



MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Planning Advisory Committee
September 17, 2015 6:30 p.m.
Sanford Council Chambers

PRESENT: Councillor Shirley Pineo, Chair
Councillor Jennifer Daniels, Vice Chair
Deputy Warden Gary Cochrane
Councillor Randy Matheson
Councillor Reed Allen
Councillor Paul Morton
Councillor Robbie Zwicker
Councillor Tom Brown
Mr. John Smith, Citizen Member
Ms. Tanya Leopold, Citizen Member

STAFF: Karen Dempsey, Director of Planning
Jeanne Bourque, Planner
Cathie Osborne, CAO
Doug Hamer, Fire Services Coordinator
Velma Macumber, Admin. Assistant

REGRETS: Warden Richard Dauphinee

PUBLIC: 19 community members

GUESTS: Colin Chisholm, Hants Journal

Chair Pineo called the meeting to order at 7:35 p.m. following the public information meeting.

APPROVAL OF AGENDA & ADDITIONS

Chair Pineo suggested that under New Business, Item 6(b) be removed from the agenda as Mr. Corkum requested to be deferred to a later date.

Moved by Councillor Matheson and Councillor Allen that the agenda be approved as amended.

Motion carried.

APPROVAL OF MINUTES OF AUGUST 20, 2015

Moved by Councillor Zwicker and Councillor Brown that the minutes of August 20, 2015 be approved as circulated noting any errors or omissions.

Motion carried.

BUSINESS ARISING FROM MINUTES

Update – Master Plan Development Agreement Amendments - Forest Lakes Country Club Resort

Ms. Dempsey advised that no appeals were received by the Nova Scotia Utility and Review Board with respect to the non-substantive amendments to the development agreement to enable Phase 1B. Staff is waiting for the developer to create the separate lot in order to execute the development agreement and record it.

Ms. Dempsey stated she hopes to bring another proposal to next month's PAC meeting regarding another phase called Eagle's Paradise.

Update – Development Agreement - Quick As A Wink Theatre Society

Ms. Bourque advised that no appeals were received by the Nova Scotia Utility and Review Board. Staff is waiting for the lot sale and consolidation to be completed and then the development agreement will be signed.

Update – Municipal Heritage Property – “Greenwood”

Ms. Bourque advised that Mrs. Perry contacted her about the municipal heritage plaque unveiling, and she will be visiting Mrs. Perry when time permits to discuss a small ceremony being held sometime in the Fall.

Update – Hantsport Area Advisory Committee

Ms. Dempsey advised that Council accepted PAC's recommendation for a policy establishing a Hantsport Area Advisory Committee in Hantsport. Ads will be published shortly asking for Hantsport citizen members to sit on the Committee. This advisory committee would make recommendations to PAC, and then PAC would make recommendations to Council.

BUILDING AND DEVELOPMENT ACTIVITY REPORT

Monthly Report of August 2015

Moved by Deputy Warden Cochrane and Councillor Zwicker that the Building and Development Activity Report for the month of August 2015 be received.

Motion carried.

Ms. Dempsey pointed out that construction activity and value has increased this year compared to last year.

NEW BUSINESS

Proposed MPS and LUB Amendments – to allow for a Fire Station in a Highway Commercial zone at 22 Tonge Hill, Garlands Crossing

Ms. Bourque asked the Committee if they had any questions or comments on the proposal or on the public's comments discussed at the Public Information Meeting that preceded the PAC meeting.

Ms. Leopold introduced herself for the benefit of the new councillors. She asked for clarification with respect to the amendments not being appealable to the NS Utility and Review Board. Ms. Leopold commented that it struck her as "making up the rules as you go."

Ms. Bourque advised that when an amendment proposal comes to the Planning Department, staff review the MPS and the policies contained within it. Policy 4.4.1 of the MPS would permit a fire station on municipally owned land in any zone and would not require an amendment. Ms. Bourque advised that she looked for what the policies provide for and could not find anything that would allow Council to consider municipal uses on privately owned land except Policy 5.8 of the MPS that deals with new institutional uses, such as fire stations, by development agreement. Consequently a recommendation for a development agreement was brought forward to the August 25th Committee of the Whole meeting. It later became apparent that there was another alternative. The municipal solicitor advised that an amendment to the MPS and LUB would allow the establishment of the fire station on privately owned property without going through the development agreement process. Under the MGA, MPS amendments with concurrent LUB amendments that enable them, can be done at the discretion of Council and are not appealable to the NSUARB. Due to the urgent need to provide fire coverage by

October 23, 2015 Council could not be subject to an appeal which could delay the process. Ms. Dempsey clarified the reason MPS amendments are not appealable is because the Municipal Government Act (MGA) recognizes that Council decides what is in their MPS policies and Council can change those policies over time.

