2025

Date

Letters / Emails from the Public in Opposition to the Rezoning

Brian Doiron
1384 Southampton Rd.
West Amherst, NS B4H3Y4
brianjdoiron@gmail.com
902-482-7410

February 4, 2025

Subject: Supplemental Submission - Opposition to Rezoning of 1370 Southampton Rd, West Amherst

Dear Mr. Boone, Mayor Gilroy, Deputy Mayor Gould, and Councillors,

I am submitting this letter as a follow-up to my prior written and verbal submissions regarding the proposed rezoning of 1370 Southampton Rd. This letter introduces new information, detailed petition data, and expands upon key concerns I was unable to fully address in the allotted time at the Public Hearing on January 22, 2025. Additionally, it directly responds to specific claims made by Mr. Scott Allen—who spoke on behalf of the Applicant—and addresses the parking confirmation letter that Vaughn Melanson provided to the Applicant.

Community Opposition and Petition Data

The widespread opposition to this rezoning proposal is evident from our petition, which gathered 300 signatures:

- **Immediate Local Households**: 18 of 20 households signed, representing 31 total signatures.
  - *This area spans from the Trans-Canada Highway to the westerly end of Boomer Road and includes Boomer Road itself.*
- **Greater Local Households**: 50 of 59 households signed, representing 73 total signatures.
  - *This area spans from the Trans-Canada Highway to the sharp turn at Amherst Point and includes "Immediate Local Households".*
- **Outside Area Support**: An additional 227 signatures came from Southampton Rd users opposing the rezoning due to concerns about safety on this turn. Many supported the idea of maintaining residential zoning in our community and expressed unease about introducing environmental risks where none currently exist.

Of the nine (9) households in the Greater and Immediate Local Areas we were unable to reach, residents were either out of town, the house was vacant, or the occupants were unavailable. This demonstrates the near-unanimous opposition of those most directly impacted.

For further transparency, I am including the full list of 300 petitioners as an attachment to this letter.

Rebuttal to the Applicant's Claims

1. Oversimplification of the Rezoning Proposal

Mr. Scott Allen, speaking on behalf of the Applicant, framed the rezoning as a simple relocation across the road. However, this characterization overlooks key concerns:

- **Three Sharp Curve Warning Signs Highlight the Danger at 1370 Southampton Rd**: The turn at 1370 Southampton Rd is already marked by three Nova Scotia Department of Transportation Chevron Signs—two before the curve and one on it—used specifically to guide drivers through sharp curves, as defined in the *Nova Scotia Driver's Handbook* (Nova Scotia Registry of Motor Vehicles, p. 93). These signs warn drivers of the sharp curve and help guide traffic along Southampton Rd.

  Tractor-trailers measuring 75–80 feet long must enter and exit an already approved driveway, but it remains dangerously positioned at a sharp curve, increasing risks for residents, pedestrians, and road users—especially when truck drivers choose to back into the property from the road.

  During the Public Hearing, both the Applicant and Vaughn Melanson's letter emphasized that Southampton Rd is a truck route. While true, this fact does not justify introducing additional risks at this sharp curve. Double trailer trucks weighing 138,000 lbs. (69 tons) regularly use this road, requiring substantial time and distance to slow or stop safely. Because Southampton Rd is already a major truck route, introducing slow-moving truck entry and exit at this sharp curve only heightens the existing risks, especially given that speeding is prevalent along this stretch.

- **Environmental Hazards**: Rezoning introduces unnecessary risks of groundwater contamination and wildlife disruption—issues that do not currently exist under the current Residential zoning.

- **Community Detriment Without Economic Benefit**: Rezoning 1370 Southampton Rd would endanger community safety, diminish property values (including my own at 1384 Southampton Rd), and offer no lasting economic benefit to the community. While a few individuals may see short-term financial gain, the long-term costs—such as reduced property values, increased safety hazards, and a diminished residential environment—far outweigh any private, temporary benefits.

- **Community Tension**: Rezoning this property against the overwhelming concerns of residents could create unnecessary division. Maintaining Residential zoning aligns with the community's expressed priorities and would help prevent future tensions. This process has already raised concerns among long-time residents, and ensuring that community voices are heard will help preserve trust and confidence in the decision-making process. Given the availability of a viable alternative for truck parking and storage with safer access and sightlines, rezoning at this location remains both unnecessary and unsafe.

2. An Existing Parking Alternative Already in Use at 1405 Southampton Rd.
Vaughn Melanson has already confirmed in his letter to Council that the Applicant has been using his property at 1405 Southampton Rd. without issue. With ample driveway space, excellent sightlines, and safe access, this location has long served as a suitable site for truck parking and storage. Given this, rezoning is unnecessary and introduces entirely avoidable risks.

3. Irreversible Consequences of Rezoning: Incompatible Industrial Uses
It is critical to emphasize that rezoning this property opens the door to a range of industrial uses entirely incompatible with the residential character of our community. Potential developments such as Solid Waste Disposal, Propane Fueling Facilities, Commercial Livestock Operations, Abattoirs Manufacturing or Recycling Depots would irreparably change our neighborhood and introduce unacceptable and avoidable risks.

Closing and Call to Action

In conclusion, rezoning 1370 Southampton Rd is not merely a relocation—it represents a significant shift with long-term consequences for our community's safety, environment, and character. By rejecting this rezoning, Council will demonstrate its continued commitment to:

- **Public safety** – by preventing unnecessary risk at an already hazardous curve.
- **Environmental protection** – by avoiding industrial threats to groundwater and wildlife habitats.
- **Community interests** – by recognizing the overwhelming concerns from those most affected.

I trust that Council will carefully consider the risks this rezoning poses and continue prioritizing public safety, environmental integrity, and the character of our community.

Thank you for your attention to this matter.

Sincerely,

Brian Doiron


"CHEVRON (ARROW) SIGNS ARE POSTED IN GROUPS TO GUIDE DRIVERS AROUND SHARP CURVES IN THE ROAD"
Source: Registry of Motor Vehicles - Nova Scotia Driver's Handbook, Pg 93
SIGN IS MISSING
SNOW PLOW HIT
(Jan 31, 2025)

PETITION: Keep Residential Zoning and Avoid Increased Danger at Sharp Turn on Southampton Rd

We, the undersigned, strongly oppose the proposed rezoning of 1370 Southampton Rd. from ***Country Residential to Rural Industrial***. Rezoning to Rural Industrial would not only allow the current owner's intended use but also open the door to numerous other industrial activities that are incompatible with the character, safety and tranquility of our neighborhood.

The property owner would like to rezone the property to permit the development of Transport Truck and Trailer Storage and a small office for the transport truck company. The small office would not take clients or perform commercial transactions, it would be used for administration of the truck transport business. In the future, the property owners would like the ability to permit an automotive service building which would be used for the repairs of the company trucks and trailers.

This change would bring increased industrial traffic to a sharp and dangerous turn on Southampton Road, where speeding is already prevalent. Slow-moving tractor-trailers pulling in and out of the property would often require crossing the yellow line, taking up both lanes further endangering all users of this main corridor connecting Amherst and surrounding areas. This concern affects not only nearby residents but anyone traveling this busy road.

The rezoning would reintroduce noise and disruption to a neighborhood that has welcomed the enjoyable peace and quiet since a trucking and excavating company sold their operation almost two years ago. Residents would face noise from large diesel trucks idling for long periods and open the door for refrigerated trailers (reefers) running through the night and other potential industrial equipment and processes that are allowable under Rural Industrial Zoning. Prevailing westerly winds would carry noise, dust, smells and other potential pollutants eroding the air quality, peace and tranquility we currently enjoy.

This rezoning benefits only the applicant and offers no meaningful economic growth or community advantage. Instead, it threatens to lower property values and jeopardize the safety, character, and quality of life for current residents.

Sign below to help preserve the safety, character, and livability of our community now and for generations to come. This petition will be presented to the Municipality of Cumberland County for a January 22, 2025 meeting.

1. Pauline Lusby
2. David Lusby
3. Janice Wolchuk
4. [illegible]
5. Rod Rhindress
6. Kathryn Rhindress
7. Emer Harrison
8. [illegible]
9. [illegible]
10. Sharm LeBlanc
11. [illegible]
12. Michael Carter
13. Bill Thompson
14. Phyllis Thompson
15. Beth Dickinson
16. John Dickinson
17. Marilyn Logan
18. Malcolm Logan
19. Terri McCormick
20. [illegible]
21. Joe Lefler
22. [illegible]McGladrey
23. [illegible]
24. [illegible]
25. Christine Carter
26. [illegible]
27. [illegible] Bourgeois
28. Joe Bourgeois

PETITION: Keep Residential Zoning and Avoid Increased Danger at Sharp Turn on Southampton Rd

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1.) 1067 Southampton Rd. W. Amherst
2.) 1067 Southampton Rd. W. Amst.
3) 5 Boomer Rd. W. Amherst
4.) 5 Boomer Rd W. Amherst
5) 1240 Southampton Rd. W. Amherst
6) 1240 Southampton Rd. W. Amherst
7.) 1140 Southampton Rd W. Amherst
8.) 1140 Southampton Rd W. Amherst
9) 79 Spring ST
10) 14 Durly St.
11) Fairview Rd.
12) 774 Southampton Rd. Amherst Pt.
13) 796 Southampton Rd. Amherst Pt.
14) 796 Southampton Rd. Amherst Pt.
15) 800 Southampton Rd Amherst Pt.
16) 800 Southampton Rd Amherst Pt.
17) 1446 Southampton Rd W. Amst.
18) 1446 Southampton Rd. W. Amst.
19) 1105 Southampton Rd W. Amherst
20) 1105 Southampton Rd W. Amherst
21) 1105 Southampton Rd. Amst. Pt.
22) 1073 Southampton Rd. Amst Pt.
23) 1073 Southampton Rd.
24) 1153 Southampton Rd.
25) 1153 Southampton Rd W. Amherst
26) 1419 Southampton Rd W. Amherst
27) 1419 Southampton Rd. W. Amherst
28) 1419 Southampton Rd. W. Amst.
29)
30

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Andrea Jolly	826 Southampton Rd	Kelly McBlank
Emmett Jolly	826 Southampton Rd	1167 Southampton Rd
[illegible]	826 Southampton Rd.	Joel [illegible]
Kelly Walsh	750 Southampton	[illegible]
Carmen Dupuis	782 Southampton Rd	
Jason DeWitt	1474 Southampton Rd	Mike Davis 1156 Southampton Rd
Lindsay DeWitt	" "	"
Brenna Faulkner	23 Fenton Road	
Rory Faulkner	23 Fenton Rd	
Wayne Beers	1172 Southampton Rd	
Ashley Rose		

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Seth Logan	763 Southampton Rd	
[illegible]	695 Southampton Rd.	
Harry Gouchie	746 Southampton Rd.	
Connie McCormick	746 Southampton Rd.	
Dan Walker	54 Hwy 6 West Amherst	
Don Muller	54 Hwy 6. West Amherst	

