

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda - **AMENDED**

July 26, 2022 - 6:00 p.m.

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/Unsightly
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2022-06-28 Council Meeting Minutes
 - b) 2022-06-28 Public Hearing Meeting Minutes, 65 Fort Edward Street (Municipal Lands), Redesignation and Concurrent Rezoning
7. Presentations: None
8. Public Hearings
 - i. Wentworth Road, PID 45059631 Development Agreement
9. Second Readings
 - i. Wentworth Road, PID 45059631 Development Agreement
10. Unfinished Business/Postponed Motions
11. Mayor's Report
12. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (July 12, 2022)
 - i. Appointment of Building and Fire Official
 - ii. Boundary Review Recommendation
 - iii. Council Appointment to the Diverse and Inclusive Communities Committee
 - iv. In-Camera Land Matter Excerpt
 - v. Meeting Minute Format
 - vi. Meeting Submission Deadline
 - vii. Shelter for People Experiencing Homelessness
 - viii. Windsor Agricultural Society Funding Request

- b) Planning and Heritage Recommendations
 - i. Community Way Development Agreement PID 45055167, 45364775, 45421146, First Reading
 - ii. Heritage Grant Request - 376 Falmouth Dyke Road
- 13. Councillor Municipal Business/Activity Reports
- 14. Correspondence
 - a) Information
 - 1. Avon Causeway Activity Log – No new correspondence
 - i. 2022-07-12 Hon. Joyce Murray re the Ministerial Order to improve fish passage on the Avon River
 - 2. Correspondence Received Activity Log
 - i. Combined Correspondence Received as of July 21, 2022
 - 3. Fort Edward Activity Log – No new correspondence
 - i. Combined Current Correspondence Received as of July 21, 2022
 - 4. Storm Wastewater Activity Log – No new correspondence
 - i. Combined Current Correspondence received as of July 21, 2022
 - b) Requests – None
 - c) Outgoing Correspondence Log – No new correspondence sent
 - 1. Current Correspondence Sent as of July 21, 2022
- 15. New Business
 - a) Property Assessed Clean Energy (PACE) program Recommendation Report – John Ogilvie, Climate Action Coordinator
- 16. In-Camera
 - a) 2022-04-26 In-Camera Council Meeting Minutes
 - b) 2022-05-24 In-Camera Council Meeting Minutes
 - c) Land Matter MGA 22(2)(a)
 - d) ~~Legal Matter MGA 22(2)(a)~~
- 17. Next Meeting Date / Adjournment

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Sewer Billing Review - Staff explore what the sewer rates would be if sewer util. fees were put back on the taxes. (Tabled until after budget) (Also at 2020-04-14 COTW mtg)	2020-05-12		In progress	CAO/Fin
Asset Mgmt (Strategic Sustainability) - Strategic Sustainability Plan is needed	2020-05-12	On-going until approx. Oct. 2022	Training workshops follow up every two(2) weeks	PW
Pedestrian Signage and Barriers - Have consistent and align with Branding outcomes. Staff prepare report for 2021/22 Capital & Operating budgets. (These items should be incorporated into our growth centres). Staff report back.	2020-09-22	Align with Branding outcomes 2021-07, On-going	Pending Beautification Strategy. Street and Community sign options currently being explored	PW/Comm. Dev
W. B Stephens Building Design Project Management Tender Award - Defer award until staff obtain additional operational costing information of the other municipal buildings. (100 King Street)	2020-10-27	2022-on going	Met in July. Recommendation Report to follow in September 2022	CAO
Panuke Rd Event - Event to be arranged by Mayor	2021-03-09	2021-06	Unknown	Mayor
Noise By-law - Staff revise by-law (Peace and Good Order)	2021-03-23	2022-on going	Ongoing review	Planning/ CAO
Cheverie Land Exchange - Agreement	2021-03-23	2022 on going	Finalizing Agreement	CAO
WHRM Land Dispute Policy - CAO Office to establish a practice to keep council informed	2021-04-27	2022-04	Currently reviewing. Policy to follow	CAO
Dog Park - Staff review historical information related to dog park feasibility	2021-06-08	2022-04	Outstanding. Information gathered	Comm. Dev
Glooscap First Nation & WHRM Council Meeting - Send formal invite for a meeting to discuss many topics including reconciliation	2021-06-22		Met on March 15, 2022	Mayor

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Request to Meet with Avon Causeway Gate Stakeholders - Send letter to Glooscap First Nation requesting immediate joint council mtg. to discuss Avon River Causeway/Aboiteau Gate System and Ministerial Order	2021-06-22		Ongoing informal communication continues through the Mayor	Mayor/CAO
Outdoor Fires By-Law - Staff review existing Fire-related by-laws and have an all encompassing Regional By-Law	2021-09-28	2022-06	Coming to Council in September 2022	CAO
Capped Assessment - Staff provide a new aggregated report that will coincide with PVSC's presentation in January/February.	2021-09-28	2022	Outstanding	Finance
Panuke Road Booster Station - Provide ongoing updates to Council	2022-02-22	ongoing	Equipment installation in progress	PW
Hantsport Fire Station - Provide ongoing progress updates to Council	2022-02-22	ongoing	Equipment installation in progress	PW
Status Update (Bowman Road) - Provide Council with correspondence from the Dept. of the Environment authorizing the straight knock-down of the building	2022-05-10	July 2022	Returned at the July COTW. Follow up discussion for June 2022 COTW	CAO/Planning
High School Bursaries - staff to bring back a report advising on policy changes with respects to the bursaries to reflect an equal opportunity for all students within West Hants regardless of the high school of their choosing.	2022-06-14	February 2023	Awaiting Report	CAO
Ball Park - Staff to review the site location to identify potential solutions.	2022-06-14	September 2022		CD
RCOFN-012.00 Grants and Contributions Policy - Staff to prepare a report amending the RCOFN-012.00 Grants and Contributions Policy adding a section for recreational facilities defining yearly capital and operational funding limits.	2022-06-28	September 2022	In progress	CAO/CD

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
CAO'S Review - Annual review to be completed by Council.	2022-06-28	July 2022	In progress	Council
Report on By-Laws re: shelters - staff provide a preliminary report on any By-Laws that may impact developing safe spaces to permit tenting for those who require housing options but are unable to find any.	2022-06-28	July 2022	Report presented atv the July COTW. Recommendations opening approval.	Planning
65 Fort Edward Street (Municipal Lands) - the Public Hearing be adjourned until 6:00 pm on October 25 and postpones the Second Reading until October 25th, 2022	2022-06-28	2022-10-25	Awaiting the completion of a Phase 2 Archaeological Resource Impact Assessment and consider the result prior to a decision being made. POSTPONED SECOND READING UNTIL OCTOBER 25, 2022	CAO/Planning
Boundary Review - Staff provide information pertaining to if/when a Boundary review can be completed between the years 2023-2030	2022-06-28	July 2022	Provide at the July COTW	CAO
Building and Fire Official - Appoint Donald Burns effective July 18, 2022 as Building and Fire Official	2022-07-12	2022-07-26	Pending Council Approval	Planning
Boundary Review - Council leave the council size to eleven (11) districts plus (1) Mayor as status quo, pending consultation with the public. Third party consultation will be used to facilitate and interpret the data and a total of six (6) public consultations will be held within the region.	2022-07-12	2022-07-26	Pending Council Approval	CAO
Diverse and Inclusive Communities Committee - Nominate and appoint two (2) Councillors to the committee. Mayor Zebian as a regular committee member and Councillor Ivey as an alternate member	2022-07-12	2022-07-26	Pending Council Approval	CAO

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Meeting Minute Format - Staff to make the necessary changes to the minute taking process to add presentation points and time stamps to the reports in the minutes.	2022-07-12	2022-07-26	Pending Council Approval	CAO
Meeting Submission Deadline - Staff amend the Meeting and Committee Porocedural Policy to read "ALL TOPICS AND SUPPORTING MATERIAL FOR AN AGENDA WILL BE SUBMITTED TO THE STAFF MEMBER PREPARING THE AGENDA BY 12:00 NOON THREE (3) BUSINESS DAYS BEFORE A REGULAR SCHEDULED MEETING".	2022-07-12	2022-07-26	Pending Council Approval	CAO
Shelter for those experiencing Homelessness - Planning Department and Communications staff to determine through public notice groups or individulas who would like to collaborate with WHRM, THE family Resource Centre and the POSSE Project as a working group to focus on solutions to homelessness and develop a strategy. - Provide staff the time from all departments as needed to participate in a working group to try to find solutions to the issues surrounding homelessness.	2022-07-12	2022-07-26	Pending Council Approval	Plan/CAO
Winsdor Agricutural Society - Approve the \$5000.00 request from the Agricultural Society to be funded from the remaining 2022-02023 budgeted funds for Grants and Contributions.	2022-07-12	2022-07-26	Pending Council Approval	Fin
Land Matter - Proceed with sale as directed In-Camera	2022-07-12	2022-07-26	Pending Council Approval	CAO

M - Motion
D - Direction/Discussion

West Hants Regional Municipality
Dashboard (Action List)
July 21, 2022

Green - Complete
Yellow - In-progress
Red - Not started

<u>Matter</u>	<u>Meeting</u>	<u>M/D</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status</u>	<u>Resp.</u>



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-07-26

Subject: Development Agreement: Wentworth Road, PID 45059631; File #22-03 C

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to approve the development agreement following Public Hearing, the following motion would be in order:

...that Council gives Second Reading to and approves entering into a development agreement to permit 240 apartment units, 10,000 sq. ft. of commercial space, and 17 townhouse dwellings on PID 45059631 on Wentworth Road in a manner substantively the same as the draft set out in Attachment D of the report to the Planning and Heritage Advisory Committee report #22-03 dated June 9, 2022.

...that Council requires that the development agreement with FH Development Group Inc. regarding PID 45059631 on Wentworth Road be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on January 20, 2022, from Chrystal Fuller of Brighter Community Planning & Consulting on behalf of the property owner Faisal Al-Hammadi of FH Development Group Inc. The application was to consider permitting a mixed-use development consisting of grouped multiple unit residential buildings and townhouses on the property at PID 45059631 on Wentworth Road. The lot is currently vacant and is owned by FH Development Group Inc.; Mr. Al-Hammadi is the President of that company.

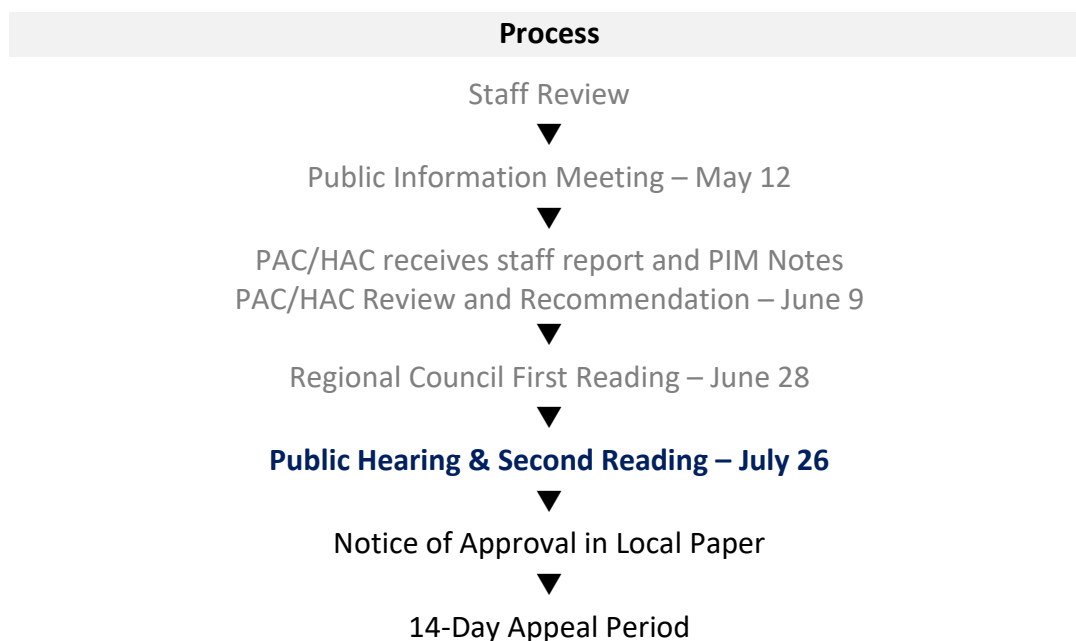
A Public Information Meeting was held on May 12, 2022.

On June 9, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). PAC/HAC recommended in favour of the development agreement as drafted on June 9, 2022.

Council held first reading on June 28, 2022 (Appendix A).

NEXT STEPS

The process for this application is as follows:



APPENDICIES

Appendix A 2022-06-28 Staff Report Development Agreement: Wentworth Road, PID 45059631; File #22-03 B

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the process and the recommendation. Pending the approval of Council, we are excited for the development of this site which formerly was the location of the Windsor Regional High School. The development will continue to support the growth in our regional and assist with the housing shortage we are experiencing.

Report Prepared by: _____
Sara Poirier, Senior Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, CAO



Appendix A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-06-28

Subject: Development Agreement: Wentworth Road, PID 45059631; File #22-03 B

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to permit 240 apartment units, 10,000 sq. ft. of commercial space, and 17 townhouse dwellings on PID 45059631 on Wentworth Road in a manner substantively the same as the draft set out in Attachment D of the report to the Planning and Heritage Advisory Committee report #22-03 dated June 9, 2022.

...that Council requires that the development agreement with FH Development Group Inc. be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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This application was considered by Planning and Development staff in two parts:

1. an amendment to the text of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to enable Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings by development agreement in the Wentworth Road Gateway District. This portion of the application was approved by Council on April 26, 2022; and
2. consider the proposed uses by development agreement as per Policy 8.6.15 of the WMPS.

This report corresponds with the second part of the application.

DISCUSSION

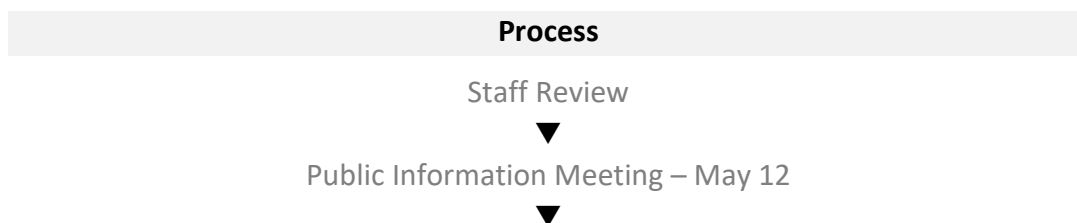
A Public Information Meeting was held on May 12, 2022.

On June 9, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). There was discussion at PAC/HAC on whether the Committee should amend the development agreement to include a buffer along the south lot line of the subject lot, abutting the agricultural zoned land. However, the PAC/HAC recommended in favour of the development agreement as drafted.

The original motion from the staff report dated June 9, 2022 referenced “Attachment C” although the draft development agreement was included at the end of the report as Attachment D. The PAC/HAC approved the correct motion, referencing Attachment D, at the meeting.

NEXT STEPS

The process for this application is as follows:



PAC/HAC receives staff report and PIM Notes
PAC/HAC Review and Recommendation – June 9



Regional Council First Reading – June 28



Public Hearing & Second Reading – July 26*



Notice of Approval in Local Paper



14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality in regard to this development.

ALTERNATIVES

In response to the application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the development agreement as drafted or as specifically revised by direction of Council;
- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2022-06-09 Staff Report Development Agreement: Wentworth Road, PID
45059631; File #22-03

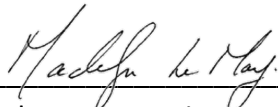
CHIEF ADMINISTRATIVE OFFICER REVIEW

N/A

Report Prepared by: _____

Sara Poirier, Senior Planner

Report Reviewed and Approved by: _____


Madelyn LeMay, Director of Planning and Development
and Acting CAO

Appendix A



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-06-09

Subject: Development Agreement: Wentworth Road, PID 45059631; File #22-03

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

To allow the requested development, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to permit 240 apartment units, 10,000 sq. ft. of commercial space, and 17 townhouse dwellings on PID 45059631 on Wentworth Road in a manner substantively the same as the draft set out in Attachment C of the report to the Planning and Heritage Advisory Committee report #22-03 dated June 9, 2022.

...that PAC/HAC recommends that Council require that the development agreement with FH Development Group Inc. be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on January 20, 2022, from Chrystal Fuller of Brighter Community Planning & Consulting on behalf of the property owner Faisal Al-Hammadi of FH Development Group Inc. The application was to consider permitting a mixed-use development consisting of grouped multiple unit residential buildings and townhouses on the property at PID 45059631 on Wentworth Road. The lot is currently vacant and is owned by FH Development Group Inc.; Mr. Al-Hammadi is the President of that company.

This application was considered by Planning and Development staff in two parts:

1. an amendment to the text of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to enable Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings by development agreement in the Wentworth Road Gateway District. This portion of the application was approved by Council on April 26, 2022; and
2. consider the proposed uses by development agreement as per Policy 8.6.15 of the WMPS.

This report corresponds with the second part of the application.

DISCUSSION

The 8.43-acre subject lot abuts Wentworth Road in Windsor. The lot is currently designated Commercial on the Generalized Future Land Use Map (Figure 1) of the Windsor Municipal Planning Strategy (WMPS). It is also located in the Wentworth Road Gateway District. Part 8.0 of the WMPS contains the overall intention for properties designated Commercial in Windsor and Section 8.6 describes the intention for development in the Wentworth Road Gateway District.

The subject lot is zoned Wentworth Road Commercial (WR-C) on the Zoning Map of the Windsor Land Use By-law (WLUB) (Figure 2). The Wentworth Road Commercial (WR-C) zone permits a wide range of general commercial and highway commercial uses, as well as large format retail stores within a specified size limit as-of-right. Residential uses are permitted in the Wentworth Road Commercial (WR-C) zone however not on the ground floor. Dwellings grouped on the same lot are also not permitted.

Almost the entire subject lot is located within the Environmental Constraints area and is within the Tregothic Marsh. The Windsor Dykeland's Background Report (2001) specifies that the subject lot, and approximately 40 percent of the properties within the Tregothic Marsh, have been exempted by the Province from the requirements of Section 41 of the *Agricultural Marshland Conservation Act*. The *Agricultural Marshland Conservation Act* (2001) protects

marshland for agricultural purposes. Being exempt from this portion of the Act means that the owner would not have to apply to the marsh body to allow any future construction within the designated area of the subject lot.

Properties within the Environmental Constraints designation must meet more stringent requirements including completing an environmental study before being issued a development permit for any new building. The property owner is proposing to develop a currently vacant lot therefore any of the buildings to be constructed on the Environmental Constraints area of the subject lot would have to meet Section 27.0, Environmental Constraints Areas, of the WLUB. The study should describe site conditions and suitable construction methods for the specific lot. This is also outlined in Section 2.10 (d), *Environmental Study*, of the draft development agreement.

The subject lot directly abuts properties with a variety of zoning and designations. The designation of the properties abutting the subject lot include Agriculture and Commercial and the zoning of these abutting lots is Wentworth Road Commercial (WR-C), General Commercial (GC), and Agriculture (AG).

History of Subject Lot

The subject lot (PID 45059631) was the location of former Windsor High School which was decommissioned in 2004. The subject lot was owned by the Municipality until 2021 when it was deemed to be surplus property and advertised for sale publicly. The lot was sold to FH Development Group Inc. through a Purchase and Sale Agreement.

The Purchase and Sale Agreement requires the proposed development to be 15% complete within two (2) years of the execution of a development agreement. The agreement specifies that construction of the proposed development shall be considered 15% complete once the footings for the initial apartment building are complete. The timelines for commencement in Section 4.1 and phasing in Section 2.3 of the draft development agreement in Attachment C has been drafted with this in mind.

Development Agreement

A development agreement is a contract between an owner of land and the Municipality to allow Council to consider a use that is not a listed permitted use within a zone on a specific lot. The ability for Council to consider a development agreement must be stated in the Land Use By-law and the Municipal Planning Strategy must identify the kinds of uses Council may consider in each area. Uses which Council may consider are those which Council has determined may have sufficient impact on an area that a negotiated process is required to ensure the potential impact is minimized. In the Municipal Planning Strategy Council usually identifies both specific and general criteria which must be considered when making decisions regarding a development agreement.

A proposal being considered must be measured against only the specific and general criteria for the proposal in the Municipal Planning Strategy and not any other criteria.

Windsor Land Use By-law

Section 6.0 of the WLUB, Development Agreements, states that *“The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:*

- (j) development proposals in the Wentworth Road Gateway District in accordance with Policy 8.6.15 of the Municipal Planning Strategy for: comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area; regional shopping centres; institutional uses; mixed use; multiple unit residential; or light industrial development;”

Proposed Development Agreement

The applicant proposes to develop three (3) five-storey and two (2) six-storey apartment buildings for a total of up to 240-units within the apartment buildings. One (1) building will include up to 10,000 gross sq. ft. (929 sq. m.) of commercial space on the ground floor. The applicant also proposes to develop up to 17 townhouses on the lot. The site will have a minimum of 60,000 sq. ft. (5,574.2 sq. m.) of usable recreational space for tenants which will include a plaza and central garden. The permitted uses on the lot are outlined in Section 2.1, *Use*, of the draft development agreement (Attachment C).

The property owner is proposing a total of 260 parking spaces on the lot for the apartment buildings with 126 of those spaces being located within the first level of the buildings and the rest of the parking outside at grade. The WLUB currently requires 1.5 parking spaces per dwelling unit at a size of 10 ft by 20 ft. Due to the location of the lot in the community of Windsor and proximity of the lot to surrounding services, staff determined that it would be appropriate to reduce the amount of required parking per dwelling unit. As outlined in Section 2.5, *Parking*, of the draft development agreement, parking will be required at one (1) space per dwelling unit and a minimum of one (1) parking space for every 300 sq. ft. (27.9 sq. m.) gross floor area dedicated to commercial uses. The size of each parking space will be 9 ft. x 20 ft. (2.7 m. x 6.1 m.).

Section 2.4, *Access and Egress*, of the draft development agreement outlines that the developer will be required to construct a 5 ft. (1.52 m.) wide pedestrian walkway from the sidewalk on Wentworth Road to the building entrances. This will ensure pedestrian safety and promote active transportation use to surrounding services.

The WLUB requirements for signs and lighting will be used to regulate signs and illumination on the subject lot, as outlined in Section 2.13, *Signs and Lighting*, of the draft development agreement. Waste collection and snow plowing will be provided privately by the developer (Section 2.10 (a) and (b)). Construction noise is limited to between the hours of 7:00 a.m. and 9:00 p.m. daily, unless construction is being conducted within a wholly enclosed structure (Section 2.11). Section 2.6, *Fire Safety*, was developed based on the Fire Chiefs comments.

