



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Planning/Heritage Advisory Committee
November 15, 2018, 6:00 p.m.
Sanford Council Chambers**

- PRESENT:** Councillor Robbie Zwicker, Chair
Councillor Tanya Leopold, Vice Chair
Warden Abraham Zebian
Deputy Warden Paul Morton
Councillor David Keith
Councillor Debbie Francis
Councillor Randy Hussey
Councillor Kathy Monroe
Councillor Rupert Jannasch
Mr. Glenn Robinson, Resident Member
- STAFF:** Madelyn LeMay, Director of Planning & Development
Saira Shah, Planner
Sara Poirier, Planner
Velma Macumber, Planning Admin Assistant
- REGRETS:** Councillor Jennifer Daniels
- GUESTS:** Terry Brown
Mark Gardner, Solicitor for Terry Brown
- PUBLIC:** Two members of the public

MEETING CALLED TO ORDER

Vice Chair Leopold called the meeting to order at 6:00 p.m. and reviewed fire evacuation procedures.

NOMINATIONS FOR CHAIR AND VICE CHAIR

Vice Chair Leopold advised that she received an email from Councillor Daniels asking her to submit her name to re offer for Chair position as Councillor Daniels was unable to attend this meeting in person.

Vice Chair Leopold called for nominations for the position of Chair of the West Hants Planning Advisory Committee.

Warden Zebian nominated Councillor Zwicker. Councillor Zwicker accepted.

Deputy Warden Morton nominated Councillor Daniels.

Vice Chair Leopold called for further nominations.

Warden Zebian nominated Councillor Leopold. Councillor Leopold declined.

The Committee agreed to hold a secret ballot.

Ms. LeMay and Ms. Macumber acted as scrutineers. Following the counting of the ballots by Ms. LeMay and Ms. Macumber, Ms. LeMay declared Councillor Zwicker as Chair.

Chair Zwicker called for nominations for the position of Vice Chair.

Warden Zebian nominated Councillor Daniels.

Councillor Hussey nominated Mr. Robinson. Mr. Robinson declined.

Chair Zwicker called for further nominations.

Councillor Francis nominated Councillor Leopold. Councillor Leopold accepted.

The Committee agreed to hold a secret ballot.

Ms. LeMay and Ms. Macumber acted as scrutineers. Following the counting of the ballots by Ms. LeMay and Ms. Macumber, Chair Zwicker declared Councillor Leopold as Vice Chair.

MOVED and SECONDED that the ballots be destroyed.

Motion carried.

APPROVAL OF AGENDA & ADDITIONS

Ms. Shah asked that item (d) under Business Arising from the Minutes be moved to the beginning as the applicant was in attendance at this meeting.

The Committee agreed.

MOVED and SECONDED that the agenda be amended.

Motion carried.

APPROVAL OF PLANNING ADVISORY MEETING MINUTES OF OCTOBER 18, 2018.

MOVED and SECONDED that the Planning/Heritage Advisory Committee meeting minutes of October 18, 2018 be approved as circulated noting any errors or omissions.

Motion carried.

HANTSPORT AREA ADVISORY COMMITTEE UPDATE FROM CHAIR

Chair Zwicker reported that the HAAC met on November 14, and it was a very positive meeting. Ms. Poirier presented the proposed Bill 177 by-law and agreement to the Committee. Discussion was held about the possibility of adding the relevant districts to the permit-tracking tool so that anyone requesting a permit or making inquiries regarding a property would be advised of the opportunity.

Discussion was also held about inviting members of Windsor Council to a HAAC meeting in the near future, so they could see how planning issues are considered now in Hantsport.

BUSINESS ARISING FROM MINUTES

Update – Land Use By-law Map Amendment – Bonnie Lane, Newport Station (Saira Shah)

Ms. Shah presented the findings of her odour control investigation. She recommended that PAC consider amending the MPS and LUB to require applicants who wish to operate a standard-sized cannabis cultivation and/or production facility to submit an odour control plan prepared or approved by a Registered Occupational Hygienist.

