

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda Amended

April 23, 2024 - 6:00 p.m.

In-person, Sanford Council Chambers, 76 Morison Dr, Windsor, NS

Virtual via Zoom (also FB Livestream)



West Hants
something inspiring awaits

-
1. Call to Order
 2. Attendance
 3. Announcements
 4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
 - b) Dashboard Action Items – Dangerous or Unsightly Premises
 5. Declaration(s) of Conflict of Interest
 6. Approval of Previous Meeting Minutes
 - a) 2024-03-26 Council Meeting Minutes
 - b) 2024-03-26 Public Hearing Minutes Payzant Drive Development Agreement PIDs 45053030, 45343878, 45343894, and 45234382
 - c) 2024-03-26 Public Hearing Minutes WHMPS and WLUB Amendments to the Hamlet Designation
 7. Public Hearings
 - a) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382 – Planner Dunphy
 - b) Willow Street, Hantsport HLAB Map Amendment PID 45045879 – Planner Dunphy
 - c) Pesaquid Comprehensive Development District WMPS and WLUB Amendments – Planner Dunphy
 - d) Hwy 215, Summerville, PID 45180635 Development Agreement – Planner Fredericks
 - e) 4236 Hwy 14 Windsor Forks WLUB Map Amendment Planner Fredericks
 8. Second Readings (as it pertains to Public Hearings)
 - a) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382 (Recommending Postponing)
 - b) Willow Street, Hantsport HLAB Map Amendment PID 45045879 – Planner Dunphy
 - c) Pesaquid Comprehensive Development District WMPS and WLUB Amendments – Planner Dunphy
 - d) Hwy 215, Summerville, PID 45180635 Development Agreement – Planner Fredericks
 - e) 4236 Hwy 14 Windsor Forks WLUB Map Amendment Planner Fredericks)

~~9. Unfinished Business/Postponed Motions~~

- ~~a) Emergency Plan for Windsor Flood Zone – Councillors Ivey and Murley~~
- ~~b) Financial Report ending February 29, 2024 – Director Rochon~~

~~10. Mayor's Report~~

~~11. Committee(s) of Council Excerpts/Recommendations~~

~~a) Committee of the Whole Excerpts (April 9, 2024)~~

- ~~i. 2024 Municipal and CSAP Elections Advance Poll Dates and Locations~~
- ~~ii. 2024 Spring Debentures – MFC~~
- ~~iii. Deer Management Information~~
- ~~iv. Letter of Concern Regarding Dykes~~
- ~~v. PACHAC Citizen Recommendation~~
- ~~vi. PACHAC Terms of Reference~~
- ~~vii. Payzant to King Connection~~
- ~~viii. Payzant/Wentworth Connection – Lights~~
- ~~ix. Railway Trail Parking Lot Light~~
- ~~x. Windsor Water Storage Tank Construction~~
- ~~xi. WHRM 2024 Provincial Representative Volunteer~~
- ~~xii. Windsor Flood Study Phase 2~~

~~b) Planning and Heritage Advisory Committee Recommendations (April 11, 2024) (as it relates to First Readings)~~

- ~~i. 586 O'Brien Street, Windsor (PID 45054350) Development Agreement – Planner Dunphy~~
- ~~ii. 523 Albert Street, Windsor (PID 45058872) WLUB Map Amendment – Planner Fredericks~~
- ~~iii. 1781 King Street, Windsor (PID 45162005) WLUB Map Amendment – Planner Fredericks~~

~~12. Councillor Municipal Business/Activity Reports~~

~~a) Councillor Ivey, District 11 Activity Report~~

~~13. Correspondence~~

~~a) Information~~

- ~~1. Avon Causeway Activity Log – None~~
- ~~2. Ever Wind/Bear Lake Wind Farm~~
 - ~~i. Combined Correspondence as of April 23, 2024~~
- ~~3. Correspondence Received Activity Log~~
 - ~~i. Michael Hackett Re Information Council Meetings~~

- ~~ii. Honourable John A. Lohr Re Canyon Point~~
- ~~iii. Minister Masland Re Cost Shared Program for Paving of Subdivision (J Class) Streets for fiscal year (2024-25)~~
- ~~iv. Denise Forand Re Armstrong Lake OS~~
- ~~v. Angela Hiltz Re Landfill~~
- ~~vi. Edward Edelstein Letter to West Hants Municipality Re Regarding the Proposed Development Agreement for Lot W 7 A Gray Street, Windsor NS~~
- ~~vii. Bonnie Rankin, Executive Director of Policy and Corporate Services at the Department of Public Works Re Railway Act Response~~
- ~~viii. Troy Harvie Re Payzant Drive roundabout~~
- ~~ix. Michael Langois Re Payzant to King Connection~~
- ~~x. Letter to CAOs Re CCBF~~