To meet the Wentworth Road Gateway intent, policies and criteria, the draft development agreement was written to require:

- a 15 ft. (4.57 m) landscaped area along the lot frontage on Wentworth Road (Section 2.7 (b));
- landscaped islands within parking areas of 20 spaces or more to avoid the appearance of large, uninterrupted expanses of asphalt, which may be used for on-site stormwater management;
- a 5 ft. (1.52 m.) wide pedestrian walkway to the main entrances of each building to ensure safe pedestrian access (Section 2.4 (d)); and
- the building design to incorporate windows and other elements at the street level façade to avoid the appearance of solid blank walls (Section 2.2 (d)).

As per the draft development agreement the developer will be required to provide the following items prior to being issued a development permit:

- a stormwater management plan for the site that satisfies the Municipal Engineer that historical flooding patterns and area drainage systems have been considered and that storm water discharge will not have a negative impact on downstream properties as outlined in Section 2.9, *Site Drainage*;
- an Environmental Study for any portion of the main buildings to be constructed upon lands designated as Environmental Constraints on "Schedule A - Zoning" of the Land Use By-law as outlined in Section 2.10 (d), *Environmental Study*; and
- design plans of the water and sewer servicing connections and layout including location and connection design of any fire hydrant(s) as outlined in the 2.10 (b), *Water and Sewer Services*, and 2.6 (a), *Fire Safety*.

Section 3.3 of the draft development agreement outlines substantive matters of the development agreement. Substantive matters are any items that Council has determined that would significantly alter the intended effect of the development agreement if changed. If a request is received from the developer to change a substantive matter outlined in a development agreement, the request must go through the entire development agreement process including Public Hearing before Council prior to Council making a final decision on the proposed

amendment. Staff have determined the following items in this draft development agreement are substantive matters:

- the uses permitted on the Property as listed in Section 2.1, Use;
- the order of building construction in Section 2.2, Development Location and Design, and the required recreation space for Buildings A, B and C in Section 2.8 (b), Recreation Space;
- the fire safety requirements listed in Section 2.6, Fire Safety;
- the landscaping requirements in Section 2.7, Landscaping; and
- the requirements for a stormwater management plan to be submitted prior to a development permit being issued as listed in Section 2.9, Site Drainage.

Other items such as engineered building design, accessible parking, elevators, sprinkler systems, and barrier free units will be required by the Manager of Building and Fire Inspection Services as per the National Building Code requirements. A full review of the building plans would be conducted when the property owner applies for development and building permits. These items are not listed in the draft development agreement as the National Building Code would take precedence over the development agreement as outlined in Section 5.1, *Compliance with other By-laws and Regulations*, in the draft development agreement.

Public Comments

Staff received comments from the public during the Public Information Meeting (PIM) comment period from May 12-27, 2022. All comments received were considered by staff when drafting this report and draft development agreement. A copy of the complete comments can be found in Attachment D.

Windsor Municipal Planning Strategy

Part 8.0 of the WMPS contains the overall intention for properties designated Commercial in Windsor and Section 8.6 describes the intention for development in the Wentworth Road Gateway District. Policy 8.6.15 establishes Council's intention to consider proposals for comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings within the Wentworth Road Gateway District by development agreement. Proposals for this type of development in the Wentworth Road Gateway District are to be reviewed against Policy 8.6.16. Staff have reviewed these criteria in Attachment A.

WMPS Specific Criteria

Policy 8.6.16 outlines the specific criteria to be considered by Council, which are examined in detail in Attachment A.

In summary, the specific criteria are met since:

- the development agreement is consistent with the intent of Policies 8.6.15, 8.6.16, 8.6.4 and 8.6.8 and other relevant policies of the WMPS; and
- the development agreement is consistent with the intent of the Wentworth Road Gateway District ensuring that the development will include landscaping, safe pedestrian access, and be designed to enhance the streetscape.

WMPS General Criteria

The proposed development meets the general criteria for development agreements set out in the WMPS Policy 16.3.1. These criteria are examined in detail in Attachment B. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Manager of Public Works Operations have no concerns which have not been addressed in the development agreement.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

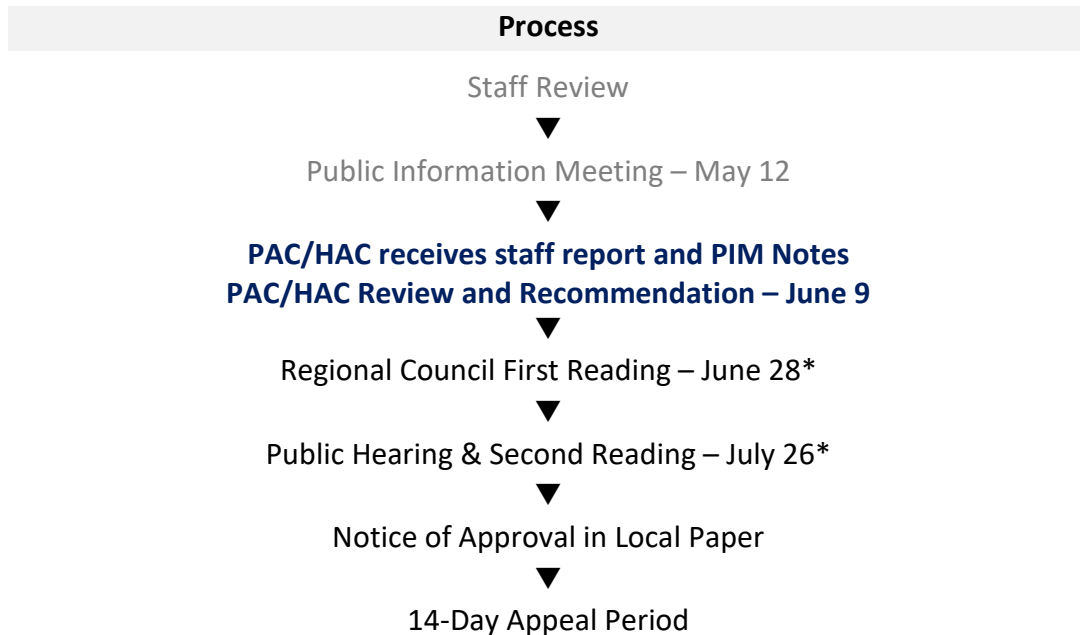
The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding. The Wentworth Road Gateway District appears to experience flooding in this scenario.

As the majority of the subject lot is located within the Environmental Constraints area and is within the Tregothic Marsh the property owner must complete an environmental study before being issued a development permit for any new building. This is outlined in Section 2.10 (d), *Environmental Study*, of the draft development agreement. The environmental study will ensure that the proposed development is constructed in a manner suitable for the site conditions and in a way that addresses any potential flooding issues. The Public Works Department has also required the developer to provide a stormwater management plan prior to being issued development permits for the subject lot, as outlined in Section 2.9, *Site Drainage*, of the draft development agreement. The stormwater management plan will ensure the stormwater is managed by the developer on-site and will not impact abutting properties.

NEXT STEPS

As noted above, the proposed development agreement has been considered within the context of the general policies of the WMPS and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to enter into a development agreement to

permit 240 apartment units, 10,000 sq. ft. of commercial space and townhouse dwellings grouped on the lot at PID 45059631 on Wentworth Road.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality in regard to this development.

ALTERNATIVES

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

- hold First Reading and authorize a Public Hearing to approve the development agreement as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	Windsor GFLUM Extract
Figure 2	Windsor Zoning Map Extract
Figure 3	Environmental Constraints Extract
Attachment A	Specific Criteria for Development Agreement
Attachment B	General Criteria for Development Agreement

Attachment C Public Information Meeting Notes
Attachment D Draft Development Agreement

Report Prepared by: _____
Sara Poirier, Senior Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Figure 1
Windsor GFLUM Extract

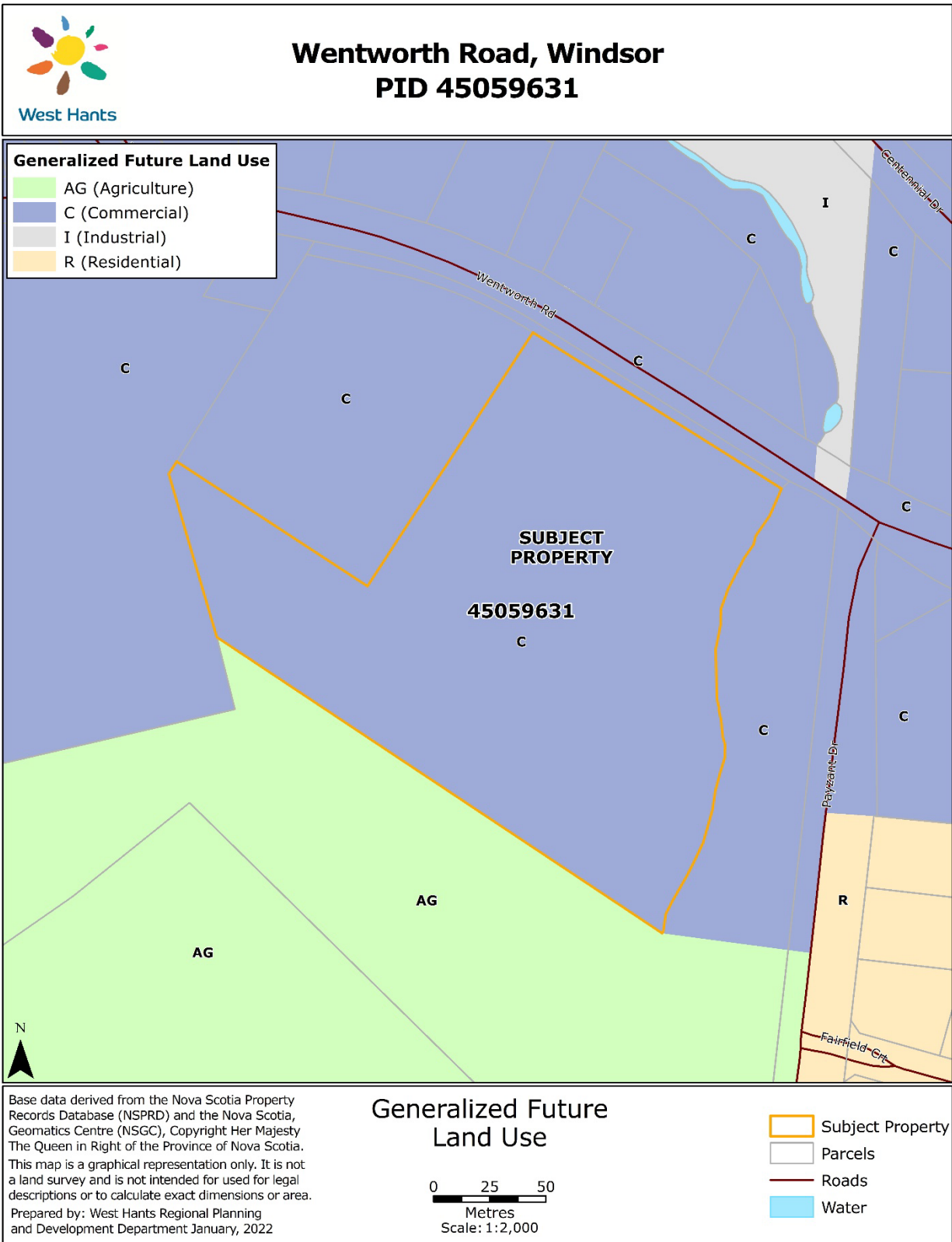


Figure 2
Windsor Zoning Map Extract

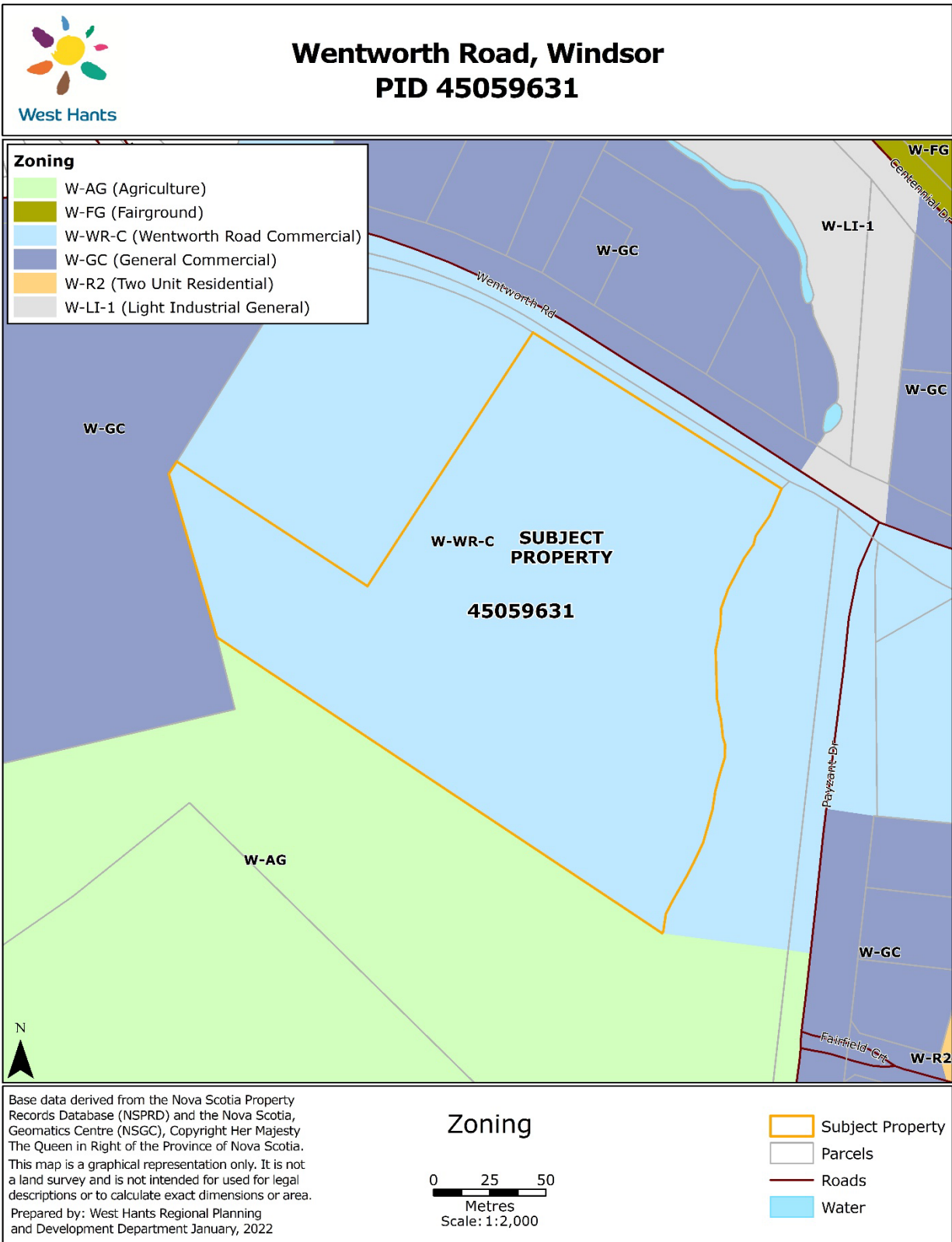
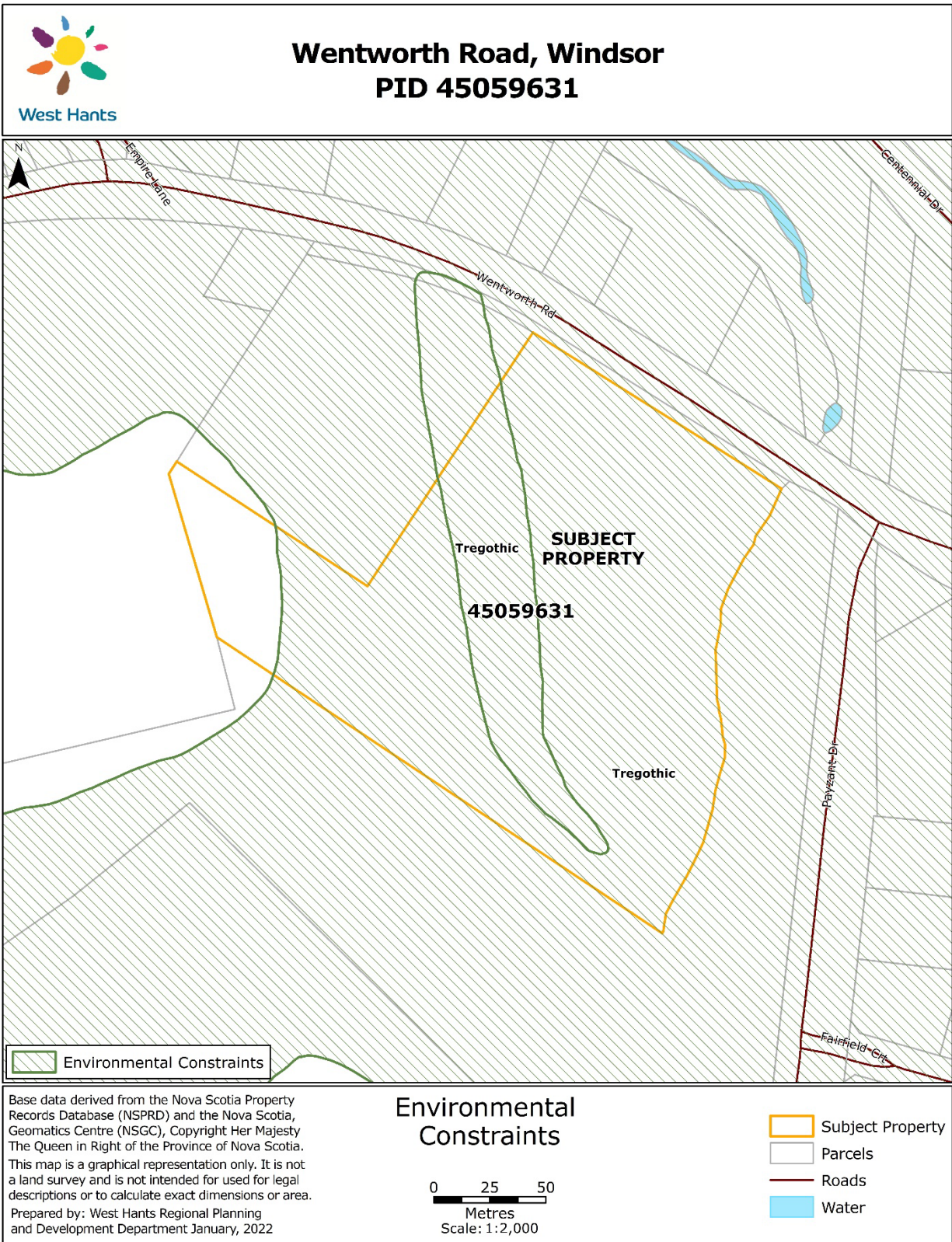


Figure 3
Environmental Constraints Extract



Attachment A
Specific Criteria for Development Agreement

Policy 8.6.15 It shall be the policy of Council that within the Wentworth Road Gateway District, Council will consider proposals for comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area, regional shopping centres, institutional uses, mixed use, multiple unit residential, or light industrial development by development agreement in accordance with the relevant policies of this Strategy and the specific provisions for development in the Wentworth Road Gateway District as contained in Policy 8.6.16.

COMMENT
This development proposal includes grouped mixed-use and multi-unit apartment buildings and townhouses on the subject lot.

Policy 8.6.16 It shall be the policy of Council to have due regard to the following in reviewing proposals in the Wentworth Road Gateway District for rezoning to the WR-C zone pursuant to Policy 8.6.14 or development agreements pursuant to Policy 8.6.15:

CRITERIA	COMMENT
<i>(a) the proposed use will not conflict with neighbouring uses;</i>	The subject lot directly abuts properties with a variety of zoning and designations. The designation of the properties abutting the subject lot include Agriculture and Commercial, and the zoning of these abutting lots is Wentworth Road Commercial (WR-C), General Commercial (GC), and Agriculture (AG). The subject lot is zoned Wentworth Road Commercial (WR-C) which permits a wide range of general commercial and highway commercial uses, as well as large format retail stores within a specified size limit as-of-right. To the north of the subject lot are small scale commercial and residential uses and a church. There is a vacant property to the east of the subject lot and small scale commercial on the east side of Payzant Drive. The lots south of the subject lot are vacant

	agricultural land, and there is vacant land and the West Hants Education Centre to the west of the subject lot. Section 2.11, <i>Construction Noise</i>, of the draft development agreement outlines the hours permitted for construction to take place on the site. Wentworth Road is designated an arterial road on the Transportation Map of the Windsor Municipal Planning Strategy which means the road is built to a higher standard and expected to handle more traffic than collector or local roads. The Manager of Operations for the Municipal Public Works Department commented that they have no concerns with the adequacy of roadways leading to the development or the increased traffic associated with the proposal. When requested for comment the Municipal Development Officer stated “In my opinion this proposed development does not propose any conflict with neighboring uses.”
<i>(b) the architectural design and scale of the proposed development is compatible with surrounding commercial and/or residential buildings and enhances the appearance of the streetscape, consistent with the objectives of the Wentworth Road Gateway District;</i>	The subject lot is within the Wentworth Road Gateway District where Council created the following objectives: • to identify Wentworth Road as an important entrance route into Windsor, for pedestrians and cyclists as well as for vehicles; • to promote a sense of welcome and arrival to town; and • to assist in visitor orientation and direction to the Town Centre, as the main business district. To achieve these objectives, new developments within this special development area are required to provide landscaping and other features that contribute to the overall attractiveness of the

	streetscape and create a safe and pleasant pedestrian environment, as well as allowing for efficient traffic movement. These items have been addressed in Sections 2.4, <i>Access and Egress</i>, 2.7, <i>Landscaping</i>, and 2.8, <i>Recreation Space</i>, of the draft development agreement. Wentworth Road hosts a variety of uses including the Hants County Exhibition Arena, West Hants Sports Complex, West Hants Centre for Education, commercial uses including gas stations, banks and retail stores, and a number of residential uses. The proposed mixed-use and multi-unit apartment buildings are taller than any surrounding buildings. The Wentworth Road Commercial (WR-C) zone permits a maximum height of 3 storeys (35 ft. or 10.68 m.). This proposed development will include mixed-use and multi-unit apartment buildings; three of these buildings are proposed to be 5 storeys (55 ft. or 16.76 m.) in height, and two of the buildings are proposed to be 6 storeys (65 ft. or 19.8 m.) in height. Although these grouped dwellings are different than the current development pattern in the area and the proposed buildings are taller, staff believe the scale of development is compatible with the surrounding buildings and will enhance the appearance of the streetscape which aligns with the intent of the Wentworth Road Gateway District. The proposal places the 5 storey buildings closer to Wentworth Road with the higher storey buildings being located at the back of the subject lot farthest from the road. The mixed-use apartment building on Wentworth Road will be set back from the front lot line
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	and be required to provide a 15 ft. (4.57 m) landscaped area as specified in Section 2.7 (b), <i>Landscaping</i> , of the draft development agreement. This will provide a more human scale to the 5 storey building and allow the commercial businesses on the ground floor to have some space for customers entering / exiting that is not on the public sidewalk.
<i>(c) the building design incorporates windows and other elements in the street level façade to avoid the appearance of solid blank walls;</i>	To meet this criteria, Section 2.2 (d) of the draft development agreement specifies that the mixed-use and multi-unit apartment building design must incorporate windows and other elements at the street level façade to avoid the appearance of solid blank walls. The developer could utilize a number of methods to accomplish this including public art, creative landscaping and vegetation, windows, and/or façade treatments.
<i>(d) the developer provides a traffic study, acceptable to the Town and conducted by a qualified person, which demonstrates that the surrounding street network will efficiently accommodate the anticipated traffic flows and that the development will not necessitate major infrastructure improvements such as traffic lights at the expense of the Town;</i>	The Manager of Operations for the Municipal Public Works Department has stated that WSP completed a Windsor Intersection Infrastructure Needs Assessment for the Municipality which incorporated this proposed development in the traffic study. The study was prepared due to the planned reconstruction of the Exit 5A ramp for Highway 101 by the Provincial Department of Transportation and Active Transit. The study recommended upgrades to the intersection of Payzant Drive and Wentworth Road to include a roundabout. The Manager of Operations noted that these upgrades are being designed and will be discussed during the 2023-24 budget deliberations. They stated that an additional study would not be required to be provided by the developer.
<i>(e) the provisions of Policies 8.6.4 and 8.6.8;</i>	See below.

