



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS**  
**Planning Advisory Committee**  
**January 19, 2017, 6:05 p.m.**  
**Sanford Council Chambers**

- PRESENT:** Councillor Jennifer Daniels, Chair  
Warden Abraham Zebian  
Deputy Warden Paul Morton  
Councillor Rupert Jannasch  
Councillor Kathy Monroe  
Councillor David Keith  
Councillor Tanya Leopold  
Councillor Debbie Francis  
Councillor Randy Hussey  
Mr. John Smith, Citizen Member  
Mr. Matt Smith, Citizen Member
- STAFF:** Karen Dempsey, Director of Planning  
Jeanne Bourque, Planner  
Velma Macumber, Admin. Assistant
- REGRETS:** Councillor Robbie Zwicker
- PUBLIC:** Tony and Sheana Holleman  
Eight members of the public were present

**Public Information Session – Holleman & Associates Inc. – Amendment to Development Agreement**

Chair Daniels called the meeting to order at 6:05 p.m. and advised that the Public Information Session was part of the West Hants public consultation process. This gives an opportunity for the public to give input on the proposed amendments to the existing development agreement for Ellershouse Landing.

Chair Daniels advised that the proposed amendments will increase the maximum number of dwelling units permitted in the development from 8 to 18, and allow multiple unit dwellings. When the Public Information Session is complete, the PAC meeting will resume and Councillors may ask questions or make comments at that time.

Ms. Bourque reviewed the application received from Holleman & Associates Inc. for an amendment to the existing development agreement for Ellershouse Landing. She explained that a development agreement is a contract between the developer and the Municipality. The existing development agreement was approved by Council in

2014, and enabled the development of a bare land condominium housing development. The amendments requested would enable the addition of multiple unit dwellings, and increase the maximum number of dwelling units from 8 to 18.

Ms. Bourque advised that for this Public Information Session, property owners within 300 feet of the subject property received notification that PAC would be reviewing the application. The full staff report was available to the public for this session, through the municipal website and hard copies at the planning office. After hearing from the public at this session, PAC may recommend that the application be sent to Public Hearing after legal review of the amendments. After the public input in that forum, the application will go to Council for a decision.

Ms. Bourque advised that when staff had prepared the Staff Report dated April 14, 2014, the subject property was recorded as 14 acres in size. At that time, the developer made staff aware that a recent survey had been done which showed the property was actually 18 acres. However, the survey was not registered, and staff could only use the property description that was registered. It was not an issue at that time as the applicant was only applying for eight units, so the density of one unit per acre was met. Since then, the survey with the correct acreage was registered, and now staff can consider up to 18 dwelling units, at a density of one unit per acre

Ms. Bourque advised that the Planning Department had received written comments from Doug and Patricia Hudgins with respect to water wells, and concerns about noise from construction activity. Staff responded that Nova Scotia Environment (NSE) has the authority over water wells. Ms. Bourque stated that she has the contact information for Erin Bremner, NSE inspector who works at the Kentville Office, if the public wish to contact her at (902) 679-6086.

Ms. Bourque advised that another concern was received about the water table and if it could support the additional housing. Again, this has been reviewed by NSE, and they have provided the opinion that the development of eighteen units can be supplied with potable water. In addition, NSE has given notice that the subject property can support on-site sewage disposal systems and/or cluster systems.

Ms. Bourque stated that another question was asked about the proximity of the new housing to property lines. She advised that in the development agreement there is a minimum 40 ft. setback from property lines.

Ms. Bourque spoke to the concern that the new housing may be a privacy issue for the current property owners, and whether there are provisions in place to alleviate this. She referred to the proposed site plan showing the existing vegetation between the proposed housing and property lines. A clause regarding maintaining the existing vegetation will be added to the development agreement.

Ms. Bourque stated that another comment received was about noise generated by construction and if there was any recourse for adjacent property owners. Ms.