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Lynne Smith	Heather McLarson	Jennifer Mapplebeck 981 SOUTHAMPTON RD
Tanya Hicks	Sarah Black	
John Mill	Jason Smith 1311 SOUTHAMPTON RD	
Mia Kennedy	Sandra Huntley	
Cheryl Smith 96 BOOMER RD	[illegible] 1405 SOUTHAMPTON RD	
Jennifer Trumble	Gale Rose 1311 SOUTHAMPTON RD	
Danielle Gautreau	M Chase 92 BOOMER RD	
Janis Liretto	Brian A Deiron 1384 SOUTHAMPTON RD	
Elaine van Vulpen	[illegible] 909 SH RD	[illegible] 1211 SHR
Southampton Rd David Milner	William Lunderrigan 669 Southampton Rd	

SHR = SOUTHAMPTON RD

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Stephen Chase 92 BOOMER RD	92 Boomer Loop	Fred C
Kenny Lusby 121 BOOMER RD	Mark Whiteside	47 Boomer Loop
[illegible]	Sherry Brooks	
Jesse Gouchie	Reginald [illegible]	
Sarah McBurnie	William Dunfo	1162 Southampton Rd.
John Michels		
Paul Hawkes	[illegible]	
[illegible]		
Allen [illegible]		
[illegible]		

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Tammy Crosby		
	1223 Southampton Rd...	
	Joggins 21 Lorne Lane Rd	
Cathy Baker	Marsha [illegible] 1223 SOUTHAMPTON RD 1223 Southampton Rd Bwn3/4	
Karen Faulkner	Ray Dunlop 1183 Southampton	
Denise Cail	Ernest Dunlop 1183 South Hampton Rd.	
Jill R. Vincent	140 Brunner Loop	
Laura Gaudet		

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	860 SOUTHAMPTON RD	
	750 southampton rd.	
Dan Moaton	853 Southampton Road.	

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81 Boomer Rd		
Meredith Pipes		
[illegible]	Nancy Burden	
Amanda Deagan	Sheila Bruce	
Nora Crandall	M Cooper	
Shyana O'Brien	Connie Pipes	
Krista Bishop	Alan Pipes	
Jean Rioux	Cory Pipes → 81 Boomer Rd	
Gwen Wheeler	Ashton Wood	
[illegible]	[illegible]	

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Wayne MacDougall	M. Coffin	
		Colin Johnston
	Robert Manson	Russell D Scott
(MacDavis) FD	Les Stewart	
Mike LeBlanc	David W. Hicks	Len Cosby
Larry Cole	Steve Brown	Lorne McIntyre
Paul Bangel		Bill Brown
		Darren Gard (83 STANDISH ST)

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	Kathy Lusby	
	Mary Lusby	
	Lester Frame	
Dusty Collins	Carter Lusby 121 Boomer Rd	
Cathy Collins		
Dayne Collins		
Jesse Gouchie		

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Emily Boudreau	Kelly Hurby	
Kelly Hacy	[illegible]	
Chrissy Cantongay		
Evelyn M McAloney		
Meghan Hurby		
Sonya Horne		
Felicia Alder		
Virginia McManamon		
Jordan [illegible]		
[illegible]	121 BOOMER RD	

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96 BOOMER RD Donald Smith	Amy Marshall	Dick Hiler
[illegible]	Katie Parker	[illegible]
[illegible]	[illegible]	[illegible]
Shannon Wagg	K. Fadd	[illegible]
Tasha Trueman	Mary LeBlanc	[illegible]
Kinney	K H Peacock 1429 SOUTHAMPTON RD	C. Spry
C. Atkinson	Joan Peacock 1429	[illegible]
Aaron Hearn	[illegible] ESTABROOKS	Paul Hearn
Joe [illegible]	[illegible]	Terry Barlow
[illegible]	[illegible]	[illegible]

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[illegible]	1405 Fort Lawrence Rd	Alec Fisher
[illegible]	2554 Hwy 204 W. Lancaster	Paul Patriquin

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The rezoning would reintroduce noise and disruption to a neighborhood that has welcomed the enjoyable peace and quiet since a trucking and excavating company sold their operation almost two years ago. Residents would face noise from large diesel trucks idling for long periods and open the door for refrigerated trailers (reefers) running through the night and other potential industrial equipment and processes that are allowable under Rural Industrial Zoning. Prevailing westerly winds would carry noise, dust, smells and other potential pollutants eroding the air quality, peace and tranquility we currently enjoy.

This rezoning benefits only the applicant and offers no meaningful economic growth or community advantage. Instead, it threatens to lower property values and jeopardize the safety, character, and quality of life for current residents.

Sign below to help preserve the safety, character, and livability of our community now and for generations to come. This petition will be presented to the Municipality of Cumberland County for a January 22, 2025 meeting.

Sandi Shannon	Lisa Dawson	N Brooks
Chelsea Davis	Sherry Richard	[illegible]
Justin Raynworth	Shirley Stanley	Kim Allen
Alexis Allen	Debbie Kilroy	Billy Allen
C. Mainham	Jenna Faulkner	Marina Allen
S Smith	Jayce Hawk	Paige Allen
Krista Gould	Roxanne [illegible]	[illegible]
Dan Bak	Susan [illegible] Chapman	J Brownell
[illegible]	[illegible]	[illegible]
[illegible]	Charlene Pattree	[illegible]

PETITION: Keep Residential Zoning and Avoid Increased Danger at Sharp Turn on Southampton Rd

We, the undersigned, strongly oppose the proposed rezoning of 1370 Southampton Rd. from ***Country Residential to Rural Industrial***. Rezoning to Rural Industrial would not only allow the current owner's intended use but also open the door to numerous other industrial activities that are incompatible with the character, safety and tranquility of our neighborhood.

The property owner would like to rezone the property to permit the development of Transport Truck and Trailer Storage and a small office for the transport truck company. The small office would not take clients or perform commercial transactions, it would be used for administration of the truck transport business. In the future, the property owners would like the ability to permit an automotive service building which would be used for the repairs of the company trucks and trailers.

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[illegible]	Dayle Lewis	Ron Bubrie
Laura Dalton	Wade Lewis	Fern Bubrie
Erin Quigley	Colby O'brien	Braxton McLoney
Brady O'Brien	Aaron McLoney	[illegible] (S)
Kayla Hardy	Alex Oulton	
Sherry Hurley	[illegible] (J)	
Kevin Hurley	Jessica Duguay	
Jennifer Hurley	Alan McLoney	
Felicia Hurley	Vanessa O'Brien	

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[illegible]	Melissa Perry	
Donna Dwyer		
Barb Mack		
[illegible]		
[illegible]		
[illegible]		
[illegible]		
[illegible]		
[illegible]		

PETITION: Keep Residential Zoning and Avoid Increased Danger at Sharp Turn on Southampton Rd

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Donna McLaughlan	[illegible]	[illegible]
[illegible]	[illegible]	Stella Doiron
[illegible]	[illegible]	Ken Anderson
Edward Bourgeois	Tina Brine	
Eva Bourgeois	Monique Cormier	
A. Allen White		
Martina McPhee		
Kenny Munro		
[illegible]		

A Wells
[illegible]
R W Milner
Emma Milner

Brian Doiron
1384 Southampton Rd.
West Amherst, NS B4H3Y4
brianjdoiron@gmail.com
902-482-7410

January 20, 2025

Re: Opposition to Rezoning of 1370 Southampton Rd, West Amherst, NS

Dear Mr. Boone, Mayor Gilroy, Deputy Mayor Gould and Councillors,

I am writing to express my strong opposition to the proposed rezoning of 1370 Southampton Rd, adjacent to my property at 1384 Southampton Rd. As a long-time resident and former environmental business owner with over 25 years of experience in trucking logistics and operating heavy vehicles, I am deeply concerned about the risks posed by the introduction of large trucks to this already dangerous corner.

In the past, I dealt with frequent noise, dust, and the disruptive sound of large vehicles starting early in the morning across the street at 1405 Southampton Rd. Melanson's Trucking & Excavating was a pre-existing family operation that had been around for over 40 years. It was bothersome but we had little choice but to accept it as operations started prior to County Zoning. However, the proposed rezoning represents a significant shift, opening the door for far more disruptive industrial activity that is not consistent with the direction we want for the character of our community.

The suggested 10-meter buffer from the property line at 1384 Southampton Rd is wholly inadequate given the size and noise of the large trucks expected to enter and exit the property. The rezoning would allow industrial activity at all hours, disturbing the peace and sleep of nearby residents. This change would exacerbate existing issues like truck idling, the potential operation of refrigerated trailers (reefers), and other mechanical noises, especially at night.

This change would also increase industrial traffic along a sharp and dangerous turn on Southampton Rd, which is already prone to speeding. Slow-moving tractor-trailers, each 75–80 feet long, would need to occupy both lanes of traffic as they maneuver in and out of the property. This creates significant risks not only for residents but for anyone traveling this heavily trafficked corridor into Amherst and surrounding areas. Over the years, I've witnessed numerous close calls at this turn when pulling out of my driveway at 1384, with drivers approaching at high speed and passing me on a double yellow line or braking suddenly to avoid a collision.

The applicant's proposal includes a truck and trailer service building that would introduce additional noise from air compressors, powerful air tools, and other industrial service equipment. This facility would store large quantities of fluids necessary for servicing the trucks, further increasing the environmental and safety risks in the area. As residents relying on well water, we are deeply concerned about the potential for contamination from substances commonly carried by large trucks, including diesel, motor oils, antifreeze, DEF fluid, and transmission fluids. It is common for trucking operations to install bulk diesel tanks, creating additional risks to the groundwater. These are risks that do not currently exist under the existing land use.

West Amherst is well known for its constant winds, which are evidenced by nearby windmills. The prevailing westerly winds would carry noise, dust, smells, and exhaust pollutants from the trucking operation into nearby homes, degrading the air quality and the peaceful environment that our community enjoys.

In addition to the safety and environmental concerns, the surrounding lands offer significant ecological value to our community. Our area is surrounded by protected lands, including Ducks Unlimited properties, a Migratory Bird Sanctuary, and newly surveyed land under the care of a conservation organization. Our community is committed to preserving and protecting these natural spaces, not promoting industrialization. Long before purchasing 1384 Southampton Rd from my uncle in 2007, the property at 1384 Southampton Rd has been and continues to be part of a seasonal wildlife corridor, with ducks and geese regularly nesting and hatching their young in a waterway that extends onto the edge of the Applicant's property. Furthermore, a deer herd of 10 to 17 frequently uses this area for bedding, feeding and raising their young. The land surrounding 1370 and 1384 is integral to this natural habitat, providing shelter and nourishment to local wildlife.

The proposed rezoning would drastically alter the current character. The natural greenery that currently defines this property would be flattened and replaced by a large mud/gravel parking area that would house 53-foot van trailers, flatbed trailers, an office building, and eventually, under the current proposal, a large industrial repair facility. Additionally, the operators may introduce other industrial equipment or facilities as their business grows and diversifies, including fueling stations, waste disposal units, or bulk storage tanks. The pursuit of profit and revenue that drives these decisions could easily transform the site into a hub for a range of related industrial activities.

