



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS  
Planning/Heritage Advisory Committee Agenda  
June 20, 2019, 6:00 p.m.  
Sanford Council Chambers**

1. Public Information Meeting – Dresser Minerals Land Use By-law Amendment
2. Call to order
3. Approval of Agenda & Additions
4. Approval of Planning/Heritage Advisory Committee Meeting Minutes May 16, 2019
5. Hantsport Area Advisory Committee Update from Chair
6. Business Arising from the Minutes
  - (a) Update - Municipal Planning Strategy: Public Engagement Meetings (Sara Poirier)
  - (b) Cannabis in West Hants (Saira Shah)
  - (c) Update - Nova Scotia Planning Directors Association 2019 Spring Conference (Sara Poirier)
7. Building and Development Activity Report
  - (a) Monthly Report – May 2019
8. New Business
  - (a) Dresser Minerals Land Use By-law Amendment (Saira Shah)
  - (b) Information Report - Land Use By-law Amendment – Pioneer Drive (Saira Shah)
  - (c) Heritage Grant Application – 376 Falmouth Dyke Rd. (Madelyn LeMay)
9. Notices from adjacent municipal units
  - (a) Town of Windsor
10. Miscellaneous
  - (a) Consolidation Update
11. Questions and comments from public



## MUNICIPALITY OF THE DISTRICT OF WEST HANTS RECOMMENDATION REPORT

**To:** Members of West Hants Planning Advisory Committee

**Submitted by:** \_\_\_\_\_  
Saira Shah

**Date:** 06-20-2019

**Subject:** Dresser Minerals Rd Land Use By-law Map Amendment

**File #:** 19-02

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### 1.0 BACKGROUND

The applicant, Paul Smith (on behalf of Halliburton Partners Canada Ulc.), has applied for an amendment to permit a proposed storage and assembly operation for perforation tools (explosive devices) for oil and gas wells on PID 45173382 and 45367281 located on Dresser Minerals Road in Pembroke.

### 2.0 LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

### 3.0 RECOMMENDATION

Should the Planning Advisory Committee (PAC) wish to forward a positive recommendation, the following motion would be in order:

**PAC recommends that Council give First Reading and hold a Public Hearing to consider amending the map of the West Hants Land Use By-law for PID 45173382 and 45367281 to the Resource Industrial (M-1) Zone as shown on Figure 3 attached to the planning staff report dated June 20, 2019.**

### 4.0 DISCUSSION and DOCUMENT REVIEW

Halliburton Partners Canada Ulc. own the properties on Dresser Minerals Road. The properties are in the Resource designation on the Generalized Future Land Use Map of the Municipal Planning Strategy (MPS) (Figure 1) and the General Resource (GR)

zone on the Zoning Map of the Land Use By-law (LUB)(Figure 2). The properties are part of an area formerly used as a barite mine.

The applicants would like to operate a storage and assembly operation for perforation tools (explosive devices) for oil and gas wells. The site will include three (3) Explosive Magazine buildings, one (1) Gun Loading Facility (assembly building) and one (1) Office building. The properties are zoned General Resource (GR) which does not permit the assembly of explosive materials.

Policy 9.1.6 of the Municipal Planning Strategy (MPS) enables Council to consider rezoning land in the General Resource (GR) zone to allow for industrial uses permitted in the Resource Industrial (M-1) zone. The proposed map amendment (Figure 3) would permit the assembly and warehousing of perforation tools (explosive devices) on the properties.

The proposed map amendment would also permit all other uses which are permitted in the Resource Industrial (M-1) zone in the Land Use By-law (LUB) (Appendix A).

The Senior Municipal Building Official has stated some of the uses permitted in this zone would be classified as a High Hazard Industrial (F1) or a Medium Hazard Industrial (F2) use under the National Building Code. No Residential (C) use would be permitted in a building classified as F1 and only one (1) Residential (C) use would be permitted in a building classified as F2. The residential uses could be built on the same lot with proper separation distances. The applicants have not proposed residential uses on the properties.

The Fire Chiefs for the area had a few initial concerns which were resolved when they met the applicant and reviewed the Emergency Response Plan provided by the applicant. The Emergency Response Plan focuses on the applicant's Dartmouth location as the Pembroke site is considered a satellite location. The applicant has said they will produce a revised Emergency Response Plan when the Pembroke site becomes fully operational. The REMO Coordinator would like the applicant to provide the Municipality with an updated Emergency Response Plan once the Pembroke site is operational. The applicants have been made aware of this. However, it is not a requirement for amendment or approval of development and building permits.

In addition to Municipal regulations, Halliburton Partners Canada Ulc would be required to abide by the following regulations:

- Part 5 of Canada Explosive Regulations 2013(SOR/2013-211) (<https://laws-lois.justice.gc.ca/PDF/SOR-2013-211.pdf>);
- Guidelines for Jet Perforating Gun Assembly Facilities (Explosive Regulator Division of Natural Resources 2017) ([https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/mineralsmetals/pdf/mms-smm/expl-expl/20170901-G05-07E\\_ACC.pdf](https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/mineralsmetals/pdf/mms-smm/expl-expl/20170901-G05-07E_ACC.pdf)); and
- Perforating Industry Code of Practice (Petroleum Services Association of Canada document approved by Explosive Regulatory Division of Natural

Resources Canada) (Not publicly available, it can be purchased at <https://www.pfac.ca/resources/perforating-industry-code-of-practice/>).

Although these regulations are too large to reasonably attach to the report, they can be found at the hyperlinks shown above.

#### **4.1 MPS Specific Criteria**

Policy 9.1.6 of the MPS states the specific criteria to be considered for this proposal. These criteria are examined in detail in Appendix B.

In summary, Policy 9.1.6 is met as:

- the proposed uses are not ones which, because of their size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;
- the Department of Transportation and Infrastructure Renewal has requested the applicant reconfigure Dresser Mineral Road to meet current commercial entrance design standards which can be done while the amendment application is being processed; and
- the development is compatible with adjacent land uses.

#### **4.2 MPS General Criteria**

Policy 16.3.1 of the MPS states general criteria for any LUB amendment considered in West Hants. These criteria are examined in detail in Appendix C.

In summary:

- the proposal is not premature or inappropriate for the area;
- The Senior Municipal Building Official has stated fire department response times will be quite long due to the location of the site and increased separation distances between the buildings on the site may be required;
- the Fire Chiefs for Walton and Summerville have no concerns; and
- the two (2) properties combined have approximately thirty-one (31) acres which is sufficient space for the intended uses.