Bourque advised that the Municipality of West Hants does not have a noise by-law. The RCMP enforce the Peace and Good Order regulations on matters such as parties, disturbances, etc. Ms. Bourque noted that noise by-laws throughout the Province generally make exception for noise generated from construction work, as we have a short construction season and developers must be able to get work done during this period.

Doug Hudgins, Ellershouse, expressed concerns with respect to noise generated by contractors, who seemingly work from sunrise to sunset without consideration for the current residents who live in the area. Mr. Holleman, the developer, advised that the contractors would not be working past 6:00 pm, and that to this point, the contractors did not work past 5:00 pm.

Ms. Dempsey noted that the developer has been mindful of the residents in the community in the past, and was quite prepared to work with residents again.

Ms. Bourque advised that she has received numerous inquiries with respect to flooding, and had discussions with Mr. David Dean on several occasions about the ongoing flooding in his basement. Ms. Bourque advised that the Municipality requires a developer to provide engineered storm drainage plans, which must meet the requirements of the Municipal Service Specifications Manual (MSSM). The storm water management plan must show that the development does not increase pre-construction storm runoff compared to post construction run off rates.

Mr. Holleman advised that he met with the engineer who designed the road and property as well the storm water management plan. He stated, with respect to the amount of the water coming down from the hill from the development, it has not changed. The only thing that has changed was that the road was built. He stated that to control the amount of water and sediment going down, rock lined ditches have been built and at the bottom of the hill a containment area was placed. With respect to the storm water container, a liner may be put in as some neighbours had noted muddy well water. Mr. Holleman was going to consult with hydrological authorities on the matter of well water.

Dave Dean continued to express concerns about his basement flooding which he believed was caused by increased runoff from the development. He said basement flooding has been an issue when he first bought his house, but he considers that he fixed the problem by installing a sump pump, and since that time he had no further problems. However, during Christmas of 2016 his basement again flooded, and in his opinion, the only thing that changed was the ditch.

Mr. Dean said he also had concerns about his well, but his major concern was about his basement flooding.

Mr. Holleman advised that he will contact the engineer again to find if they can come up with another solution to address the matter of the ditch.

Mr. Dean referred to Policy 16.3.1(f) of the Staff Report in which Staff addressed the section by stating "After consultation with the Municipal Engineer, staff consider that the Holleman development to date has not increased the impact". Mr. Dean commented that he is of the opinion that the development has increased the impact of localized flooding.

Doug Hudgins referred to the proposed site plan and cautioned the developer about Sites 9 and 10, which he believed would cause significant water and runoff.

Ms. Bourque encouraged the residents to talk with the developer about their concerns.

Ms. Bourque advised that she will have the final draft development agreement available before it goes to Public Hearing. The Public Hearing will also give residents another opportunity to give input.

Ms. Dempsey asked the public if there were any further questions or comments before adjourning the public information session.

No further questions or comments were heard by the public attending the session.

The Public Information Session adjourned at 6:45 p.m.

Chair Daniels resumed the PAC meeting.

Chair Daniels welcomed the newest PAC citizen member, Matt Smith, and introduced the rest of PAC members.

#### **APPROVAL OF AGENDA & ADDITIONS**

The following item was added under New Business:

- CGC Inc. Lands

**Moved and Seconded that the agenda be approved as amended.**

**Motion carried.**

#### **APPROVAL OF PLANNING ADVISORY MEETING MINUTES OF December 15, 2016**

**Moved and Seconded that the Planning Advisory Committee meeting minutes of December 15, 2016 be approved as circulated noting any errors or omissions.**

**Motion carried.**

## **HANTSPORT AREA ADVISORY COMMITTEE UPDATE FROM CHAIR**

Ms. Dempsey advised that the HAAC had a short meeting on January 11<sup>th</sup>, in which they had dealt with a recommendation which is now 9(c) on this agenda.

## **BUSINESS ARISING FROM MINUTES**

### **Update – MPS Amendment – rezoning lands in MR zone**

Ms. Bourque advised that the MPS amendment enabling the rezoning of lands now zoned Mineral Resource went to the Public Hearing and Second Reading on January 10, 2017. The amendment was sent to SNSMR for review by the minister. Once written confirmation from SNSMR has been sent to the Planning Department, a Notice of Approval will be published. The amendments will become effective on the date of publication with no appeal period.