To the east of our properties lies a well-manicured graveyard that contributes to the sense of peace in the area. Adjacent to the graveyard, the property at 1446 Southampton is home to a dedicated steward who manages their land with a silvicultural approach, preserving the environment and fostering tranquility. Across the community, neighbors take great pride in cultivating their land, contributing to the beauty and serenity that define this residential area. Albeit often dangerous, locals and tourists alike regularly pull over on the side of the road to enjoy the breathtaking sunsets overlooking the Lusby Field on Boomer Rd. The peaceful, nature-rich environment is a cornerstone of our community, and the proposed rezoning would be a direct threat to this.

We have gathered signatures from local residents and users of Southampton Rd, highlighting the widespread community concerns about the risks posed by rezoning and the impact of tractor trailers entering and exiting at this dangerous turn. Rezoning 1370 to industrial use could transform the property into a hub for far more truck traffic and operations than initially proposed, leading to ongoing tension and complaints. The zoning change opens the door to many types of industrial operations that would not be compatible with the direction in which our community is moving. Proactively preventing this rezoning avoids future conflicts and protects our community's integrity. The full list of permitted uses that could eventually affect our community include: *Abattoir, Aggregate Related Industries, Agricultural Uses, Agriculture Related Industries, Airport, Animal Boarding Facility, Automotive Fueling, Automotive Service, Commercial Livestock Operation, Crematorium, Fishery Related Industries, Forestry Related Industries, Forestry Uses, Heavy Equipment Repair, Heavy Equipment Sales, Manufacturing, Propane Fueling Facility, Recycling Depot, Sanitary Service, Self-storage Facility, Solid Waste Disposal, Solid Waste Transfer Facility, Transportation Services, Warehouse.*

Rezoning this property would diminish the value of 1384 Southampton Rd and other local residents setting a concerning precedent. Industrial zoning near residential areas is widely known to deter buyers and erode the investments residents have worked hard to build. Protecting property values is not just a personal concern but a broader community issue that the council must prioritize to preserve the integrity of our neighborhoods.

As an economist and former business owner, I strongly support business growth and economic development that benefits the broader community. However, this rezoning appears to serve the interests of a single operation without providing meaningful advantages to the residents or enhancing the area's overall economic potential. True economic growth should align with our community values, balancing progress with the preservation of what makes our neighborhoods desirable.

While I recognize the need for responsible development, I am deeply concerned about the long-term impact of this rezoning. One of my children hopes to return to 1384 Southampton Rd to raise a family, but the introduction of a trucking operation next door would jeopardize that dream. Such a development would fundamentally disrupt the peaceful, family-friendly environment we have worked hard to maintain and undermine the natural beauty that defines this area.

We urge you to prioritize the preservation of our community's peaceful character and natural environment, which are essential to the well-being of residents and its long-term sustainability. Allowing this rezoning opens the door to industrial uses that would likely have far greater negative impacts on residents and the area's ecological balance. The proposed rezoning would degrade the quality of life for those living here while jeopardizing the current ecological harmony. The potential harm to residents, wildlife, and the environment far outweighs any potential benefit of rezoning for the use of a single operation. I trust that you will carefully consider these long-term consequences and recognize the lasting impact this decision will have on both our community and the environment. Since Melanson's Trucking & Excavating ceased operations almost two years ago, we have come to cherish the peace and tranquility that defines our area. Rezoning 1370 Southampton Rd will disrupt this harmony. As a community, we are committed to preserving the peaceful, residential character of the area and want less industrialization, not more.

Thank you for your time and consideration. I look forward to discussing these concerns further at the upcoming Public Hearing on January 22, 2025 at 4PM.

Sincerely,

Brian Doiron

Brian Doiron

Janet O'Brien

Janet O'Brien

cc: Glen Boone, Director of Development and Planning
Rod Gilroy, Mayor
Fred Gould, Deputy Mayor & Councillor, District 1
Anthony Fromm, Councillor, District 2
Jennifer Houghtaling, Councillor, District 3
Kathy Redmond, Councillor, District 4
Angela McCormick, Councillor, District 5
Scott Lockhart, Councillor, District 6
Carrie Lee, Councillor, District 7
Marchel Strong, Councillor, District 8

Jan 20, 2025

Dr. Cheryl A Smith
96 Boomer Rd,
Amherst, NS
B4H 3Y4
smithca11@icloud.com

Re: Rezoning application for 1370 Southampton Rd

Attn: Glen Boone – Planning and Development Director Municipality of Cumberland
Attn: Fred Gould – Deputy Mayor and Councilor District 1 Municipality of Cumberland

Dear Mr. Boone and Deputy Mayor Gould

As a resident of Boomer Rd., in close proximity (350 meters) to 1370 Southampton Rd. I would like to express my opposition to the application for rezoning from *Country Residential to Rural Industrial.*

For greater than six decades I have lived on Boomer Loop. This quiet community was a perfect setting to raise a family, in fact, our children have settled and are raising their families here as they value the tranquility this community offers. The proposed rezoning will directly negatively impact what we value and enjoy.

Points to consider based on **MPS 6-19 Policy:**

> **iv** The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal.

Transport trucks coming to and from the property travel slow and block both sides of the road while navigating the turn. Trucks not able to negotiate the driveway will use Boomer Loop as a 'turn around' or 'choose' to use Boomer Loop as it is easier turning left leaving the property opposed to right heading toward Amherst or the Trans Canada.

Many recreational cyclists use this road heading for a nature's walk at the Migratory Bird Sanctuary. Community members of all ages enjoy daily walks in this safe, quiet environment. Excessive traffic will negatively impact these activities due to congestion, noise and fear of injury.

vii The creation of a new or worsening of a known pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.

With industry there is always the risk of environmental contaminant spillage (lubricants, diesel, DEF fluids, antifreeze etc.) specially with a service building carrying out routine maintenance. Runoff from this property is required to enter the existing drainage ditches. Due to a recent 'alteration of watercourse' (planning department may not be aware of) all drainage from this

property runs directly toward my residential property leading to our spring fed freshwater pond bound in a Conservation Agreement with Ducks Unlimited Canada to protect **Wildlife and Waterfowl**. Runoff from our pond is managed by Duck Unlimited and enters the Lusby Marsh. This 'alteration of watercourse' is currently under review with the **Nova Scotia Department of Environment and Climate Change** due to the risk of these protected species and Wetlands.

ixA Impacts on wildlife corridors

1370 Southampton Rd is a corridor for the wildlife population to travel toward the 1000 hectares of protected forest and marshlands of the Amherst Point Migratory Bird Sanctuary. Interruption of any natural habitat will endanger the species currently protected in their passage.

I strongly urge you to consider the aforementioned points of opposition and decline the proposed rezoning application. I am available for further discussion at your convenience and will be attending the Public Hearing scheduled for January 22, 2025 at 4pm.

Kind regards,

Dr. Cheryl A. Smith

cc – Mayor Rod Gilroy and Municipality of Cumberland Councilors

Jan 17, 2024

Cory Pipes
81 Boomer Rd,
Amherst, NS
B4H 3Y4

Re: Rezoning notice 1370 Southampton Rd.,

Dear Municipal Planner and Council Members

I'm sending this letter to express my concerns about this rezoning notice. I moved here 5 years ago after living on a busy road (hwy #2) my entire life; so I know firsthand how dangerous and noisy a busy road is. Then add all the transport trucks to the mix coming and going from the salt plant all hours of the day and night adds a ton of noise and danger. I have no interest in this occurring in my new community.

A new driver to the area would find the proposed driveway confusing to find as there is a 'Y' in the road almost directly across from the driveway. This could cause a disruption to traffic at a bad turn as people are just getting up to max speed from the 60km/h zone to the 80km/h.

I am personally a licensed class 1 driver and note this to be a narrow section of road. Even experienced drivers would be taking up two lanes of traffic every time you were trying to enter or exit the property regardless of direction. If drivers miss the driveway, they will only have Boomer Loop to use as their turn around road. Turning left out of the driveway is an easier choice, therefore, then again use Boomer loop as their turn around - and this road is not designed for highway trucks to use on a daily basis.

In addition, as a father of a new baby boy I do not want to see our safe quiet community turn into a "truck highway" for the benefit of one persons' business. We currently enjoy peace and tranquility and that is want I want my child to be able to grow up in - the quiet neighborhood I didn't. I moved here to enjoy a quiet, peaceful environment.

Please take these points into consideration when making your informed decision.

Thank you,
Cory Pipes

Marlon Chase
92 Boomer Loop
Amherst, Nova Scotia
marlonchase@outlook.com
January 15, 2025

Re: Rezoning application for 1370 Southampton Rd

Dear Municipal Planner & Council Members,

As a mother and teacher, I am writing to express my growing concern regarding the safety of children in our community, particularly in relation to the potential presence of transportation trucks in our area frequented by young pedestrians and school buses.

Our neighborhood has the potential for significant rise in truck traffic in our residential area where children are often biking, walking or playing. While I understand the necessity of these vehicles for commerce and transportation; I do not believe in a rural residential is the answer. I believe more can be done to ensure they do not pose a risk to the most vulnerable members of our community.

Children, due to their size and lack of awareness of traffic dangers, are at a higher risk in such environments. The large blind spots of transportation trucks and the difficulty in maneuvering these large vehicles through narrow streets only exacerbate the risk. The proposed driveway is incredibly small and located on a blind corner. This will likely cause transportation drivers to miss the driveway and use Boomer Loop as a turnaround spot.

I urge your council to really consider the potential dangers and think of our children's safety. Our community has been a very quiet, family-oriented community for decades and one we all enjoy. The potential to have this uprooted is very concerning. Once this is potentially rezoned the possibilities are **endless** for this property owner and what they would choose to do in the future.

Thank you for your attention to this important matter. I look forward to seeing your proactive measures in addressing these concerns and am open to discussing when I attend the public meeting Jan 22/25.

Sincerely,

Marlon Chase

January 17, 2025

Don Smith
96 Boomer Loop
Amherst, Nova Scotia
donsmithagencies@eastlink.ca

Re: Rezoning application for 1370 Southampton Rd

Dear Municipal Planner & Council Members,

I am writing to you to express my sincere concern regarding the impact of the potential rezoning of 1370 Southampton Road on our local peace, safety, and well-being. As a quiet, peaceful community, we believe in fostering an environment that benefits everyone. Also, with the large amount of traffic using the Southampton Rd, there is a risk of MVIs from all types of vehicles due to the increased traffic and turning on a sharp curve.

Our community has great concerns about this rezoning and the potential negative effects on the harmony and tranquility of our neighborhood. If the application for rezoning is approved, the possibilities are endless of what industry the property owner could put there, in addition to the transportation request currently before Council. This would highly affect the property values in our area and the noise pollution would be undesirable. This rezoning only directly benefits the property owner and does not benefit the community - it simply takes away.