<i>(f) any other matter which may be addressed in a development agreement or land use by-law; and</i>	The Municipal Project Engineer specified that the “Developer must provide engineered stormwater plans to meet all municipal requirements”. A stormwater management plan is required prior to any development permit being issued for the proposed uses, as outlined in Section 2.9, <i>Site Drainage</i>, of the draft development agreement. They also specified that “External services are considered commercial, therefore services such as garbage collection and snow plowing would be the responsibility of the property owner.” This requirement is outlined in Section 2.10 (a), <i>Waste Collection</i>, and (c), <i>Snow Plowing</i>, of the draft development agreement. The Canadian Helicopters Base Manager for EMS Operations has been contacted to comment on whether the proposed development will have any impact on the helicopter landing pad at the Hants Community Hospital in Windsor. No response has been received at this time of filing this report. It is the responsibility of the property owner to ensure the site is suitable for the proposed uses. All other matters are addressed elsewhere in this report.
<i>(g) the provisions of Policy 16.3.1.</i>	Please see Attachment B for further details.

As stated in Policy 8.6.16 (e) the development agreement should be considered against the provisions of Policy 8.6.4 and 8.6.8 of the Municipal Planning Strategy. These policies are reviewed below.

Policy 8.6.4 It shall be the policy of Council to treat the Wentworth Road Gateway District as a special development area where new developments shall be required to provide landscaping and other features that contribute to the overall

attractiveness of the streetscape and create a safe and pleasant pedestrian environment, as well as allowing for efficient traffic movement.

COMMENT
These items have been addressed in Sections 2.4, <i>Access and Egress</i> , 2.7, <i>Landscaping</i> , and 2.8, <i>Recreation Space</i> , of the draft development agreement. See Section 8.6.16 (b).

Policy 8.6.8 It shall be the intention of Council that, within the Wentworth Road Gateway District, the following matters will be addressed through Land Use By-law requirements and development agreement provisions:

CRITERIA	COMMENT
<i>(a) landscaping along the street frontage to enhance the overall attractiveness of the streetscape and provide a buffer between the sidewalk and commercial or other development;</i>	The mixed-use apartment building on Wentworth Road will be set back from the front lot line and be required to provide a 15 ft. (4.57 m) landscaped area as specified in Section 2.7 (b), <i>Landscaping</i> , of the draft development agreement. This will provide a more human scale to the 5 storey building and allow the commercial businesses on the ground floor to have some space for customers entering / exiting that is not on the public sidewalk.
<i>(b) landscaping within parking lots to avoid the appearance of large, uninterrupted expanses of asphalt;</i>	Section 2.7 (d) of the draft development agreement requires landscaped islands to be provided within parking areas of 20 spaces or more to avoid the appearance of large, uninterrupted expanses of asphalt.
<i>(c) safe pedestrian access from the sidewalk to new developments by means of walkways or clearly defined trails;</i>	The draft development agreement requires a 5 ft. (1.52 m.) wide pedestrian walkway from the sidewalk on Wentworth Road to the main entrances of each building, as outlined in Section 2.4 (d), <i>Access and Egress</i> , to ensure safe pedestrian access.
<i>(d) other similar provisions.</i>	All other provisions have been addresses elsewhere in this report.

Attachment B
General Criteria for Development Agreement

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

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Municipal Project Engineer stated the lot is currently serviced with municipal sewer and water, and that “Public Works may choose that separate laterals be extended to each of the buildings.” They have no concerns with the adequacy of sewer and water services in the area.
<i>(ii) the adequacy of school facilities;</i>	The Director of Operations for the Annapolis Valley Regional Centre for Education has stated they “have capacity for growth in the area noted”, adding that they “would always make more space available if needed.”
<i>(iii) the adequacy of fire protection;</i>	In response to an inquiry, the Manager of Building and Fire Inspection Services stated that “the main points at this time are Fire Department access, water supply for sprinkler systems and sewer adequate to handle the extra flow”. As noted in 16.3.1 (a) (i) the Municipal Project Engineer did not have any concerns with respect to the adequacy of sewer and water services in the area to meet the demand of the proposed uses. Upon application for a development and building permit, the Manager of Building

	and Fire Inspection Services will go through a full building plan review to ensure the proposed development meets the Building and Fire Codes prior to issuing a building permit. Section 5.1, <i>Compliance with other By-laws and Regulations</i>, ensures that the Building Code requirements must be met. The local Fire Chief stated their immediate concerns would be: 360 degree access for aerial apparatus, particularly to the higher buildings; hydrant locations and Fire Department connection locations; and, rolling curbs to allow apparatus to mount curbs without possible tire damage. Section 2.6, <i>Fire Safety</i>, of the draft development agreement was developed based on comments received from the local Fire Chief. Staff drafted Section 2.6 (b) and (c) to ensure there is unimpeded access for emergency services vehicles.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	Wentworth Road is an arterial road on the Transportation Map of the Windsor Municipal Planning Strategy which means it is built to a higher standard and is expected to accommodate more traffic than a collector or local road. The Manager of Operations for the Municipal Public Works Department commented that they have no concerns with the adequacy of road networks adjacent to or leading to the development. They added that the Municipality recently completed a Windsor Intersection Infrastructure Needs Assessment which included this area and incorporated the traffic counts of the proposed development.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.

<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Manager of Operations has stated they have no concerns with regard to the adequacy of road networks adjacent to, or leading to the development, or the impact of the development on traffic generation or traffic safety. In terms of pedestrian traffic movement, there are sidewalks on both sides of Wentworth Road and the draft development requires a 5 ft. (1.52 m.) wide pedestrian walkway from the sidewalk on Wentworth Road to the main entrances of each building, as outlined in Section 2.4 (d), <i>Access and Egress</i>. This will ensure suitable infrastructure for safe pedestrian movement within the site. There is no active rail transportation in the vicinity.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The lot is approximately 8.43-acres in size which would be adequate to accommodate the proposed development.
<i>(d) the pattern of development which the proposal might create;</i>	The proposal from FH Development Group Inc. aligns with the intent of the Wentworth Road Gateway District and is not anticipated to create a pattern of development that is unusual for the area.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i>	The subject lot is relatively flat. The east boundary of the lot follows the Tregothic Creek. Almost the entire subject lot is located within the Environmental Constraints area and is within the Tregothic Marsh. Any new buildings proposed on that portion of the site would be required to meet Section 27.0 of the Windsor Land Use By-law. This is also outlined in Section 2.10 (d), <i>Environmental Study</i>, of the draft development agreement. The Public Works Department has requested that a stormwater management plan for the

	site be required prior to development permits being issued to ensure that historical flooding patterns and area drainage systems have been considered and that storm water discharge will not have a negative impact on downstream properties. This is outlined in Section 2.9 (a), <i>Site Drainage</i>, of the draft development agreement. It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.
<i>(f) 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</i>	All Municipal, Provincial and Federal regulations will have to be met.
<i>(g) any other matter required by relevant policies of this Strategy.</i>	There are no other relevant policies of this Strategy.

Attachment C
Public Information Meeting Notes
May 12 – May 27, 2022
File 22-03
Wentworth Road, Windsor PID 45059631

Meeting date and time	A virtual Public Information Meeting was held on May 12 th , 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Sherman (Vice Chair) Two (2) members of staff: • Director LeMay • Meeting Secretary Lake Applicant: • Darren Shupe, Brighter Community Planning (Applicants Planner) The following members of the public attended the PIM via Zoom: • Karen Hosking • Mark Higgins Three (3) members of the public attended the meeting in-person.
Applicant Faisal Al-Hammadi, FH Development Group Inc. Property Wentworth Road, PID 45059631	Director LeMay outlined the development agreement application to permit 240 apartment units, 10,000 sq. ft. of commercial space and townhouse dwellings grouped on the lot at PID 45059631 on Wentworth Road. A formal presentation was made by Darren Shupe of Brighter Community Planning on behalf of the applicant.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between May 12 – 27, 2022. 2 members of the public spoke at the Public Information Meeting and 1 written comment was received via email. The questions and comments from the public are summarized below. The email response is attached.

	The following comments were made at the Public Information Meeting: • will there be low rental apartments? What does “affordable” mean to the developer? Darren noted rent prices have not yet been established • how soon can it get started? The members of the public in-person at the meeting were there to support the project in general • one individual indicated the area is very wet Darren indicated the storm water management plan would address this • a PAC/HAC member asked whether the façade had been designed yet? They wanted to see care be taken in design of the facade to ensure it would age well and suit the area Darren said early stages yet and the developer would be looking at options • PAC member asked if EV chargers would be included? Darren commented that this had been done in other developments and would be considered for this
Adjournment	The meeting was adjourned at 6:28 p.m.

Public Email Responses Submitted for the Application PIM

May 18, 2022

From: Sara Poirier

To: Connor Wallace

Cc: Dino Lanzo

Hi Connor,

Thank you for the comments. I will ensure they are passed along to the Planning and Heritage Advisory Committee for consideration.

To answer your question on setbacks, in the draft development agreement I will be proposing a minimum 15 ft front yard and a minimum 25 ft rear and side yards. Our Manager of Building and Fire Inspection Services has been contacted for comment on the proposal. The Building Officials will ensure the buildings meet the National Building Code requirements prior to building permits being issued.

I have reviewed the access easement and requested comment from our Director of Public Works and CAO, and the new property owner. I will let you know once I hear back from them with direction.

All the best,

Sara

May 16, 2022

From: Connor Wallace

Cc: Dino Lanzo

To: Sara Poirier

Hi Sara,

Thanks again for sending along this update on the active planning application at PID 45059631.

I have spoken with my client, Canadian Tire Real Estate Limited, and offer the following feedback on their behalf.

- Concern with proximity of multi-unit residential dwellings to Canadian Tire Real Estate Property.

- Concern with regards to compatibility of land uses and noise impact from potential future commercial operation (loading, deliveries, compacter etc.)
- It is difficult to tell from the scale of the concept drawings – however could you clarify what the minimum setback distance is between these buildings and the Canadian Tire property lines?
- The buildings look close to internal property lines as it pertains to limiting distance / unprotected openings (windows) requirements of the National Building Code. It may be difficult for the developer to have adequate unprotected openings for the proposed use, due to the buildings close proximity to internal property lines.
- Suggestions:
 - Increase setback from internal property line
 - Implement transition measures along the property line such as opaque fencing and landscaping
- Easement
 - There is currently an access easement on the Canadian Tire Lands that is in favor of PID 45059631 (attached). We understand this easement was put in place when the town of Windsor owned these lands. Ownership has now changed and it doesn't look like the proposed development requires any access over the Canadian Tire lands. Therefore, we are wondering if this easement could now be relinquished and if so what the process is involved in doing so.

Look forward to hearing from you once you have had a chance to review these comments.

Regards,

Connor

From: Sara Poirier

To: Connor Wallace

Cc: Dino Lanzo

Good morning Connor,

Please find attached the PIM presentations made by staff and the applicants planners on May 12 for the application at PID 45059631 on Wentworth Road in Windsor. Please note that any comments or questions on the proposal can be submitted to me by noon on May 27.

All the best,

Sara

From: Connor Wallace

Cc: Dino Lanzo

To: Sara Poirier

Hey Sarah,

Following up on our phone chat this afternoon. As discussed, could you please circulate the plans/concept for this planning application following next weeks public meeting ?

Thanks,

Connor

ZZap Architecture and Planning

Attachment D



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2022.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

FH DEVELOPMENT GROUP INC. a body corporate, with a head office at 153 Sackville Drive, Suite 1, Lower Sackville, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

WHEREAS the Owner is the registered owner of a parcel of land located on Wentworth Road, PID 45059631, hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Commercial on the Generalized Future Land Use Map of the Municipal Planning Strategy, zoned Wentworth Road Commercial (WR-C) on the Zoning Map of the Land Use By-law, within the Wentworth Road Gateway District and within the Environmental Constraints overlay; and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit up to 240 apartment units, 10,000 sq. ft. of commercial space, and 17 townhouse dwellings grouped on the Property (the “Development”); and

WHEREAS Policy 8.6.15 of the Municipal Planning Strategy and Section 6.1 (j) of the Land Use By-law enable Council to consider entering into a development agreement to allow comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings in the Wentworth Road Gateway District; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2022 approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use Bylaw, except those defined as follows:

- (a) “Commencement” means the date the Owner begins actively constructing a particular building within this Agreement as permitted by an issued development and building permit; and
- (b) “Constructed wetland” means an engineered body of water that has specific plant species, soil types and microorganisms to treat water and aid in on-site stormwater management.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

1.3 Municipal Planning Strategy, Land Use By-law and Subdivision By-law

- (a) *Municipal Planning Strategy* means the Municipal Planning Strategy of the Town of Windsor, approved on August 23, 2005, as amended, or successor by-laws;

- (b) *Land Use By-law* means the Land Use By-law of the Town of Windsor, approved on August 23, 2005, as amended, or successor by-laws;
- (c) *Subdivision By-law* means the Subdivision By-law of the Town of Windsor, approved on January 24, 2012, as amended, or successor by-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

- (a) The Parties agree that uses on the Property shall be limited to the following:
 - (i) those uses permitted by the underlying zoning in the Land Use By-law excluding car washes and drive-through restaurants;
 - (ii) residential development consisting of a maximum of 240 apartment dwelling units and 17 townhouse dwelling units;
 - (iii) under-building ground-level parking and surface parking for the uses within the buildings;
 - (iv) outdoor recreation space including but not limited to a plaza and central garden; and
 - (v) a constructed wetland which may be used for on-site stormwater management.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law and the Subdivision By-law apply to any development undertaken pursuant to this Agreement.

2.2 Development Location and Design

- (a) The Municipality and the Owner acknowledge that the Development as shown on Schedule B is a phased Development. The Development location and design shall, subject to section 2.2(j), be generally consistent with the site plan shown in Schedule B.
- (b) The mixed-use apartment building fronting on Wentworth Road shown as Building A on the site plan in Schedule B is limited to a maximum of 40 dwelling units and 10,000 sq. ft. gross floor area on the ground floor for commercial uses and shall be the first building to be constructed on the Property.
- (c) The multi-unit apartment buildings shown as Building B, C, D and E on the site plan in Schedule B shall be limited to a maximum of 160 dwelling units. The buildings may include one storey of under building parking on the ground floor and may be constructed in an order suitable to the developer.

- (d) The mixed-use apartment building and the multi-unit apartment buildings permitted in Section 2.2 (b) and (c) shall incorporate windows and other elements in the street level façade to avoid the appearance of solid blank walls.
- (e) The 17 townhouse dwelling units shown as Buildings F on the site plan in Schedule B may be constructed any time after Building A and one of the multi-unit apartments, as identified as Buildings B-E on the site plan in Schedule B, are complete and have received occupancy permits.
- (f) In the event that the Owner chooses to build and occupy one building at a time, the following infrastructure is required for that building:
- (i) the necessary services for the proper use and enjoyment of the building including but not limited to a driveway and access, landscaping, pedestrian walkways, parking, lighting, and water and sewer services; and
 - (ii) the required usable recreation space as per Section 10.5, *Recreational Space*, of the Land Use By-law.
- (g) Development shall conform to the following requirements:

Minimum Front Yard	15 ft. (4.57 m.)
Minimum Rear Yard	25 ft. (7.62 m.)
Minimum Side Yard*	25 ft. (7.62 m.)
	*No side yard shall be required along the common wall dividing a townhouse dwelling.

- (h) Development height shall conform to the following requirements:

Type of Building as shown on Schedule B	Maximum Height	Maximum Storey of Main Building
Building A: Mixed-use multiple unit apartment building	55 ft. (16.76 m.)	5 storeys
Building B and C: Multiple unit apartment buildings	55 ft. (16.76 m.)	5 storeys
Building D and E: Multiple unit apartment buildings	65 ft. (19.8 m.)	6 storeys
Buildings F: Townhouse dwellings	35 ft. (10.67 m.)	3 storeys

- (i) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*. The maximum height of an accessory building shall be 15 ft. (4.57 m.).
- (j) The Development Officer may approve in writing minor changes to the location of the main buildings or other aspects of the site plan provided the side yards are not decreased. Changes to the site plan may also be approved in writing in accordance with reports generated in Section 2.9, *Site Drainage*, and 2.10 (d), *Environmental Study*, of this agreement provided the side yards are not decreased.
- (k) No structure shall be located closer than 50 ft. (15.24 m.) from a watercourse.
- (l) A minimum of 60,000 sq. ft. (5,574.2 sq. m.) of usable recreation space as outlined in Section 2.8, *Recreational Space*, shall be required.

2.3 Phasing

- (a) Construction of Building A and all relevant infrastructure and landscaping as outlined in Section 2.2 (f) and 2.7 (c) of this Agreement shall be completed within twenty-four (24) months of the commencement of Development outlined in Section 4.1 of this Agreement. If, in the opinion of the Development Officer, this time limit has not been met, Development as per this agreement shall no longer be permitted and this Agreement may be discharged in part at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* thirty (30) days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, the Municipality, by resolution of Council, may grant an extension to the date of commencement of Development without such an extension being deemed to be an amendment to this Agreement.
- (b) Construction of Buildings B-F and all relevant infrastructure and landscaping as outlined in Section 2.2 (f) of this Agreement shall be completed within ninety-six (96) months of the actual commencement of Development of Building A provided that such commencement is within the time limit prescribed in Section 4.1 of this Agreement. If, in the opinion of the Development Officer, this time limit has not been met, Development of Buildings B-F shall no longer be permitted and this Agreement may be discharged in part solely at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* thirty (30) days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, the Municipality, by resolution of Council, may grant an extension to the date of

commencement of Development without such an extension being deemed to be an amendment to this Agreement.

2.4 Access and Egress

- (a) The Owner shall, subject to Section 2.2 (j), develop, construct, and maintain the driveway in the Development in general conformance with the driveway shown on Schedule B.
- (b) The driveway shown on Schedule B shall provide a minimum street allowance of 50 ft. (15.24 m.) and shall be paved with a minimum paved surface of 20 ft. (6.09 m.). The vehicular entrance and exit shall be clearly demarcated and paved.
- (c) The Owner agrees that it will seek and obtain approval in writing from the Municipality before any other driveway from the Development is connected to Wentworth Road or any other public road.
- (d) A 5 ft. (1.52 m.) wide pedestrian walkway shall be provided from the sidewalk on Wentworth Road to the main entrances of each building. The pedestrian walkways shall be constructed so as to create a stable surface and may use permeable construction materials to assist with stormwater retention.

2.5 Parking

- (a) All parking spaces for vehicles using the Property shall be located on the lot and shall, subject to Section 2.2 (j), be generally located as shown on Schedule B.
- (b) A minimum of one (1) parking space shall be provided per dwelling unit and a minimum of one (1) parking space shall be provided for every 300 sq. ft. (27.9 sq. m.) gross floor area dedicated to commercial uses on the Property.
- (c) Parking may be provided either within the buildings or outside at grade.
- (d) Outside parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention.
- (e) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m) wide.
- (f) The number, location and arrangement of parking spaces, aisles and driveways may be varied in writing by the Development Officer in accordance with Section 2.15, *Variance*, of this Agreement.

2.6 Fire Safety

- (a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.
- (b) All curbs shall be designed to be mountable by emergency services vehicles.
- (c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the Property by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.7 Landscaping

The Owner shall:

- (a) keep all undeveloped areas of the Property landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.
- (b) provide a landscaped area at least 15 ft. (4.57 m.) deep that runs the length of and directly abuts the front lot line along Wentworth Road, excluding driveway openings and walkways.
- (c) the landscaped area required in Section 2.7 (b) shall be grassed, or other appropriate vegetative ground cover used, and trees shall be planted at intervals no greater than 50 ft. (15.24 m.) on centre. New trees shall have a minimum diameter of 2 in. (5.08 cm.) measured at 4.5 ft. above the surrounding grade and a minimum height of 5 ft. (1.52 m.). Where possible, existing trees may be retained and included in the calculation of plantings required.
- (d) For parking lots containing 20 or more spaces, landscaped islands with a minimum permeable surface area of 100 sq. ft. (9.29 sq. m.) shall be provided within the parking lot at a rate of one island per 20 parking spaces. Islands may be located at the end of banks of parking stalls or separating banks of parking stalls. Landscaped islands may include shrubs, perennials, annuals or ground cover and shall include at least one tree, having a minimum diameter of 2 in. (5.08 cm.) measured at 4.5 ft. above the surrounding grade and a minimum height of 5 ft. (1.52 m.), per island. These landscaped islands may be used for on-site stormwater management.

2.8 Recreational Space

- (a) A minimum of 60,000 sq. ft. (5,574.2 sq. m.) of usable recreation space shall be provided on the Property and may include:

- (i) individual balconies; and
 - (ii) common-use landscaped areas in accordance with the Site Plan attached as Schedule B.
- (b) The plaza shown on the site plan in Schedule B shall be completed before an occupancy permit is issued for Building A. The central garden on the site plan in Schedule B shall be completed in conjunction with Building B and C. The plaza and central garden shall be included in the useable recreation space calculations.

2.9 Site Drainage

- (a) No development permit shall be issued until the Owner provides a stormwater management plan that will satisfy the Municipal Engineer that historical flooding patterns and area drainage systems have been considered and that storm water discharge will balance pre- and post-construction flows to ensure there is no negative impact on downstream properties.
- (b) No development permit shall be issued for the constructed wetland until the Owner submits engineered drawings to the Municipal Engineer for approval prior to construction.
- (c) The Owner shall undertake all construction activities in accordance with an erosion and sedimentation control plan prepared by a Professional Engineer, unless otherwise directed by Nova Scotia Environment, and also agrees to assume sole responsibility for compliance with all regulations of Nova Scotia Environment.

2.10 Servicing

(a) Waste Collection

- (i) No Municipal garbage collection will be provided to the Development. The Owner shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.
- (ii) The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or cause a nuisance to nearby properties and abutting roads and it shall not be located closer than 10 ft. (3.05 m.) to an abutting property.