#### **5.0 MUNICIPAL CLIMATE CHANGE ACTION PLAN**

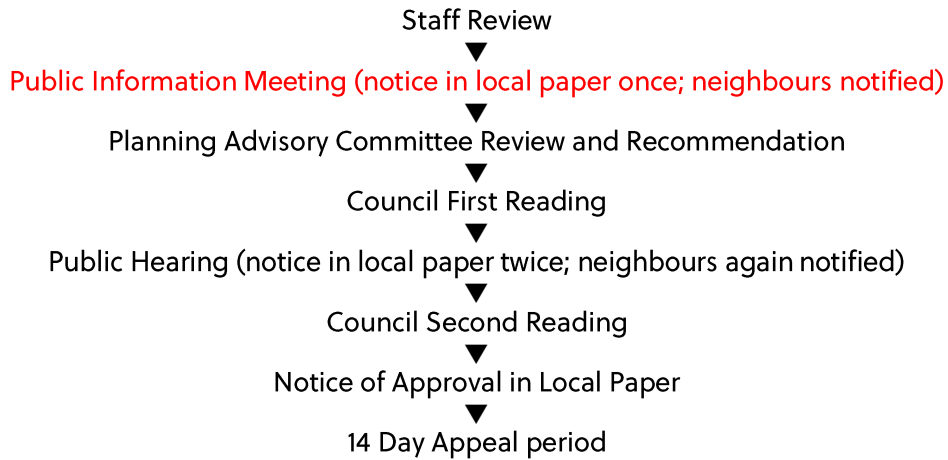
This amendment has not been examined in relation to the Municipal Climate Change Action Plan.

#### **6.0 CONCLUSION**

As noted above, the proposed amendment has been considered within the context of the specific and general policies of the MPS and is consistent with the intent, objectives and policies of the MPS. The amendment meets the specific and general criteria for a LUB amendment. As a result, it is reasonable to consider amending the zone of PID

45173382 and 45367281 from General Resource (GR) to Resource Industrial (M-1) on the zoning map of the LUB.

## 7.0 PROCESS



## 8.0 OPTIONS

In response to the application, PAC may recommend that Council:

- follow the process to approve the LUB amendments as drafted or as specifically revised by direction of PAC;
- refuse the LUB amendments as drafted, identifying the goal, objective or policy that the proposal contravenes;
- provide alternative direction, such as requesting further information on a specific topic.

## 9.0 ATTACHMENTS

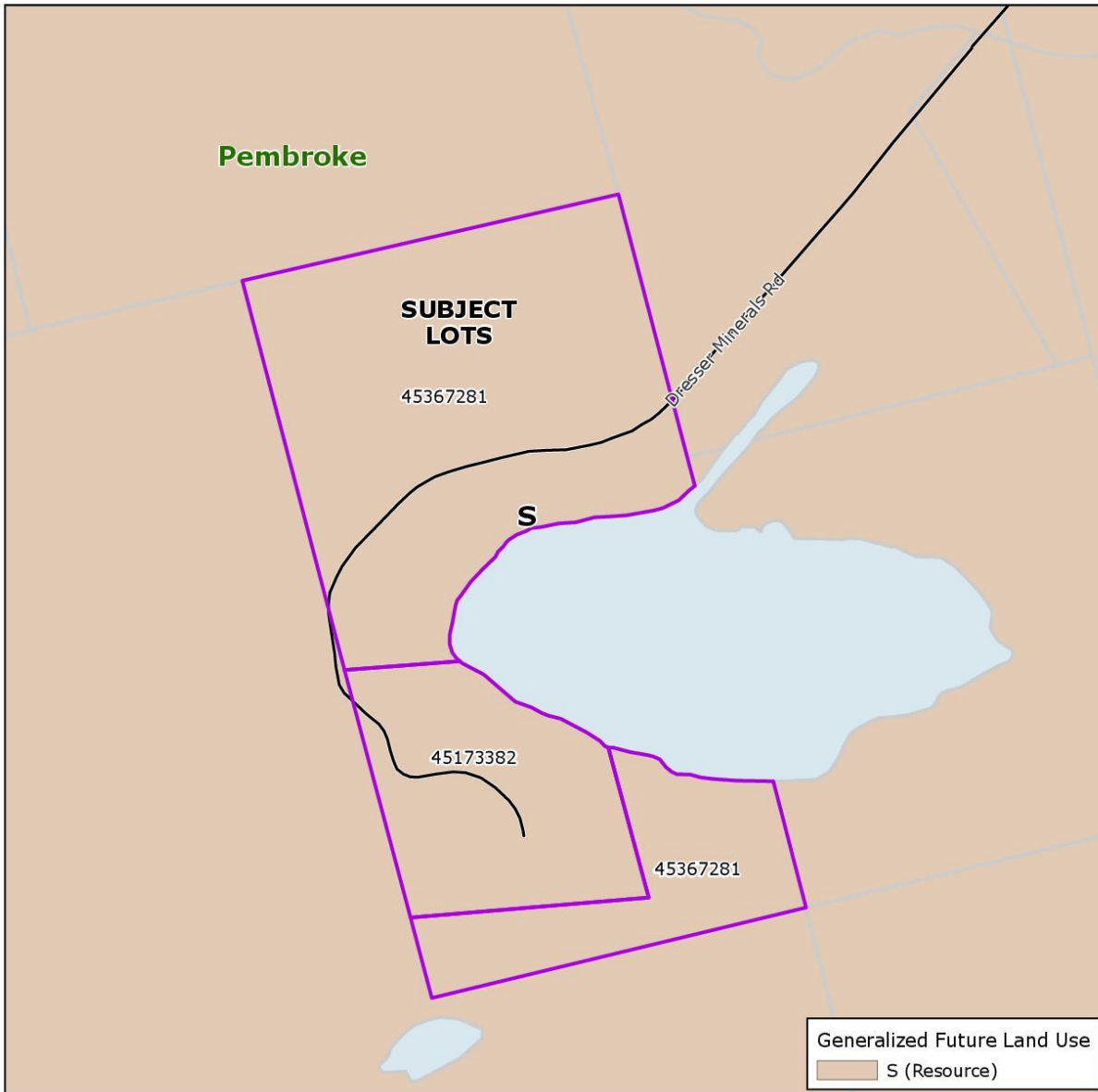
Figure 1	Existing Generalized Future Land Use Map
Figure 2	Existing Zoning Map
Figure 3	Proposed Map Amendment
Appendix A	Resource Industrial (M-1) Zone
Appendix B	Specific Criteria for a Resource Industrial (M-1) Map Amendment
Appendix C	General Criteria for Land Use-By-law Amendment

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Report Approved by: \_\_\_\_\_  
Madelyn LeMay, Director of Planning and Development

**Figure 1**  
**Existing Generalized Future Land Use Map**

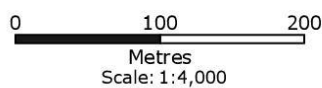
**Municipality of the District of West Hants**  
**Dresser Minerals Rd, Pembroke**  
**PID 45173382 and 45367281**




Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia Geomatics Centre (NSGC) Copyright Her Majesty The Queen in Right of the Province of Nova Scotia.  
 This map is a graphical representation  
 This map is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area.