We as a community are committed to addressing these concerns and ensuring that all businesses within our community contribute positively, both economically and socially.

Together, we can work toward a peaceful, prosperous future for all residents.

Thank you,

Don Smith

Jan 17, 2025

Karen Smith

1311 Southampton Rd,

Amherst, NS

B4H 3Y4

momkaren@hotmail.ca

Re: Rezoning application for 1370 Southampton Rd

Attn: Glen Boone – Planning and Development Director, Municipality of Cumberland

Attn: Fred Gould – Deputy Mayor and Councilor District 1, Municipality of Cumberland

Dear Mr. Boone and Deputy Mayor Gould

As a resident of Southampton Rd. neighboring the proposed lot to be rezoned, I would like to express my concern and opposition. As I travel this road multiple times daily, I am keenly aware of the poor visibility on that corner. There are poor site lines from both directions when entering that sharp turn. I have often encountered speeding traffic as I attempt to leave my own driveway.

I would also like to acknowledge the risk to the Wildlife population that naturally travel that corridor on their way to the local protected lands. Please accept this letter of opposition and I respectfully request you reconsider rezoning this property.

Kind regards,

Karen D. Smith

cc – Mayor Rod Gilroy and Municipality of Cumberland Councilors

Meredith Pipes
81 Boomer Loop
Amherst, Nova Scotia
mer_smith11@hotmail.com

January 18, 2025

Re: Rezoning application for 1370 Southampton Rd

Attn: Glen Boone – Planning and Development Director, Municipality of Cumberland
Attn: Fred Gould – Deputy Mayor and Councillor District 1, Municipality of Cumberland

Dear Municipal Planner and Deputy Mayor Gould,

I am writing to you today as a concerned resident in the neighborhood of this rezoning request – West Amherst. I have lived in this peaceful place my entire 33 years of life, on three different properties. I finally built my forever family home in this safe neighborhood to raise my family because it is "SAFE" and 'QUIET." My husband and I have an 8-month-old baby that we enjoy taking for walks in his stroller as Boomer Loop is a very quiet, almost no traffic and very safe road. When we take our son for a walk at no time am I concerned for our safety or bothered by unwanted noise. It is peaceful, calming and enjoyable.

This neighborhood is home to 6 children under the age of 12 who all utilize its safeness as they can always be found outside playing, going for walks, or riding their bikes up and down the road. We also have older adults who walk in this community twice a day for their health and enjoyment. In addition, the community is home for 7 horse owners who ride their horses up and down the road. This change would endanger the quietness and safety for these activities.

My greatest fear for this rezoning is that our current peaceful and safe neighborhood's welfare will be gone due to large, noisy transport trucks coming and going day or night. Boomer Loop hooks to Southampton Road at two different points. It is only a matter of time before drivers miss the driveway they intended to pull into (due to its poor location) and end up using our quiet road as their turn around. Or, as my husband has mentioned to me; as a licensed Class 1 driver, they will find it easier pulling out of the driveway to the left knowing they can utilize Boomer Loop as their turn around as the driveway is not ideal for turning right. To turn right the driver will have to cross the yellow line and block off Southampton Road from both directions.

In addition, the noise pollution and traffic will interrupt the natural habitat and trails of the local wildlife who travel daily to and from protected lands to our marshlands. Just last night 11 deer ventured across my property which will no longer occur once traffic increases.

Thank you for taking our community concerns with great seriousness so our families and children can enjoy our peaceful, safe neighborhood for years to come. I am available at any time if you would like to discuss further.

Sincerely,

Meredith Pipes

Kira Norgren

From: Karen Smith <MomKaren@hotmail.ca>
Sent: January 18, 2025 11:40 AM
To: Glen Boone; Fred Gould; Rod Gilroy
Subject: Rezoning 1370 Southampton Road, West Amherst

January 18, 2024

1311 Southampton Rd.
West Amherst, NS
B4H 3Y4

Dear Mr. Boone, Deputy Mayor Gould and Mr. Gilroy:

I am a nearby resident of the proposed rezoning property. I am opposed to the rezoning of 1370 Southampton Rd as I feel it is a safety concern, this corner is a sharp and blind corner and larger vehicles coming in and out of that property would create a traffic hazard.

Please reconsider rezoning this property.

Sincerely

Dale Hoeg

Kira Norgren

From: Renee Lusby <reneelusby76@gmail.com>
Sent: January 18, 2025 2:10 PM
To: Glen Boone; Rod Gilroy; Fred Gould; Anthony Fromm; Jennifer Houghtaling; Kathy Redmond; Angela McCormick; Scott Lockhart; Carrie Lee; Marchel Strong
Subject: Rezoning opposition letter

Renee Lusby
121 boomer road

I am writing to you to express my growing concerns regarding the impact of the potential rezoning of 1370 Southampton road as a severe safety issue.
I live at a nearby property on Boomer Loop and travel this road everyday not only does the road have a bend traffic frequently flows fast by there introducing tractor trailers turning in and out of the property on this turn will be a hazard as it requires trucks to take up both lanes to turn in and out not only will the trucks be slow the cars and big trucks travelling the road from various points will be at risk to possibly have to slow or stop quickly.
Our community is now quiet and peaceful with the closure of the construction business, to open the door to potential noise all day and night from idling trucks and reefer trailers running week day or weekend as it would likely be 24/7 would be awful.
We frequently have deer and other wildlife that make the woods on the property and around it home, we see them almost everyday. To cut down the trees and fill the property in to make a large parking lot and commercial space in a residential area would take that away .
I hope that you take these same considerations when thinking about entering this proposed business into our community. A rezoning/business that benefits no one but the owners
Southampton Road is a main road for a large population of our county coming and going from town and one that sees high speed traffic consistently all day. Please take into account our concerns about this matter as it will disrupt our home life greatly.

Thank you for your consideration,

Renee Lusby

Sent from my iPhone

Kira Norgren

From: Glen Boone
Sent: January 17, 2025 4:03 PM
To: Kira Norgren
Subject: Fw: Rezoning opposition

FYI

Get Outlook for iOS

From: kenny lusby <kennylusby@gmail.com>
Sent: Friday, January 17, 2025 3:59:38 PM
To: Glen Boone <gboone@cumberlandcounty.ns.ca>
Subject: Rezoning opposition

Kenny Lusby
121 Boomer Loop
Amherst, Nova Scotia

January 16, 2025

Re: Rezoning application for 1370 Southampton Rd

Dear Municipal Planner & Council Members,

I am writing to you to express my growing concerns regarding the impact of the potential rezoning of 1370 Southampton Roadas a severe safety issue.
I live at a nearby property and have held a class 1 license for most of my life which is the lens in which my concerns are coming from. As a transportation driver, it's crucial to prioritize safety, especially when dealing with hazardous situations like a dangerous small driveway on a sharp corner. I would hope that the property owner would take those same considerations when thinking about entering this proposed business into our community. A rezoning/business that benefits no one but himself.
I find it hard to believe that the department of transportation would support a commercial driveway at this location knowing the dangers of the corner and the requirements of what it would take to get a transport truck in and out of that location; taking up two lanes.
Southampton Road is a main traffic corridor for a large population of our county and one that sees high speed traffic consistently all day. The potential dangers are immense. Due to the blind corner many drivers will miss the driveway and use my home road of Boomer Loop to turn around. This creates another danger for the many children who live in our community and have always known our road to be very low traffic, and very safe.

Thank you for your consideration,

Kenny Lusby

January 30, 2025

Ralph Morris
Professional Truck Driver
Amherst, Nova Scotia

Subject: DANGERS OF REZONING OF 1370 SOUTHAMPTON RD

To the Cumberland County Council,

I'm writing to express my concerns about the proposed rezoning of 1370 Southampton Rd. I've been a professional truck driver for many years, handling everything from regular tandem dump trucks to tractor-trailers. I spent several years driving heavy trucks for Vaughn Melanson Trucking & Excavating and also lived for many years in the community on Boomer Rd.

Southampton Rd is already a heavy truck route, with B-trains, dump trucks, and other loaded rigs moving through there all the time. I drive this section of Southampton Rd almost daily in my current job as a dump truck driver, so I experience firsthand the challenges of this turn in all conditions. That turn at 1370 Southampton Rd requires close attention, even for someone who knows how to handle a truck. There are already three sharp turn warning signs in place to make sure drivers use caution and don't mistake taking Boomer Rd to the right instead of following the sharp curve of Southampton Rd to the left. Having trucks pulling in and out of a driveway on that turn is just not a good idea.

I know this turn is dangerous because I've seen it firsthand. When I lived at the corner of Boomer Rd and Southampton Rd (140 Boomer Rd), right where the two roads intersect, I counted at least **six different times** where vehicles lost control, left the road, and landed in my field. A few even took out fence posts, and I had to tow them out from my horse pasture. If cars are already struggling to stay on the road at this turn, adding tractor-trailers pulling in and out will only make things worse.

It's not just about the trucks making the turn—it's also about everyone else using the road. When a big rig slows down to turn in, or worse, has to back in or out from the road, traffic is going to back up fast. Cars coming around that bend aren't expecting a slow-moving truck or trailer blocking the road, and that's when bad things can happen.

And that's under *perfect* driving conditions. But winter in this area makes everything worse. Blowing snow, strong winds, and whiteout conditions are common right here, making an already dangerous turn even worse. A truck trying to turn in or out in the middle of that? That's a recipe for a bad accident. Anyone who has driven this road in winter knows how fast things can go wrong when visibility drops.

I've driven enough miles to know that just because something *can* be done doesn't mean it *should* be done. This turn is already tricky as it is, and adding more truck traffic entering and exiting at that spot—especially in winter—is asking for trouble.

For the safety of everyone—truckers and regular drivers alike—I urge you to reject this rezoning.

With respect and concern,

Ralph Morris

Gail Bourgeois
1419 Southampton Rd.
West Amherst, NS B4H3Y4

February 1, 2025

Subject: Opposition to Rezoning of 1370 Southampton Rd

Hello Mayor Gilroy and Council,

I'm writing to express my strong opposition to the rezoning of 1370 Southampton Rd. I've lived near this sharp turn my whole life, and for over 40 years, I worked in the trucking and excavation business alongside my brother, Vaughn. I know firsthand how difficult this stretch of road can be, and adding more truck traffic entering and exiting a driveway at this sharp curve is a bad idea.

That curve has always required caution, even for those who know the road well. The other day, I walked onto the property at 1370 to get a feel for what it would be like pulling out of the driveway, and I can say with certainty, it's not a place I would want to navigate with a tractor-trailer. As I stepped out onto the road, I realized I wouldn't feel comfortable using this driveway for large, slow-moving tractor-trailers, even with a driveway permitted.