~~b) Requests~~

~~c) Outgoing Correspondence Log~~

- ~~i. 2024-04-16 WHRM Letter to Premier, Minister Masland, MLA Sheehy Richard and Mr. Lamal Re Flood concerns on the Belmont & New Town Roads~~

~~15. New Business - None~~

~~16. In Camera~~

- ~~a) MGA 22(2)(a) Labour Matter~~
- ~~b) MGA 22(2)(a) Legal Matter~~
- ~~c) MGA 22(2)(a) Legal Matter~~

~~17. Next Meeting Date / Adjournment - May 14th, 2024 Committee of the Whole Meeting 6 p.m.~~

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Minutes

April 23, 2024 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

And virtually via Zoom (also Facebook Livestreamed)



West Hants

something inspiring awaits.

1. Call to Order - Mayor Zebian called the meeting to order at 5:59 p.m.

2. Attendance

Council:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2 (6:08 p.m.)

Mark McLean, Councillor, District 3

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor, District 5

Paul Morton, Deputy Mayor, District 8

Bob Morton, Councillor, District 6

Ed Sherman, Councillor, District 7

John Smith, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Staff:

Mark Phillips, Chief Administrative Officer

Carlee Rochon, Director of Financial Services

Todd Richard, Dir. Public Works

Alex Dunphy, Planner

Deanna Snair, Municipal Clerk

Sara Poirier, Dir. Planning & Development

Mark Fredericks, Senior Planner

Regrets:

Kathy Kehoe, Director Community Development

Shelleena Thornton, Municipal Ops Supervisor

Presenter and Gallery

26 in the Gallery

3. Announcements (6:00 p.m.)

- Mayor Zebian acknowledged that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People and that this land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality also recognizes that we are all treaty people and have responsibilities to this land and each other. West Hants Regional Municipality also recognizes African Nova Scotians are a distinct people whose history, legacies, and contributions have enriched that part of Mi'kma'ki known as Nova Scotia for over 400 years.
- Fire alarm protocol was reviewed.
- Meetings are recorded and livestreamed on Facebook; comments/suggestions are welcome; however, responses are unable to be provided.
- Meetings are recorded and livestreamed on Facebook for viewing purposes, members of public attendance were asked to refrain from recording the meeting on personal devices and respect the safe space provided within Council chambers.

- Benjamin Mills Wind Project Open House scheduled for May 7th from 4-7 p.m. at the Southwest Hants Fire Hall.
- A Public Information Meeting regarding the Ellershouse 3 Wind Project is coming up.
- District 8 Town Hall meeting scheduled for May 8, 2024 at 6 p.m. at the Falmouth Hall.
- Appreciation and thanks were extended to Jennifer Nicholls (PACHAC citizen member) for her time served on the committee.
- This coming Saturday was the Big Brothers and Big Sisters Bowl for Kids Sake.

4. Approval of the Agenda, including additions or deletions (6:04 p.m.)

Voting occurred by a show of hands.

Discussion Points:

- Dashboard - Sewer Odours: An odour control product (to control H2S) was trialed over the winter on the Clifton Pond. Some success was achieved eliminating odours, the project remains in progress. Staff continue to evaluate and look at other potential solutions for other areas. More information will follow as the project continues to be evaluated. The normal practice was to place deodorizers in specific catch basins. Residents with concerns were encouraged to contact Public Works.
- It was noted the sewer odours never seem to disappear and have been present since consolidation.
- Dashboard- Zwicker Lake Supplementary information report will be presented at the next Committee of the Whole meeting.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN
THAT THE 2024-04-23 COUNCIL AGENDA BE APPROVED. MOTION
CARRIED**

5. Declaration of Conflict of Interest (6:07 pm)

Items 6(b), 7(a), 8(a), 11(a)(vii) and 11(viii) – Mayor Zebian and Councillor Francis due to owning land.