Prepared by:  
 West Hants Planning Department Feb 2019

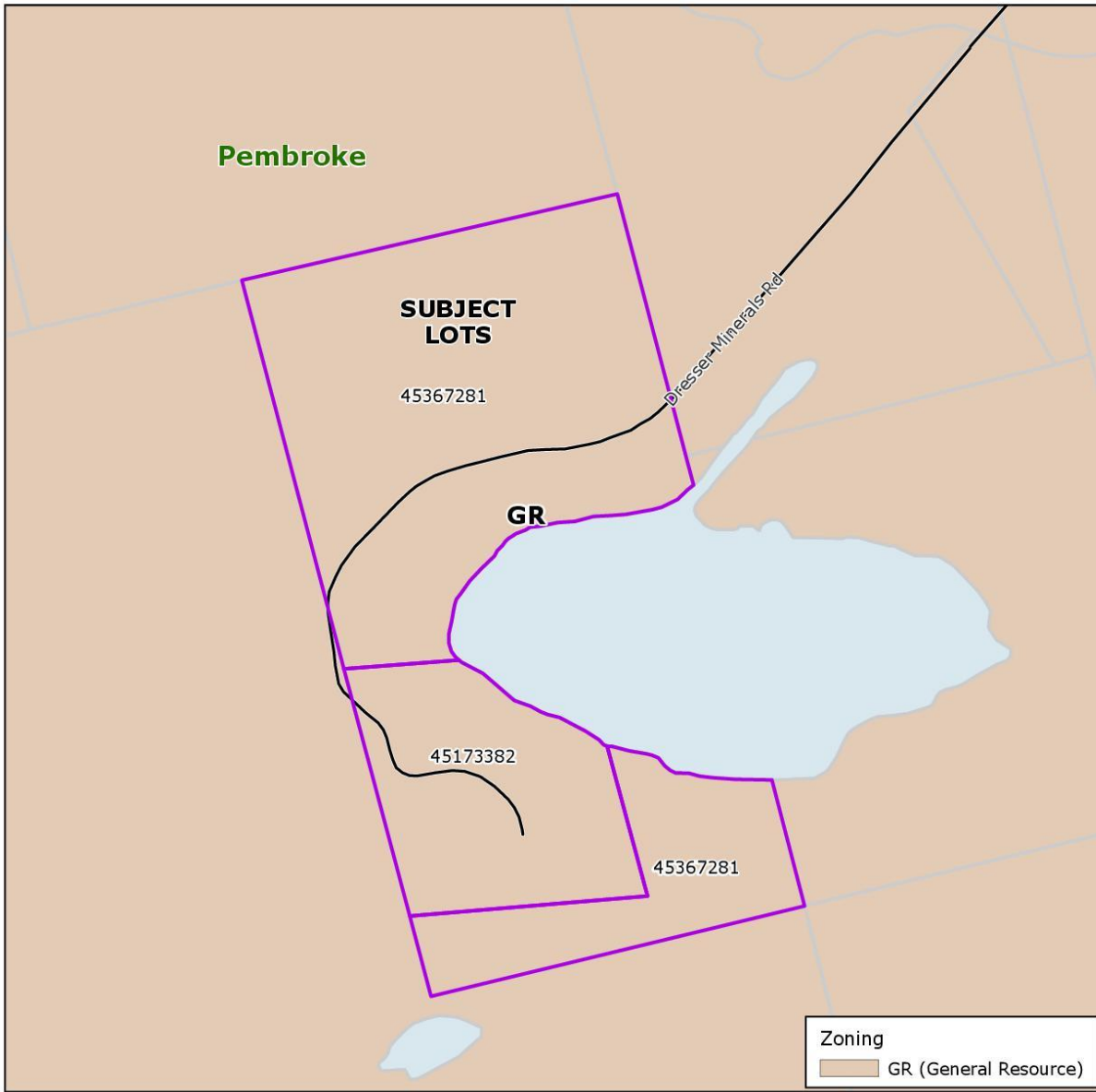
**Generalized Future Land Use**



-  Subject Lots
-  Parcel
-  Road
-  Water

**Figure 2  
Existing Zoning Map**

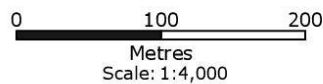
**Municipality of the District of West Hants  
Dresser Minerals Rd, Pembroke  
PID 45173382 and 45367281**



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia Geomatics Centre (NSGC) Copyright Her Majesty The Queen in Right of the Province of Nova Scotia.  
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Prepared by:  
West Hants Planning Department Feb 2019