When we were still running our trucking and excavating business on the other side of the road, I never would have considered using this property for our own tractor trailers, dump trucks or employees. It would have added unnecessary risk that just wasn't worth taking. Even on a clear day, that turn requires caution. In the winter, it's even worse. Whiteouts can roll in out of nowhere, and strong winds pile up deep snow drifts in no time. Even locals know to take it slow through here when conditions get bad. Introducing more truck traffic at this turn increases the risk of accidents and unnecessary danger.

For two years, since we've stopped operating Vaughn Melanson Trucking and Excavating, the area has become peaceful and quiet again, and I would hate to see that change. If this rezoning is approved, it won't just be for truck parking, as the new Industrial zoning would allow for around 25 other types of industrial uses, many of which would not be compatible with our neighborhood. I don't want to see any of that here, not for myself or for the generations to come.

As a long-time community member, I urge the Council to reject this rezoning proposal. It would disrupt the character of our community and introduce unnecessary problems that we don't need or want. It would also create unnecessary tension that could easily be avoided by maintaining Residential zoning.

I hope Council thinks about what's best for the most people and makes a decision that keeps this area residential and free from more industrial development, so we don't lose the peace and character our neighborhood has come to enjoy over the last two years.

Sincerely,

Gail Bourgeois

Gail Bourgeois

Attachment G: Letters from the Applicant and Owners

Phillip and Carolyn Allen
23 North Adelaide St.
Amherst, NS
B4H 3M6

January 24, 2025

Attention: Glen Boone – Planning and Development Director, Municipality of Cumberland
Mayor Rod Gilroy,
Councilors – Municipality of Cumberland

Re: Rezoning Application for 1370 Southampton Rd

As the owners of 1370 Southampton Rd., W. Amherst, we would like to extend our appreciation for the time and effort dedicated to reviewing our application for rezoning and for considering input from all parties. While our son, Scott Allen, spoke on our behalf at the first reading, we felt it important to present this letter to directly express our perspective and address the concerns raised by community members.

At the Public Hearing, several letters, verbal statements and a petition were submitted opposing the rezoning of our property. It has become clear that some assumptions and misinformation have influenced these concerns. We would like to clarify our intentions and provide additional context below.

1. Intent of the property

There is a misconception that we intend to build a terminal similar to another truck industry facility in downtown Amherst, with trucks loading and unloading in a warehouse. **This is untrue**.

- We do not intend to have any warehouse for loading and unloading product. Our business is a small, family-operated company primarily focused on **Power-Only** services, meaning we transport new equipment directly from shippers to customers. We do not operate a warehouse, nor do we engage in loading or unloading freight on-site.
- Our intent is to build a **personal home with a small side office building** for administrative work and a parking area for our own equipment (currently parked on Mr. Melanson's property across the road) when we are not on the road. Our wish list would also include a shop/garage to safely house our truck out of the elements.
- Our owner/operators who live throughout the Maritimes, take their equipment to their own homes when not on the road working.
- The only equipment parked on our property would belong to us personally and would be used **as needed.**

2. Traffic Impact

- For the past four years we have operated from Mr. Vaughan Melanson's industrially zoned property directly across the road. Initially as Phillip Allen (sole proprietor) for 2.5 years, and more recently, as Liberty Lane Power & Logistics Inc. for the last 1.5 years. During this time, there has been **no increase in traffic, noise, or disruption** to the neighborhood that has required intervention.
- Rezoning our property **will not** introduce additional commercial traffic – it will simply allow us to operate from our own land rather than someone else's.

3. **Safety Considerations**

As commercial operators with over **4 million combined miles** of experience, safety is a top priority.

The **Department of Transportation has already approved** a driveway size and location, confirming that our truck and trailer can fully enter the highway **without crossing the centerline.** Visibility exceeds safe stopping distances (SSD), and the proposed entrance has been deemed safe.

Some concerns were raised that "many drivers" may miss our driveway and need to turn around on Boomer Loop Road. The intent of our proposal is that our own personal commercial vehicle will be the one turning in and out of that property. On the rare occasion that one of our owner/operators may drop by, they would already know where our business is located. In addition, it is **physically impossible** for a truck and trailer to make the suggested turn on to Boomer Loop. If a driver were to miss the entrance, they would need to continue to Nappan for a legal turnaround. This is something that anyone who holds a class 1 license would/should know and which is something that we, as the business owners, with safety at the forefront, would enforce with any of our drivers. Additional points for consideration:

- With the frontage area that we have, we can clearly see a longer distance further on the South Hampton Road than what Mr. Doiron can see from his driveway. There is no impact to the line of site from the town direction.
- The truck and its associated trailer(s) safely merge into areas on a regular basis that have less view than what we would have from our proposed and approved entrance. The proposed entrance exceeds safe stopping distance (SSD) requirements noted on the permit which will be attached with our package.
- It would be rare that the truck and it's associated trailer would even be turning in and out on a daily basis. When we are on the road, we can be gone for a week, weeks and sometimes even a month at a time.

We acknowledge the concerns about dangerous and high-speed traffic in the area. However, this is an **existing issue unrelated** to our rezoning request. If traffic speed is a community-wide concern, we encourage alternative measures, such as speed enforcement, rather than opposing our application.

4. Some of the community letters mistakenly claim we intend to build a *"service building carrying out routine maintenance"* or *"truck/trailer service building that would introduce additional noise from air compressors, powerful air tools, and other industrial service equipment"* or a *"large industrial repair facility"* and one suggests that this facility would *"store large quantities of fluids necessary for servicing the trucks, further increasing the environmental and safety risks in the area"*. In addition, the letter suggests that we *"may install bulk diesel tanks, creating additional risks to the ground water"* **This is false.**

   - The only structure (beyond our home and a small office space) that is on our "wish list" is a **garage/shop** big enough to house/park our personal truck, similar to a standard residential garage for smaller vehicles. We are not mechanics and outsource all maintenance to dealerships and service shops to maintain our warranties.
   - Concerns about bulk diesel storage and environmental risks are unfounded – we have no intention of installing such tanks, as it would neither be **feasible nor necessary** to our business. We have fleet fuel cards to keep our trucks fueled/DEF'd across North America. It is not a risk we are willing or wanting to take. We have no intentions of ever installing anything like this, nor is it feasible for the amount of land that we own. Once again, the information is misinformed

and insinuates risks not in play. We have been very clear on our intent for the property and are unsure how this misinformation has been presumed into play.

5. **Environmental & Community Impact**

We plan to build our **retirement home** on this property, further demonstrating our commitment to maintaining a safe and peaceful environment.

To ensure a buffer between our commercial property and Mr. Doiron's, we are willing to **subdivide a portion of the land as country residential,** limiting the size of the commercial area. This should alleviate concerns about large-scale operations, which we do not intend to pursue.

It has been suggested in a number of letters that the safety of children are at risk.

- We would like to note that we are the grandparents ("Lolly and Pop") of two cherished grandchildren who now reside on the Boomer Loop Road. We would never take any action that could jeopardize their safety – or anyone else's safety (child OR adult). The fact that the our truck and trailers have been operating from that very area for several years without incident is point in fact that we take safety as a top priority. There will be NO new traffic being introduced to the area.

6. **Environment and Atmosphere (e.g., dust/noise)**

We are committed to working with the Department of Environment and any other relevant officials to ensure the area remains safe and livable. It is our intent to eventually build our retirement home on this property, which underscores our commitment to maintaining a healthy environment. With the size limitations/environmental restrictions, this should alleviate the concerns of a large scale commercial or industrial operation taking place on this property (which we would never want ourselves with our family living on and near the property as well).

Concerns were raised regarding horses in the area. The property we have operated from for the last four years stables several horses, and this has never posed an issue. One of the residents noted that they ride their horses regularly. Our business has not affected their riding in the last four years. In addition, it should be noted, that the horses are being ridden on a public highway. Therefore, if the parties in question have concerns about their safety, they should not be riding the horses on a public highway.

7. **Petition**

We also hope that the council will review and acknowledge the fact that the petition which was circulated to the community contains mostly misinformation/misrepresentation and therefore a lot of the signatories would have been signing something with a distorted view of our proposal.

- There is going to be no "automotive service building"
- No increase to industrial traffic (already operating in that area for 4 years)
- The area is already a zoned 60 KM and we exceed the safe stopping distance (SSD) in both directions according to our commercial driveway permit.
- Our tractor trailers can turn into the road without crossing the line with the already approved driveway permit (and again, it is our job not to pull out in front of vehicles)
- No re-introduction of noise or disruption to the neighborhood. We would actually like to thank the petition (**as well as the community letters**) for the complement and for pointing out that

they have enjoyed peace and quiet in the neighborhood. Our operating in the area for 4 years has not affected their peace and enjoyment.

- We do not idle our diesel truck overnight. We have Webasto Heaters within our truck and in fact, having our own property will give us the added benefit of being able to plug in our truck to ensure no idling.
- No refrigerated trailers (reefers) running through the night. We do not own any reefers and they do not fit in our business plan.
- No change to the air quality/noise/dust/smells and other potential pollutants as the business is already operates in the area.
- Property value depreciation - We have been operating four years, directly across the road, and property values have not declined. Our son has also built a home on the Boomer Road and with our intent to build a retirement home, it is also utmost important to us that the property value be maintained.
- It is not just about "us". We have employee(s) and outside contractors that we hire both in Amherst and Cumberland County that would be affected should our business have to move.

As you can see from above, the petition is somewhat misinformed, misleading and can be rebutted with fact. It is our hope that you, as the governing body, will provide the community with all information and not allow incorrect information to inform decisions. In addition more than half of the signatories have no addresses to confirm how they may be affected or to provide clarification to them.

Further to the above noted points, our small family run business has grossed between $2M and $4M over the last four years. If our property is not rezoned and the current arrangement with Mr. Melanson were to fall through due to a change in his circumstances, it would impact our business and that money and the employment of our office administration staff and outside third party contracts may be lost to our community. Having our property rezoned will allow us the assurance that we can continue to operate within our community.

We have lived in Amherst for decades—50 years for myself and 35 years for my wife. This town and municipality are deeply important to us. We successfully raised our family here as part of this community. Although our daughter, Tanya, now resides elsewhere due to her chosen career in the medical field, both she and our son, Scott, (who now resides on the Boomer Loop) share our commitment to maintaining the safety and integrity of our community.

Thank you again for your attention to our application and for considering our perspective. If you have any further questions or concerns, please do not hesitate to reach out.

Sincerely,

Phillip Allen
902-694-7984

Carolyn Allen
902-664-7608

Scott Allen
122 Boomer Road
West Amherst
January 24, 2025

Dear Councilors,

I would like to take a moment to express my heartfelt gratitude for the time you, and the Municipal staff have spent discussing and meeting with me regarding the application for commercial zoning and our community's concerns. As I mentioned during our conversations, public speaking makes me quite nervous, so I truly appreciate having this additional opportunity to convey my thoughts in writing.