6. Approval of the Previous Meeting Minutes (6:08 p.m.)

- 2024-03-26 Council Meeting Minutes
- 2024-03-26 Public Hearing Minutes Payzant Drive Development Agreement PID's 45053030, 45343878, 45343894 and 45234382
- 2024-03-26 Public Hearing Minutes WHMPS and WHLUB Amendments Hamlet designation

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY
THAT THE 2024-03-26 COUNCIL MEETING MINUTES AND THE 2024-03-
26 PUBLIC HEARING MINUTES WHMPS AND WHLUB AMENDMENTS
HAMLET DESIGNATION BE APPROVED. MOTION CARRIED.**

Mayor Zebian and Councillor Francis declared conflict and left the meeting at 6:09 p.m. Deputy Mayor P. Morton assumed the chair.

MOVED BY COUNCILLORS SHERMAN AND MURLEY THAT THE 2024-03-

26 PUBLIC HEARING MINUTES PAYZANT DRIVE DEVELOPMENT AGREEMENT PID'S 45053030, 45343878, 45343894 AND 45234382 BE APPROVED. MOTION CARRIED.

Mayor Zebian and Councillor Francis returned to the meeting at 6:09 p.m. and then declared conflict and left the meeting again at 6:09 p.m. Deputy Mayor P. Morton assumed the chair.

7. Public Hearings (6:10 p.m.)

Public Hearings (Second reading was held immediately following Public Hearing)

The meeting moved into Public Hearing at 6:10 p.m. Further information on the Public Hearing is available in the 2024-04-23 Public Hearing Minutes.

- a) Payzant Drive, Windsor Development Agreement PID's 45053030, 45343878, 45343894 and 45234382 (6:10 p.m.)

MOVED BY COUNCILLORS MURLEY AND SMITH THAT COUNCIL POSTPONES THE PUBLIC HEARING UNTIL 6:00 PM ON MAY 28 AND POSTPONES THE SECOND READING UNTIL MAY 28, 2024 IN ORDER TO COMPLETE A REVISED SITE PLAN FOR THE DRAFT DEVELOPMENT AGREEMENT FOLLOWING THE UPDATED ROAD RESERVE REQUEST FROM THE MUNICIPAL PUBLIC WORKS DEPARTMENT. MOTION CARRIED UNANIMOUSLY.

8. Second Readings

- a) Payzant Drive, Windsor Development Agreement PID's 45053030, 45343878, 45343894 and 45234382 – Second Reading did not occur.

Mayor Zebian and Councillor Francis returned to the meeting at 6:14 p.m. Deputy Mayor P. Morton left the chair; Mayor Zebian assumed the chair at this time.

7. Public Hearings (6:14 p.m.)

Public Hearings (Second reading was held immediately following Public Hearing).

The meeting moved into the Public Hearing at 6:14 p.m. Further information on the Public Hearing is available in the 2024-04-23 Public Hearing Minutes.

- b) Willow Street, Hantsport HLUB Map Amendment PID 45045879 (6:14 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL MOVE INTO PUBLIC HEARING AT 6:14 P.M. MOTION CARRIED.

At 7:08 p.m. the Public Hearing was concluded until such time Council has no further questions and wished to make a motion.

8. Second Readings

- b) Willow Street, Hantsport HLUB Map Amendment PID 45045879 (7:08 p.m.)

Council had a lengthy discussion about the requested amendment. Several concerns were raised about the challenges associated with the property with respect to the grade/slope of the property; specifically, as it pertains to existing stormwater run-off, future storm water run-off

and management. Concern was raised that the development would potentially negatively impact neighbouring properties. Concern was also raised over the wording “believes they can do it” (with respect to tying into the existing stormwater system) and the developer not knowing if he could achieve what was being proposed. Concern was raised that “as of right” the developer could subdivide the lot into three separate lots (each with an accessory building) resulting in six buildings in total and there was no requirement for a stormwater management plan. Concern was raised that provincial mapping was not up to date and did not recognize swamp areas known to local residents and now issues were arising, and climate change has also impacted development.

Discussion Points:

- Affordable housing was not criteria within WHRM planning documents/process.
- Rental costs would be based on current market value at the time of completion.
- A geotechnical report and a stormwater management plan were required (part of the development permitting process).
- Water runs downhill towards the back of the property and was the reason for a stormwater retention area at the bottom of the property to help slow the flows and quantity so at a minimum it can be maintained at the current level (provincial regulations).
- The challenge with the proposal was that engineering or a detailed design has not been completed. The developer felt he was able to complete a project that would meet stormwater management requirements. At this point in the process, the details on how this would be completed were not required. The challenge with not having this information was that a decision was required based on the certainty that the proposal would not negatively impact neighbouring properties.
- If approved, it was up to the developer to meet the requirements of the zone and stormwater management. If the developer was unable to meet the criteria, the development could not occur. The full impact of the proposal was assessed at the development control stage.
- Infrastructure on both Willow and School Street were separated.
- It was noted that trees were an important part of stormwater management. It was suggested trees should be included in a stormwater management plan.
- The intention was to pave the parking area.
- All designated wetland mapping is provided by the province. WHRM has no staff who are experienced in this area.
- School Street stormwater flows to Chittick Avenue and Willow Street flows to the Halfway River.
- If the property was developed “as of right” and subdivided into three (3) separate lots, it was thought each lot would be considered separately.