MOVED and SECONDED that PAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Municipal Planning Strategy and Land Use By-law and the map of the Land Use By-law to:

- 1. require applicants to provide an odour control plan for licensed Standard Cultivation and/or Processing cannabis facilities;**
- 2. enable enclosed manufacturing in the Hamlet Industrial (M-2) zone; and**
- 3. permit production of medical cannabis and an automotive repair business at PID 45246329 and PID 45212552;**

all as attached to the planning staff report dated November 15, 2018 as Appendix A and Figure 3.

Councillor Francis asked if there was any information with respect to odour issues in Canada. Ms. Shah stated there are very few regulations related to odour in Canada as recreational cannabis has only been legal since October. Ms. Shah advised that based on her recommendation if the Municipality received any complaints the Development Officer would look into them.

Councillor Hussey felt that the requirement for an odour control plan to be submitted before production starts was too restrictive. He commented that there is no smell until the first crop is produced which would make it difficult to determine if an odour control plan sufficiently controlled odour. Ms. Shah advised that the Registered Occupational Hygienists (ROHs) are trained and know how to assess odour ahead of time. Councillor Hussey expressed concern about the extra expense to the applicant if an odour control plan is required.

Mr. Brown commented that his nearest neighbours are a mile away, and he has not received any complaints. The systems are all filtered, and he has been operating his business since 2004.

Warden Zebian stated that although, he shares Councillor Hussey's concern about expense, he has heard concerns from residents about odour.

Mr. Brown stated that he utilizes charcoal filters and fans in the building, and the plants do not emit any odour until they are budding.

Councillor Jannasch stated that he agreed with Councillor Hussey and Warden Zebian's comments. He asked what the cost was to have a plan prepared, and the time to get it prepared. Ms. Shah stated ROHs charge \$80-\$120 per hour and the final expense would depend on if the plan was prepared or just approved by a ROH. It would take approximately one (1) hour to approve and eight (8) hours to prepare an odour control plan.

Councillor Francis suggested that a ROH not be required until there is a problem. Ms. Shah suggested that other municipalities have required an odour control plan based on complaints. This would require a new Municipal by-law to regulate odour based on complaints.

Mr. Gardner stated that cannabis is regulated by the federal government, and Mr. Brown has already submitted a plan to Health Canada. If there were any problems, then Health Canada would be contacted.

Councillor Hussey suggested that Item # 1 be removed from the original motion.

Councillor Keith declared a conflict of interest at 6:38 p.m.

MOVED and SECONDED that PAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Municipal Planning Strategy and Land Use By-law and the map of the Land Use By-law to:

- 1. enable enclosed manufacturing in the Hamlet Industrial (M-2) zone; and**
- 2. permit production of medical cannabis and an automotive repair business at PID 45246329 and PID 45212552;**

all as attached to the planning staff report dated November 15, 2018 as Appendix A and Figure 3.

Motion carried.

MOVED and SECONDED that a requirement be added that applicants provide an odour control plan if the odour causing five or more households or businesses to complain to the Municipality within a 30-day period.

Motion carried.

Committee members felt the motion was too general and asked that a radius be included for neighbouring properties.

Chair Zwicker noted that the operation is already regulated by Health Canada.

Mr. Brown and Mr. Gardner and guests left the meeting at 6:40 p.m.

Councillor Keith rejoined the meeting.

Update – West Hants Household Livestock (Saira Shah)

Ms. Shah provided an overview of current livestock regulations, a summary of household livestock discussions over the past year and three (3) options for the Committee. She said that with any option Growth Centres, Village, or Hamlets can be excluded, roosters can be removed for smaller lots or in specific designations, and additional kinds of animals can be removed or added.