### **Update – Amendment to Development Agreement – “The Crossing” Land Lease Community**

Ms. Bourque advised that the amending agreement was approved by Council on January 10, 2017. Staff are working out details with the municipal solicitor with respect to the wording of the amending agreement. Once this has been completed, a Notice of Approval will be published.

### **Supplementary Staff Report – MPS Amendment – Transportation Map**

Ms. Bourque noted that no comments or questions were received at the public information meeting.

**Moved and Seconded that the Planning Advisory Committee send the proposed Municipal Planning Strategy amendments to Council for First Reading. These amendments would update Map 2, the Transportation Map of the Municipal Planning Strategy, and create policies to streamline future updates as contained in the Planning Staff Report of December 15, 2016.**

**Motion carried.**

**Moved and Seconded that the Supplementary Staff Report prepared by Jeanne Bourque, Planner, dated January 19, 2017 re Transportation Map be received.**

**Motion carried.**

## **BUILDING AND DEVELOPMENT ACTIVITY REPORT**

### **Monthly Report of December 2016**

Ms. Dempsey referred to the monthly report and noted that the annual number of permits issued and estimated value of construction and subdivision approvals had increased compared to 2015. She commented that this is good news and the Municipality of West Hants has seen growth in development and population.

Ms. Dempsey advised that an annual report will be coming from the Planning Department shortly. She advised that there will be a new section for amendments and development agreement activity, as well as a status update of development agreements. Ms. Dempsey noted that amendment and development agreement applications have doubled compared to last year, and therefore the Plan Review has not progressed as hoped. Because of increased work load in conjunction with the Plan Review, the Planning Department's budget will include monies for an additional planner.

**Moved and Seconded that the Building and Development Activity Report for the month of December 2016 be received.**

**Motion carried.**

### **NEW BUSINESS**

#### **Staff Report – Holleman & Assoc., Amendment to Development Agreement – "Ellershouse Landing"**

Ms. Bourque advised that the PAC has received comments both verbal and written from the public, and there was good dialogue between the public and the developer during the Public Information Session. Ms. Bourque advised that the next step would be to send the amendments to a Public Hearing. She asked the Committee if they had any questions.

Councillor Leopold expressed concerns with respect to the municipal website and that the Staff Reports are difficult to find. She wanted to ensure that the public knows where to find them.

Ms. Bourque noted that the new municipal website was just launched and staff are still working out the bugs. A web address is usually included in letters to residents, but in this one instance it wasn't as it was the same day as the site was launched. Ms. Dempsey asked the Committee to be patient while this is being worked out.

Councillor Leopold asked for clarification on Policy 16.3.1(d) with respect to density. Ms. Bourque advised that West Hants uses a general rule that maximum density in a

rural area is one dwelling unit per acre. This requirement is also used by NSE when determining on-site sewage disposal systems. Therefore, the property of 18 acres can accommodate the proposed increase in dwelling units while maintaining the density of one unit per acre.

Councillor Leopold asked about Mr. Hudgins concern with respect to a vegetation buffer. Ms. Bourque advised that the development agreement will require a perimeter trail and this will require that the natural existing vegetation be preserved as much as possible. Mr. Holleman advised that the trail will be about 5 ½ feet wide.

Councillor Leopold commented that she was pleased that the developer was willing to work with the residents.

Councillor Leopold asked how the existing flood conditions will be mitigated and measured. Ms. Bourque noted that the engineer will be asked to measure the water flow before and after construction.

Councillor Leopold asked about the process for residents if they have any concerns. Ms. Bourque stated that the course of action depends on the individual, whether they are comfortable talking to the developer directly, or to planning staff.