(b) Water and Sewer Services

- (i) Any of the proposed uses on the lot shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services

Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.

- (ii) The Owner shall be responsible for constructing, installing and maintaining the water and sewer services on the Property.

(c) Snow Plowing

The Owner shall have sole responsibility for snow plowing within the Development.

(d) Environmental Study

For any portion of the main buildings shown on Schedule B of this Agreement that is intended to be constructed upon lands designated as Environmental Constraints on "Schedule A - Zoning" of the Land Use By-law, the Owner must provide the Development Officer with a completed Environmental Study as outlined in Policy 12.0.2 of the Municipal Planning Strategy prior to a development permit being issued.

2.11 Construction Noise

Construction on the lot shall only be permitted between the hours of 7:00 a.m. and 9:00 p.m. daily unless construction is being conducted within a wholly enclosed structure.

2.12 Maintenance

- (a) The Owner shall keep the Property and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.
- (b) The Owner shall maintain the driveway to a level adequate to allow for access by emergency services vehicles.

2.13 Signs and Lighting

Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the Land Use By-law, *Illumination* and *Signs*, which controls lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

2.14 Subdivision

No alterations to the lot configuration or subdivision are permitted except those required by the Municipality for the purpose of creating or expanding open space within

the Property or those required by the road authority for the purpose of creating or expanding a public street over the Property.

2.15 Variance

In accordance with Section 5.40 of the Land Use By-law, *Variance*, the Development Officer may grant a variance for one or more of the following requirements subject to the requirements of the *Municipal Government Act*:

- (i) minimum required yard dimensions except side yard requirements as required in Section 2.2 (g) of this Agreement;
- (ii) number of parking spaces required; and
- (iii) floor area occupied by a home-based business.

PART 3 CHANGES AND DISCHARGE

3.1 The Owner shall not vary or change the use of the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this Agreement is amended.

3.2 Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this Agreement.

3.3 The following matters are substantive matters:

- (a) the uses permitted on the Property as listed in Section 2.1, *Use*;
- (b) the order of building construction in Section 2.2, *Development Location and Design*, and the required recreation space for Buildings A, B and C in Section 2.8 (b), *Recreation Space*;
- (c) the fire safety requirements listed in Section 2.6, *Fire Safety*;
- (d) the landscaping requirements in Section 2.7, *Landscaping*; and
- (e) the requirements for a stormwater management plan to be submitted prior to a development permit being issued as listed in Section 2.9, *Site Drainage*.

3.4 Upon conveyance of land by the Owner to either:

- (a) the road authority for the purpose of creating or expanding a public street over the Property; or
- (b) the Municipality for the purpose of creating or expanding any municipally owned facility over the Property;

registration of the deed reflecting the conveyance shall be conclusive evidence that that this agreement shall be discharged as it relates to the public street or public facility, as

the case may be, as of the date of registration with the Land Registry Office, but this Agreement shall remain in full force and effect for all remaining portions of the Property.

3.5 Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter and this Agreement may be discharged by Council without a public hearing.

3.6 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owner following a resolution of Council to give such Notice:

- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
- (b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
- (c) at any time upon the written request of the Owner, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.

3.7 Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Owner may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.
- (b) Development as provided in Part 2 of this Agreement shall commence not later than eighteen (18) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* 30 days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, the Municipality, by resolution of Council, may grant an extension to the date of commencement of Development without such an extension being deemed to be an amendment to this Agreement.

- (c) The footings for Building A shall be completed, the determination of which shall be at the sole discretion of the Municipal Building Official, within twenty-four (24) months from the date this Agreement is signed.
- (d) If the Owner is bona fide delayed from commencing the Development for reasons which are beyond the Owner's control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owner is excused for the period of the delay and the time period for the Owner to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Owner shall provide record drawings to the Development Officer for any portion of the Development for which an engineered design is required, within ten (10) days of completion of any work which requires the engineered design.
- (b) The Owner shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

- (a) Nothing in this Agreement shall exempt the Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender.

- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.
- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Owner about the suitability of the Property for the Development proposed by this Agreement. The Owner assumes all risks and must ensure that any proposed Development complies with this Agreement and all other laws pertaining to the Development.
- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Owner in writing. In the event that the Owner has not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice, then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms are a first lien on the land that is the subject of the Development Agreement.

5.6 Costs

The Owner shall pay all costs associated with registering this Agreement and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject

of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.8 Assignment of Agreement

The Owner may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

5.9 Written Notice

- (a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Faisal Al-Hammadi, FH Development Group Inc., 153 Sackville Drive, Suite 1, Lower Sackville, NS, B4C 2R3, or at any other address provided by the Owner.
- (b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner.

5.10 Full Agreement

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the Owner. No other agreement or representation, oral or written, shall be binding.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

)

)

Per: _____

) Abraham Zebian, Mayor

)

) Per: _____

Witness

) Deanna Snair, Municipal Clerk

)

)

)

) **FH DEVELOPMENT GROUP INC.**

)

)

)

Per: _____

Witness

) Faisal Al-Hammadi, President

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Faisal Al-Hammadi**, one of the parties thereto, signed, sealed and delivered the same in h presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

I certify that on this _____, 2022
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Faisal Al-Hammadi, Nova Scotia, make oath and say that:

1. I Faisal Al-Hammadi of FH DEVELOPMENT GROUP INC. the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this _____, 2022
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

FAISAL AL-HAMMADI, President

Schedule A
Legal Description – PID 45059631

ALL that lot of land situate at Windsor, in the County of Hants and Province of Nova Scotia shown as Block A1 on a Plan of Survey prepared by Bruce Lake, N.S.L.S. entitled "Plan of Survey Parcel A lands conveyed to The Town of Windsor, The Municipality of the District of West Hants" dated the 23rd day of March, 2005, and recorded at the Registry of Deeds in Windsor on the 7th day of September, 2005 as document #82939779.

Together with an easement in favour of the Town of Windsor, over Lot B, lands of Canadian Tire Real Estate Limited, as defined and described in the Access Easement Agreement recorded on July 2, 2010 as Document 96268132.

Subject to the Restrictive Covenants as defined and described in the Restriction Agreement between the Town of Windsor the Canadian Tire Real Estate Limited, recorded on July 2, 2010 as Document 96268009.

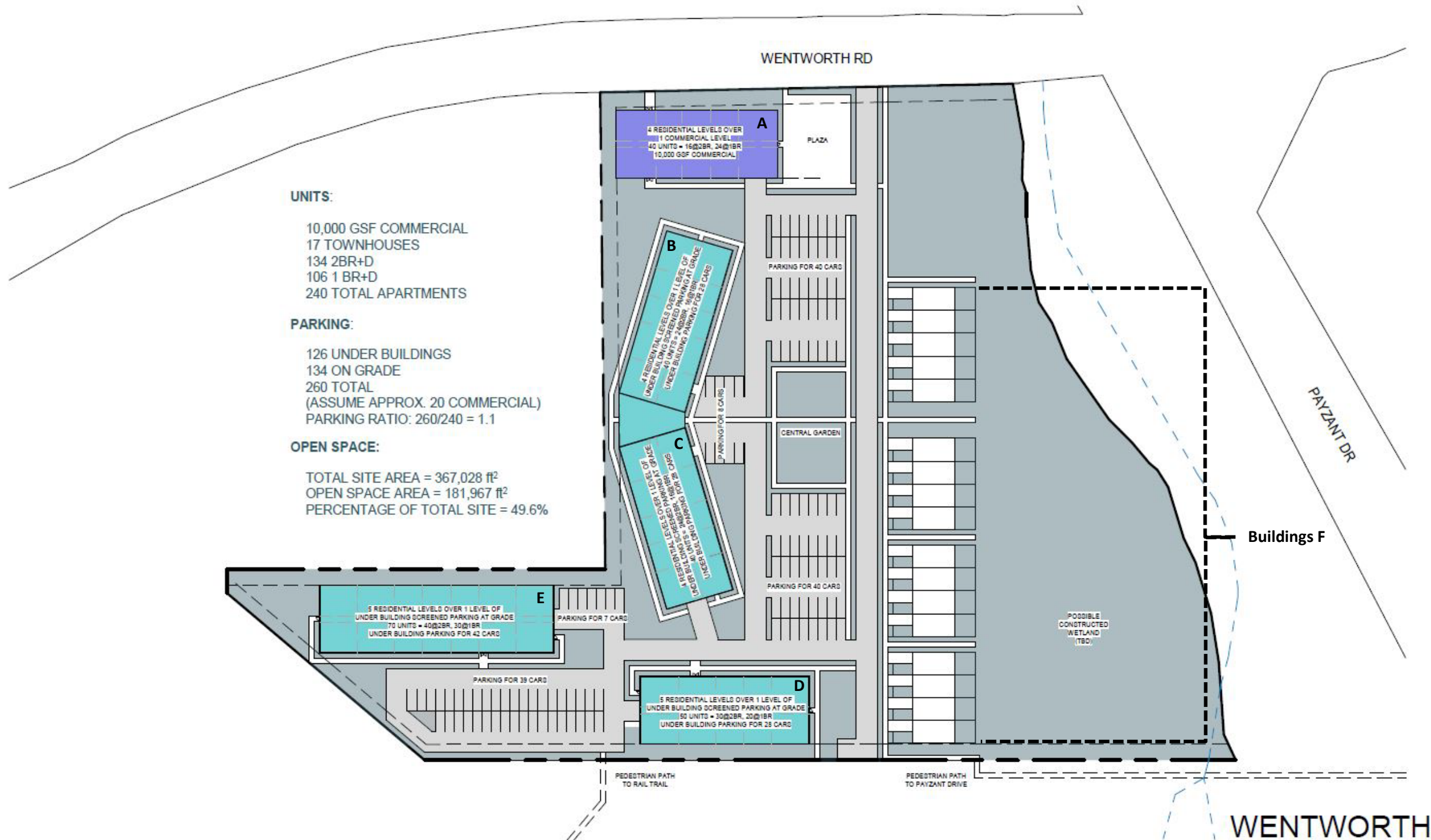
Subject to an Easement in favour of Bell Aliant Regional Communications Inc., in its capacity as general partner for Bell Aliant Regional Communications, Limited Partnership dated the 13th day of June, 2008 and recorded at the Land Registration Office for the district of Hants on the 15th day of September 2009 as Document No. 94276905.

SAVING and EXCEPTING LOT B as shown on registered Plan No. 94946069 at the Land Registration Office for Hants County.

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Hants as plan or document number 94946069

The MGA compliance statement has been applied by SNSMR during the processing of the abovementioned plan 94946069

Schedule B
Site Plan





Committee of the Whole Excerpts
July 12, 2022

Appointment of Building and Fire Official Excerpt

Mr. Burns will begin employment with West Hants Regional Municipality on July 18, 2022 as a Building and Fire Official. In order for Mr. Burns to carry out his duties, appointment by Council is required.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPOINT DONALD BURNS EFFECTIVE JULY 18, 2022 AS BUILDING OFFICIAL IN ACCORDANCE WITH SECTION 5(2) OF THE NOVA SCOTIA BUILDING CODE ACT AND AS FIRE OFFICIAL IN ACCORDANCE WITH SECTION 19(1)(B) OF THE NOVA SCOTIA FIRE CODE.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: July 12, 2022

Subject: Appointment of Building and Fire Official

LEGISLATIVE AUTHORITY

Nova Scotia Building Code Act
Nova Scotia Fire Safety Act

RECOMMENDATION

...that COTW recommends that Council appoint Donald Burns effective July 18, 2022 as Building Official in accordance with Section 5(2) of the Nova Scotia Building Code Act and as Fire Official in accordance with Section 19(1)(b) of the Nova Scotia Fire Code.

BACKGROUND

Donald Burns begins employment with West Hants Regional Municipality on July 18, 2022 as a Building and Fire Official. In order for Mr. Burns to carry out his duties, appointment by Council is required.

DISCUSSION

Mr. Burns has worked for more than 16 years as a Building Official and Fire Inspector. He is a Level II Qualified Building Official and Level 1 Certified Fire Official.

The appointments are needed for Mr. Burns to carry out his duties. His appointment will improve the Municipality's ability to carry out responsibilities under the Building Code Act and

Fire Safety Act. His employment replaces a current vacancy of a building / fire official employee currently within the department.

NEXT STEPS

Appointment by Council

FINANCIAL IMPLICATIONS

There are no financial implications related to the appointment as the salary is established within the budget and replaces a current vacancy.

ALTERNATIVES

COTW could recommend that Council not appoint Mr. Burns as Building and Fire Official, which would mean Mr. Burns could not fully carry out his duties.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

We look forward to Don joining our team.

Report Prepared by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
July 12, 2022

Municipal Boundary Review

Every eight years, in accordance with the Municipal Government Act, municipalities are required to review their electoral boundaries and sizes of Council. All NS municipalities do these reviews within the same year and this is the year that the review will occur.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL LEAVE THE COUNCIL SIZE TO ELEVEN (11) DISTRICTS PLUS ONE (1) MAYOR AS STATUS QUO, PENDING CONSULTATION WITH THE PUBLIC.



Committee of the Whole Excerpts
July 12, 2022

Council Nomination and Appointment to the Diverse and Inclusive Communities Committee

The purpose of the Diverse and Inclusive Communities Committee is to serve in an advisory capacity and make recommendations to Council which will formulate strategic action plans. It is important that we bring this committee to fruition and begin on this journey of listening, learning, reflecting, and becoming allies to ensure real change occurs.

Following a recommendation by Committee of the Whole, Council will complete the appointments of two representatives to act as a member and an alternate member on the Diverse and Inclusive Communities Committee until July 31, 2024.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPOINT MAYOR ZEBIAN AS A COUNCIL REPRESENTATIVE AND COUNCILLOR IVEY AS THE ALTERNATE COUNCIL REPRESENTATIVE TO ACT AS MEMBERS AND SIT ON THE DIVERSE AND INCLUSIVE COMMUNITIES COMMITTEE.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☒	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: _____
Bekah Craik, Active Living Coordinator

Date: July 12, 2022

Subject: Diverse and Inclusive Communities Committee Council Nomination

LEGISLATIVE AUTHORITY

Municipal Government Act – Section 24 Standing, Special and Advisory committees

RECOMMENDATION or DECISION REQUEST

... that Committee of the Whole recommends that Council appoints (2) Council representatives to act as a member and an alternate member on the Diverse and Inclusive Communities Committee until July 31, 2024.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☒
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At the June 28, 2022, Committee of the Whole meeting Council passed a motion to amend Appendix M of the Meeting and Committee Procedural Policy which identified the structure of the newly formed committee.

DISCUSSION

The purpose of the Diverse and Inclusive Communities Committee is to serve in an advisory capacity and make recommendations to Council which will formulate strategic action plans to achieve the following:

1. Advocate, educate, celebrate, address, and advise on issues concerning social marginalization, equity, racism, and discrimination within the Municipality and its workplaces.
2. Break down barriers and implement programs, policies, and practices that promote diversity and inclusion and create opportunities which are inclusive and welcoming to all.

It is important that we bring this committee to fruition and begin on this journey of listening, learning, reflecting, and becoming allies to ensure real change occurs.

NEXT STEPS

Following a recommendation by Committee of the Whole, Council will complete the appointments of two representatives to act as a member and an alternate member on the Diverse and Inclusive Communities Committee until July 31, 2024.

FINANCIAL IMPLICATIONS

N/A

ALTERNATIVES

Committee of the Whole could decide to defer decision making to another meeting.

ATTACHMENTS

Meeting and Committee Procedural Policy Appendix M

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Bekah Craik, Active Living Coordinator

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

APPENDIX M

Diverse and Inclusive Communities Committee

1. MANDATE

- 1.1. Through the establishment of this committee, we are committed to strengthening existing partnerships while collaborating with individuals, groups, and organizations to reduce systemic racism and discrimination while strengthening the ability of individuals and community to address issues of diversity, justice, and inequality while providing opportunities for inclusiveness and belonging to improve the lives of all.

2. PURPOSE

- 2.1. The purpose of the Diverse and Inclusive Communities Committee is to serve in an advisory capacity and make recommendations to Council which will formulate strategic action plans achieve the following:
- a) Advocate, educate, celebrate, address, and advise on issues concerning social marginalization, equity, racism, and discrimination within the Municipality and its workplaces.
 - b) Break down barriers and implement programs, policies, and practices that promote diversity and inclusion and create opportunities which are inclusive and welcoming to all.

3. DEFINITIONS

- 3.1. In Appendix M,
- a) “Municipality” means the West Hants Regional Municipality.

4. COMPOSITION

- 4.1. The Committee will consist of six (6) voting citizen members and nine (9) non-voting supporting members as follows:
- Six (6) citizen members with a range of diverse identity factors (may include, but not limited to, those from the African Nova Scotian, Acadian, Indigenous, 2SLGBTQIA+, Senior, Youth, Persons with Disabilities and Newcomers’ communities)(voting)
 - One (1) RCMP Representative (non-voting)
 - One (1) Community Health Board Representative (non-voting)
 - Six (6) non-voting staff members appointed by the Chief Administrative Officer
 - One (1) Councillor and one (1) Alternate (non-voting)

5. ADMINISTRATION

- 5.1. A Chair and Vice-Chair will be elected bi-annually based upon the date of committee establishment.
- 5.2. Citizen committee members will serve a two-year term
- 5.3. Citizen committee members will be provided remuneration in accordance with the Council Remuneration Policy.
- 5.4. Administrative services for the Committee will be provided by the Municipality.
- 5.5. All members must abide by the Administrative Terms of Reference set out by the Committee and reviewed the by Chief Administrative Officer.



Committee of the Whole Excerpts
July 12, 2022

In-Camera Land Matter

Land Matter Discussion

The recommended motion was that Committee of the Whole recommend that ...

**COUNCIL DIRECT THE CAO TO PROCEED WITH THE SALE OF LAND AS
DIRECTED IN-CAMERA.**



Committee of the Whole Excerpts July 12, 2022

Meeting Minute Format

Meeting minutes can vary in length depending on the proceeding rules and guidelines, as well as preference. All meetings are, at minimum, audio recorded. Videos are also available via the Zoom recording and on the Municipal Facebook page. This provides the public a complete recorded opportunity to view the discussions and decisions. Minutes are meant to provide a summary of decisions made and not necessarily all points discussed. Minutes are to reflect clearly and simply what decisions were made at the meeting and who will carry out the action. Only the most relevant and pertinent details of decisions need to be documented. This presents the question of what is deemed “relevant or pertinent”, as everyone’s perspective varies.

The recommended motion was that Committee of the Whole recommend that ...

**COUNCIL TO DIRECT STAFF TO MAKE THE NECESSARY CHANGES TO THE
MINUTE TAKING PROCESS TO ADD PRESENTATION POINTS AND TIME
STAMPS TO THE REPORTS IN THE OFFICIAL MINUTES.**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☒	Councillor Activity ☐
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To: West Hants Regional Municipality Committee of the Whole

Submitted by: _____
Deanna Snair, Municipal Clerk

Date: July 12, 2022

Subject: Council Meeting Minutes

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Section 33(2)(a)(b)

Robert's Rules of Order

RECOMMENDATION or DECISION REQUEST

that council discuss the format in which meeting minutes are to be compiled and provide direction.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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At the 2022-06-14 Committee of the Whole meeting, it was noted that there was lack of information contained in the minutes. And that for the benefit of council, staff (for tracking), and residents (so they don't have to watch the lengthy meetings), more information be included.

DISCUSSION

Meeting Minutes Content

Meeting minutes can vary in length depending on the proceeding rules and guidelines, as well as preference. With the advancement of technology and communication methods, all meetings are, at minimum, audio recorded. Videos are also available via the Zoom recording and on the Municipal Facebook page. This provides the public a complete recorded opportunity to view the discussions and decisions.

The Association of Municipal Administrators Nova Scotia (AMANS) rules of order and meeting processes identifies the important information contained in meeting minutes are the motions and references to things such as conflicts of interest, et cetera.

Robert's Rules of Order Newly Revised (RONR), notes that minutes should contain mainly a record of what was done at the meeting, not what was said by the members.

Minutes are meant to provide a summary of decisions made and not necessarily all points discussed. Minutes are to reflect clearly and simply what decisions were made at the meeting and who will carry out the action. Only the most relevant and pertinent details of decisions need to be documented. This presents the question of what is deemed “relevant or pertinent”, as everyone’s perspective varies. What one person deems important may not be the same for another. In the matter of minute-taking, ‘pertinent’ is typically defined as a key piece of information that is identified in the decision-making process (rather than discussion).

Meeting reports play an integral part for council, committees, and the public and a lot of time is spent creating them. These detailed reports provide the necessary information for council decision-making and the opportunity for discussion and transparency.

NEXT STEPS

Staff await Council’s direction.

FINANCIAL IMPLICATIONS

No financial implications for the first alternative.

There will be financial implications for the second alternative that are not currently budgeted. Amount to-be-determined.

ALTERNATIVES

Continue with current practice and add the following to the minutes:

- Reference the page number to the subject matter in which the report(s) can be found within the agenda package
- Timestamp each subject matter (for ease of audio/video reference)

CAO to evaluate the need of additional administrative support (for the increase in administrative duties (detailed minute-taking, FOIPOP applications, etc).

ATTACHMENTS

Robert's Rules of Order Newly Revised (RONR): <https://robertsrules.org/robertsrules.pdf>

CHIEF ADMINISTRATIVE OFFICER REVIEW

I concur with the points made in the report. The style of minute taking may deviate with the writer as well as the wishes of council as it pertains to details. I do have concerns with the added administrative pressures current being placed on the office due to increased FOIPOP applications, increased communications and special projects. Increasing the time associated with more detailed minutes may impact other supports. My office has not heard from the public on this matter expressing concerns.

We look forward to direction from the majority of Council, on this matter.

Report Prepared by: _____

Deanna Snair, Municipal Clerk

Report Reviewed by: _____

Shelleena Thornton, Operations Supervisor

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
July 12, 2022

Meeting Report Submission Deadline Report

Current policy states that all topics and supporting material for an agenda will be submitted to the staff member preparing the agenda by 12:00 noon ten (10) business days before a regular scheduled meeting. Previous policy in West Hants was to submit reports by Friday noon before a regularly scheduled meeting (2 business days). A review of the current practice and potential amendment is warranted.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT STAFF TO AMEND THE MEETING AND COMMITTEE PROCEDURAL POLICY RCOGE-003.00 SUCH THAT "ALL TOPICS AND SUPPORTING MATERIAL FOR AN AGENDA WILL BE SUBMITTED TO THE STAFF MEMBER PREPARING THE AGENDA BY 12:00 NOON THREE (3) BUSINESS DAYS BEFORE A REGULAR SCHEDULED MEETING.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☒
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To: West Hants Regional Municipality

Submitted by: Jim Ivey, Councillor, Windsor South, District 11

Date: July 12, 2022

Subject: Meeting Report Submission Deadlines

LEGISLATIVE AUTHORITY

West Hants Meeting and Committee Procedural Policy Paragraph / Section 7.4

RECOMMENDATION or DECISION REQUEST

Council direct staff to amend the Meeting and Procedural policy such that "All topics and supporting material for an agenda will be submitted to the staff member preparing the agenda by 12:00 noon three (3) business days before a regular scheduled meeting.