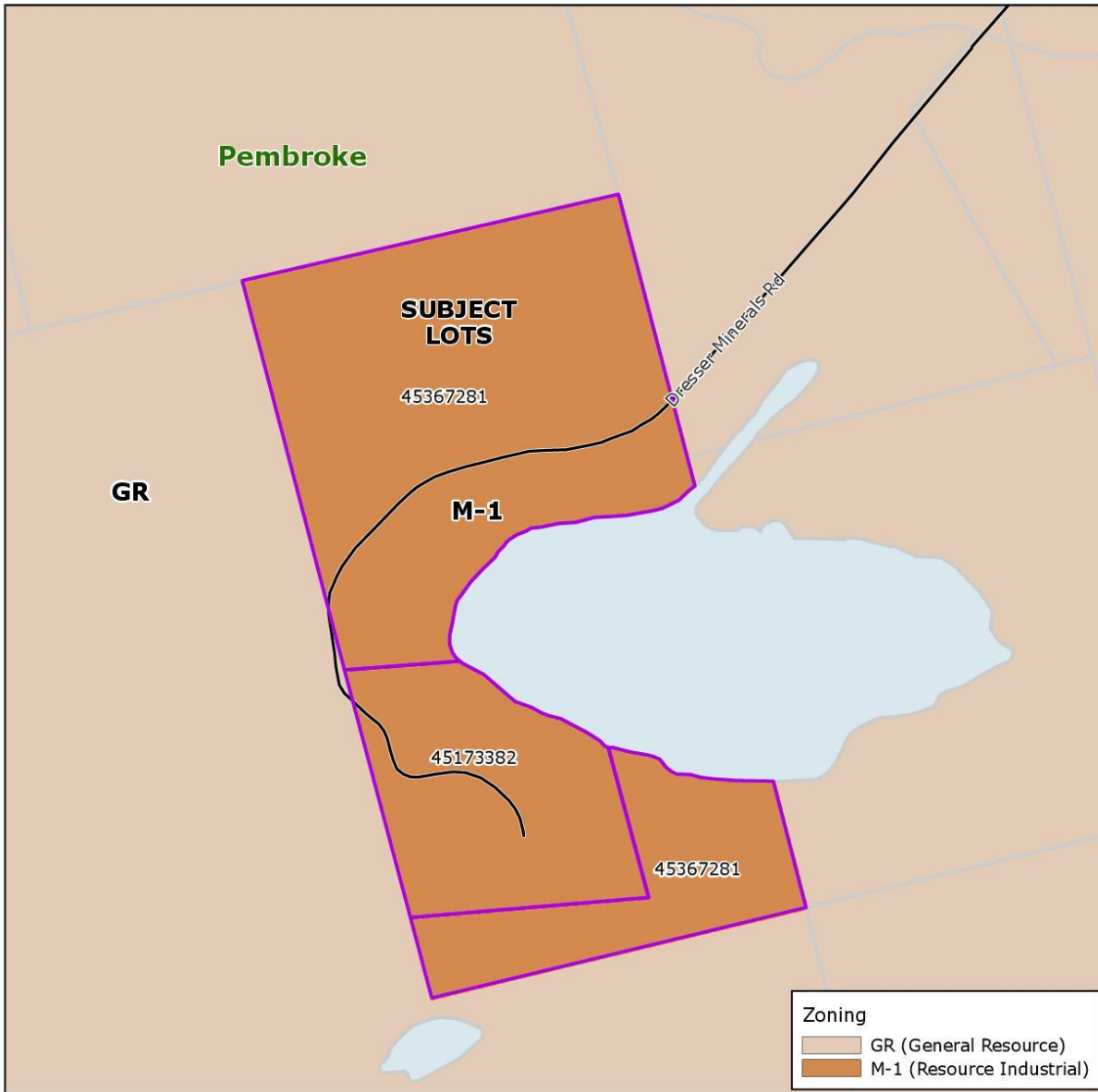
**Zoning**



-  Subject Lots
-  Parcel
-  Road
-  Water

Figure 3  
Proposed Map Amendment

**Municipality of the District of West Hants**  
**Dresser Minerals Rd, Pembroke**  
**PID 45173382 and 45367281**

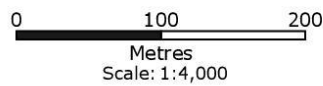


Zoning	
	GR (General Resource)
	M-1 (Resource Industrial)

Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia Geomatics Centre (NSGC) Copyright Her Majesty The Queen in Right of the Province of Nova Scotia.  
 This map is a graphical representation  
 This map is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area.

Prepared by:  
 West Hants Planning Department Feb 2019

**Proposed Zoning Amendment**



	Subject Lots
	Parcel
	Road
	Water

## Appendix A Resource Industrial (M-1) Zone

### Permitted Uses

26.1 The following uses shall be permitted in the Resource Industrial (M-1) zone:

- Abattoirs
- Agricultural processing industries
- Any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment
- Any manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other obnoxious emission of refuse matter or water-carried waste, or by reason of unsightly open storage
- Building supply and equipment depots
- Bulk storage of sand and gravel
- Commercial and office uses accessory to a main use
- Commercial greenhouses
- Excavation and landscaping operations
- Farm supplies and equipment sales and service
- Feed and fertilizer industries
- Fruit and vegetable sorting, grading and packaging establishments
- Fuel storage depots
- Heavy equipment sales and service
- Railway uses
- Recycling depots
- One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
- Saw mills
- Service industries
- Structures related to sand and gravel excavation and processing
- Utility facilities
- Wood processing and manufacturing establishments

### M-1 Zone General Requirements

26.2 In the M-1 zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	40,000 ft <sup>2</sup> (3,716.00 m <sup>2</sup> )
Minimum lot frontage	200 ft (60.96 m)

Minimum front yard	40 ft (12.19 m)
Minimum rear yard	40 ft (12.19 m)
Minimum side yard	40 ft (12.19 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	35 ft (10.67 m)

Yards adjacent to a Railway

26.3 In the M-1 zone, the yard requirements shall be waived for any yard which directly abuts a railway right-of-way.

Open Storage

26.4 Where a M-1 lot abuts a lot used for residential purposes, a planting strip shall be required to screen any open storage as specified in Section 5.29.

Access

26.5 Entrance to and exit from properties zoned M-1 shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot. Driveways shall meet Nova Scotia Department of Transportation and Public Works= requirements for commercial access.

**Appendix B**  
**Specific Criteria for Resource Industrial (M-1) Map Amendment**

**Policy 9.1.6** It shall be the intention of Council to consider rezoning land zoned General Resource (GR) to allow for commercial or industrial uses permitted in the Rural Commercial (RC) or Resource Industrial (M-1) zones subject to the following:

Criteria	Resource Industrial Uses
(a) the use will not adversely affect existing resource uses in the area;	The uses will be contained within the site and are not expected to cause an adverse effect on existing resource uses.
(b) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;	Based on industry standards and regulations, this use must be a certain distance away from residential uses. It would not be an appropriate use in a Growth Centre, Village or Hamlet due to the high concentration of residential uses in these designations.
(c) safe and efficient roadway access is provided;	The Department of Transportation and Infrastructure Renewal (DTIR) has requested the applicant reconfigure Dresser Mineral Road to meet current commercial entrance design standards. This would need to be completed before a development permit can be issued and the applicants have been informed about this concern. DTIR does not anticipate a negative impact on traffic based on this amendment.
(d) <i>adequate on-site parking is provided;</i>	The two properties combined have approximately thirty-one (31) acres which is sufficient space to provide parking and loading areas on-site.
(e) <i>the development is compatible with adjacent land uses with respect to:</i>	
(i) <i>traffic generation and traffic safety;</i>	Please see 9.1.6 (c)
(ii) <i>hours of operation;</i>	This criterion is not relevant for this application as the hours of operation can

	only be regulated by a Development Agreement.
(iii) <i>size and design of building(s);</i>	The applicant will be required to meet all regulations regarding size in the Land Use By-law. There are no requirements regarding design in the Land Use By-law.
(iv) <i>signage; and</i>	The applicant will be required to meet all regulations regarding signage in the Land Use By-law.
(v) <i>pedestrian circulation and safety;</i>	Please see 9.1.6 (c)
(f) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;	Any noise, odour, dust, fumes, or other emissions from this development will be similar to emissions from existing resource development in the area.
(g) adequate buffering or screening, setbacks and yards are provided, and open storage is controlled;	Adequate buffering, screening, setbacks, and yards must be provided, and open storage controlled as required by the Land Use By-Law.
(h) any other matter which may be addressed in a Land Use By-law; and	Please see Appendix C for further details.
(i) Policy 16.3.1.	Please see Appendix C for further details