I wanted to address the concerns raised at the first reading for the zoning, particularly those expressed by Mr. Brian Doiron and Mrs. Marlan Chase. I would like to point out that even though Mr. Doiron's house has been vacant for several years, I understand his concerns. As it relates specifically to their concerns raised regarding traffic, with over 4 million miles of combined driving experience between my father and me, I fully understand their apprehension. I would like to clarify that from Brian's driveway, visibility around the corner is indeed limited as he has expressed. However, from our existing and proposed driveway, there is clear sight in both directions, allowing visibility past Brian's property and up the road. In fact, our approved driveway entrance exceeds safe stopping distance for that area, coming from both directions. This visibility is a key factor in the Nova Scotia Department of Transportation's approval for our commercial use, with the intent to accommodate truck access.

Additionally, I want to highlight that the owner of our company (my father) plans to build his personal home on the property. This development will not only enhance property value but also help alleviate the dust concerns that were brought up during discussions as he would also not want dust all over/in his home.

My family (wife/children and myself) are ourselves, newcomers to Boomer Loop and have invested several hundred thousand dollars into our home which make us immediate neighbors of several of the opposers. We also have a vested interest in maintaining a safe, clean community and upholding property values, which aligns with the interests of our neighbors and also includes Liberty Lane Power & Logistics, the owners of the property in question for re-zoning.

Another crucial point to consider, as emphasized in a letter from Vaughn Melanson, is that we have operated in this area for over four years without any noise complaints, traffic complaints, or dust issues. As a small business, we prioritize the safety of our community, as it is essential for our reputation. In addition, having worked in this area for 30+ years—renting from Mr. Melanson and running a firewood business alongside my grandfather—we have consistently maintained a clean record without complaints.

In an effort to not pin resident against resident, I would however note that it was a local resident who pointed us in the direction of this piece of property when they heard we were looking for land to operate our business, build a new home and to eliminate reliance on Mr. Melanson for the success of our business.

I love this community and am committed to ensuring it remains safe, not only in terms of traffic but also environmentally and atmospherically. Once again, I must stress that in four years, we have received zero complaints.

Being an Amherstonian, I know how hard it is to find a good paying job that is locally owned and operated in my career choice. I think it would be a huge mistake to refuse a business that has organically grown over the last 15 years what it needs to continue to securely operate in our community based on a petition that was inaccurately informed and whom most of the signatories would have no direct affect.

Thank you for your attention to these matters. I look forward to continuing our discussions and working together for the benefit of our community.

Sincerely,

Scott Allen
902-297-5275

Attachment H: Nova Scotia Department of Public Works Driveway Approval.

NOVA SCOTIA
Public Works

Northern District
Amherst Area
19 Tupper Blvd.,
Amherst, NS B4H 4J4
Bus: 1-844-696-7737
Fax: 902-667-8294

Wednesday, 22 January 2025

ATTN: LIBERTY LANE LOGISTICS (PHILLIP ALLEN)

RE: ACCESS OF LANDS
PID(S): 25394958
137 SOUTHAMPTON ROAD
WEST AMHERST, NS, B4H 3Y4

To Whom It May Concern:

I wish to advise that this lot has frontage on Southampton Road, West Amherst, a provincial road owned and maintained by the Department of Public Works.

The proposed entrance for the frontage of this lot meets the Department of Public Works commercial specifications.

Stopping sight distance for the frontage of this lot, at the proposed location, is available.

An approved Work Within Highway Right-of-Way Permit is required to install any new entrance or modify an existing entrance, and/or to build any structure within 100 metres of the centerline of a provincial highway.

Sincerely,

Kate Fenton, Engineering & Survey Technician
Cumberland County

NOVA SCOTIA

Public Works

Work Within Highway Right-of-Way Permit

Who needs this permit? If you are planning any activity / work on the roadway or within the highway right-of-way, including installing a driveway or erecting a structure within 100 metres of any highway, a permit is required prior to starting the work. Please read the "Information for Work Within Highway Right-of-Way Permit" brochure (brochure) before completing this application.

For Staff Use Only

Permit Approved ✓ (Check one)

Permit Denied ____ (Check one)

Permit #: 2425-108

Deposit Receipt #: 27250

Deposit Amount: $3000.00

Permit Valid until: JAN 28, 2026

1 Applicant Information (please print)

Name: Phillip Allen (Liberty Lane Power & Logistics)

Mailing address: 23 N. Adelaide St. Amherst, NS B4H 3M6

Postal code: ~~B4~~ B4H 3M6

Daytime phone number: 902 694-7984 Phil Email address: trucker508885@outlook.com (if applicable)

902-297-5275 Scott

2 What type of work will you be doing by the roadside? (check all that apply)

☒ Access to a public highway/roadway for the purpose of ☐ Sewer ☐ Water ☐ Cable ☒ Driveway ☐ Other _____

☐ Work will disturb existing road surface. If so, what type? ☐ Asphalt ☐ Concrete ☐ Gravel ☐ Other _____

☐ Building a structure within 60 metres of the limit of a controlled access highway

☐ Building a structure within 100 metres of centerline of a public highway/roadway

3 Check type of structure or access you require. If not applicable, go to number 4

☒ Residential ☐ Agricultural ☒ Commercial ☐ Industrial ☐ Recreational ☐ Institutional ☐ Other (using for truck parking)

4 Give enough information so our staff can find your property (complete as much as possible)

Name of subdivision: West Amherst. Name of lot owner: Liberty Lane Power and Logis

Civic or lot number: 1370 South Hampton RD Property ID #: (if known) 25394958

Name of community: West Amherst in Cumberland County

Name of highway/roadway: South Hampton RD on the ☐ North ☐ South ☐ East ☑ West side of highway

Approximately 2-3 (Distance) km's ____ (NSWE) of Hwy 2 (RCMP Station) (Bridge or any defined point on Highway)

GPS Coordinates: (if known) _____ N _____ E

Distance of nearest part of structure to centerline of highway is _____ metres

Number of lots to be serviced by this access is 1

Distance from centerline of highway to sewer, well, spring, etc. is _____ metres

RECEIVED
NOV 0 5 2024

5 Complete a sketch on Page 3

☑ Sketch completed

☑ Yes ☐ No Preferred driveway location been marked (staked) on your property.
(attached an extra image with culvert location request)

6 Check how you would like to receive your permit approval

☐ by mail

☐ by fax at fax number _____

☑ by email at Scott.90.allen@Gmail.com

☐ I will pick it up at the local office

7 Provide a certified cheque, money order or bank draft for the deposit amount

Call the local office to find out the deposit amount you have to pay. Please refer to the "Information for Work Within Highway Right-of-Way Permit" brochure to find out more about Deposit information and to find the office nearest you. Deposits are to be paid by a certified cheque, money order or bank draft only and made payable to the Minister of Finance.

8 Sign the certification

I certify that:

1. I have read and understand the "Information for Work Within Highway Right-of-Way Permit" brochure.

2. DPW shall not be held liable for any personal injury and/or property damage of any kind whatsoever, which may arise both during and after the completion of the work covered by this permit, where, in the opinion of DPW, such injury or damage arises as a result of the work, including disturbance of regulatory signs.

3. I am responsible for and will bear all costs associated with any pipe(s), cable(s) or any damage to any other DPW installations whenever required by DPW. Relocation of pipes, cables, etc., is dependent on what type of work is being done.

4. (a) I am responsible for and will bear all costs during the work in connection with the following:

   i) all claims for damages due to accidents; ii) direction of traffic, including barricades, lights, signs and supply of properly equipped and qualified Traffic Control Persons; iii) protection of all traffic according to the Nova *Scotia Temporary Work Place Traffic Control Manual* (refer to Condition #3 in the brochure for more information about this manual); iv) maintaining road surface and ditches adjacent to this project; and v) all inspection charges.

   (b) Both during the work and after approval of the work, I am responsible for and will bear all costs in connection with the following: erection, maintenance, removal or falling of regulatory signs both during and after the erection or installation of the sign, sign structure or part thereof.

5. The information given by me in this application is complete and accurate and I agree to all the Conditions as outlined in the brochure, all special conditions that may be outlined in Section 13 of this permit and all conditions that may be outlined if a cover letter is attached. I will ensure that all Conditions as specified by DPW are met.

6. I am the owner of the property at the location to which this permit applies. ☒ Yes ☐ No *(If you answered no and you are not the property owner, please provide permission in writing from the property owner for the access you require.)*

Name (please print): Phillip Allen

Signature: P. Allen Date: November 4/24

9 Return the application and any attachments to your local office

1. Refer to the brochure for a list of addresses and phone numbers for all of Nova Scotia's local offices.
2. If you have any questions, please call the local office nearest you.

10 Call the local office before starting work

Call the number below before starting the work. The local office will provide this information.

Call Andrew Bickle 1844 696-7737 24 hours before starting work.

11 Call the local office for inspection

Call the number below when you are ready for inspection. The local office will provide this information.

After work is completed, call Andrew Bickle 1-8446967737. Please have your permit number handy when you call. Permit number is found on the front page (top right hand corner of this permit).

12 Draw a sketch

Sketch Attached on another Page.

I am Requesting to Place a culvert ~~on~~ in the full Length of my property on the south Hampton Road.

If the full length cannot be approved I'd like As Much as possible. I am looking after this on Behalf of my father / Liberty Cove Power

I can be reached at 902-297-5275
Scott.90.allen@Gmail.com

Please sketch a lot showing location of driveway & building, including dimensions.

13 Special Conditions

To Be Completed By Staff

Road Classification: ☑ Non-controlled Access ☐ Controlled Access* ☐ Listed and Abandoned* ☐ Service Road*

S.S.D. 119 metres available Direction: TOWN Grade: 0% S.S.D. 109 metres required

S.S.D. 159 metres available Direction: _____ Grade: 0% S.S.D. 109 metres required

Checked Using: ☑ 600mm cone ☑ 380mm cone ☐ 150mm cone

Existing Driveway: ☐ Yes ☑ No

Pipe Required: ☑ Yes ☐ No Pipe Inside Dia.: 500 mm

Site Checked by: _____

Speed Zone: 60 km/hr RAS 70 km/hr

Special Conditions letter required: ☐ Yes ☐ No

☐ Copy of permit sent to Municipality (if required)

☐ Copy of permit sent to local base (if required)

Comments: ENTRANCE = 21M, FROM NORTH SIDE EXISTING ENTRANCE SOUTHERLY SEE PICS

*review DPW policy prior to issuing permit

Approved

In consideration of an application as set forth above for the Work on the Roadside Permit; consent is hereby given, subject to the Conditions outlined in the brochure.

Signature of Area Manager Date: JANUARY 28, 2025

Circumstances will arise that require director or executive level approval. If required, please forward to applicable authority for signature:

Signature of Director Date: _____

Signature of Executive Director Maintenance and Operations Date: _____


END


END

municipality of cumberland

COUNCIL MEETING
HEARING SUMMARY
Date: January 22, 2025

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: January 15th, 2025

SUBJECT: **Public Hearing - By-law to Amend the Land Use By-law 24-16 to rezone 1370 Southampton Rd. (PID 25394958), West Amherst, NS from Country Residential (RCou) Zone to Rural Industrial (IRur) Zone.**

ORIGIN: On November 22, planning staff received an application to rezone 1370 Southampton Rd. West Amherst (the "subject property") to permit the development of transport truck storage and potential accessory office use.