BACKGROUND

It was communicated by the Chair that they wished to have Committee of the Whole agenda topics and material received by noon on Thursday. It was not specified if it was to be the Thursday before the meeting or 2 Thursdays before the meeting. Depending on the intent, it would either be 3 business days or 8 business days before the regularly scheduled meeting.

Subsequent to the preceding communication, the Meeting and Procedural policy item 7.4 was also circulated to Council which reads as follows:

7.4 All topics and supporting material for an agenda will be submitted to the staff member preparing the agenda by 12:00 noon ten (10) business days before a regular scheduled meeting. Councilors will be required to submit a "Report Form" (Appendix A) to be included in the agenda package.

Previous policy in West Hants was to my understanding was for Councillors to submit reports by Friday noon before a regularly scheduled meeting (2 business days).

Windsor to my knowledge did not have a formal policy.

With consolidation, a new policy was introduced by staff but was almost never enforced. Submissions were by policy to be by noon 10 days prior to regularly scheduled meeting. Topics and report material needed to be submitted before the pending meetings previous meeting.

In order for staff and councillors to adhere to the policy that exists, topics and supporting reports would need to be submitted before the month's previous meeting has been conducted.

To be clear, to submit a topic for the Committee of the Whole agenda in any given month, material would need to be submitted by noon, before the Council meeting of the previous month.

Further to submit a topic for the Council meeting at the end of any given month, material would need to be submitted by noon before the Committee of the Whole meeting for that month.

Property ☐	Public Opinion ☒	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☒
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DISCUSSION

The written policy is not reasonable.

The questions we may want to consider are: (i) what generally makes sense for councilors given the nature of the role and the nature of the reports typically submitted (rarely seeking immediate action of staff aside from recommendations or decisions of council) (ii) what is reasonable from a timing point of view before the pending meeting.

The material and requirement for the reports is not going to diminish or go away. All that will end up happening is we stack and defer the volume of work into the next meeting.

If the work can be handled it should be accepted. Everything that comes forward is resident affecting.

Unless something requires a large volume of work from staff before the meeting, there is little to no reason not to address it.

For those that do not submit reports, it will not make a difference. For those that do, it will simply defer more work into the next meeting.

It is my opinion that for Councillors, 3 business days (Thursday) before the meeting is a reasonable target, with an outside discretionary date (Friday noon) of 2 business days as an anomaly. Anything after noon on Friday would need to be approved by Council during review of the agenda at the meeting.

Staff submissions to be determined by the CAO and staff themselves.

Correspondence should always be added as able.

NEXT STEPS

Amend the policy to be 3 business days prior and have it apply for both Committee of the Whole and the Council meeting. It needs to be consistent for both.

FINANCIAL IMPLICATIONS

N/A

ALTERNATIVES

ATTACHMENTS

(List any attachment to the report, if anything.)

CHIEF ADMINISTRATIVE OFFICER REVIEW

Staff will adhere to the direction of Council. The recommendation of “three working” days meets the current practice.

Report Prepared by: Jim Ivey, Councillor, Windsor South, District 11

Report Reviewed by: 
Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
July 12, 2022

Shelter for People Experiencing Homelessness

There are a number of residents of the Region who are living in a homeless or nearly homeless situation and the need for both a short-term, immediate solution and a longer-term solution is needed. Staff were directed to review and identify ways to address the homelessness crisis and explore ways in which tents may be utilized and to identify longer term solutions and accommodations.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL ASK THE PLANNING AND DEVELOPMENT DEPARTMENT AND COMMUNICATIONS STAFF TO DETERMINE THROUGH PUBLIC NOTICE WHICH GROUPS OR INDIVIDUALS WOULD LIKE TO COLLABORATE WITH WHRM, THE FAMILY RESOURCE CENTRE AND THE POSSE PROJECT IN A WORKING GROUP FOCUSED ON SOLUTIONS TO HOMELESSNESS AND DEVELOPING A HOUSING STRATEGY BASED ON A CONTINUUM OF NEEDS.

COUNCIL PROVIDE STAFF TIME FOR ALL DEPARTMENTS AS NEEDED, TO PARTICIPATE IN A WORKING GROUP TRYING FIND SOLUTIONS TO THE ISSUES SURROUNDING HOMELESSNESS.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☒	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: July 12, 2022

Subject: Preliminary Report: Shelter for People Experiencing Homelessness

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
Statement of Provincial Interest: Housing (Appendix A)

2.0 DECISION REQUESTS

COTW is asked to consider and recommend to Council on the following actions as initial steps in supporting people who are experiencing homelessness:

- 2.1 Should COTW wish to recommend that Council request staff to explore Provincial or Federal funding for a person to help support those experiencing homelessness, the following motion would be in order:

...that COTW recommends that Council request the WHRM Community Development Department examine the opportunity for Provincial or Federal Funding to hire a person to support people experiencing homelessness and advocate for sustainable funding for an existing outreach group which serves people without homes.

- 2.2 Should COTW wish to recommend that Council support the physical needs for a shelter area, such as washrooms, the following motion would be in order:

...that COTW recommends that Council ask WHRM Public Works staff to determine the monthly cost for purchasing or leasing one portable washroom/shower building and ask WHRM Finance staff to provide options for how this facility could be funded.

- 2.3 Should COTW wish to recommend that Council participate in an independent working group intended to develop a housing strategy and find solutions to the issues surrounding homelessness in the Region, the following motions would be in order:

... that COTW recommends that Council ask the Planning and Development Department and Communications staff to determine through public notice which groups or individuals would like to collaborate with WHRM, the Family Resource Centre and the POSSE Project in a working group focused on solutions to homelessness and developing a housing strategy based on a continuum of needs.

... that COTW recommends that Council provide staff time for all departments as needed, to participate in a working group trying find solutions to the issues surrounding homelessness.

- 2.4 Should COTW wish to recommend that Council allow tents to be located without being removed in the former communities of Windsor and West Hants, due to the increase in people without shelter the following motion would be in order:

...that COTW recommends that Council declare that the apparent degree of homelessness being experienced in the Region be declared a “special occasion” in accordance with clause 5.44 of the West Hants Land Use By-law, clause 5.36 of the Windsor Land Use By-law.

3.0 BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social X	Economic X	Councillor Activity ☐
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At the June 28, 2022 Council meeting members of the West Hants housing Coalition made a presentation regarding the number of residents of the Region who are living in a homeless or nearly homeless situation and the need for both a short-term, immediate solution and a longer-term solution which could shelter people during the winter months until such time as more affordable housing is available in the Region.

The following motion initiated this report:

“that Council direct staff to provide a preliminary staff report for the July 12, 2022 Committee of the Whole meeting identifying ways to address the homelessness crisis, and further-explore ways in which tents may be utilized and identify longer term accommodations and solutions.”

It was the consensus of Council that when WHRM staff notice or are advised that someone is sheltering in a tent that the first step will be giving the individual contact information for Kayla Todd at the Family Resource Centre and Kimm Kent at the POSSE project. Planning staff have been in contact with Ms. Todd and Ms. Kent and have received cards which can now be distributed as needed.

4.0 DISCUSSION

4..1 Summary of June 28, 2022 Discussion

During the discussion at the June 28, 2022 Council meeting, the following points were mentioned:

- any solution for people experiencing homelessness must be humane with access to basic amenities;
- partners in any working group or provision of shelter would be the Housing Coalition, individuals who are/have been homeless and WHRM;
- some individuals may be able to pay a small amount for shelter; most will not
- needs to be a 24-hour safe space; need to look at long term – winter is coming;
- may be 6-8 tents but could also be many more;
- many volunteers have come forward and are available for staffing an out-of-the-cold shelter, but the Housing Coalition could not find a location willing to host the shelter;
- insulated mobile units would be excellent but may prove very costly;
- the report should address locations such as parks which may be available;
- review and/or amendment of Land Use By-laws may be required to ensure tents that are put up are allowed to remain.

4.2 Considerations

Support for individuals experiencing homelessness is needed throughout Nova Scotia. The increasing housing crisis and lack of affordable units or adequate shelter mean the number of individuals living in insecure housing such as tents will only increase.

When someone needs shelter, they also need the things each of thinks of as an ordinary part of “home” – a washroom, food (the Monday free market, excellent as it is, is not enough), a place to prepare the food, to eat and to wash our dishes and perhaps even a place to wash our clothes. In addition, people experiencing homelessness also need specific supports to help them move to from shelter to permanent housing.

At present, neither the Family Support Centre nor the POSSE Project have sufficient resources to provide this support. The Family Resource Centre has one Housing Support Worker with a current caseload of 39 families, and this can change from day-to-day. Recent figures on income and rent appear in Attachment A. The one part-time POSSE staff person is funded by grants they apply for annually, and the project is intended primarily for youth between 15 and 30 years of age. Despite this, POSSE supports homeless people of all ages. The POSSE worker is currently working in three communities so they are not always in WHRM at present. Additional funding could support a designated West Hants support worker.

“Wrap-around” support for people in need of shelter could be provided through a peer support worker who is not already working in the field. Those already working in the field are not able to accept an increased workload. A sustainable funding source rather

than year-to-year Provincial or Federal funding should be explored for these positions, and WHRM may wish to contribute to the funds.

A question arose at Council as to whether individuals could pay any “rent”; consideration needs to be given as to whether “rent” can or should be paid for sheltering in either summer or winter locations. In either case, rent must be based on income assistance rent allocations.

When considering locations for shelter for people without other homes, the following points must be taken into consideration and become part of the criteria against which potential sites are measured:

- some individuals in need of shelter have mental health issues; some with PTSD cannot live in traditional dwellings or too close to other people;
- needs differ: some people need short term or temporary accommodations; others require longer term or permanent homes and possibly ongoing support;
- facilities are required for both individuals and family groups;
- people living in shelters need a safe and dry location for storing personal goods.

4.3 Physical Requirements

In any location chosen, funding and/or support will be required for:

- potable water
- washroom facilities, with consideration of the design, lighting, cleaning and maintenance
- garbage collection
- storage areas

As noted above, people without homes need both short and longer-term shelter. This can be broken down into three timeframes or types of shelter, with criteria specific to each in addition to the basic physical requirements outlined above:

4.3.1 Short-term, Warm Weather

The ideal short-term location during summer weather would include:

- shade;
- privacy; and
- a site large enough to have different “areas” for people to locate in.

4.3.2 Longer-term, Cold Weather

The ideal out-of-the-cold shelter would have space for and include:

- a kitchen;
- space for offices such as the Family Services Housing Support Worker and/or POSSE in order to have staff on premises as much as possible;
- showers;
- lockers; and

- a place to do laundry.

4.3.3 Longer Term Transitional Housing

Transitional Housing could include small, independent dwelling units in the form of either apartments or modular units, developed in partnership with local or provincial organizations. Any location for this type of housing should be in a primarily residential area within walking distance of schools, shops and community facilities.

4.4 **Potential locations**

Due to the limited time available to complete this report, WHRM staff, POSSE and Family and Children's Services were asked to identify possible sites, and these are included. More detailed investigation of possible sites is needed.

4.4.1 Existing

Harvest House is an excellent but limited resource for those in need of food or shelter. For example, females are not allowed to shelter there if any males are making use of the facility and as a faith-based resource everyone may not wish to make use of the facility. It has been trying to find its own permanent location as the space at its location on Stannus Street is limited

4.4.2 Short-term Warm Weather Potential Sites

- the former tourism park by the pond near Highway 103. It is so close to the highway that it could be dangerous for people in tents. Although this was suggested by one individual, there are no services available, and the minimum requirements would be for potable water and portable washroom facilities.
- the Falmouth mini park on the Falmouth side of the river. This location has a bathroom, but potable water would be required.
- Fort Edward Street (former pool site). This site would require a privacy fence. Although washroom facilities are available when the POSSE office is open, the office is not open 24/7.
- Lands owned by the Province on Tremain Crescent are very close to the school and is very open. This location would need privacy fencing, potable water and washroom facilities.
- Municipal land along the Windsor side of the River is not a bad location; shade and privacy are available. However, there are no washroom facilities or potable water available, but it is close to the POSSE office which could be used during the open hours.
- WHRM could be asked to offer access to the lower-floor area of the community center. This floor has washroom facilities and a room with a kitchen. If other rooms were available, this could be a potential location for POSSE. That would require youth input as well.
- the Windsor Agricultural Society lands, particularly the back section, with access from Centennial Drive were mentioned by several people. The area is close to the hospital, police, grocery and pharmacies, New Boundaries, etc. and is not in an area

liable to generate complaints from nearby residents. There is access to water and sewer, but a portable washroom facility would be required. This location has some trees, which create a pleasant space and provide both some shade and privacy. It was noted that there may even be some employment opportunities with the park businesses.

4.4.3 Longer term “Out of the Cold” Facility

The first specific building brought forward so far is the small building located on the site of what was known as the “Blenkhorn” building located at 1469 King Street Windsor. The building is owned by the Province, and in an area which can be reached on foot from “downtown” services and supports. The conditions and services within the building are so far unknown; the building, which apparently was once used as offices for Family and Children’s Services, may need major renovation or rebuilding. It is zoned General Commercial (GC).

A second possibility suggested is the former Baptist Church, located at 411 King Street in the community of Windsor. The property privately owned and is vacant. It is zoned General Commercial (GC).

The former Farmer’s Market (Coach house Building) and the Pesaquid Canoe Club buildings were also mentioned as buildings which might be investigated.

There may be other buildings with potential; staff resources and time are required to investigate.

4.4.4 Longer Term Transitional Housing

Some opportunities such as modular family units are being discussed in other areas of Nova Scotia, and land for these has been discussed in the community of Windsor; no results have yet been reported. POSSE supports this idea.

4.5 Land Use By-laws

There is one immediate opportunity under each of the Region’s Land Use By-laws. Temporary accommodations such as tents would be considered accessory to any institutional use such as a church, which might ordinarily provide temporary accommodations to those without housing. No action is required by Council to allow tents to remain in association with any institutional use with the permission of the property owner.

A second opportunity exists in the Windsor and West Hants Land Use By-laws. Council could declare the present situation of homelessness a “special occasion” until a time determined by a motion of Council in the future. This would allow tents to remain in any location where the owner has agreed until such time as Council declares the emergency or special event at an end. Council could then permit tents to be located on any Municipally

owned land (Attachment C).

Dwelling units rented as Airbnb's are seen as an increasing housing issue in the Region.

4.6 Working Group

A working group is needed to further explore warm and cold weather options and particularly options for transitional housing.

The first step would be to determine, through public notice, what groups or individuals would like to be part of an independent collaborative group working towards solutions and developing a housing strategy based on a continuum of needs.

5.0 NEXT STEPS

The next steps will be determined by Council as noted in the "Decision Request" section.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report. There are financial implications for many of the potential actions, but direction is needed from Council in order to determine costs and funding sources.

7.0 ALTERNATIVES

- COTW may provide alternative direction, such as requesting further information on a specific topic.

8.0 Attachments

Attachment A Statement of Provincial Interest: Housing

Attachment B Income and Rent Statistics

Attachment C West Hants and Windsor Land Use By-law Extract

9.0 CHIEF ADMINISTRATIVE OFFICER REVIEW

Comments written on July 8, 2022.

I concur with the points made by the Director in her report. There are many layers to the discussion and multiple jurisdictions that have responsibilities as well as engagement regarding the matter of homelessness. As a municipality, public housing and health related matters do not fall within our core responsibilities but we should be continually engaging and exploring ways we can support this critical situation in our community.

A meeting was held on July 8th at the staff and community level with the following representatives present.

WHRM – Mark Phillips CAO), Shelleena Thornton (EMO), Deanna Snair, Kathy Kehoe (CD), Sara Poirier (Planning), Shawn Levy (By-Law), RCMP, Troy Burgess (PW), Adrienne Wood (Windsor Business District), Kim Kent (POSSEE Project), Windsor Fire and others. The purpose of the meeting was to discuss individuals currently experiencing homelessness in our community. Pending additional comments from Council, operationally and with feedback from the others, the following principles were discussed to ensure municipal staff and others have a unified response to concerns and coordinated level of support.

Short-term Principles of Response to Homeless Individuals Tenting on Public Lands

1. Show compassion and understanding.
 - a. Our immediate response will not be to remove homeless individuals from public spaces.
2. Establish and monitor general behavioral expectations.
 - a. We will work with representatives of the POSSE Project (Kim Kent) and Family Resource Centre of West Hants (Kayla Todd) to establish behavioral expectations for individuals tenting in public areas. Existing and alternative locations will be discussed.
 - b. Priorities: Safety of persons and place, self-care and harm reduction, care of public spaces and interactions with other members of the public in public spaces.

Pending feedback from Council we will continue a routine meeting cycle with this established group to monitor and engage in immediate and short-term solution-based actions. Medium and long-term solutions will require the participation of the province and other agencies. Those solutions are unknown currently and require further discussion and resources.

Report prepared by: _____

Madelyn LeMay, Director, Planning and Development in consultation with and with material contributed by staff of the POSSE Project, West Hants Family Resource Centre, WHRM Planning and Community Development Departments

Report Reviewed by:  _____

Mark Phillips, Chief Administrative Officer

Attachment A

Statement of Provincial Interest Regarding Housing

Goal

To provide housing opportunities to meet the needs of all Nova Scotians.

Basis

Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

Application

All communities of the Province.

Provisions

1. Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.
2. Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.
3. There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.
4. Municipal planning documents must provide for manufactured housing.

Implementation

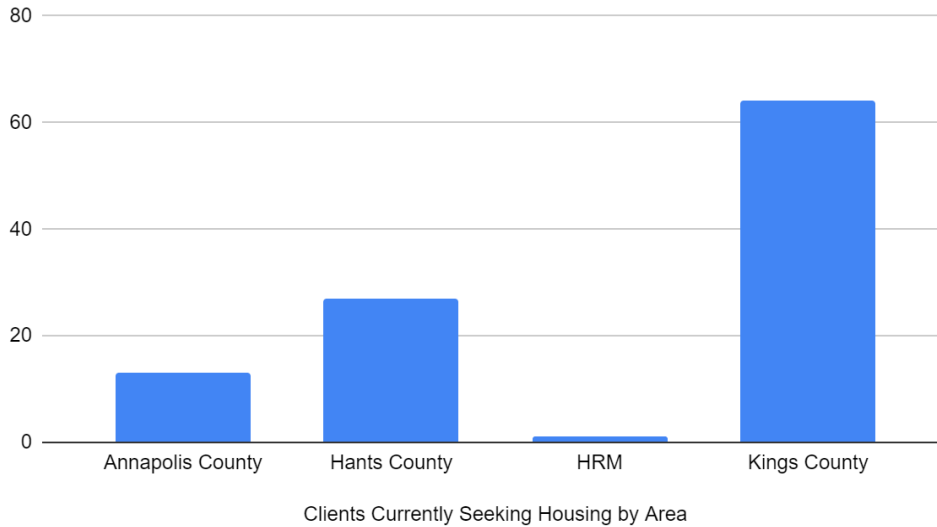
1. These statements of provincial interest are issued under the *Municipal Government Act*. The Minister of Housing and Municipal Affairs, in cooperation with other provincial departments, is responsible for their interpretation.
2. Provincial Government departments must carry out their activities in a way that is reasonably consistent with these statements.

3. New municipal planning documents as well as amendments made after these statements come into effect must be reasonably consistent with them.
4. Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements. Where appropriate, the preparation of intermunicipal planning strategies is encouraged.
5. Reasonably consistent is defined as taking reasonable steps to apply applicable statements to a local situation. Not all statements will apply equally to all situations. In some cases, it will be impractical because of physical conditions, existing development, economic factors or other reasons to fully apply a statement. It is also recognized that complete information is not always available to decision makers. These factors mean that common sense will dictate the application of the statements. Thoughtful innovation and creativity in their application is encouraged.
6. Conflicts among the statements must be considered and resolved in the context of the planning area and the needs of its citizens.
7. The Department of Housing and Municipal Affairs, with other Provincial departments, may prepare guidelines and other information to help municipalities in implementing the statements. Provincial staff are available for consultation on the reasonable application of the statements.

ATTACHMENT B

Graph 1: *Location of clients being helped

Clients Seeking Housing by Area as of June 28th 2022



Here is a breakdown of what clients can afford in Hants County:

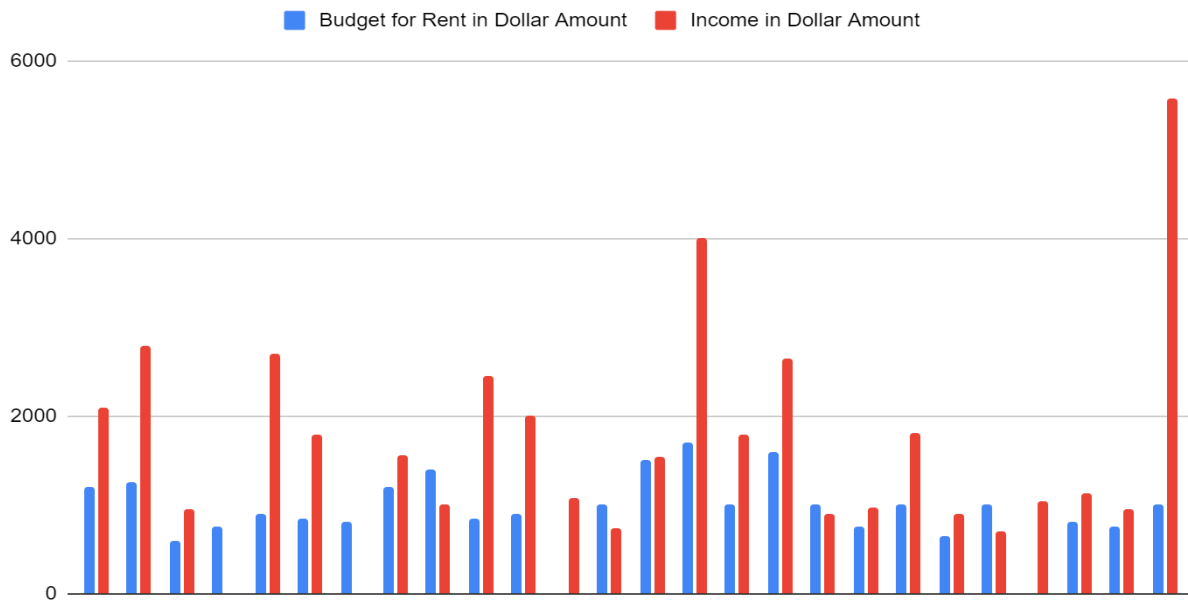
Graph 2: Client budgets for rent including utilities

Histogram of Maximum client can pay per month for rent including utilities



Here is an average of how much these clients are offering for rent, out of their income:

Chart 3: Income vs Housing Budget



*This list does not include those who are unable to access the Housing Locator List because they do not have access to a Housing Support Worker due to HSW caseload capacity.

- Out of the 27 Hants County households, 10 of these are families.
- All but two of these clients are prepared to pay more than 40% of their income toward housing despite the rising cost of gas, hydro and groceries.
- Many clients are caught in the catch-22 of only being able to receive funding when they are housed, and only being able to be housed when they have income. We CANNOT house individuals with no income, even if it is forthcoming.