After much discussion, the following motion was made:

MOVED and SECONDED to direct Staff to proceed with the Medium Scale option, that Household Livestock be permitted in the Hamlets and Village, and that the Growth Centres be excluded.

Motion carried.

Update – Hantsport Household Livestock (Saira Shah)

Ms. Shah advised that the amendment was received by Council at First Reading on November 13. The Public Hearing and Second Reading will take place on December 11, 2018.

Update – Municipal Planning Strategy and Land Use By-law Amendments – Indoor Storage Facilities Accessory to Agricultural Uses (Sara Poirier)

Ms. Poirier stated that the application was presented at Public Hearing at Council on Tuesday, November 13. Council approved the application at Second Reading. The amendments will be sent to the Minister for approval.

Update – Land Use By-law Text Amendment – Micro-Cultivation and Micro-Processing of Cannabis (Saira Shah)

Ms. Shah advised that the amendment was presented at Public Hearing at Council on Tuesday, November 13. Council approved the application at Second Reading. The Notice of Approval will be published on November 20 in the local paper and there will be a 14-day appeal period.

Update – Bill 177: West Hants and Hantsport Municipal Planning Strategy Amendments (Sara Poirier)

Ms. Poirier advised that the Planning Department received a letter from the Minister on Tuesday, November 13, regarding the Hantsport and West Hants Municipal Planning Strategy Amendments for the Commercial Development District Designations. The Notice of Approval has been sent to the local newspaper which will be published on November 20, 2018. The amendments will take effect on the date the advertisement is posted. This matter can now be removed from the agenda.

Update – Land Use By-law Amendment – 269 Town Road, Falmouth (Sara Poirier)

Ms. Poirier said the 14-day appeal period for this application ended on October 30, 2018 with no appeals received by the NSUARB. The amendment is now effective. This item can now be removed from the agenda.

Update – Municipal Planning Strategy: Public Engagement Meetings (Sara Poirier)

Ms. Poirier stated that she and Ms. Shah hosted another two Municipal Planning Strategy Public Engagement sessions since the last PAC meeting. One was in Falmouth on Wednesday October 24 and the other was in Three Mile Plains on Monday, October

29. They had 10 people attend the meeting in Falmouth, and no one attended the meeting in Three Mile Plains.

Ms. Poirier continued to describe a one-hour afternoon youth engagement session with student council at Avon View High School. This was a collaborative effort with Councillor Leopold on Monday November 5. Ms. Shah and Ms. Poirier explained planning and introduced the students to the Municipal interactive comment mapping available online, which the students really enjoyed. Staff left the students a short survey to complete and asked them to analyze the results. The students have been invited to present their results to the Planning Advisory Committee on January 17, 2019.

Ms. Poirier and Ms. Shah will be hosting a two-hour interactive session with middle school students at West Hants Middle School on Tuesday, November 27.

Ms. Poirier then asked the committee whether the Planning Department should continue public meetings related to the Plan Review. Ms. Shah added that staff have considered hosting a meeting about Agriculture in January 2019 and there is a Dalhousie student lined up to help.

The Committee discussed whether to continue with the public consultations for the plan review. They agreed that any meeting pertaining to interest groups for such items as agriculture should go forward as planned.

Update – Civic Addressing By-law and Road Naming Policy (Madelyn LeMay)

Ms. LeMay advised that the Public Hearing and Second Reading both took place Tuesday November 13; Council approved the changes to the Civic Addressing By-law and it has been sent to the Minister of Municipal Affairs for approval.

Update – Brison Developments Ltd. – Development Agreement Amendments (Madelyn LeMay)

Ms. LeMay advised that First Reading took place at Council November 13 and Council has directed that a Public Hearing be held. The Property Identification Numbers (PIDs) to which the agreement is to apply were received November 5 from the developer's agent but were incorrect; once correct PIDs are received the Public Hearing can be scheduled.

Update – 744 Highway 236, Scotch Village (Madelyn LeMay)

Ms. LeMay showed a few slides of the work that has been done on the front of the house. PAC/HAC recommended a heritage grant for the property earlier this year.