PID	Location	Current Zone	Current Use	Proposed Zone	Proposed Use
25394958	West Amherst	Country Residential (RCou)	Vacant	Rural Industrial (IRur)	Transport truck storage/office

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve a rezoning unless council is satisfied;

(a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;
(b) If the proposed change is not prohibited by any other policy in this Plan;
(c) The purposed of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands
(cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and
(d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.

RECOMMENDATION: No motions to consider at the public hearing phase.

BACKGROUND: Currently, the subject property is designated Resource and zoned Country Residential (RCou). The general area of the subject property has a mixture of land uses in the area with properties largely being designated Resource or Commercial.

The property owner would like to rezone the property to permit the development of transport truck and trailer storage and a small office for the transport truck company. The small office would not take clients or perform commercial transactions, it would be used for administration of the truck transport business. In the future, the property owners would like the ability to permit an automotive service building which would be used for the repairs of the company trucks and trailers.

DISCUSSION: The land use identified in the Land Use By-law what would be assigned for this development would be transportation services. According to Section 14 Definitions of the Land Use By-law, transportation services are

> *…a building, structure, land, or part thereof used for the purpose of transporting any kind of item or thing by truck or other vehicle, including, but not limited to, loading facilities, storage, and maintenance facilities, but does not include the transport of people. 14-13*

Transportation services would permit the storage of the trucks as well as allows for the future development of repair facilities for the company trucks. Currently, the Country Residential zone does not permit transportation services as a land use. The Rural Industrial Zone permits the development of transportation services as-of-right.

By definition, transportation services does not include an operations office, and offices are not listed as a permitted uses in the Rural Industrial Zone, however the development of the office would be permitted under section 4.6 of the Land Use By-law, which permits accessory uses in all zones. To provide further clarity and eliminate potential misinterpretation of the policy, staff is recommending adding offices as a permitted use under the Rural Industrial Zone. One of the intentions of the Rural industrial Zone is to protect dwellings and other less-intensive uses from being disturbed by industrial and intensive uses. An office of this nature is considered a less-intensive use, and there is no negative impacts identified by staff that an office would pose on an industrial land use. Additionally, seeing the relation between resource-based industries and operations offices, it would make sense to permit an office in the Rural Industrial Zone, as this may be required structure for the operation of certain industrial uses.

Additionally, staff are recommending a text amendment to section 11.3 special requirements, to add a requirement that industrial uses must maintain a 10m buffer from existing residential land uses. This amendment would ensure that as the permitted uses within the zone expands, the intent of the rural industrial zone is maintained and impacts of the industrial uses on residential uses can be minimized.

First Reading of the proposed amendment was given on December 18, 2024.

FINANCIAL IMPLICATIONS: None have been identified at this time.

ENVIRONMENTAL IMPLICATIONS: Site meets the suitability requirements to qualify for a on-site sewage disposal system, however installation permits are regulated through the NS Dept of Environment. At the permitting phase, a development officer/building official will determine if a washroom is required under the National Building Code for operation. Should servicing be required, building permits would be subject to a permit to install an on-site sewage system. No sensitive ecological environments have been identified on the property, and therefore there are no environmental concerns regarding the proposed development.

COMMUNITY ENGAGEMENT: In accordance with MGA Section 206, notices were placed on the Municipal Website on January 7, 2025, two weeks prior to the scheduled hearing date. Further notice were placed on the Muncipal Facebook page, two weeks prior to the public hearing date, and re-circulated more than one week prior to the hearing date. A notice was also placed in The Chroncile Hearld on January 11, 2025. A Planning Notice Sign was be placed on the property. As of the date this report is written, staff has not recieved any comments from the public regarding the above matter.

ALTERNATIVES: Council can defer the issue to a later date, request further information or reject the proposed amendment based on conflict with a policy in the Municipal Planning Strategy.

ATTACHMENTS:

Attachment A: Aerial Image
Attachment B: Street Images
Attachment C: Zoning Map Comparison
Attachment D: Proposed Text Amendment
Attachment E: Policy Review

Report prepared by: Kira Norgren, Municipal Planner

COUNCIL MEETING

HEARING SUMMARY

Date: January 22, 2025

Attachment A: Aerial Image

COUNCIL MEETING

HEARING SUMMARY

Date: January 22, 2025

Attachment B: Street Images

COUNCIL MEETING

HEARING SUMMARY

Date: January 22, 2025

Attachment C: Zoning Map Change

Before Proposed Amendment → **After Proposed Amendment**

Attachment D: Proposed Text Amendment

Uses Permitted As-of-Right

11.3.2 The following uses shall be permitted in the Rural Industrial Zone, subject to all applicable requirements of this By-law:

(a) Abattoir
(b) Aggregate Related Industries
(c) Agricultural Uses
(d) Agriculture Related Industries
(e) Airport
(f) Animal Boarding Facility
(g) Automotive Fueling
(h) Automotive Service
(i) Commercial Livestock Operation
(j) Crematorium
(k) Farm and Forestry Supply Sales
(l) Fishery Related Industries
(m) Forestry Related Industries
(n) Forestry Uses
(o) Heavy Equipment Repair
(p) Heavy Equipment Sales
(q) Manufacturing
(q.1A) Office
(q.1) Propane Fueling Facility
(r) Recycling Depot
(s) Sanitary Service
(t) Self-storage Facility
(u) Solid Waste Disposal
(v) Solid Waste Transfer Facility
(w) Transportation Services
(x) Warehouse

11.3.8 All Industrial structures shall maintain a 10 meter buffer from the common property line of any adjacent existing residential uses and structures.

Attachment E: Policy Review

LUB 11.3.1 The Rural Industrial Zone is intended to accommodate processing and other industries related to resource based industries and to accommodate intensive uses that require large separation distances from dwellings and other less-intensive uses.
Comment:
The proposed development of transport truck parking and storage by definition, is considered to be transportation services, a use that currently is permitted under the IRur zoning as-of-right.

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approved a rezoning unless council is satisfied;	
Requirement	Comment
(a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;	Not applicable
(b) If the proposed change is not prohibited by any other policy in this Plan;	Not prohibited
(c) The purposed of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands	See LUB 11.3.1 above
(cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and	No
(d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.	See MPS 6-19 below

	MPS 6-19 Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal;	
	Requirement:	Comment:
(a)	*Is consistent with the intent of this Municipal Planning Strategy*	Yes
(b)	*Does not conflict with any Municipal or Provincial Programs, by-laws, or regulations in effect in the Municipality.*	Does not conflict
(c)	*Is not premature or inappropriate due to:*	
(i)	*The ability of the Municipality to absorb the public costs related to the project.*	No anticipated public costs related to the project.
(ii)	*Impacts on existing drinking water supplies, both private and public.*	No impacts identified.
(iii)	*the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services*	Suitability for On-site Sewage disposal is determined and regulated through Department of

		Environment (DOE). The proposal will be subject to approval from DOE, if required.
(iv)	*The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal*	No traffic hazards created by the proposed development. Applicant was advised to get approval for a commercial driveway from Nova Scota Public Works.
(v)	*The adequacy of fire protective services and equipment;*	Sufficient fire protective services available
(vi)	*The adequacy and proximity of schools and other community facilities.*	Not applicable
(vii)	*The creation of a new or worsening of a known pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.*	No known pollution problems related to the project
(viii)	*The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas*	No anticipated flooding or drainage concerns posed by the proposed development.
(ix)	*Impacts on sensitive environments, as identified on Schedule B*	No anticipated impacts
(ixA)	*Impacts on wildlife corridors*	No anticipated impacts
(x)	*Impacts on known habitat for species at risk*	No anticipated impacts
(xA)	*risks presented by geohazards*	No risk for geohazards on the site
(xi)	*the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility right-of-way*	The site appears suitable. All stormwater cannot be directed onto adjacent private lands. Stormwater must be directed to existing public highway drainage ditches.
(xii)	*negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.*	No negative impacts to the surrounding community noted.

NOTICE OF PUBLIC HEARINGS

A Public Hearing regarding the By-law to Amend the Land Use By-law 24-14, and 24-16 and to Schedule A of the LUB for the Municipality of Cumberland will be held

4:00 pm, Wednesday, January 22, 2025

in the Council Chambers of the Upper Nappan Service Centre.

Note that this meeting may be rescheduled or conducted online, visit cumberlandcounty.ns.ca to verify meeting schedule.

By-law to Amend the Land Use By-law 24-14

- **PID 25189911, 19 McCully Lane, Wards Brook** from Agriculture (AG) Zone to Commercial Recreation (CRec) Zone.

By-law to Amend the Land Use By-law 24-16

- **PID 25394958, 1370 Southampton Rd, West Amherst** from Country Residential (RCou) Zone to Rural Industrial (IRur) Zone and to add office as a permitted as-of-right use in the Rural Industrial (IRur) Zone AND to create Section 11.3.8 to create a 10m buffer area from the common property line of any adjacent residential use.

Hearing documents can be viewed at plancumberland.ca/hearings or by contacting our office at 902-667-2313. Public Hearings are open to the public. You may participate by submitting comments by email to: Planning@cumberlandcounty.ns.ca or by mail to: Planning Dept, Upper Nappan Service Centre, 1395 Blair Lake Rd, Upper Nappan, NS B4H 3Y4.

municipality of cumberland

COUNCIL MEETING

RFD

Date: December 18, 2024

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: November 20, 2024

SUBJECT: **First Reading- By-law to Amend the Land Use By-law 24-16 to rezone 1370 Southampton Rd. (PID 25394958), West Amherst, NS from Country Residential (RCou) Zone to Rural Industrial (IRur) Zone.**

ORIGIN: On November 22, planning staff received an application to rezone 1370 Southampton Rd. West Amherst (the "subject property") to permit the development of transport truck storage.

PID	Location	Current Zone	Current Use	Proposed Zone	Proposed Use
25394958	West Amherst	Country Residential (RCou)	Vacant	Rural Industrial (IRur)	Transport truck storage

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve a rezoning unless council is satisfied;

(a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;
(b) If the proposed change is not prohibited by any other policy in this Plan;
(c) The purposed of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands
(cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and
(d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.

RECOMMENDATION: THAT Council approve First Reading of By-law to Amend the Land Use By-law 24-16 to rezone 1370 Southampton Rd (PID 25394958), West Amherst from Country Residential (RCou) Zone to Rural Industrial (IRur) Zone AND to add office as a permitted as-of-right use in the Rural Industrial (IRur) Zone AND to create Section 11.3.8 to create a 10m buffer area from the common property line of any adjacent residential use, AND furthermore to schedule a Public Hearing for the proposed amendment.