ATTACHMENT C

Taken from the Windsor Land Use By-law July 5, 2022

Temporary Uses, Buildings and Structures Permitted

5.36

- (a) Nothing in this By-law shall prevent the temporary use of land, buildings or structures incidental to a construction project provided that a development permit has been issued for the construction project and the temporary use is discontinued and removed within 30 days of the completion of the construction project.
- (b) A building or structure may be erected, or an area of land used, for a special occasion or holiday provided that no such building or structure shall remain in place for more than 14 consecutive days after the close of the event.
- (c) No development permit shall be required for a temporary use, except as specified in Section 15.2 (temporary retail sales and food service kiosks in the Pesaquid Comprehensive Development District).

Taken from the West Hants Land Use By-law July 5, 2022

Temporary Uses, Building and Structures Permitted

5.44

- (a) Nothing in this By-law shall prevent the temporary use of land, buildings or structures incidental to a construction project provided that a development permit has been issued for the main construction project and the temporary use is discontinued and removed within 30 days of the completion of the main construction project.
- (b) A building or structure may be erected, or an area of land used, for a special occasion or holiday provided that no such building or structure shall be erected more than 10 days prior to the event or remain in place for more than 14 consecutive days after the close of the event.
- (c) Nothing in this By-law shall prevent the use of a lot containing a dwelling for a yard sale, auction or other temporary sale of personal possessions belonging to the occupant, provided the use does not continue for more than five days per month.
- (d) No development permit shall be required for a temporary use.

CONNECTING THE DOTS

The Connection between Poverty and Housing - July 2022

THE HOUSING CONTINUUM



Source: CMHC - Canada Mortgage and Housing Corporation



A collaboration between Eastern Zone Community Health Boards and Mental Health and Addictions Health Promotion team.

Did You Know?

Housing is a social determinant of health, which can improve individual lives and lead to positive health outcomes.

Poverty is the underlying cause of most housing affordability challenges.

Living in unsafe, unstable and crowded living conditions equals poor mental health outcomes.

Women are almost 70% of public housing tenants and 60% of rent supplement clients in Nova Scotia.

Housing is unaffordable when housing costs are 30% or more of a household's income and when there is no affordable housing available to purchase and rent in the community where people choose to live.

Individuals who experience housing insecurity or homelessness are at greater risk for substance abuse, suicide and social isolation and lower life expectancy.

"The housing crisis is real, and Nova Scotians expect us to act," said Premier Tim Houston. "We'll do what needs to be done to make sure Nova Scotians can afford a place to call home. We will not wait."

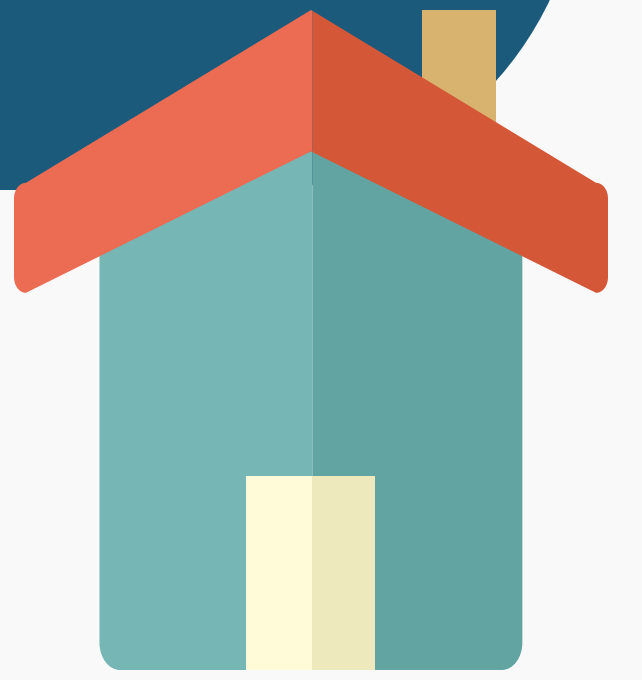
Almost a quarter of Nova Scotia residents (22%) spent between 30-50% of their annual household incomes on housing.

Many parts of Nova Scotia are facing a housing crisis, with low vacancy rates, high and increasing rental rates, increasing housing insecurity and homelessness.

Why should we care about Housing?

Affordable housing is a basic human need, essential infrastructure for our province, and a strategic sector for our society and economy.

Affordable, safe housing is crucial for a healthy society, quality of life, attracting new residents, social equity and growing the economy.



What is the cost of Housing Insecurity?

Poverty is costing Nova Scotia \$2 billion per year in economic loss, \$279 million in excess public services cost, and \$231 million in foregone revenue.

Housing interventions can both improve health and make better use of expenditures on public healthcare.

Housing insecurity and homelessness results in higher need for emergency and in-patient hospital care, which is substantially higher than the cost to rent an apartment.

Who is most at risk?

- Seniors
- Racialized Groups
- Persons with disabilities
- People experiencing family/gender violence
- Members of the 2SLGBTQIA+ Community

- Children and youth experiencing neglect, physical, sexual, and emotional abuse.
- Persons with severe and persistent mental illness, addictions, substance use and/or behavioural issues.
- Persons facing eviction due to present housing market.
- People with precarious employment or sudden unemployment
- Division of Households due to separation and divorce.

What Can be Done?

Increase income assistance payments regularly according to the cost of living, taking into account housing/rental increases and food inflation.

Develop responsive policy to ensure that access is universal. Targeted measures are needed for people who have been systematically marginalized.

Make significant investments to maintain and build public housing as well as other non-market housing (non-profit and cooperative) and invest in housing supports and services.

Sources:

Keys to a Housing Secure Future for all Nova Scotians: Canadian Centre for Policy Alternatives | Nova Scotia, May 2021

CMHA, Housing and Mental Health

Homeless Hub 2014. The State of Homelessness in Canada

Maqbool et al., 2015. The Impacts of Affordable Housing on Health: A Research Summary

Nova Scotia Government Media Release: <https://novascotia.ca/news/release/?id=20211020001>



Committee of the Whole Excerpts
July 12, 2022

Windsor Agricultural Society Request for Decision

Each year the Agricultural Society applies for a grant that is used to ensure the continuance of North America's Oldest Agricultural Fair. This year due to reasons noted in the request letter the deadline for grant application submissions was missed. This year's Exhibition is moving forward, and it is hoped that this request will be approved.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPROVE THE \$5000.00 GRANT REQUEST FROM THE WINDSOR AGRICULTURAL SOCIETY TO BE FUNDED FROM THE REMAINING 2022-2023 BUDGETED FUNDS FOR GRANTS AND CONTRIBUTIONS.

T: (902)798-0000 / F: (902)798-2999
hantscountyex@eastlink.ca
www.hantscountyex.com
Follow us on Facebook!



P.O. Box 368, Windsor, Nova Scotia B0N 2T0
221-239 Wentworth Road
Exit 5A off Highway 101

NORTH AMERICA'S OLDEST AGRICULTURAL FAIR

July 7, 2022

Mayor and Council
West Hants Regional Municipality
76 Morrison Drive, Box 3000
Windsor, NS B0N 2T0

Dear Mr. Mayor and Council:

On behalf of the Windsor Agricultural Society this letter is to request an emergency grant in the amount of \$5,000.00.

Historically we have applied for this grant which is used to ensure the continuance of North America's Oldest Agricultural Fair however this year due to not having a General Manager we missed the deadline for your grant application. We have since formed a Management Team and are moving forward with this year's Exhibition and are hoping you will see fit to approve our request.

Thank you in advance for your consideration. If you have any questions please give me a call at 902-790-2377 or Lisa Hines at 902-798-0000.

Sincerely,

Barb Rockwell

Barb Rockwell, Secretary
Board of Directors
Windsor Agricultural Society



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-07-26

Subject: Development Agreement: Community Way, PID 45055167, 45364775, 45421146; File #21-10 B

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to permit up to 176 apartment units within two apartment buildings on PID 45055167, 45364775 and 45421146 on Community Way in Windsor in a manner substantively the same as the draft set out in Attachment C of the report to the Planning and Heritage Advisory Committee #21-10 dated July 14, 2022, taking note that this development agreement will discharge and replace the development agreement recorded on PID 45421146 at the Registry of Deeds on May 16, 2019 as document #114457773.

...that Council requires that the development agreement with Mitch Brison which permits up to 176 apartment units within two apartment buildings on PID 45055167, 45364775 and 45421146 on Community Way in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
--	--	--------------------------------------	---------------------------------	-----------------------------------	---

A completed application was received on May 17, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of the property owner Mitch Brison of 3229190 Nova Scotia Limited. The application was to consider permitting two, 7-storey, 88-unit apartment buildings on the properties at PID 45055167 (portion of), 45364775, and 45421146 on Community Way. The lots are currently vacant and are owned by 3229190 Nova Scotia Limited; Mr. Brison is the President of that company.

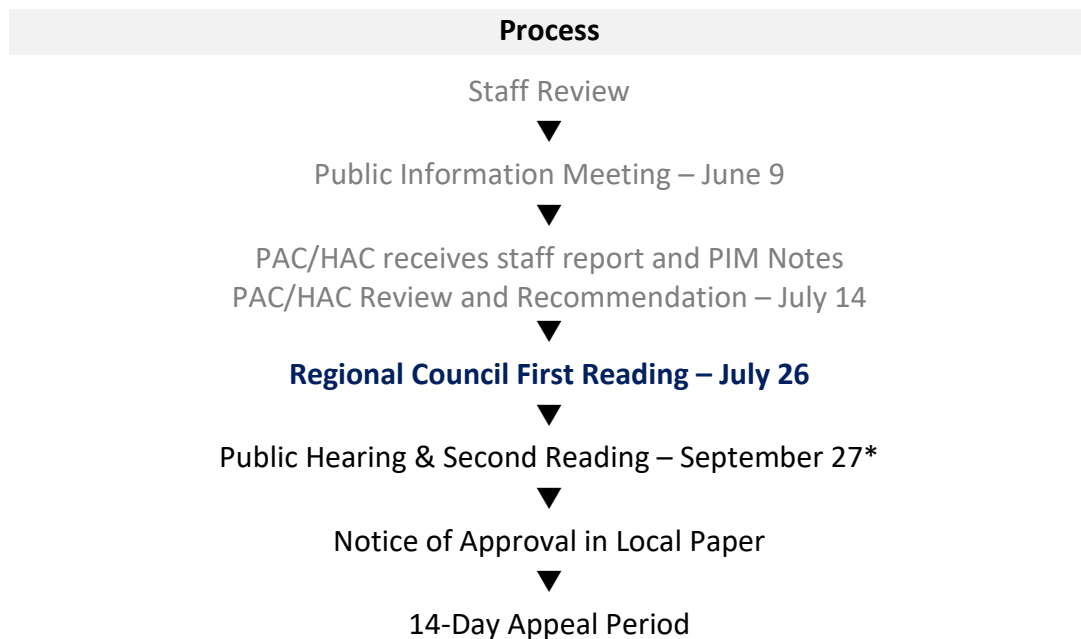
DISCUSSION

A Public Information Meeting was held on June 9, 2022.

On July 14, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). PAC/HAC recommended in favour of the development agreement on July 14, 2022.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality in regard to this development.

ALTERNATIVES

In response to the application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the development agreement as drafted or as specifically revised by direction of Council;
- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2022-07-14 Staff Report Development Agreement: Community Way, PID
45055167, 45364775, 45421146; File #21-10

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Sara Poirier, Senior Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, CAO



Appendix A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-07-14

Subject: Development Agreement: Community Way, PID 45055167, 45364775, 45421146; File #21-10

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

To allow the requested development, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading to consider entering into a development agreement to permit up to 176 apartment units within two apartment buildings on PID 45055167, 45364775 and 45421146 on Community Way in Windsor in a manner substantively the same as the draft set out in Attachment C of the report to the Planning and Heritage Advisory Committee #21-10 dated July 14, 2022, taking note that this development agreement will discharge and replace the development agreement recorded on PID 45421146 at the Registry of Deeds on May 16, 2019 as document #114457773.

...that PAC/HAC recommends that Council require that the development agreement with Mitch Brison which permits up to 176 apartment units within two apartment buildings on PID 45055167, 45364775 and 45421146 on Community Way in Windsor be signed within 120 days

from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
--	--	--------------------------------------	---------------------------------	-----------------------------------	---

A completed application was received on May 17, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of the property owner Mitch Brison of 3229190 Nova Scotia Limited. The application was to consider permitting two, 7-storey, 88-unit apartment buildings on the properties at PID 45055167 (portion of), 45364775, and 45421146 on Community Way. The lots are currently vacant and are owned by 3229190 Nova Scotia Limited; Mr. Brison is the President of that company.

DISCUSSION

This application is proposed over three currently separate lots (PID 45055167 (portion of), 45364775, and 45421146). The applicant proposes to go through the subdivision process to subdivide/consolidate the lots as shown on the site plan attached to the draft development agreement. This process would create two lots that are each approximately 2.5 acres in size and would each accommodate one of the multi-unit apartment buildings.

PID 45055167 is approximately 11.17 acres in size, however only an approximately 3-acre portion of this lot is being used for this proposed development. This 3-acre portion is currently designated Residential on the Generalized Future Land Use Map (Figure 1) of the Windsor Municipal Planning Strategy (WMPS) and zoned Two Unit Residential (R-2) on the Zoning Map of the Windsor Land Use By-law (WLUB) (Figure 2). PID 4536775 is an approximately 21,000 sq. ft. lot that is also designated Residential and zoned Two Unit Residential (R-2) in the Windsor planning documents.

PID 45421146 is an approximately 1.66-acre lot that is currently designated Residential on the Generalized Future Land Use Map (Figure 1) in the West Hants Municipal Planning Strategy (WHMPS), is zoned Multiple Residential (R-3) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2) and is within the Three Mile Plains Growth Centre.

Residential uses are permitted as-of-right in both the Two Unit Residential (R-2) zone in Windsor and the Multiple Residential (R-3) zone in West Hants however an apartment building of three or more dwelling units must be considered by development agreement in Windsor and residential

buildings greater than 3 storeys must be considered by development agreement in both documents.

Part 5.0 of the WMPS contains the overall intention for properties designated Residential in Windsor and Sections 5.4 and 5.5 describe the intention for high density residential development and residential buildings greater than 3 storeys in the Residential designation. Part 5.3 of the WHMPS contains the overall intention for properties designated Residential within the Three Mile Plains Growth Centre and describes the intention for multiple unit residential development greater than 3 storeys in height in the Residential designation.

The subject lots directly abut properties with a variety of designations and zoning including Residential and Community Use designations, and Single Unit Residential (R-1), Two Unit Residential (R-2), Multiple Residential (R-3) (West Hants), Medium Density Residential (R-3) (Windsor), High Density Residential (R-4) (Windsor), Institutional (I), and Open Space (OS).

History of Subject Lots

PID 45055167 (portion of) and PID 45364775 are located in the former Town of Windsor. PID 45421146 is located in the former Municipality of West Hants and is subject to “The Crossing” development agreement (2019). The Crossing is a manufactured home park permitted by development agreement in Garlands Crossing. It is approximately 55 acres in size, currently has development and building permits for over 200 residential units, and a footing permit has recently been issued for a 6-storey 83-unit apartment building.

The first development agreement to permit The Crossing was registered on the property on April 8, 2008. This development agreement allowed a manufactured home park with up to 220 mini homes or modular homes. Amendments to the original agreement were registered on the property on January 28, 2014, March 7, 2017 and May 16, 2019. The most recent development agreement (2019) permits a manufactured home park containing manufactured homes, mini homes, and modular homes, and a residential area containing a mix of single unit, two unit, triplex, townhouse and multiple unit dwellings.

This application for Building B and C in Windsor is a continuation of the development of Building A which is already permitted through The Crossing development agreement (2019). The developer has noted that Buildings A, B and C will share access/egress to Community Way and services such as water, sewer and stormwater. This draft development agreement for Buildings B and C will discharge The Crossing development agreement from PID 45421146.

Development Agreement

A development agreement is a contract between an owner of land and the Municipality to allow Council to consider a use that is not a listed permitted use within a zone on a specific lot. The ability for Council to consider a development agreement must be stated in the Land Use By-law

and the Municipal Planning Strategy must identify the kinds of uses Council may consider in each area. Uses which Council may consider are those which Council has determined may have sufficient impact on an area that a negotiated process is required to ensure the potential impact is minimized. In the Municipal Planning Strategy Council usually identifies both specific and general criteria which must be considered when making decisions regarding a development agreement.

A proposal being considered must be measured against only the specific and general criteria for the proposal in the Municipal Planning Strategy and not any other criteria.

Windsor Land Use By-law

Section 6.0 of the WLUB, Development Agreements, states that *“The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:*

- (b) multiple unit residential development consisting of three or more units in a Residential designation in accordance with Policy 5.4.6 of the Municipal Planning Strategy; and
- (c) dwellings in excess of three storeys in a residential zone in accordance with Policy 5.5.1 of the Municipal Planning Strategy;”

West Hants Land Use By-law

Section 6.0 of the WHLUB, Development Agreements, states that *“The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:*

- (a) multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre in accordance with Policy 5.3.8 of the Municipal Planning Strategy;”

Proposed Development Agreement

The applicant proposes to develop 176 apartment units within two separate apartment buildings, each constructed on an individual lot. The permitted uses on the lots are outlined in Section 2.1, *Use*, of the draft development agreement (Attachment C) as:

- those uses permitted by the underlying zoning in the applicable Land Use By-law;
- residential development consisting of a maximum of 176 dwelling units within two separate apartment buildings, each constructed on an individual lot; and
- underbuilding, underground and surface parking for the uses within the buildings.

Section 2.2 (c) of the draft development agreement outlines the maximum height of the buildings as 7 storeys or 75 ft. (22.86 m.). This would meet the criteria in Windsor Policy 5.5.1

(b) to ensure the building does not exceed 80 ft. (24.38). Section 2.2 (c) of the draft development agreement requires a minimum side yard of 15 ft. (4.57 m.) or at least ½ the building height, whichever is greater to ensure the development meets Windsor Policy 5.5.1 (a) and West Hants Policy 5.3.8 (a).

The developer will be required to provide:

- a stormwater management plan for the site that satisfies the Municipal Engineer that historical flooding patterns and area drainage systems have been considered and that storm water discharge will not have a negative impact on downstream properties prior to a development permit being issued for development as outlined in Section 2.9, *Site Drainage*;
- design plans of the water and sewer servicing connections and layout including location and connection design of any fire hydrant(s) as outlined in the 2.10 (b), *Water and Sewer Services*, and 2.6 (a), *Fire Safety*; and
- an easement to the Municipality that is acceptable to the Municipal Engineer to allow any part of existing or future Municipally owned water, sewer and stormwater lines that service Fraser Drive and/or Community Way to be connected through the Properties, as requested by the Director of Public Works and outlined in Section 2.10 (b), *Water and Sewer Service*.

The draft development agreement also requires the following:

- a minimum of one (1) parking space per dwelling unit (Section 2.5);
- a minimum of 35,000 sq. ft. (3,251.6 sq. m.) of usable recreation space (Section 2.8);
- the Owner to have sole responsibility for snow plowing and garbage collection for the development (Section 2.10);
- a 5 ft. (1.52 m.) wide pedestrian walkway from Community Way to the main entrances of each building;
- a 10 ft. (3.05 m.) wide buffer strip along the north lot line abutting the properties fronting on Burgess Crescent and Fraser Drive (Section 2.7 (b)).

Section 2.6, *Fire Safety*, was developed based on comments received from the local Fire Chief. The Fire Chief noted that curbs should be mountable by fire trucks to ensure buildings can be accessed from all sides by ladder trucks and that overhangs below 15 ft. (4.57 m.) should be avoided to allow aerial trucks to navigate the lanes (9-10 ft. wide required). Staff drafted Section 2.6 (b) and (c) to ensure there is unimpeded access for emergency services vehicles.

Through The Crossing development agreement (2019) Building A is permitted to be constructed with a minimum lot frontage of 25 ft. (7.62 m) or a right-of-way acceptable to the Municipal Engineer. The High Density Residential (R-4) zone in Windsor requires a minimum of 100 ft. (30.48 m.) of frontage per lot. However, since Buildings A, B and C are proposed to have shared

access/egress and share other services such as water, sewer and stormwater connections, the developer has requested that the lot for Building B be allowed to be created on a right-of-way acceptable to the Municipal Engineer. The Windsor Subdivision By-law does not permit lots to be created on a right-of-way as-of-right, however since the development of Buildings B and C is being considered by development agreement, the requirements of the Windsor Subdivision By-law can be modified in the agreement. Section 2.13, *Subdivision*, of the draft development agreement outlines the requirements for subdivision or consolidation of the lots.

The timeline for development outlined in the draft development agreement (Section 2.3) states that development of Buildings B and C must be completed within 120 months (10 years) of the development agreement being registered at the Land Registry Office. As Buildings A, B and C are to be one overall development with shared access/egress and shared services such as water, sewer and stormwater connections, and Building A has already been issued footing permits, there has been no commencement date added to the development agreement.

Chrystal Fuller provided additional rationale for this request stating that:

- “there are significant increases in the interest rates which may impact when the building will be started;
- the market will drive when the buildings will begin;
- there are serious supply chain issues right now impacting materials and labour, causing the commencement of the construction to be impacted; and
- financing for projects is tightening up so maximum flexibility would be appreciated.”

Section 3.3 of the draft development agreement outlines substantive matters of the development agreement. Substantive matters are any items that Council has determined would significantly alter the intended effect of the development agreement if changed. If a request is received from the developer to change a substantive matter outlined in a development agreement, the request must go through the entire development agreement process including Public Hearing prior to Council making a final decision on the proposed amendment. Staff have determined the following items in this draft development agreement are substantive matters:

- the uses permitted on the Property as listed in Section 2.1, *Use*;
- the minimum side yard requirements and maximum building height as listed in Section 2.1 (c);
- the fire safety requirements listed in Section 2.6, *Fire Safety*;
- the landscaping requirements in Section 2.7, *Landscaping*; and
- the requirements for a stormwater management plan to be submitted prior to a development permit being issued as listed in Section 2.9, *Site Drainage*.

Section 5.10 of the draft development agreement ensures that only one development agreement is registered to each lot by stating that The Crossing development agreement will be discharged from PID 45421146 when this agreement is registered. Section 2.13 (e) also states

that any lot(s) subdivided from the approximately 3-acre portion of PID 45055167 that will be developed under the agreement will no longer be subject to the agreement. This ensures that any future parcel that is subdivided from the 11.17 acre parcel (PID 45055167) for a single- or two-unit dwelling will not be subject to the requirements of the agreement and not have to discharge the agreement from these lots in the future.

Other items such as accessible parking, elevators, sprinkler systems, and barrier free units may be required in the buildings by the Manager of Building and Fire Inspection Services in accordance with the National Building Code requirements. A full review of the building plans would be conducted when the property owner applies for development and building permits. These items are not listed in the draft development agreement as the National Building Code would take precedence over the development agreement as outlined in Section 5.1, *Compliance with other By-laws and Regulations*, in the draft development agreement.