Council concluded they would like to have input from the Development Officer on the questions asked (cumulative effect of one lot vs three lots, if a stormwater management plan was a requirement for “as of right”, confirmation of what could be applied for “as of right” and the size of wetlands and setbacks with respect to provincial regulations before a decision could be made.

MOVED BY COUNCILLOR JANNASCH AND DEPUTY MAYOR P. MORTON THAT COUNCIL POSTPONES SECOND READING UNTIL THE MAY 28, 2024 COUNCIL MEETING PENDING THE ANSWERING OF THE QUESTIONS BY THE DEVELOPMENT OFFICER. MOTION CARRIED UNANIMOUSLY

7. Public Hearings (Second reading was held immediately following Public Hearing). The meeting moved into the Public Hearing at 7:39 p.m. Further information on the Public Hearing is available in the 2024-04-23 Public Hearing Minutes.
- c) Pesaquid Comprehensive Development District WMP and WLUB Amendment (7:39 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN THAT COUNCIL MOVE INTO PUBLIC HEARING AT 7:39 P.M. MOTION CARRIED.

At 7:48 p.m. the Public Hearing was concluded until such time Council has no further questions and wished to make a motion.

8. Second Reading
- c) Pesaquid Comprehensive Commercial District Development Agreement (PCCD) WMP and WLB Amendments (7:48 p.m.)

Council discussed the application and noted some concerns with residential usage on ground floors being permitted in the io.

Discussion Points:

- Policy 7.5.5 was drafted with the applicant in mind. The 50% ground floor space was based on what was requested in the application.
- A thought was the amendment could also be seen as negatively impacting neighbouring properties. The PCCD was a unique area that only had commercial properties located on the ground floors and bordered the waterfront area. Concern was raised about potential impacts to commercial properties if the desire was to have residential usages on ground floors in an area that faced the waterfront.
- Consideration was given to the proposal; the introduction of this residential use may help improve the appearance of the current the backdrop when entering Windsor. The fact that this change was being done through a Development Agreement vs a complete zone change provided some comfort.
- As of right residential use was permitted on the second storey of any building in the district.
- It was felt that converting a Commercial District was a larger conversation. If the desire was to have residential on ground floors in this area, it was felt that was a different conversation outside of the DA that was being discussed.

MOVED BY COUNCILLORS HARTT AND S. MCLEAN THAT COUNCIL GIVES SECOND READING AND APPROVES AMENDING THE WINDSOR MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW TO CONSIDER RESIDENTIAL USES BEHIND COMMERCIAL USES ON THE GROUND FLOOR OF EXISTING BUILDINGS IN THE PESAQUID

COMPREHENSIVE DEVELOPMENT DISTRICT (P-CDD) ZONE BY DEVELOPMENT AGREEMENT IN A MANNER SUBSTANTIVELY THE SAME AS ATTACHMENT B OF THE STAFF REPORT TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE REPORT DATED MARCH 14, 2024. MOTION CARRIED. Nays: P. Morton and Ivey

7. d) Hwy 215, Summerville, PID 45180635 Development Agreement (7:58 p.m.)
Public Hearings and Second Readings (Second reading was held immediately following Public Hearing).
The meeting moved into the Public Hearing at 7:58 p.m. Further information on the Public Hearing is available in the 2024-04-23 Public Hearing Minutes.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR S. MCLEAN THAT COUNCIL MOVE INTO PUBLIC HEARING AT 7:58 P.M. MOTION CARRIED.

At 9:13 p.m. the Public Hearing concluded until such time Council has no further questions and wished to make a motion.

8. d) Hwy 215 Summerville, PID 45180635 Development Agreement (9:13 p.m.)
Council had a lengthy discussion about the proposal and the impact of noise on neighbouring properties. Several concerns were raised about the lack of a Noise By-law, DA's outweighing Noise By-Laws, the lack of by law officers who worked after hours or on weekends. Concern was raised with the property being under different ownership than the individual proposing the business usage and the alleged history of the property owner not adhering to noise complaints. Concern was raised about the confusion over where the activities were occurring (in a field vs a forested area).