**Appendix C**  
**General Criteria for Land Use By-Law Amendment**

Policy 16.3.1 of the MPS *"In considering development agreements and amendments to the West Hants Land Use By law, in addition to the criteria set out in various policies of this Strategy, Council shall consider"*:

	Resource Industrial Uses
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Director of Public Works has stated that the proposal is not within a Municipally serviced area. The applicant is responsible for determining adequate services for the proposed uses.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	The Senior Municipal Building Official has stated fire department response times will be quite long due to the location of the site. Increased separation distances of the buildings on site may be required and the applicants have been informed of this. The Fire Chiefs for Walton and Summerville do not have concerns. The REMO Coordinator would like the applicant to provide an updated Emergency Response Plan once the Pembroke site is operational. The applicants have been made aware of this. However, it is not a requirement for approval of the requested amendment or approval of development and building permits.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	Please see 9.1.6 (c) for further details.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	No municipal costs related to this amendment are anticipated.
(b) whether the development is serviced, or capable of being serviced, by a potable	As noted above in (a) (i), the applicant will be responsible for the provision of water and on-site sewage disposal.

water supply and either central sewer or an approved on site sewage disposal system;	
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Please see 9.1.6 (c) for further details
(d) the adequacy of the dimensions and shape of the lot for the intended use;	The two properties combined have approximately thirty-one (31) acres and is sufficient space for the intended uses.
(e) the pattern of development which the proposal might create;	The uses permitted in this zone will not create a pattern of development that is unusual for the area.
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;	The applicant will be responsible for determining the suitability of the area for the proposed uses.
(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and	The proposed amendment meets all relevant municipal, provincial and federal regulations.
(h) any other matter required by relevant policies of this Strategy.	Please see Appendix B for further details.



**WEST HANTS**  
NOVA SCOTIA

## **Hantsport Area Advisory Committee Excerpts**

**June 5, 2019**

### Hantsport Aboiteau

... that HAAC recommend to PAC/HAC that it recommend to Council that a letter be sent to Minister Porter stating that the hinges, supports and securing mechanisms for the gates be put in place and the gates be trialed now; that the community be advised of the plans for installing the gates when they are required; and that the Province advise the community of the intended final height of the structure, considering community knowledge indicates that the former structure was at least two (2) feet too low.



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS**  
**INFORMATION REPORT**

**To:** Members of the West Hants Planning Advisory Committee

**Submitted by:**

\_\_\_\_\_  
Sara Poirier, Planner

\_\_\_\_\_  
Saira Shah, Planner

**Date:** June 20, 2019

**Subject:** **Plan Review: Updated Public Engagement Meeting Dates**

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**1.0 BACKGROUND**

At the February 21, 2019 Planning Advisory Committee (PAC) meeting the committee recommended to Council that the Plan Review public meetings remain on hold until after the 2019/2020 budget discussions. The 2019/2020 budget was approved on April 23, 2019. During the May 16, 2019 PAC meeting, staff asked for direction from the committee regarding the Plan Review meetings. The consensus of committee was for staff to prepare a rough schedule for the next ten months for discussion, with the understanding that work related to consolidation has priority in all instances.

Background information can be found in the following reports:

September 20, 2018	Information Report to PAC
May 24, 2018	Recommendation Report to PAC

and minutes of the following Planning Advisory Committee meetings:

May 16, 2019  
February 21, 2019  
November 15, 2018  
September 20, 2018  
May 24, 2018

## **2.0 LEGISLATIVE AUTHORITY**

Municipal Government Act, Part 8.

## **3.0 DISCUSSION**

In 2016, Council and the Planning and Development Department initiated the process of reviewing the Municipal Planning Strategy's (MPS), Land Use By-law's (LUB) and Subdivision By-law's (referred to as "planning documents") for the Municipality. The Review ensures the planning documents evolve and respond to current environmental, social and economic pressures, and meet the current needs of the Municipality. The *West Hants Public Participation Program Policy* seeks to include public consultation at different stages throughout the process.

On May 24, 2018 the PAC placed the background information reports on file and on June 12, 2018 West Hants Council approved the public engagement schedule for the Review.

At the September 20, 2018 PAC meeting planning staff reviewed the proposed Plan Review public engagement schedule with the committee. Following that meeting, staff began organizing, advertising and hosting the public meetings.

Staff held three (3) public plan review meetings in October (Falmouth, Three Mile Plains, and Environment and Infrastructure) and two (2) youth engagement meetings in schools in November.

At the November 15, 2018 PAC meeting the committee discussed whether to continue with the site-specific public meetings due to consolidation with the Town of Windsor and lack of participation at the Three Mile Plains Review meeting. At that time the committee agreed to only hold future meetings pertaining to certain topic areas (i.e. Agriculture).

In January, staff facilitated (2) two public engagement meetings on agriculture.

At the February 21, 2019 PAC meeting the committee recommended to Council that the Plan Review public meetings remain on hold until after the 2019/2020 budget discussions. The 2019/2020 budget was approved on April 23, 2019. During the May 16, 2019 PAC meeting staff asked for direction from the committee regarding the Plan Review meetings. The consensus of committee members was for staff to prepare a rough schedule for the next ten months for discussion at the June PAC meeting with the understanding that work related to consolidation has priority in all instances.

### **3.1 Plan Review Public Meetings**

The public engagement meetings are intended to provide the opportunity for staff to discuss the provisions and restrictions within the current planning documents and for residents to provide their input on what currently works and what opportunities there may be for improvement.

Staff have already held meetings for the following topics:

<i>Date</i>	<i>Topic</i>	<i>Location</i>	<i>No. of Attendees</i>
<b>October 2018</b>			
17	<b>Environment and Infrastructure</b>	West Hants Office	6
24	<b>Falmouth Growth Centre</b>	Falmouth	10
29	<b>Three Mile Plains Growth Centre</b>	Three Mile Plains	0
<b>November 2018</b>			
5	<b>Youth Engagement</b>	Avon View High School	~ 25
27		West Hants Middle School	~ 30
<b>January 2019</b>			
14	<b>Agriculture</b>	Upper Burlington	16
30		Windsor Forks	20

Staff intend to complete both the topic-based and site-specific public meetings that were proposed in September 20, 2018 report to PAC.