BACKGROUND: Currently, the subject property is designated Resource and zoned Country Residential (RCou). The general area of the subject property has a mixture of land uses in the area with properties largely being designated Resource or Commercial.

The property owner would like to rezone the property to permit the development of Transport Truck and Trailer Storage and a small office for the transport truck company. The small office would not take clients or perform commercial transactions, it would be used for administration of the truck transport business. In the future, the property owners would like the ability to permit an automotive service building which would be used for the repairs of the company trucks and trailers.

DISCUSSION: The land use identified in the Land Use By-law what would be assigned for this development would be transportation services. According to Section 14 Definitions of the Land Use By-law, Transportation services are

> *…a building, structure, land, or part thereof used for the purpose of transporting any kind of item or thing by truck or other vehicle, including, but not limited to, loading facilities, storage, and maintenance facilities, but does not include the transport of people. 14-13*

Transportation Services would permit the storage of the trucks as well as allows for the future development of repair facilities for the company trucks. Currently, the Country Residential zone does not permit transportation services as a land use. The Rural Industrial Zone permits the development of transportation services as-of-right.

By definition, transportation services does not include an operations office, and offices are not listed as a permitted uses in the Rural Industrial Zone, however the development of the office would be permitted under section 4.6 of the Land Use By-law, which permits accessory uses in all zones. To provide further clarity and eliminate potential misinterpretation of the policy, staff is recommending adding offices as a permitted use under the Rural Industrial Zone. One of the intentions of the Rural industrial Zone is to protect dwellings and other less-intensive uses from being disturbed by industrial and intensive uses. An office of this nature is considered a less-intensive use, and there is no negative impacts identified by staff that an office would pose on an industrial land use. Additionally, seeing the relation between resource-based industries and operations offices, it would make sense to permit an office in the Rural Industrial Zone, as this may be required structure for the operation of certain industrial uses.

Additionally, staff recommending a text amendment to section 11.3 special requirements, to add a requirement that industrial uses must maintain a 15m buffer from existing residential land uses. This amendment would ensure that as the permitted uses within the zone expands, the intent of the rural industrial zone is maintained and impacts of the industrial uses on residential uses can be minimized.

FINANCIAL IMPLICATIONS: None have been identified at this time.

ENVIRONMENTAL IMPLICATIONS: Site meets the suitability requirements to qualify for a on-site sewage disposal system, however installation permits are regulated through the NS Dept of Environment. At the permitting phase, a development officer/building official will determine if a

washroom is required under the National Building Code for operation. Should servicing be required, building permits would be subject to a permit to install an on-site sewage system. No sensitive ecological environments have been identified on the property, and therefore there are no environmental concerns regarding the proposed development.

COMMUNITY ENGAGEMENT: If Council approves, a public hearing could be held on the above matter, at a date of Council's choosing. In accordance with MGA Section 206, notices will be placed on the Municipal Website two weeks prior to the scheduled date. Furthermore, a notice will be placed in a locally circulating newspaper at least one week prior to the public hearing and a Planning Notice Sign will be placed on the property.

ALTERNATIVES: Council can defer the issue to a later date, request further information or reject the proposed amendment based on conflict with a policy in the Municipal Planning Strategy.

ATTACHMENTS:

Attachment A: Aerial Image
Attachment B: Zoning Map Comparison
Attachment C: Proposed Text Amendment
Attachment D: Policy Review

Report prepared by: Kira Norgren, Municipal Planner

Attachment A: Aerial Image

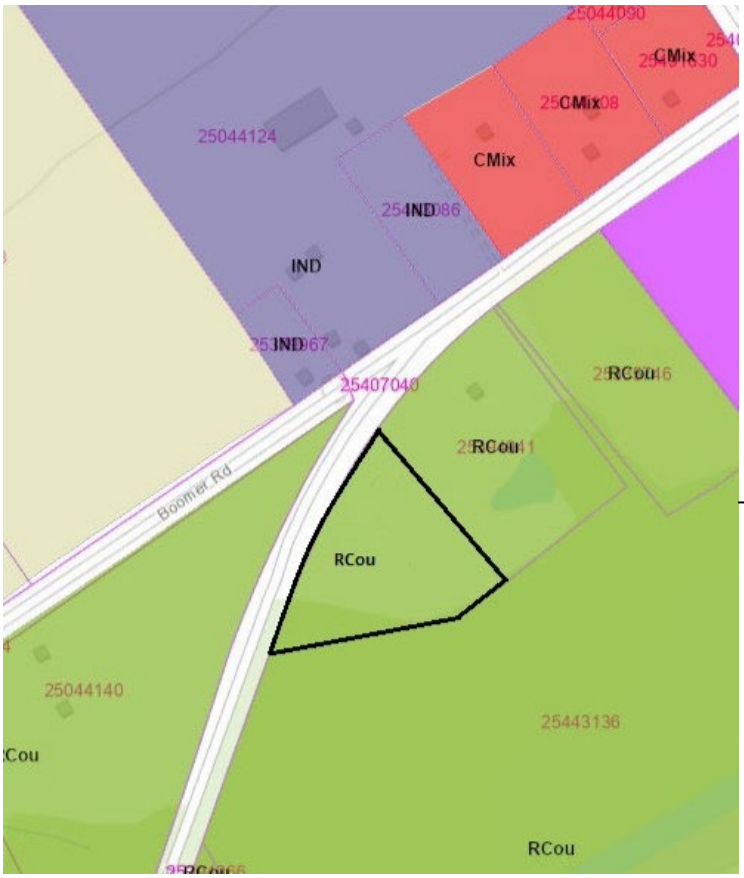
COUNCIL MEETING

RFD

Date: December 18, 2024

Attachment B: Zoning Map Change

Before Proposed Amendment → **After Proposed Amendment**



Attachment C: Proposed Text Amendment

Uses Permitted As-of-Right

11.3.2 The following uses shall be permitted in the Rural Industrial Zone, subject to all applicable requirements of this By-law:

(a) Abattoir
(b) Aggregate Related Industries
(c) Agricultural Uses
(d) Agriculture Related Industries
(e) Airport
(f) Animal Boarding Facility
(g) Automotive Fueling
(h) Automotive Service
(i) Commercial Livestock Operation
(j) Crematorium
(k) Farm and Forestry Supply Sales
(l) Fishery Related Industries
(m) Forestry Related Industries
(n) Forestry Uses
(o) Heavy Equipment Repair
(p) Heavy Equipment Sales
(q) Manufacturing
(q.1A) Office
(q.1) Propane Fueling Facility
(r) Recycling Depot
(s) Sanitary Service
(t) Self-storage Facility
(u) Solid Waste Disposal
(v) Solid Waste Transfer Facility
(w) Transportation Services
(x) Warehouse

Special Requirements

11.3.6 All buildings and manure storage facilities for commercial livestock operations in the Rural Industrial Zone:

(a) shall be set back a minimum of 50 metres from any watercourse or off-site well; and,
(b) notwithstanding zone requirements, shall have a setback of at least 30 metres from all lot lines. Where the commercial livestock operation is part of a farm located across multiple lots, the 30-metre setback shall only apply to lot lines external to the farm. Zone requirements for minimum setbacks shall apply to lot lines internal to the farm.

11.3.7 All buildings, receiving pens, and effluent storage ponds for abattoirs in the Rural Industrial Zone shall:

(a) be set back a minimum of 50 metres from any watercourse or off-site well; and
(b) have a setback of at least 30 metres from all lot lines.

11.3.8 All Industrial structures shall maintain a 10 meter buffer the common property line of any adjacent existing residential uses and structures.

Attachment D: Policy Review

LUB 11.3.1 The Rural Industrial Zone is intended to accommodate processing and other industries related to resource based industries and to accommodate intensive uses that require large separation distances from dwellings and other less-intensive uses.
Comment:
The proposed development of transport truck parking and storage by definition, is considered to be transportation services, a use that currently is permitted under the IRur zoning as-of-right.

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approved a rezoning unless council is satisfied;	
Requirement	Comment
(a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;	Not applicable
(b) If the proposed change is not prohibited by any other policy in this Plan;	Not prohibited
(c) The purposed of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands	See LUB 11.3.1 above
(cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and	No
(d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.	See MPS 6-19 below

	MPS 6-19 Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal;	
	Requirement:	Comment:
(a)	*Is consistent with the intent of this Municipal Planning Strategy*	Yes
(b)	*Does not conflict with any Municipal or Provincial Programs, by-laws, or regulations in effect in the Municipality.*	Does not conflict
(c)	*Is not premature or inappropriate due to:*	
(i)	*The ability of the Municipality to absorb the public costs related to the project.*	No anticipated public costs related to the project.
(ii)	*Impacts on existing drinking water supplies, both private and public.*	No impacts identified.
(iii)	*the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services*	Suitability for On-site Sewage disposal is determined and regulated

		through Department of Environment (DOE). The proposal will be subject to approval from DOE.
(iv)	*The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal*	No traffic hazards created by the proposed development. Applicant was advised to get approval for a commercial driveway from Nova Scota Public Works.
(v)	*The adequacy of fire protective services and equipment;*	Sufficient fire protective services available
(vi)	*The adequacy and proximity of schools and other community facilities.*	Not applicable
(vii)	*The creation of a new or worsening of a known pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.*	No known pollution problems related to the project
(viii)	*The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas*	No anticipated flooding or drainage concerns posed by the proposed development.
(ix)	*Impacts on sensitive environments, as identified on Schedule B*	No anticipated impacts
(ixA)	*Impacts on wildlife corridors*	No anticipated impacts
(x)	*Impacts on known habitat for species at risk*	No anticipated impacts
(xA)	*risks presented by geohazards*	No risk for geohazards on the site
(xi)	*the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility right-of-way*	The site appears suitable. All stormwater cannot be directed onto adjacent private lands. Stormwater must be directed to existing public highway drainage ditches.
(xii)	*negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.*	No negative impacts to the surrounding community noted.

Municipality of Cumberland By-law 24-16

By-law to Amend the Land Use By-law

1. This By-law is titled "By-law to Amend the Land Use By-law".

   Schedule A of the Land Use By-law is hereby amended to reflect change in zoning from the Country Residential (RCou) Zone to Rural Industrial (IRur) Zone for 1370 Southampton Rd (PID 25394958) West Amherst.

   Section 11.3.2 of the Land Use By-law is hereby amended to add (q.1A) Office as a permitted use.

   Section 11.3 is hereby amended to create Special Requirement 11.3.8, stating the following:

   > All Industrial structures shall maintain a 10 meter buffer from the common property of any adjacent existing residential use and structure.

2. This By-law comes into force upon publication.

Clerk's Annotation for Official By-Law Book

Date of First Reading: _____

Date of Second Reading: _____

*Date of advertisement of Approval of By-Law: _____

Date of mailing to Minister a certified copy of the By-Law: _____

I certify that the By-law to Amend the Land Use By-law 24-14 was adopted by Council and published as indicated above.

Municipal Clerk: Date:

*Effective date of By-Law unless specified in the By-Law