

FORM A

NSUARB- PL-09-17

**NOVA SCOTIA UTILITY AND REVIEW BOARD**

**IN THE MATTER OF:** An Appeal under Section 247 of the **MUNICIPAL GOVERNMENT ACT**

**NOTICE OF PLANNING APPEAL**

**TAKE NOTICE** that Kevin Hamilton & others  
(State Name(s) of Person(s) Appealing)

appeal from a decision made by Yarmouth Municipal Council  
(Municipal Council)

on Oct 2009 respecting property located at \_\_\_\_\_  
(date)

in the County of Yarmouth, which decision states (or attach a copy of the decision):  
- see attached -

Notice of the decision was published in the newspaper on Nov 3/2009  
(date)

**Section 250(1) of the *Municipal Government Act* provides that an aggrieved person or an applicant may only appeal on the grounds that the decision "does not reasonably carry out the intent of the municipal planning strategy".**

Specify each policy of the MPS which you allege council has not reasonably carried out the intent of and briefly describe how they have failed to do so: the intent of all by-law<sup>s</sup> regarding agriculture is to encourage agriculture. The new by-law requiring larger set backs from wells & water courses makes the development of my farm regarding poultry, hogs or milk impossible & thus discourages agriculture. It also reduces the value of my farm as I cannot sell it as a good farm for mixed farming operation.  
(Attach additional pages if necessary)

DATED at Nov 14/09, Nova Scotia this 14 day of November 2009  
Yarmouth

[Signature]  
Appellant, Solicitor or Agent

**RECEIVED**  
NOV 16 2009

Nova Scotia  
Utility and Review Board


Mailing Address:


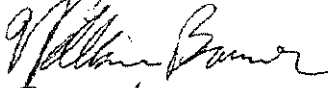

#375 RR# 2  
 (Street)  
 South Ohio, NS  
 (City, Province)  
 Bow SEO  
 (Postal Code)

Home Phone: 749-1994  
 Work Phone: 749-7989  
 Fax Number: 749-0455  
 E-Mail Address: rk.hamilton@ns.sympatico.ca

UNDERTAKING

The Appellant(s) hereby agrees to pay the costs of any advertising of the Notice of Public Hearing for the Appeal, and further undertakes to keep the list of names and addresses of assessed owners, which will be provided, confidential, and not disclose it to any person, nor use it for any purpose, not related to this planning appeal.

  
 (Signature)

HEATHER KING	
William Brewer	
Douglas Hurlbert	Douglas Hurlbert
CARMEN COMEAU	
Betty Reeves	Betty Reeves
Walter Doucette	Walter Doucette

**RECEIVED**  
NOV 16 2009

Nova Scotia  
Utility and Review Board



**Notice**  
**Municipality of Yarmouth**  
**Land Use By-Law Amendment**

In accordance with Section 210(3) of the Municipal Government Act the Council of the Municipality of Yarmouth at a duly held Council meeting held on October 28, 2009 amended Part 23 Section 5 (c) of the Land Use By-Law to increase the required minimum setback distance of buildings, structures, pen areas, manure piles, manure storage facilities and burial sites for the disposal of dead animals used in connection with mink and fox ranches, hog and fowl operations from three hundred and twenty-eight (328) feet to five hundred (500) feet from any off-site waterwell or any watercourse or waterbody. The amendment will affect all areas of the Municipality of Yarmouth zoned Rural Development (RD) and the portion of the Airport Noise Restriction (A2) Zone which is in the Rural Development designation.

The decision of Council amending the By-Law may be appealed by an aggrieved person, the applicant, the Director, a village in which the property is situated, or the Council of an adjoining Municipality. An appeal shall be served on the Nova Scotia Utility and Review Board within fourteen days of the publication of the notice of adoption of the amendment.

Kenneth R Moses, CAO  
Municipality of Yarmouth

Y39B2019



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