Staff are suggesting holding meetings for the following topics:

<i>No.</i>	<i>Topic</i>
1	Environment and Infrastructure
2	Economic Development, Resource and Industry
3	Growth Centre: Three Mile Plains
4	Brooklyn and District 5
5	Hantsport
6	District 1 – Shore
7	District 8 – Upper Falmouth
8	District 4 – Ellershouse
9	District 2 – Avondale

The proposed meeting dates are outlined in Appendix A. The meetings have been tentatively scheduled between September – November 2019 to ensure enough time to notify the public, book venues and prepare discussion materials. Following the public meetings, between December 2019 – March 2020, staff will:

- Finalize and present the "*Plan Review: What We Heard Report*" to the Planning Advisory Committee
- Review policies in the planning document to determine possible amendments based on the public feedback
- Format the planning documents to ensure consistency between West Hants and Hantsport documents in preparation of consolidation

#### 4.0 APPENDICIES

##### Appendix A Proposed Public Engagement Meeting Dates

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Report Approved by: \_\_\_\_\_  
Madelyn LeMay, Director of Planning and Development

**Appendix A**  
**Proposed Public Engagement Meeting Dates**

## SEPTEMBER 2019    Plan Review Public Meetings

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
2  Labour Day	3	4	5  PR Meeting: Environment & Infrastructure	6	7/8
9	10  Council 7 p.m.	11	12  PR Meeting: Economic Development , Resource & Industry	13	14/15
16	17	18	19  PAC 6 p.m.	20	21/22
23	24  COTW 6 p.m.	25	26  PR Meeting: Growth Centre – Three Mile Plains	27	28/29
30					

# OCTOBER 2019 Plan Review Public Meetings

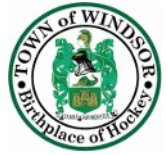
MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
	1	2	3 PR Meeting: Brooklyn and District 5	4	5/6
7	8 Council 7 p.m.	9	10 PR Meeting: Hantsport	11	12/13
14 Thanksgiving	15	16	17 PAC 6 p.m.	18	19/20
21	22 COTW 6 p.m.	23	24 PR Meeting: District 1 - Shore	25	26/27
28	29	30	31 Halloween		

# NOVEMBER 2019 Plan Review Public Meetings

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
				1	2/3
4	5	6	7 PR Meeting: District 8 – Upper Falmouth	8	9/10
11 Remembrance Day	12 Council 7 p.m.	13	14 PR Meeting: District 4 – Ellershuse	15	16/17
18	19	20	21 PAC 6 p.m.	22	23/24
25	26 COTW 6 p.m.	27	28 PR Meeting: District 2 – Avondale	29	30/31



**PLANNING & DEVELOPMENT SERVICES**  
 76 Morison Drive, Windsor-West Hants Industrial Park  
 P.O. Box 3000, Windsor, Nova Scotia B0N 2T0  
 Tel: (902) 798-8391 Ext. 115 Fax: (902) 798-8553



**ACTIVITY REPORT**

For Month of May 5/31/19

Type	<i>May 2018</i>			<i>May 2019</i>		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
*Single Unit	9	2	676,500	19	8	907,300
Duplex/Semi	1	2	380,000	13	25	2,041,000
Apartments	0	0	0	0	0	0
**Other Residential	25	0	321,500	34	1	339,363
Commercial	1	0	10,000	2	0	62,000
Industrial	0	0	0	0	0	0
Inst & Gov	2	0	200,000	1	0	1,000,000
Agriculture	0	0	0	0	0	0
Park/Recreational	0	0	0	0	0	0
<b>Total</b>	<b>38</b>	<b>4</b>	<b>1,588,000</b>	<b>69</b>	<b>34</b>	<b>4,349,663</b>
<b>Year To Date</b>	<b>138</b>	<b>44</b>	<b>7,864,730</b>	<b>153</b>	<b>47</b>	<b>18,879,701</b>
Demolition	2	0		6	5	
Sign Permits	0			1		
Sub Applications	3	7 (Lots Requested)		2	1 (Lots Requested)	

\*includes new construction, additions, renovations, repairs, and development permits.

\*\*includes garages/sheds/carports, decks, and swimming pools.



## MUNICIPALITY OF THE DISTRICT OF WEST HANTS INFORMATION REPORT

**To:** Members of West Hants Planning Advisory Committee

**Submitted by:** \_\_\_\_\_  
Saira Shah, Planner

**Date:** 06-20-2019

**Subject:** Pioneer Drive Land Use By-law Map Amendment

**File #:** 19-01

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### 1.0 BACKGROUND

West Hants received an application for a map amendment to rezone a property from the General Resource (GR) zone to the Rural Commercial (RC) zone. As part of the usual process, to determine if this application meets the criteria in the Municipal Planning Strategy (MPS) (Appendix A), Staff sent inquiries to the following:

- Senior Building Official;
- Director of Public Works;
- REMO Coordinator;
- Department of Transportation and Infrastructure Renewal; and
- Fire Chief for the area.

Most of the responses received did not touch on major concerns, except the Fire Chief and REMO Coordinator.

The Fire Chief, Peter Johnston, stated the following concerns on March 15<sup>th</sup>:

*"The concerns I have with the application for Pioneer Drive, Vaughan PID # 45279742 are the Automotive service station and Farm supplies and equipment sales and service. With the retail of gas at either of these possible services. I would recommend at second egress road out of Pioneer Drive and also a source of water supply for the Fire Department use in case of a fire emergency."*

The REMO Coordinator confirmed their concerns on May 13<sup>th</sup>:

*“From a REMO perspective, depending on the type of business that is on the property, we would like to ensure an Emergency Response Plan is received by the Municipality and if there are any dangerous goods or substances on site, that we receive a list of goods and have a site tour to ensure first responders safety. If the area is on a known flood zone, I would recommend against the approval.”*

The comments from the Fire Chief directly address criteria 16.3.1 (a) *whether the proposal is considered premature or inappropriate in terms of: (iii) the adequacy of fire protection and other emergency services.* Providing access to a water supply or a second exit would make the proposal appropriate based on the fire protection and other emergency services available in the area.

Although the comments from the REMO Coordinator with regards to an Emergency Response Plan are related to emergency services, the MPS does not explicitly require that applicants provide an Emergency Response Plan. A plan would provide emergency services with information, but it would not make the proposal appropriate in terms of the adequacy of fire protection and other emergency services.