Councillor Jannasch asked about the issue of water scarcity and whether it is something that the Municipality would have to deal with or NSE to see if there is an adequate supply of drinking water. Ms. Bourque replied NSE provides their opinion on whether an adequate potable water supply is available for a particular development. General water issues – both scarcity and overabundance - are broader issues that are coming to the Municipal Climate Change Action Plan Committee for discussion.

Councillor Leopold noted that provincial funding may be available to the public for those who are thinking about drilling wells.

Mr. Matt Smith asked if the trail would be open to the public and if there were any queries from the public about expanding the trail. Mr. Holleman advised that the trail will be open to the public and there have not been any concerns expressed. Mr. Smith asked if the construction plans were finalized. Mr. Holleman stated that as of this date, the plans were finalized, and the run off containment area was completed ten days ago. Mr. Smith asked if the manholes were modified. Mr. Holleman stated yes, the original manholes were modified. He noted that the original plan had two manholes but when purchasing the concrete, he was told that the elevations would not work for that particular manhole design. Mr. Smith asked if the municipal engineer had reviewed the revised plans. Ms. Bourque stated it was not known if the municipal engineer had an opportunity to do this.

**Moved and Seconded that the Staff Report prepared by Jeanne Bourque, Planner, dated January 19, 2017 be received.**

**Motion carried.**

**Moved and Seconded that the application for amendments to the Ellershouse Landing Development Agreement (PID 45013588), as contained in the Planning Staff Report of January 19, 2017 be sent to Public Hearing.**

**Motion carried.**

#### **Staff Report – HMPS Amendments to enable rezoning R-1 to R-2**

Ms. Bourque advised that the Hantsport Area Advisory Committee (HAAC) had dealt with the matter of revising the Hantsport Municipal Planning Strategy (HMPS) to enable rezoning from R-1 to R-2. This has been moved up in the work plan as an application was received to rezone a specific property from R-1 to R-2. The applicant has paid for both MPS and LUB amendments. The HMPS amendments and the rezoning application will take place concurrently as much as possible, but that at some point, the rezoning application will have to be held back until the amendment is approved. Ms. Bourque suggested that this matter go to the next step which is a public information meeting to be hosted by the PAC.

**Moved and Seconded that the Planning Advisory Committee recommends that the proposed amendments to the Hantsport Municipal Planning Strategy to enable rezoning Single Unit Residential (R-1) to Two Unit Residential (R-2), as contained in the Planning Staff Report to the Hantsport Area Advisory Committee dated December 14, 2016, be sent to West Hants Council for First Reading, pending a Public Information Meeting.**

**Motion carried.**

**Moved and Seconded that the Staff Report prepared by Jeanne Bourque, dated January 19, 2017 re Amendment to Hantsport Municipal Planning Strategy, be received.**

**Motion carried.**

#### **HAAC Recommendation – HLUB Amendments to rezone 7 Julibee Lane from R-1 to R-2**

**Moved and Seconded that the Staff Report prepared by Jeanne Bourque, dated January 19, 2017 re Amendment to Hantsport Land Use By-law, be received.**

**Motion carried.**

**Moved and Seconded that Planning Advisory Committee recommends that upon completion of a Public Information Session, Council holds First Reading of the proposed Hantsport Land Use By-law Amendment to rezone 7 Jubilee Lane from Single Unit Residential (R-1) to Two Unit Residential (R-2) as contained in the Planning Staff Report dated January 11, 2017.**

**Motion carried.**

**Staff Report – Alternative Resource Energy Authority - Amendment to Development Agreement to permit expansion of Ellershouse Wind Farm – *pending Ministerial Decision***

Ms. Bourque advised that an application from AREA was received to amend the existing development agreement to enable an expansion to a wind energy facility on a portion of PID 45007903 located in Ellershouse. The expansion would be made up of seven wind turbines, accessory components, and access roads/driveways. The key part to begin the municipal review process is the environmental assessment approval by Nova Scotia Environment (NSE). On January 13, 2017, the Minister of Environment requested additional information of the developer, and until this is completed and a Ministerial Decision made, the application cannot proceed to the municipal process.