Discussion Points:

- Every DA in effect was evaluated and reviewed annually by the Development Officer. It was understood a review was completed on all the DA's in effect.
- DA's were held to a higher standard and trumped a Noise By-Law. Any issues with a DA were complaint driven; residents needed to file a complaint.
- Concern was raised that Development Agreements were hard to change or enforce.
- The original request was to have field ball played in the field and woods ball played in the woods. With the awareness of neighbours concerns about potential noise the applicant intends to locate everything within the woods. The DA (as currently written) still allowed for the ability to have some of the activities occur in the front field should it not all be able to be accommodated in the woods. If there were playing courses in the front field that was when the vegetative buffer was required. A suggestion was made that Council may want to revisit this part of the DA have the playing area concentrated to the wooded areas.
- The 40 ft buffer would extend from the edge of the woods into the woods. There may be value in having this incorporated into the DA.
- The Tippmann 98 rental was the paint ball marker that was intended to be used. It was rated at 45 decibels at 10 ft.

- Woods ball accommodates up to 20 people, Speed ball accommodates up to 10 people. Both fields would not be operating at the same time.
- It was noted a lot of the previous concerns evolving around the graveyard have either diminished or been resolved.
- Many residents commented about the lack of activities for children/youth on the shore. A paintball facility would add to the community.
- Noise related to kids playing was felt to be a good noise, but there were some concerns about potential noise from the paintball guns firing.

The recent public submissions raised valid concerns about noise but also made assumptions the proposal would be noisy; this has yet to be determined. Mr. Hill noted his intent was to use the Tippmann 98 marker, which was rated at 45 decibels, and it was unknown how much noise would be created. In an effort to determine what the impacts would be, there was value in having a demonstration of a paintball marker being fired.

MOVED BY COUNCILLORS JANNASCH AND IVEY THAT COUNCIL POSTPONES THE PUBLIC HEARING AS PRESENTED TO COUNCIL AT THE APRIL 23, 2024 MEETING TO THE NEXT COUNCIL MEETING SCHEDULED FOR MAY 28, 2024. MOTION CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JANNASCH AND DEPUTY MAYOR P. MORTON THAT COUNCIL AND STAFF PARTICIPATE IN A SITE VISIT AT THE HILL PROPERTY IN SUMMERVILLE TO ASSESS THE NOISE EMITTED FROM VARIOUS PAINTBALL APPARATUS INCLUDING THE TIPPMMANN 98 MARKER. MOTION CARRIED UNANIMOUSLY

7. e) 4236 Hwy 14 Windsor Forks WHLUB Map Amendment (9:42 p.m.)
Public Hearings and Second Readings (Second reading was held immediately following Public Hearing).
The meeting moved into the Public Hearing at 9:42 p.m. Further information on the Public Hearing is available in the 2024-04-23 Public Hearing Minutes.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR B. MORTON THAT COUNCIL MOVE INTO PUBLIC HEARING AT 9:42 P.M. MOTION CARRIED.

At 9:51 p.m. the Public Hearing was concluded until such time Council has no further questions and wished to make a motion.

8. e) 4236 Hwy 14 Windsor Forks WHLUB Map Amendment (9:51 p.m.)
Discussion Points:

- The zoning change (from General Commercial to General Resource) would still permit what was previously permitted for usage in the dwelling.

MOVED BY COUNCILLOR SMITH AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES SECOND READING AND APPROVES AMENDING SCHEDULE A OF THE WEST HANTS LAND USE BY-LAW TO REZONE PID 45329851 AT 4236 HIGHWAY 14 IN WINDSOR FORKS FROM THE RURAL COMMERCIAL (RC) ZONE TO THE GENERAL RESOURCE (GR)

ZONE AS SHOWN IN THE REPORT #23-41 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED MARCH 14, 2024. MOTION CARRIED UNANIMOUSLY

At 9:52 p.m. Council discussed continuing the meeting or adjourning until tomorrow night.

MOVED BY COUNCILLORS HARTT AND S. MCLEAN THAT COUNCIL ADJOURN THE MEETING AND RETURN TOMORROW NIGHT AT 6 P.M. TO CONTINUE THE 2024-04-23 MEETING. MOTION CARRIED. Nays: B. Morton