The REMO Coordinator also raised concerns with regards to flooding. Criteria 16.3.1 (f) addresses flooding: *the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding.* Staff address this criterion by clearly stating that the applicant is responsible for determining the suitability of the area for the proposed uses.

The applicant will be made aware of the REMO Coordinator’s concerns.

For a development agreement application, specific requirements such as water supply and a second exit can be addressed in the agreement. However, this application is for a map amendment which means any use permitted in the requested zone (Rural Commercial (RC) zone) will be permitted on the property based on the restrictions that currently exist in the Land Use By-law (LUB) (Appendix B).

There are no requirements in the LUB which would require a water supply or a second exit for uses that sell flammable goods such as gas. Although the applicants do not intend to develop a use that involves flammable goods, the map amendment would allow uses that involve flammable goods.

Staff considered several options to accommodate the Fire Chief’s requests.

1. Remove the uses that involve flammable goods from the Rural Commercial (RC) zone and consider them only by Development Agreement

Pros	Cons
Council can customize the solution to deal with uses that involve flammable goods for each site.	There would be a significant increase in time required for processing applications related to these uses due to

	the number of meetings (Planning Advisory Committee and Council) required to approve an application.
A water source and two exits would need to be identified which would address the Fire Chief's concerns.	There would be a significant time delay before the Development Officer could issue permits in accordance with these agreements.
It would not impact existing uses in the Rural Commercial (RC) zone.	New uses that involve flammable goods would have to meet the requirements which would restrict where they can be located.
	It could become an extensive project if staff were to consider all uses that involve flammable goods. The volume and nature of the flammable goods would need to be defined.

2. Remove the uses that involve flammable goods from the Rural Commercial (RC) zone and create a new zone for uses that involve flammable goods

Pros	Cons
A water source and two exits would be a requirement which would address the Fire Chief's concerns.	It could become an extensive project if staff were to consider all uses that involve flammable goods. The volume and nature of the flammable goods would need to be defined.
Existing uses would continue and could be rezoned to reflect the new zone.	New uses that involve flammable goods would have to meet the requirements which would restrict where they can be located.
These uses would be permitted as-of-right which significantly reduces processing time for the applicant, Planning department, Planning Advisory Committee and Council compared to a development agreement.	

3. Add additional requirements for uses that involve flammable goods within the Rural Commercial (RC) zone

Pros	Cons
A water source and two exits would be a requirement which would address the Fire Chief's concerns.	New uses that involve flammable goods would have to meet the requirements

	which would restrict where they can be located.
It would not impact existing uses.	
These uses would be permitted as-of-right which significantly reduces processing time for the applicant, planning department, Planning Advisory Committee and Council compared to a development agreement.	
It would take less time to draft the amendment as it would only impact two (2) uses that involve flammable goods rather than considering all uses that involve flammable goods.	

4. Continue as “business-as-usual” and address these concerns in the Plan Review

Pros	Cons
It would not impact existing uses.	A water source and two exits would not be a requirement and this option would not address the Fire Chief’s concerns.
There would be no additional time required to administer or process requirements.	If no change is made, staff can not recommend approving the application based on the concerns from the Fire Chief.

**2.0 DISCUSSION**

Each of the options has benefits and drawbacks which significantly impact implementation and suitability to address the Fire Chiefs concerns. However, option 3 has significantly more benefits than the other options:

- the concerns of the Fire Chief would be addressed;
- the uses that involve flammable goods would be permitted as-of-right which takes significantly less time to process than a development agreement and provide more certain results for a developer;
- the amendment would only impact two (2) listed permitted uses within the zone; and
- existing uses that involve flammable goods would not be impacted by the new requirements.

In response to this information report, PAC may recommend that staff:

- draft an amendment based on one of the options presented;
- revise one or more of the options based on direction of PAC, or

- provide further information on a specific topic.

### **3.0 ATTACHMENTS**

Appendix A Specific and General Criteria for Amendment

Appendix B Rural Commercial (RC) Zone

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Report Approved by: \_\_\_\_\_  
Madelyn LeMay, Director of Planning and Development

## **Appendix A**

### **Specific and General Criteria for Amendment**

**Policy 9.1.6** *It shall be the intention of Council to consider rezoning land zoned General Resource (GR) to allow for commercial or industrial uses permitted in the Rural Commercial (RC) or Resource Industrial (M-1) zones subject to the following:*

- (a) the use will not adversely affect existing resource uses in the area;*
- (b) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;*
- (c) safe and efficient roadway access is provided;*
- (d) adequate on-site parking is provided;*
- (e) the development is compatible with adjacent land uses with respect to:
  - (i) traffic generation and traffic safety;*
  - (ii) hours of operation;*
  - (iii) size and design of building(s);*
  - (iv) signage; and*
  - (v) pedestrian circulation and safety;**
- (f) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;*
- (g) adequate buffering or screening, setbacks and yards are provided, and open storage is controlled;*
- (h) any other matter which may be addressed in a Land Use By-law; and*
- (i) Policy 16.3.1.*

**Policy 16.3.1** *In considering development agreements and amendments to the West Hants Land Use By law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

- (a) whether the proposal is considered premature or inappropriate in terms of:
  - (i) the adequacy of sewer and water services;*
  - (ii) the adequacy of school facilities;*
  - (iii) the adequacy of fire protection and other emergency services;*
  - (iv) the adequacy of road networks adjacent to, or leading to the development; and*
  - (v) the financial capacity of the Municipality to absorb any costs relating to the development.**
- (b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on site sewage disposal system;*
- (c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;*
- (d) the adequacy of the dimensions and shape of the lot for the intended use;*

- (e) the pattern of development which the proposal might create;
- (f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;
- (g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and
- (h) any other matter required by relevant policies of this Strategy.

## Appendix B Rural Commercial (RC) Zone

### Permitted Uses

16.1 The following uses shall be permitted in the Rural Commercial (RC) zone:

- Automobile service stations
- Banks and financial institutions
- Clubs
- Day care centres, licensed or non-licensed
- Farm supplies and equipment sales and service
- Farm markets
- Funeral homes
- Garden and nursery production, sales and supplies
- Hotels, motels and other tourist accommodations, but does not include campgrounds
- Kennels
- Offices
- One dwelling unit in conjunction with a permitted commercial use, located either in the same building or as a single unit dwelling on the same lot
- Personal service shops
- Post offices and postal outlets
- Restaurants
- Retail stores
- Existing dwellings

### RC Zone General Requirements

16.2 In the Rural Commercial (RC) zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	40,000 ft <sup>2</sup> (3,716.00 m <sup>2</sup> )
Minimum lot frontage	150 ft (45.72 m)
Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	15 ft (4.57 m)
Maximum height of main building	35 ft (10.67 m)

### Maximum Commercial Floor Area

16.3 The commercial floor area for a business in the RC zone shall not exceed 5,000 ft<sup>2</sup> (464.50 m<sup>2</sup>). This requirement shall not apply to automobile service stations, clubs, farm equipment sales and service, garden and nursery production, and hotels, motels and other tourist accommodations.