Ms. Leopold asked for clarification of the proposed Policy 5.8.2 and whether it was a normal amendment because it is site specific.

Ms. Bourque advised that in some municipalities site specific amendments are the norm and that it is not unusual.

Ms. Dempsey commented that she has administered many Land Use By-laws in other municipalities, and the majority of them allow institutional uses as-of-right in a highway commercial zone. Ms. Dempsey advised that the only reason that an amendment is required in this instance is that the development of a fire station for municipal purposes is proposed on privately owned land in the Highway Commercial (HC) zone..

Ms. Leopold noted that the permitted uses listed in the Highway Commercial zone were very general, and the proposed amendment is site specific.

Ms. Dempsey stated that in her opinion this is a minor amendment and it is not unusual for site specific uses to be identified in the list of permitted uses for a specific zone.

Ms. Leopold commented that with this amendment process there was no recourse for the public to object to the proposed use.

Ms. Leopold asked what was considered as a temporary lease. Ms. Osborne advised that that the lease is for two years, but it could be extended if necessary. She advised that in the future a fire station needs assessment study is proposed to identify the best location for a permanent fire station to serve the areas affected. This type of study is complicated and time consuming and can take years to complete. Ms. Leopold asked about the future use of the Newport Station Elementary School and if this property was considered. Ms. Bourque advised that to her knowledge this property was not considered.

Mr. Hamer noted that this was an emergency situation where something had to be done before October 23rd.

Ms. Leopold thanked the Committee for their time.

Mr. Smith asked if it was possible that the 22 Tonge Hill property could become more than temporary. Chair Pineo replied that it was unclear at this time if it would become more than a temporary solution.

Mr. Smith asked if information was available as to where most of the fire calls go. Chair Pineo advised that there are no statistics provided by the Windsor Fire Department as to the location of the fire calls.

A brief discussion was held about the right hand turn coming out of the property's driveway onto Highway 1 and Tonge Hill and the ability of the fire trucks to maneuver the corners.

Moved by Councillor Daniels and Councillor Brown that Council approve the Municipal Planning Strategy and concurrent Land Use By-Law Amendments as contained in "Exhibit 2" attached to this Staff Report, to enable the establishment of a Municipal Fire Station at 22 Tonge Hill, Garlands Crossing, West Hants (PIDs 45003878 and 45222957).

Motion carried.

Ms. Leopold voted "Nay".

MISCELLANEOUS

No miscellaneous business was heard.

NOTICES FROM ADJACENT MUNICIPAL UNITS

Town of Windsor

Moved by Councillor Matheson and Councillor Zwicker to receive the notice from Shelleena Thornton, Municipal Clerk, Town of Windsor, dated September 14, 2015, regarding a Notice of Public Hearing – a policy to close a portion of Underwood Drive, Windsor.

Motion carried.

QUESTIONS & COMMENTS FROM PUBLIC

A member of the public asked if West Hants had any influence with respect to the Underwood Drive issue. Ms. Dempsey advised that Underwood Drive is a Town of Windsor street and West Hants does not have any jurisdiction over how the Town conducts the management of its streets. The member of the public also asked about an emergency access from the hospital and high school. Ms. Dempsey advised that the Joint Border Development Committee looks at these types of issues. She noted that recently, after a lengthy study and investigative process that involved administrative, planning, and public works staff from both municipal units, together with Nova Scotia Transportation and Infrastructure Renewal, the Councils of both Windsor and West Hants adopted a Future Streets Conceptual Plan as part of their Subdivision By-laws. This plan indicates generally where future streets will be located and does not propose a future connection with Underwood Drive.

ADJOURNMENT

Moved by Councillor Zwicker and Councillor Matheson that the meeting adjourn.

Motion carried.

The meeting adjourned at 8:31 p.m.

Chair