BUILDING AND DEVELOPMENT ACTIVITY REPORT

Monthly Report – October 2018

No comments were made on the report.

NEW BUSINESS

Municipal Registration of Sainte Famille Cemetery (Madelyn LeMay)

Ms. LeMay reported that an application for registration of the Sainte Famille Cemetery as a Municipal Heritage Property was received August 15, 2018 but could not be considered until the revised Heritage Property By-law was approved by the Minister of Municipal Affairs. Ministerial approval was published October 2, 2018. The report regarding the municipal registration compared the site to the criteria established by Council some time ago and confirmed by Council May 8, 2018. Ms. LeMay noted that any property which dated from the Acadian period (1675-1755) was “automatically” eligible for inclusion in the Registry. She noted the property is also Provincially designated. The process established in the Heritage Property By-law will be followed.

MOVED and SECONDED that Council follow the process to designate the land known as Sainte Famille Cemetery located at 419 Gabriel Road (PID #45249406) as a Municipal Heritage Property.

Motion carried.

Commercial Development District Improvement By-law and Phased-In Assessment Agreement (Sara Poirier)

Ms. Poirier presented the by-law and agreement to the Committee.

MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider approving the Commercial Development District Improvement By-law and Phased-In Assessment Agreement, as attached to the Planning Advisory Committee report #18-09 dated November 15, 2018 as Attachment A and B.

Motion carried.

NOTICES FROM ADJACENT MUNICIPAL UNITS

No notices were received.

MISCELLANEOUS

Discussion: Cannabis as an Agriculture Use (Saira Shah)

Ms. Shah presented a summary of cannabis land uses and information regarding the consideration of cannabis as an agricultural use. She asked the Committee for input on which types of zones should be considered for cannabis land uses.

After a brief discussion, the Committee agreed that small scale uses could be permitted, but standard size cannabis land uses only be permitted in the Commercial, Resource, and Industrial zones.

MOVED and SECONDED to direct Staff to prepare a report on cannabis land uses in all zones except the residential zones.

Motion carried.

Hantsport Area Advisory Committee Policy & West Hants Planning Advisory Committee Policy (Madelyn LeMay)

Ms. LeMay advised that the Municipal Clerk has been reviewing all policies to ensure their relevance. Minor changes are needed to each policy.

MOVED and SECONDED that Council approve the amendments to the Policy Establishing Hantsport Area Advisory Committee (COPL-005.00) as presented to the Planning Advisory Committee on November 15, 2018.

Motion carried.

MOVED and SECONDED that Council approve the Policy to Establish the West Hants Planning Advisory Committee (COPL-006.00), which includes the repeal of the Policy to Establish the Planning Advisory Committee dated December 13, 2011, as presented to the Planning Advisory Committee on November 15, 2018.

Motion carried.

PAC/HAC non-Councillor Members (Madelyn LeMay)

Ms. LeMay advised that only one individual indicated interest in being a member of the Planning Advisory Committee: Mr. Glenn Robinson. On November 13, 2018, Council appointed Mr. Robinson as a member of PAC/HAC until October 2020. The Municipal Clerk will advertise again to see if there is more interest. She also advised that the Clerk will be re-advertising and anyone interested should apply.

Churchill House

Ms. LeMay advised that she received an inquiry from Churchill House about whether non-profit organizations should be included as potential applicants for heritage grant funding from the Municipality. Ms. LeMay asked the Committee if she could look into this.

MOVED and SECONDED to direct Staff to look into whether non-profit organizations could be eligible for municipal heritage grant funding.

Motion carried.

QUESTIONS AND COMMENTS FROM PUBLIC

No members of the public were present at this time.

ADJOURNMENT

MOVED and SECONDED that the meeting adjourn.

Motion carried.

The meeting adjourned at 8:04 p.m.

Chair