## Abutting Zone Requirements

16.4 Where a RC zone abuts a lot in a residential zone, the following standards apply:

- (a) the minimum side yard requirement for the commercial use from the abutting lot line shall be 20 ft (6.10 m);
- (b) no open storage or outdoor display shall be permitted in an abutting side yard; and
- (c) the part of the commercial lot directly adjoining the residential zone shall be used for no purpose other than a planting strip having a minimum of 5 ft (1.52 m) measured perpendicular to the lot line.

## Lot Access

16.5 Entrance to and exit from properties zoned RC shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot. Driveways shall meet Nova Scotia Department of Transportation and Public Works requirements for commercial access.



## MUNICIPALITY OF THE DISTRICT OF WEST HANTS RECOMMENDATION REPORT

**To:** Members of West Hants Planning Advisory Committee

**Submitted by:** \_\_\_\_\_  
Madelyn LeMay

**Date:** June 18, 2019

**Subject:** 376 Falmouth Dyke Road; Heritage Grant Application

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### 1.0 ORIGIN

An application has been received for heritage grant funding from Maureen Perry, owner of a municipally designated property located at 376 Falmouth Dyke Road, Falmouth (Appendix A).

### 2.0 AUTHORITY

Council Policy -01-003, (Grants and Contributions Policy) and Municipal Heritage Property Conservation Work Grant Guidelines, approved May 8, 2018.

### 3.0 RECOMMENDATION

**Heritage Advisory Committee recommends:**

**... that Council provide a maximum grant of \$5,000.00 to Mrs. Maureen Perry, owner of 376 Falmouth Dyke Road, in order to facilitate the replacement of the exterior brickwork above the roof line on the two existing chimneys on the main building located at 376 Falmouth Dyke Road, and that the funding be provided from account**

**# 0126110-21130 only in accordance with the provisions of the *Municipal Heritage Property Conservation Work Grant Guidelines*.**

**4.0 BACKGROUND**

**4.1 Request**

An application has been received from the owner of the property at 376 Falmouth Dyke Road to carry out required repair work to the existing chimneys on the main building.

**4.2 Heritage Permit**

Examination of the proposed work and the list of non-substantial alterations approved by Council November 14, 2017 (Appendix B) has resulted in a staff determination that the proposed alterations are not substantial alterations. As a result, no Heritage Permit is required.

**4.3 Eligibility**

The *Municipal Heritage Property Conservation Work Grant Guidelines* (Appendix C) approved by Council May 8, 2018 list specific work as either eligible or ineligible for funding. The work proposed is eligible for funding in accordance with the Grant Guidelines.

**4.4 Available Funds**

The 2019-2020 Operating Budget approved April 23, 2019 includes \$10,700.00 as "Heritage Grant" and is intended to provide funds for the *Municipal Heritage Property Conservation Work Grant Guidelines* funding program.

Only three (3) registered properties are eligible for funding under this program; two are held by private owners and one by a registered non-profit society. There are no structures on the property owned by the non-profit society (Sainte-Famille Cemetery). No other application for funding has been received.

The maximum annual incentive is \$5,000 per property and is to be allocated on a 50% cost-sharing, matching basis. The number of incentives per property is limited to one (1) per year and two (2) in any five (5) year period. Project costs are based on actual eligible expenses; in kind contributions are not included.

## 5.0 POSSIBLE RECOMENDATIONS

- 5.1 HAC could recommend that Council determine that funding to the maximum of \$5,000.00 be provided in accordance with the terms of the *Municipal Heritage Property Conservation Work Grant Guidelines* as set out on page 1 of this report;
- 5.2 HAC could recommend that Council determine that funding to a maximum of some other amount be provided, providing the reason why funding is limited; or
- 5.3 HAC could recommend that Council not approve the recommendation and provide no funding for the work. This is not the staff recommendation, as the work meets the criteria for funding under the *Municipal Heritage Property Conservation Work Grant Guidelines*.

## 6.0 Appendices

Appendix A	Application for Funding
Appendix B	Approved Non-Substantial Alterations
Appendix C	Municipal Heritage Property Conservation Work Grant Guidelines

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Report Reviewed by: \_\_\_\_\_  
Carlee Rochon, Director of Finance



**THE TOWN OF WINDSOR**  
DEPARTMENT OF PLANNING & DEVELOPMENT

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May 15, 2019



Martin Laycock, CAO  
Municipality of the District of West Hants  
76 Morison Drive  
P.O. Box 3000  
Windsor, N.S. B0N 2T0

Re - Proposed Development Agreement

Dear CAO,

Pursuant to Section 206 (5) of the Municipal Government Act, attached is a public hearing notice concerning a proposed development agreement between the Town of Windsor and Jeff & Tina Smith. The Public Hearing for this matter will be held on May 28, 2019.

Town of Windsor  
Department of Planning & Development

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**TOWN OF WINDSOR**  
**NOTICE OF PUBLIC HEARING**  
**DEVELOPMENT AGREEMENT APPLICATION**

**HEREBY TAKE NOTICE** that the Council of the Town of Windsor intends to consider, and if deemed advisable, approve a DEVELOPMENT AGREEMENT application from Jeff and Tina Smith concerning a property on **Nesbitt Street, Windsor (PIO # 45056793)**.

**THE PURPOSE** of the application is to allow development of a local commercial use (farm market) in a residential designation.



*Subject property outlined in red.*

**A PUBLIC HEARING** to consider this development agreement application will be held by Town Council on **Tuesday May 28, 2019 at 7:00 p.m.**, at the Town Council Chambers, 100 King Street, Windsor, N.S. **Members of the public are invited to attend this hearing and make written or oral representation concerning this application. Written submissions may also be made prior to the hearing date.**

**APPROVAL** of the development agreement will be considered by Council following the Public Hearing.

Anyone wishing to inspect or obtain the staff report and proposed development agreement concerning this application may do so by contacting the Town of Windsor Planning Department, 100 King Street, Windsor, N.S. between the hours of 8:30 a.m. to 4:30 p.m. Monday through Friday or by calling (902) 798-6689. These documents may also be found on the Town's website at [www.town.windsor.ns.ca](http://www.town.windsor.ns.ca).

**DATED** at Windsor, in the County of Hants, this 15th day of May 2019.