Public Comments

Staff received comments from the public during the Public Information Meeting (PIM) comment period from June 9-24, 2022. All comments received were considered by staff when drafting this report and draft development agreement. A copy of the complete comments can be found in Attachment D.

Most of the public comments described traffic concerns in the vicinity of the proposed development, particularly the intersection of Payzant Drive and Wentworth Road. As part of the review of a development agreement application staff reach out to various stakeholders to provide comment on the proposal. The Manager of Operations for the Municipal Public Works Department commented that they have no concerns with the adequacy of road networks adjacent to or leading to the development and confirmed the following information.

The West Hants Regional Municipality contracted WSP to perform an intersection infrastructure needs assessment in 2021. The study reviewed four (4) existing intersections and one (1) future intersection:

- Wentworth Road at Payzant Drive
- Wentworth Road at Empire Lane
- King Street at College Road
- King Street at Chester Road
- King Street at Payzant Drive

Wentworth Road at Payzant Drive

WSP was provided the proposal from Mr. Brison to be incorporated in the traffic counts to assist with predicting the traffic levels on Payzant Drive and any anticipated upgrades to the intersection at Wentworth Road at this location. Based on findings from this study, in

conjunction with the Hants County Exhibition Expansion Traffic Impact Study (WSP, May 2021), it was recommended that plans be prepared to upgrade this intersection to a roundabout.

A staff report was presented to Committee of the Whole on October 12, 2021 recommending DesignPoint be awarded the contract to design the roundabout for the Wentworth Road at Payzant Drive intersection. The report states that “the Municipality would like to be prepared to call for tenders for a spring/summer construction start, with project completion within the 2022/23 fiscal period.”

King Street at Payzant Drive

The intersection infrastructure needs assessment report discusses the potential for Payzant Drive to be opened to King Street, with the intersection needing a stop-control with the potential for future signalization. There are a number of considerations with opening Payzant Drive to King Street including: acquisition of private property, railway crossing, ownership of roadways, etc. Our Manager of Operations has confirmed that there are currently no plans for West Hants Regional Municipality to construct this connector at this time.

Windsor Municipal Planning Strategy

Part 5.0 of the WMPS contains the overall intention for properties designated Residential in Windsor and Section 5.4 describes the intention for high density residential development. Policy 5.4.6 establishes Council’s intention to consider proposals for multiple unit residential development consisting of three or more units in the Residential designation by development agreement and Policy 5.5.1 enables Council to consider entering into a development agreement to allow dwellings in excess of three storeys.

WMPS Specific Criteria

Policy 5.4.6 and 5.5.1 outline the specific criteria to be considered by Council, which are examined in detail in Attachment A.

In summary, the criteria are met since:

- the development is generally consistent with the High Density Residential (R-4) zone standards;
- the development is compatible with adjacent land uses;
- the side yards will be at least one-half the height of the buildings; and
- the buildings will not exceed 80 ft. (24.38 m.) in height.

WMPS General Criteria

The proposed development meets the general criteria for development agreements set out in the WMPS Policy 16.3.1. These criteria are examined in detail in Attachment B. In summary:

- the proposal is not premature or inappropriate for the area;

- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Manager of Public Works Operations have no concerns which have not been addressed in the development agreement.

West Hants Municipal Planning Strategy

Part 5.0 of the WHMPS contains the overall intention for properties designated Growth Centre in West Hants and Section 5.3 describes the intention for residential development in the Three Mile Plains Growth Centre. Policy 5.3.8 establishes Council's intention to consider proposals for multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement.

WHMPS Specific Criteria

Policy 5.3.8 outlines the specific criteria to be considered by Council, which are examined in detail in Attachment A.

In summary, the criteria are met since:

- the side yards will be at least one-half the height of the buildings;
- buffering is provided to minimize the impact on abutting properties; and
- the development meets the criteria set out in Policy 5.3.7.

WHMPS General Criteria

The proposed development meets the general criteria for development agreements set out in the WHMPS Policy 16.3.1. These criteria are examined in detail in Attachment B. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Manager of Public Works Operations have no concerns which have not been addressed in the development agreement.

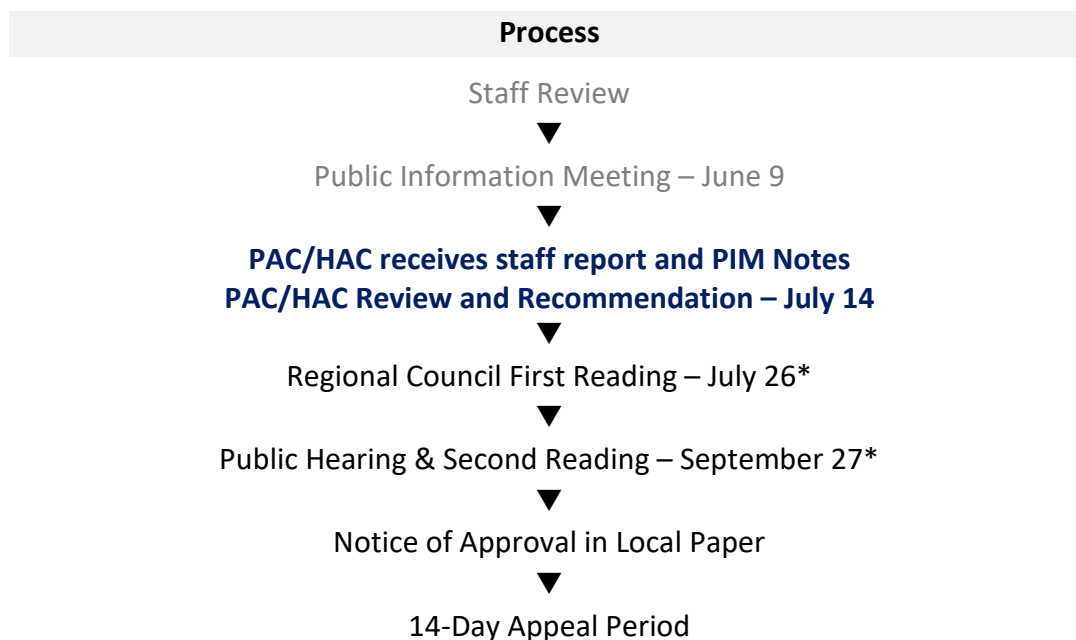
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding. The subject lot in this application does not appear to be affected under this scenario, however Payzant Drive itself may experience flooding.

The Public Works Department has required the developer to provide a stormwater management plan prior to receiving development permits for development on the subject lot, as outlined in Section 2.9, *Site Drainage*, of the draft development agreement. The stormwater management plan will ensure the stormwater is managed by the developer on-site and will not impact abutting properties.

NEXT STEPS

As noted above, the proposed development agreement has been considered within the context of the general policies of the WMPS and WHMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS and WHMPS. As a result, it is reasonable to enter into a development agreement to permit up to 176 apartment units within two apartment buildings on PID 45055167, 45364775 and 45421146 on Community Way in Windsor.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality in regard to this development.

ALTERNATIVES

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

- hold First Reading and authorize a Public Hearing to approve the development agreement as drafted or as specifically revised by direction of PAC/HAC;

- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Zoning Map Extract
Attachment A	Specific Criteria for Development Agreement
Attachment B	General Criteria for Development Agreement
Attachment C	Draft Development Agreement
Attachment D	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Figure 1
GFLUM Extract

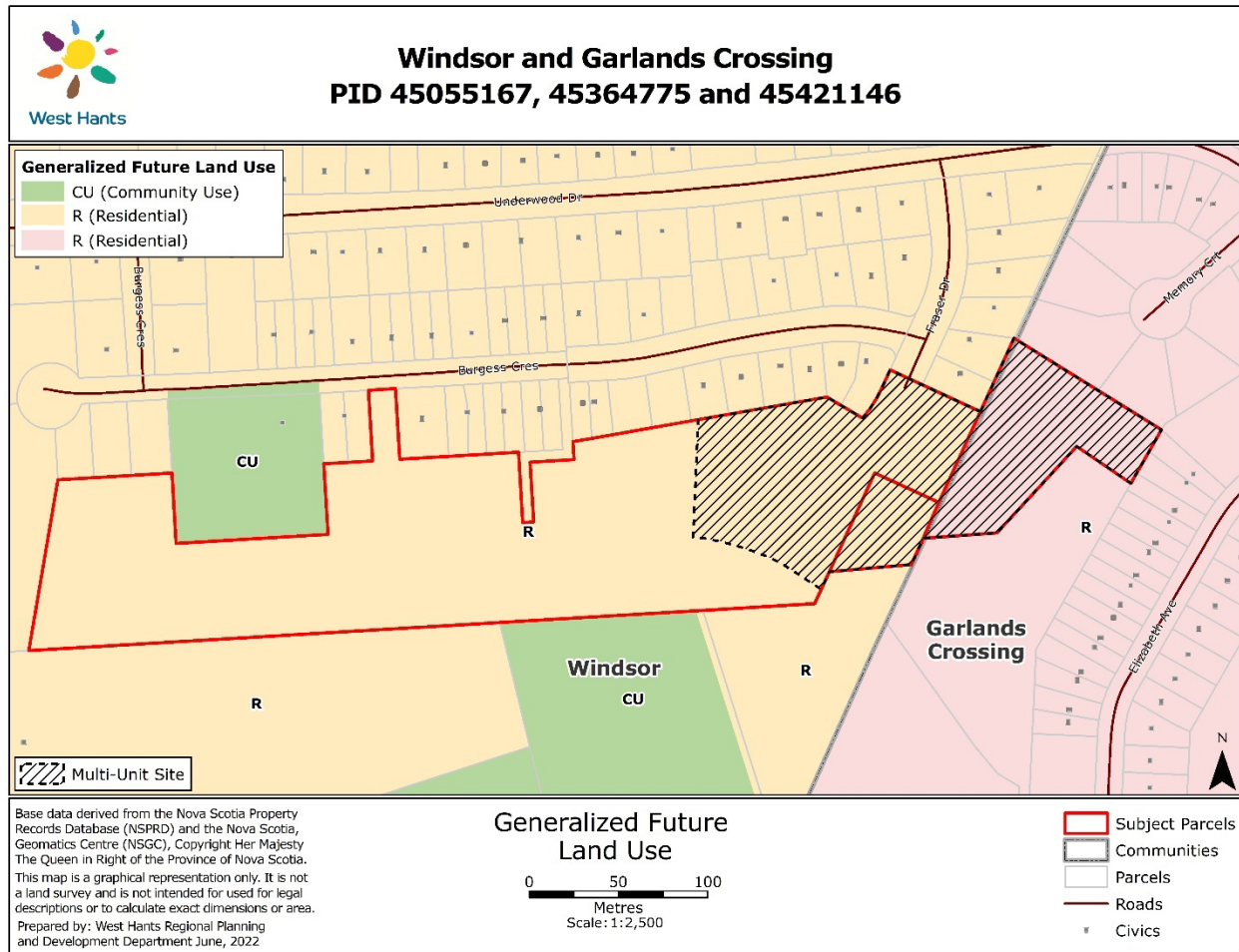
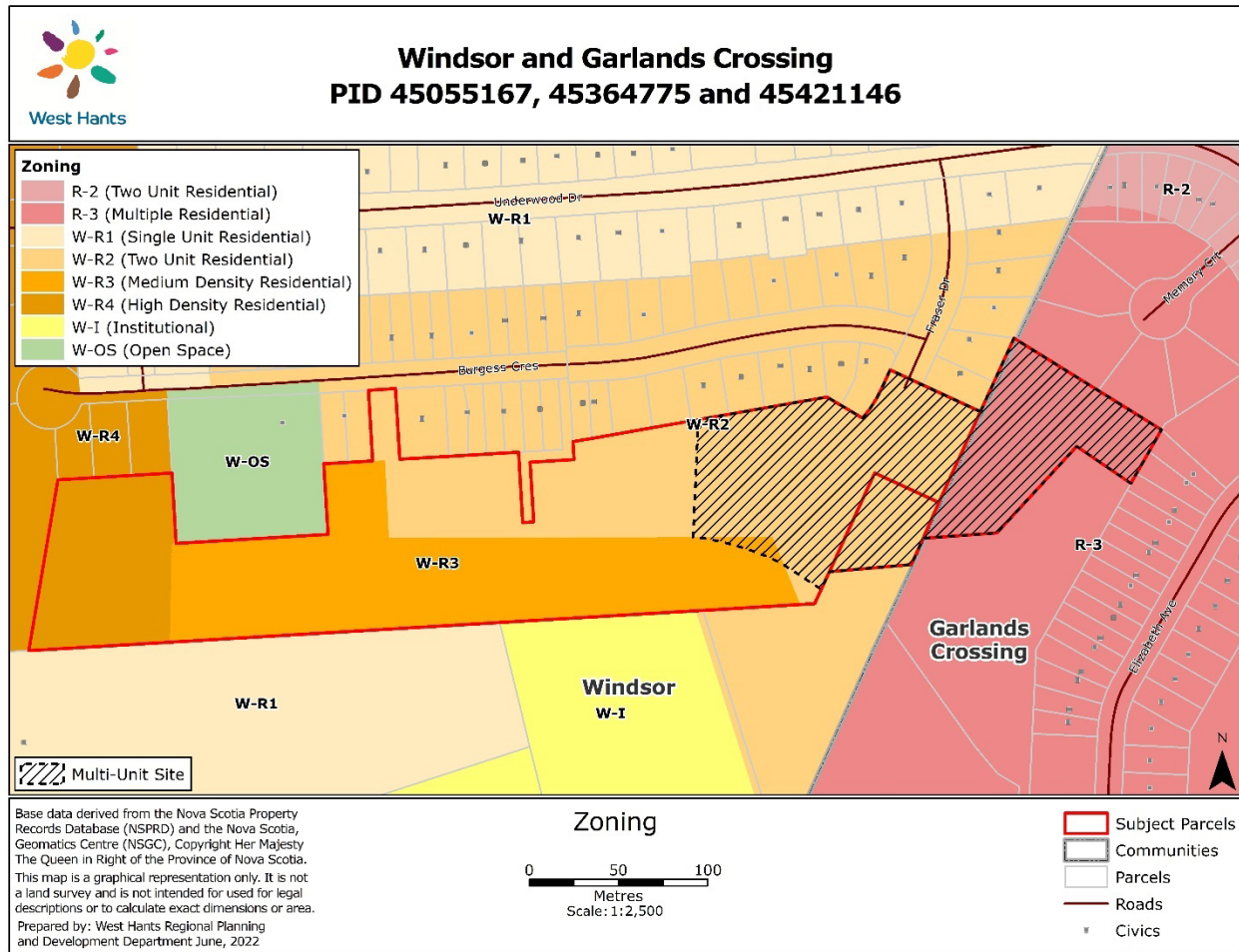


Figure 2
Zoning Map Extract



Attachment A
Specific Criteria for Development Agreement

Windsor Municipal Planning Strategy

Policy 5.4.6 It shall be the policy of Council to consider entering into a development agreement to allow, in the Residential designation, new multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities, as well as the conversion of existing buildings to three or more units, subject to the following:

CRITERIA	COMMENT
(a) the proposed use meets one of the following:	
(i) in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards; or	The developer is proposing to construct two new apartment buildings through the draft development agreement. The maximum height of main buildings permitted in the High Density Residential (R-4) zone in Windsor is three storeys, however Policy 5.5.1 of the Windsor Municipal Planning Strategy and Policy 5.3.8 of the West Hants Municipal Planning Strategy allow Council to consider dwellings in excess of three storeys by development agreement. Therefore, the maximum height listed in the draft development agreement is 75 ft. (22.86 m.) which is consistent with the policies and criteria in the Municipal Planning Strategies, as reviewed in this report. The minimum lot size requirements, setback requirements and the maximum height of accessory buildings in the draft development agreement are generally consistent with the High Density Residential (R-4) zone. The High Density Residential (R-4) zone requires 100 ft. of frontage per lot, however since Buildings A, B and C are proposed to have shared access/egress and share other services such as water, sewer and stormwater connections, the developer has requested that the lot for Building B be

	allowed to be created on a right-of-way acceptable to the Municipal Engineer. The draft development agreement has been drafted to accommodate this request. The development must be connected to Municipal water and sewer service as outlined in Section 2.10 (b)(i), <i>Water and Sewer Service</i>, of the draft development agreement. Section 2.8, <i>Recreation Space</i>, and Section 2.5 (b), <i>Parking</i>, of the draft development agreement outlines the required recreation space and parking spaces for the proposed uses.
(ii) in the case of a conversion of an existing residential building, that any addition or enlargement to the building meets the setback requirements of the zone in which it is located, or that any undersized setbacks are not further reduced by the addition or enlargement;	Not applicable as the applicant is proposing to construct new buildings.
(b) the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;	The Crossing development and the area of Burgess Crescent, Underwood Drive and Fraser Drive mostly consists of single storey residential buildings. There are a few two and three storey buildings on Payzant Drive and Burgess Crescent including the Hants Community Hospital and Avon View High School. The footing permit has been issued for a 6-storey apartment building in the Crossing (Building A). The properties abutting the development fronting on Burgess Crescent and Fraser Drive, will be buffered from the development through a 10 ft. (3.05 m.) wide buffer strip as outlined in Section 2.7 (b). This will buffer residents from traffic movement on the site and the parking lots and ensure the apartment buildings are compatible with the adjacent land uses.

(c) the development is considered compatible with the residential character of the area with respect to traffic generation and population density;	The Manager of Operations for the Municipal Public Works Department commented that they have no concerns with the adequacy of road networks adjacent to or leading to the development. They added that the Municipality recently completed a Windsor Intersection Infrastructure Needs Assessment which included this area and incorporated the traffic counts of the proposed development. The intersection study (2021) recommended that plans be prepared to upgrade the Wentworth Road at Payzant Drive intersection to a roundabout. A staff report was presented to Committee of the Whole on October 12, 2021 recommending DesignPoint be awarded the contract to design the roundabout for this intersection. The report states that “the Municipality would like to be prepared to call for tenders for a spring/summer construction start, with project completion within the 2022/23 fiscal period.” Windsor has a population density of 522 people per sq. km. (Statistics Canada Census for 2022). The Crossing development as currently constructed has a population density of almost double this and this area of Burgess Crescent, Underwood Drive and Fraser Drive has a population density almost three and a half times the population density of Windsor. The footing permit has been issued for a 6-storey 83-unit apartment building in the Crossing (Building A) which would also increase the population density in this area. Buildings B and C proposed through this development agreement would be consistent with the current and future
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	development plans and population for the area.
(d) consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;	Section 2.7 (b), <i>Landscaping</i> , requires the developer to provide a 10 ft. (3.05 m.) wide buffer strip along the north lot line abutting the properties fronting on Burgess Crescent and Fraser Drive to minimize the effects on existing residential dwellings on these streets.
(e) adequate on-site parking is provided and parking areas are well designed;	The WLUB currently requires 1.5 parking spaces per dwelling unit each 10 ft. by 20 ft. in size. Due to the location of the lot in the community of Windsor and proximity of the lot to surrounding services, staff determined that it would be appropriate to reduce the amount of required parking per dwelling unit. As outlined in Section 2.5, <i>Parking</i> , of the draft development agreement, parking will be required at one (1) space per dwelling unit and with a minimum size of 9 ft. by 20 ft.
(f) there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of existing buildings, nearby public parks may be deemed sufficient;	Section 2.8, <i>Recreation Space</i> , requires a minimum of 35,000 sq. ft. (3,251.6 sq. m.) of private recreational space to be provided on the property. There is also the Burgess Crescent Park located nearby which will abut Community Way and provide public recreational space for residents in the area.
(g) the development abuts an arterial or collector street as shown on the Transportation Map (Map 2), if the development consists of 12 or more units;	Community Way is a new street being constructed in Windsor therefore it is not shown on the Transportation Map (Map 2) of the Windsor Municipal Planning Strategy. The Future Streets Map attached to the Windsor Subdivision By-law does show a "proposed collector street" in the location of Community Way. The Windsor Land Use By-law defines a collector street or road as a "street designed to move vehicular traffic

	from residential neighbourhoods to commercial and institutional areas and to arterial streets” with the Windsor Municipal Planning Strategy stating that “minor collector roads provide links from local roads to major collector roads or arterial roads.” As Community Way will connect local roads in the Crossing to Payzant Drive, which turns into a major collector at the intersection with Burgess Crescent, it could be considered a minor collector street and the development would meet this criterion.
(h) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;	Not applicable as the subject lots are not located in an Architectural Control District.
(i) in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;	Not applicable as the applicant is proposing to construct new buildings.
(j) any other matter which may be addressed in a development agreement; and	Similar to other recent development agreement applications in Windsor, a stormwater management plan is required prior to any development permit being issued for the proposed uses, as outlined in Section 2.9, <i>Site Drainage</i>, of the draft development agreement. The Director of Public Works specified that they would require a sewer/water easement to allow future connections from Community Way to Fraser Drive. This is outlined in Section 2.10 (b), <i>Water and Sewer Service</i>, of the draft development agreement. The Municipal Project Engineer specified that “services such as garbage collection would be the responsibility of the owner of the

	property, as street side collection limits would be exceeded. Snow clearing would be curbside only; property owner would be responsible for all parking lot and laneway snow clearing and ice control, including snow removal as required.” This requirement is outlined in Section 2.10 (a), <i>Waste Collection</i>, and (c), <i>Snow Plowing</i>, of the draft development agreement. It is the responsibility of the property owner to ensure the site is suitable for the proposed uses. All other matters are addressed elsewhere in this report.
(k) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.	Please see Attachment B for further details.

Policy 5.5.1 In any residential zone, Council may consider permitting dwellings in excess of three storeys by development agreement, subject to the following conditions:

CRITERIA	COMMENT
(a) the side yards are at least one-half the height of the building;	Section 2.2 (c) requires the side yards of the buildings to be one-half the height of the building or 15 ft. (4.57 m.) whichever is greater.
(b) the building will in no instance exceed 80 ft (24.38 m) in height;	The maximum height listed in the draft development agreement is 75 ft. (22.86 m.) which ensures the development meets this criteria. The maximum building height is also listed as a substantive matter in the draft development agreement which means that staff have recommended, based on the criteria in 5.5.1 (b), that any future proposed change to the height of the apartment buildings would significantly alter the intended effect of the development agreement and would go through the entire development agreement process, including

	Public Hearing before Council, prior to Council making a final decision on the proposed amendment.
(c) the building design, height and scale is compatible with the surrounding area;	As noted in 5.4.6 (b) Buildings B and C proposed through this development agreement would be consistent with the design, height and scale of Building A in the Crossing. The majority of buildings in the Crossing development and the area of Burgess Crescent, Underwood Drive and Fraser Drive are single storey residential buildings. The properties closest to the development fronting on Burgess Crescent and Fraser Drive, will be buffered from the development through a 10 ft. (3.05 m.) wide buffer strip as outlined in Section 2.7 (b). This will buffer residents from traffic movement on the site and the parking lots. This would help ensure that Buildings B and C are compatible with the surrounding area.
(d) any other matter which may be addressed in a development agreement; and	All other matters have been addresses elsewhere in this report.
(e) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.	Please see Attachment B for further details.