**CGC Inc. Lands**

Councillor Monroe welcomed Matt Smith to the Committee. She advised that she had been approached by numerous residents of her district about the sale of the 30 parcels of CGC Inc. Lands. Councillor Monroe advised that she was told that there are old agreements in place with respect to the lands. She suggested that there may be an opportunity for the Municipality to work with CGC to remediate and return the lands to the Municipality. Councillor Monroe suggested that Municipality may want to discuss this with CGC now so that lands for community use may be preserved.

Mr. Smith advised that the lands known as Meadow Pond adjacent to Highway 101 have been sold. He commented that, in his opinion, the land would have benefited the Municipality for parks and recreational open space. He suggested that perhaps the Municipality may want to investigate the acquisition of this land. Mr. Smith stated that the Municipality may also want to acquire the various parcels of lands along the Avon Peninsula not only as a recreational opportunity, but a conservation opportunity as well. Those lands have not been developed and are located west of Ferry Road, bound by the south near Avondale Road, and to the north and west of Belmont Road. He noted that the lands contain the highest concentration of flora biodiversity found in karst terrain, found anywhere in Eastern Canada. They also contain two known bat habitats as well as numerous populations of the Ram's Head Lady Slipper, which happens to be the Municipality's emblem. Mr. Smith asked if he

could act on behalf of West Hants to contact CGC Inc. to find out what their plans are for those parcels of land, and what their remediation plans are for the two quarries that have not been worked or developed on for the last several years.

Ms. Dempsey stated she agreed with the potential of the lands, which is quite amazing, however, the Municipality must determine what their overall strategic objectives are in regards to land acquisition, and include in this discussion existing documents such as the Parks and Open Space Plan. This is also a discussion that is broader than the Planning department - Recreation staff and the CAO need to be involved. Ms. Dempsey also advised that she did not feel it was appropriate for PAC to direct one of their members to undertake any research or investigative activity. This would be in the jurisdiction of Council. The role of PAC is to advise Council. She stated that it would be up to Council to determine what avenue or investigation that PAC would like them to consider.

Ms. Bourque clarified that the CGC lands had never been owned by the Municipality, so they could not be returned. She also advised that she had done some research with respect to responsibility of reclamation or bonds, and this rests with Nova Scotia Environment (NSE). She advised that Barry Gillis, of NSE in Bridgewater, now has the CGC files. She has requested an information report from Mr. Gillis with respect to those lands to find out what is occurring with them. When more details are known as to which lands have reclamation bonds on them, and who is responsible to see that it is enforced, this can be reported back to the PAC.

Ms. Dempsey advised that she did have a brief conversation with the Recreation Director, Mrs. Kehoe, who contacted Dumps (Maurice) Dearman with respect to the lands in Avondale. Mr. Dearman had advised that 900 acres were sold to a farmer, and that there are no plans in place to sell more land. Ms. Bourque noted that the 30 parcels she spoke of were sold to one individual.

Councillor Monroe expressed concern that this matter was time sensitive as more lands could be sold. Mr. Smith expressed concerns with respect to the remediation of depleted mines being paid for by the taxpayers.

Chair Daniels and Ms. Dempsey suggested that as Mr. Smith was a member of the Planning Advisory Committee and thus would be perceived as a representative of the Municipality, he should discuss the matter of any research or investigative activity that he might undertake with the CAO before contacting any outside agencies.

Councillor Morton left the meeting at 8:00 p.m.

**Moved and Seconded that Planning Advisory Committee send the matter of CGC Inc. lands to Committee of the Whole for further consideration and review.**

**Motion carried.**

## **MISCELLANEOUS**

No miscellaneous business was heard.

## **NOTICES FROM ADJACENT MUNICIPAL UNITS**

No notices were received.

## **QUESTIONS & COMMENTS FROM PUBLIC**

There were no further questions or comments from the public who were in attendance.

## **ADJOURNMENT**

**Moved and Seconded that the meeting adjourn.**

**Motion carried.**

The meeting adjourned at 8:07 p.m.

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Chair