West Hants Municipal Planning Strategy

Policy 5.3.8 It shall be the policy of Council to consider multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement subject to the following:

CRITERIA	COMMENT
(a) the side yards are at least one-half the height of the building;	As noted in 5.5.1 (a), Section 2.2 (c) requires the side yards to be one-half the height of the building or 15 ft. (4.57 m.), whichever is greater.
(b) adequate landscaping, screening and buffering is provided to minimize the	As noted in 5.4.6 (d), Section 2.7(b), <i>Landscaping</i> , requires the developer to provide a 10 ft. (3.05 m.) wide buffer strip

impact of building height on adjacent properties;	along the north lot line abutting the properties fronting on Burgess Crescent and Fraser Drive to minimize the effects on existing residential dwellings on these streets.
(c) the specific requirements for multiple unit development set out in Policy 5.3.7;	The criteria in Policy 5.3.7 are addressed below.
(d) any other matter which may be addressed in a development agreement; and	All other matters are addressed elsewhere in this report.
(e) Policy 16.3.1.	Please see Attachment B for further details.

Policy 5.3.7 It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-3 subject to the following:

CRITERIA	COMMENT
(a) the development has frontage on an arterial or collector street designated on the Transportation Map (Map 2) if it consists of 12 or more units;	As noted in 5.4.6 (g), Community Way meets the description of a minor collector street; the development meets this criterion.
(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer;	The Municipal Project Engineer has confirmed that the proposal is not considered premature or inappropriate in terms of the adequacy of sewer and water services. They added that “lots are capable of being served with Municipal sewer and water from existing development along Community Way.”
(c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;	As described in 5.4.6 (c) the Manager of Operations has no concerns with the adequacy of road networks adjacent to or leading to the development, and Buildings B and C proposed through this development agreement would be consistent with the current and future development plans and population growth for the area.
(d) existing and proposed streets are adequate to support the development and existing streets will not require major	The Manager of Operations confirmed that existing streets will not require major

infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;	infrastructure improvements as a result of this development. An intersection infrastructure needs assessment was completed in 2021 which incorporated this proposed development in the traffic counts therefore there are no further traffic impact studies required.
(e) adequate open space or recreational space is provided;	As highlighted in 5.4.6 (f), the development agreement requires a minimum of 35,000 sq. ft. (3,251.6 sq. m.) of private recreational space to be provided on the properties which would be adequate to service the development.
(f) adequate on-site parking is provided;	As stated in 5.4.6 (e), Section 2.5, <i>Parking</i> , of the draft development agreement requires one (1) parking space per dwelling unit which would be adequate to support this development. The developer is proposing to provide the parking underground, underbuilding and outside at grade.
(g) any other matter which may be addressed in a Land Use By-law; and	All other matters are addressed elsewhere in this report.
(h) Policy 16.3.1.	Please see Attachment B for further details.

Attachment B
General Criteria for Development Agreement

Windsor and West Hants Municipal Planning Strategies

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

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer has confirmed that the proposal is not considered premature or inappropriate in terms of the adequacy of sewer and water services. They added that “lots are capable of being served with Municipal sewer and water from existing development along Community Way.”
(ii) the adequacy of school facilities;	The Director of Operations for the Annapolis Valley Regional Centre for Education stated that the “Annapolis Valley Regional Centre for Education does have capacity for growth in the area noted. We would always make more space available if needed.”
(iii) the adequacy of fire protection and other emergency services;	In response to an inquiry, the Manager of Building and Fire Inspection Services stated that the proposal is not premature or inappropriate in terms of the adequacy of fire protection or other emergency services. They added that the footing permit for Building A was issued on May 27, 2022. The only other comments was to ensure there is water supply for sprinklers and adequate sewer capacity, which have both been confirmed with the Public Works Department. The local Fire Chief added that they would request consideration in the development agreement for “roll on curbing, accessibility around buildings for aerial trucks, and paying

	attention for overhead obstructions.” They noted that “most other items should be captured under fire code for the types of buildings indicated” and that they would “like to see proposed locations for standpipe / sprinkler connections when these become available.”
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The developer plans to connect Community Way from The Crossing to Payzant Drive during the overall development of the area. The Manager of Operations for the Municipal Public Works Department commented that they have no concerns with the adequacy of road networks adjacent to or leading to the development. They added that the Municipality recently completed a Windsor Intersection Infrastructure Needs Assessment which included this area and incorporated the traffic counts of the proposed development.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Manager of Operations has stated they have no concerns with regard to the adequacy of road networks adjacent to, or leading to the development, or the impact of the development on traffic generation or traffic safety. In terms of pedestrian traffic movement, the draft development requires a 5 ft. (1.52 m.) wide pedestrian walkway from the sidewalk on Community Way to the main entrances of each building, as outlined in Section 2.4 (e), <i>Access and Egress</i>. This will ensure suitable infrastructure for safe pedestrian movement within the site.

	There is no active rail transportation in the vicinity.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	This application is proposed over three currently separate lots (PID 45055167 (portion of), 45364775, and 45421146). The applicant proposes to go through the subdivision process to subdivide and consolidate the lots to create two lots that are each approximately 2.5 acres in size and would accommodate one of the multi-unit apartment buildings per lot.
(d) the pattern of development which the proposal might create;	The Crossing development agreement (2019) permits a variety of housing types including manufactured homes, mini homes, modular homes, single unit, two unit, triplex, townhouse and multiple unit dwellings. There are a variety of housing types already built in the Crossing and Payzant Drive area including mini homes, modular homes, single unit, two unit, and multiple unit dwellings and footing permits have been issued for a 6-storey apartment building in this area. This proposal is not anticipated to create a different pattern of development than is already permitted through The Crossing development agreement and being constructed in the area.
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;	There is a grade difference between Burgess Crescent and Fraser Drive to the proposed development site that the developer will manage during site development. There are no watercourses, marshes or bogs identified on the mapping for the site. As noted in the report, under the simulated flooding extent for probable maximum flood due to climate change scenario of the Windsor MCCAP (2014) most of the community of Windsor will experience extensive flooding. The subject lot in this application does not appear

	to be affected under this scenario, however Payzant Drive itself may experience flooding. The Public Works Department has required the developer to provide a stormwater management plan prior to receiving development permits for development on the subject lot, as outlined in Section 2.9, <i>Site Drainage</i> , of the draft development agreement. The stormwater management plan will ensure the stormwater is managed by the developer on-site and will not impact abutting properties.
(f) 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	All Municipal, Provincial and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment C



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2022.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

3229190 NOVA SCOTIA LIMITED a body corporate, with a head office at 99 Windsor Street, Windsor, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

WHEREAS the Owner is the registered owner of several lots located in Windsor (PID 45055167, 45364775, 45421146) hereinafter referred to as the “Properties”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the approximately 3-acre portion of PID 45055167 that will be developed in accordance with this agreement is designated Residential on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy and zoned Two Unit Residential (R-2) on the Zoning Map of the Windsor Land Use By-law; and

WHEREAS PID 45364775 is designated Residential on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy and zoned Two Unit Residential (R-2) on the Zoning Map of the Windsor Land Use By-law; and

WHEREAS PID 45421146 is designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy and zoned Multiple Residential (R-3) on the Zoning Map of the West Hants Land Use By-law, and is within the Three Mile Plains Growth Centre; and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit up to 176 apartment units within two separate apartment buildings on the Properties (the “Development”); and

WHEREAS Policy 5.4.6 of the Windsor Municipal Planning Strategy and Section 6.1 (b) of the Windsor Land Use By-law enable Council to consider entering into a development agreement to allow multiple unit residential development consisting of three or more units in a Residential Designation, and Policy 5.5.1 of the Windsor Municipal Planning Strategy and Section 6.1 (c) of the Windsor Land Use By-law enable Council to consider entering into a development agreement to allow dwellings in excess of three storeys; and

WHEREAS Policy 5.3.8 of the West Hants Municipal Planning Strategy and Section 6.1 (a) of the West Hants Land Use By-law enable Council to consider entering into a development agreement to allow multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre; and

WHEREAS the Owner and the Municipality have a development agreement in place for PID 45421138 (“The Crossing DA”) and the Owner and the Municipality wish this Development to function in an integrated fashion with the portion of The Crossing DA development project which includes Building A and which is shown on the Site Plan, Schedule B to this development agreement; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2022 approved this request and adopted this agreement by policy, subject to the execution of this development agreement by the parties hereto and the other conditions herein;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the applicable Land Use Bylaw, except those defined as follows:

- (a) “Applicable Land Use By-law” means the Land Use By-law that has jurisdiction related to the properties or portion thereof (i.e., the West Hants Land Use By-law applies to the properties or portion thereof in the former District of West Hants and the Windsor Land Use By-law applies to the properties or portion thereof in the former Town of Windsor)
- (b) “Applicable Subdivision By-law” means the Subdivision By-law that has jurisdiction related the properties or portion thereof (i.e., the West Hants Subdivision By-law applies to the properties or portion thereof in the former District of West Hants and the Windsor Subdivision Use By-law applies to the properties or portion thereof in the former Town of Windsor)
- (c) “Commencement” means the date the Owner begins actively constructing a particular building within this agreement as permitted by issued development and building permits;
- (d) “Parking podium” means a concrete structure constructed mostly under a building or underground that provides parking spaces to the uses within the attached building.

1.2 Schedules

The following attached schedules shall form part of this agreement:

Schedule A - Legal Description

Schedule B – Site Plan

1.3 Municipal Planning Strategy, Land Use By-law and Subdivision By-law

- (a) *West Hants Municipal Planning Strategy* means the West Hants Municipal Planning Strategy, approved on May 13, 2008, as amended, or successor By-laws;
- (b) *West Hants Land Use By-law* means the West Hants Land Use By-law, approved on May 13, 2008, as amended, or successor By-laws;
- (c) *West Hants Subdivision By-law* means the West Hants Subdivision By-law, approved on May 13, 2008, as amended, or successor By-laws;

- (d) *Windsor Municipal Planning Strategy* means the Municipal Planning Strategy of the Town of Windsor, approved on August 23, 2005, as amended, or successor by-laws;
- (e) *Windsor Land Use By-law* means the Land Use By-law of the Town of Windsor, approved on August 23, 2005, as amended, or successor by-laws;
- (f) *Windsor Subdivision By-law* means the Subdivision By-law of the Town of Windsor, approved on January 24, 2012, as amended, or successor by-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

- (a) The Parties agree that uses on the Property shall be limited to the following:
 - (i) those uses permitted by the underlying zoning in the applicable Land Use By-law;
 - (ii) residential development consisting of a maximum of 176 dwelling units within two separate apartment buildings, each constructed on an individual lot; and
 - (iii) underbuilding, underground and surface parking for the uses within the buildings.

Except as otherwise provided in this agreement, the provisions of the applicable Land Use By-law and Subdivision By-law apply to any development undertaken pursuant to this agreement.

2.2 Development Location and Design

- (a) The Development location and design shall be generally consistent with the Site Plan shown in Schedule B.
- (b) The Development Officer may approve in writing minor changes to the location of the Buildings or other aspects of the Site Plan provided the side yards are not decreased. Changes to the Site Plan may also be approved in writing in accordance with reports generated in Section 2.9, *Site Drainage*, of this Agreement provided the side yards are not decreased.
- (c) The apartment buildings shown as Buildings B and C (“the Buildings”) on the Site Plan in Schedule B shall be limited to a maximum of 176 dwelling units. The Buildings may include underground and underbuilding parking and shall conform to the following requirements:

Minimum Front Yard	25 ft. (7.62 m.)
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Minimum Rear Yard	35 ft. (10.67 m.)
Minimum Side Yard	15 ft. (4.57 m.) or one-half the height of the building whichever is greater
Maximum Storey of Main Building	7 storeys
Maximum Building Height	75 ft. (22.86 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

- (d) The lot for Building B may be created on a right-of-way approved by the Municipal Engineer and shall not require any lot frontage. The lot for Building C shall have a minimum lot frontage of 100 ft. (30.48 m.) on Community Way.
- (e) The parking podium shall not be located closer than 15 ft. (4.57 m.) from any external lot line whether or not the parking podium is visible above ground.
- (f) In the event that the Owner chooses to build and occupy one building at a time, the following infrastructure is required for that building:
 - (i) the necessary services for the proper use and enjoyment of the building including but not limited to a driveway and access, landscaping, pedestrian walkways, parking, lighting, and water and sewer services; and
 - (ii) the required usable recreation space according to the following schedule:

bachelor unit	150 sq. ft. (13.94 sq. m.) per unit
1 bedroom unit	200 sq. ft. (18.58 sq. m.) per unit
2 bedroom unit	250 sq. ft. (23.22 sq. m.) per unit
3 bedroom unit	270 sq. ft. (25.08 sq. m.) per unit
4 bedroom unit	400 sq. ft. (37.16 sq. m.) per unit

- (g) Accessory buildings are permitted in accordance with Section 5.1 of the applicable Land Use By-law, *Accessory Buildings and Structures*.
- (h) A minimum of 35,000 sq. ft. (3,251.6 sq. m.) of usable recreation space as outlined in Section 2.8, *Recreational Space*, shall be required.

2.3 Phasing

- (a) The Municipality and the Owner acknowledge that the Development as shown on Schedule B is a phased Development. Building B and C may be constructed in any order suitable to the developer.
- (b) Construction of the Buildings and all relevant infrastructure and landscaping shall be completed within one-hundred and twenty (120) months of the development agreement being registered at the Land Registry Office. If, in the opinion of the Development Officer, this time limit has not been met, Development in accordance with this Agreement shall no longer be permitted

and this Agreement may be discharged in whole or in part at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* thirty (30) days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, the Municipality, by resolution of Council, may grant an extension to the date of commencement of Development without such an extension being deemed to be an amendment to this Agreement.

2.4 Access and Egress

- (a) The Owner shall develop, construct, and maintain the driveway in the Development in general conformance with the driveway shown on Schedule B. This driveway shall be shared between the Buildings.
- (b) The driveway shown on Schedule B shall provide a minimum width of 50 ft. (15.24 m.) and shall have a minimum paved surface of 20 ft. (6.09 m.). The vehicular entrance and exit shall be clearly demarcated and paved.
- (c) No vehicular access/egress shall be permitted to Fraser Drive.
- (d) The Owner agrees that it will seek and obtain approval in writing from the Municipality before any other driveway from the Development is connected to Community Way or any other public road.
- (e) A 5 ft. (1.52 m.) wide pedestrian walkway shall be provided from Community Way to the main entrances of each building. The pedestrian walkways shall be constructed so as to create a stable surface and may use permeable construction materials to assist with stormwater retention.

2.5 Parking

- (a) All parking spaces for vehicles using the Property shall be located on the lot and shall be generally located as shown on Schedule B.
- (b) A minimum of one (1) parking space shall be provided per dwelling unit.
- (c) Parking may be provided either underbuilding, underground or outside at grade.
- (d) Outside parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention.
- (e) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m) wide.

- (f) The number, location and arrangement of parking spaces, aisles and driveways may be varied in writing by the Development Officer in accordance with Section 2.14, *Variance*, of this agreement.

2.6 Fire Safety

- (a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.
- (b) All curbs shall be designed to be mountable by emergency services vehicles.
- (c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the Property by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.7 Landscaping

The Owner shall:

- (a) keep all undeveloped areas of the Property landscaped;
- (b) provide a 10 ft. (3.05 m.) wide buffer strip along the north lot line abutting the properties fronting on Burgess Crescent and Fraser Drive. The buffer strip shall contain any combination of the following, organized so as to provide a dense or opaque screen:
 - (i) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of 1 in. (2.54 cm.) measured at 4.5 ft. (1.37 m.) above the surrounding grade and a minimum height of 5 ft. (1.52 m); or
 - (ii) a hedge of a variety of coniferous shrubs each of which will reach over 6 ft. (1.83 m.) in height at maturity; or
 - (iii) a berm which is a minimum of 6 ft. (1.83 m.) in height to buffer the abutting property; or
 - (iv) a wall or an opaque fence which is a minimum of 5 ft. (1.52 m.) in height and of sufficient height to provide a visual buffer to the abutting property.

2.8 Recreational Space

- (a) A minimum of 35,000 sq. ft. (3,251.6 sq. m.) of private recreational space shall be provided on the Property and may include:
 - (a) individual balconies; and

(b) common use landscaped areas.

2.9 Site Drainage

- (a) No development permit shall be issued until the Owner has provided a stormwater management plan that satisfies the Municipal Engineer that historical flooding patterns and area drainage systems have been considered and that storm water discharge will balance pre- and post-construction flows to ensure there is no negative impact on downstream properties. In the event of the stormwater management plan provided by the Owner does not in fact balance and pre-and post-construction flows to ensure the absence of such impacts the Owner shall undertake such remediation as the Municipal Engineer may reasonably require.
- (b) The Owner shall undertake all construction activities in accordance with an erosion and sedimentation control plan prepared by a Professional Engineer, unless otherwise directed by Nova Scotia Environment, and also agrees to assume sole responsibility for compliance with all regulations of Nova Scotia Environment.

2.10 Servicing

(a) Waste Collection

- (i) No Municipal garbage collection will be provided to the Development. The Owner shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.
- (ii) The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or cause a nuisance to nearby properties and abutting roads and it shall not be located closer than 10 ft. (3.05 m.) to an abutting property.

(b) Water and Sewer Services

- (i) The Buildings shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.
- (ii) The Owner shall convey an easement in a form satisfactory to the Municipality that is approved by the Municipal Engineer to allow any part of existing or future Municipally owned water, sewer and stormwater lines that service Fraser Drive and/or Community Way to be connected through the Properties, in accordance with the Municipal Services Specifications Manual.

- (iii) The Owner shall be responsible for constructing, installing and maintaining the water and sewer services on the Property, except the Municipally owned water, sewer and stormwater lines contained within the easement as outlined in Section 2.10 (b) (ii).

(c) Snow Plowing

The Owner shall have sole responsibility for snow plowing within the Development.

2.11 Maintenance

- (a) The Owner shall keep the Property and Buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.
- (b) The Owner shall maintain the driveway to a standard adequate to allow for access by emergency services vehicles.

2.12 Signs and Lighting

Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the applicable Land Use By-law, *Illumination* and *Signs*, which control lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

2.13 Subdivision

- (a) As noted in Section 2.2 (d) the lot for Building B shall be permitted to be subdivided on a right-of-way approved by the Municipal Engineer. This subdivision process shall take place prior to a development permit being issued for Building B.
- (b) At the time of subdivision application, the Owner must convey a right-of-way to ensure continued access/egress from Community Way and convey easements for any services including but not limited to water, sewer and stormwater, from the lot for Building C in favour of the lots for Buildings A and B to ensure continued access/egress and servicing to those lots regardless of future ownership. The Owner acknowledges that the shared driveway from Community Way and the services which may cross the lot for Building C to service the lots for Buildings A and B are a joint and several responsibility of each owner of the lots upon which those buildings are situated.

- (c) At the time of subdivision application, the Owner must convey a right-of-way to ensure continued access/egress from Community Way and convey easements for any services including but not limited to water, sewer and stormwater, from the lot for Building B in favour of the lot for Buildings A to ensure continued access/egress and servicing to the lot regardless of future ownership. The Owner acknowledges that the shared driveway from Community Way and the services which may cross the lot for Building B to service the lot for Buildings A are a joint and several responsibility of each owner of the lots upon which those buildings are situated.
- (d) All other subdivision of the properties shall be permitted in accordance with the applicable Subdivision By-law.
- (e) Any lot(s) subdivided from the portion of PID 45055167 that will be developed under this Agreement, shall no longer be subject to this Agreement.

2.14 Variance

In accordance with Section 5.48 of the West Hants Land Use By-law and Section 5.40 of the Windsor Land Use By-law, *Variance*, the Development Officer may grant a variance for one or more of the following requirements subject to the requirements of the *Municipal Government Act*:

- (i) minimum required yard dimensions except side yard requirements as required in Section 2.2 (c) of this agreement;
- (ii) number of parking spaces required; and
- (iii) floor area occupied by a home-based business.

PART 3 CHANGES AND DISCHARGE

- 3.1** The Owner shall not vary or change the use of the Property from that provided for in Section 2.1 of this agreement, *Use*, unless a new agreement is entered into with the Municipality or this Agreement is amended.
- 3.2** Any matters in this agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this agreement.
- 3.3** The following matters are substantive matters:
 - (a) the uses permitted on the Property as listed in Section 2.1, *Use*;
 - (b) subject to Section 2.14, the minimum side yard requirements and maximum building height as listed in Section 2.2 (c);
 - (c) the fire safety requirements listed in Section 2.6, *Fire Safety*;

- (d) the landscaping requirements in Section 2.7, *Landscaping*; and
- (e) the requirements for a stormwater management plan to be submitted prior to a development permit being issued as listed in Section 2.9, *Site Drainage*.

3.4 Upon conveyance of land by the Owner to either:

- (a) the road authority for the purpose of creating or expanding a public street over the Property; or
- (b) the Municipality for the purpose of creating or expanding any municipally owned facility over the Property;

registration of the deed reflecting the conveyance shall be conclusive evidence that that this Agreement shall be discharged as it relates to the public street or public facility, as the case may be, as of the date of registration with the Land Registry Office, but this agreement shall remain in full force and effect for all remaining portions of the Property.

3.5 Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter, and this Agreement may be discharged by Council without a public hearing.

3.6 Notice of Intent to Discharge this agreement may be given by the Municipality to the Owner following a resolution of Council to give such Notice:

- (a) as provided for in Section 4.1, *Commencement of Development*, of this agreement; or
- (b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
- (c) at any time upon the written request of the Owner, provided the use of the Property is in accordance with the applicable Land Use By-law or a new agreement has been entered into.

3.7 Council may discharge this agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

The Owner may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required. The date of commencement will be determined as the

date the Owner begins actively constructing a particular building within this Agreement as permitted by an issued development and building permit.

4.2 Material to be Provided

- (a) The Owner shall provide record drawings to the Development Officer for any portion of the Development for which an engineered design is required within ten (10) days of completion of any work which requires the engineered design.
- (b) The Owner shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

- (a) Nothing in this Agreement shall exempt the Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the West Hants and Windsor Land Use By-laws and Subdivision By-laws to the extent varied by this agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

The provisions of this agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender.
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this agreement, the written text of this agreement shall prevail.
- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Owner about the suitability of the Property for the Development proposed by this Agreement. The Owner assumes all risks and must ensure that any proposed Development complies with this agreement and all other laws pertaining to the Development.
- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this agreement, the Municipality may notify the Owner in writing. In the event that the Owner has not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice, then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the development agreement, or take such remedial action as is considered necessary to correct a breach of the agreement, including the removal or destruction of anything that contravenes the terms of the agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms are a first lien on the land that is the subject of the development agreement.

5.6 Costs

The Owner shall pay all costs associated with registering this agreement and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.8 Assignment of Agreement

The Owner may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this agreement.

5.9 Written Notice

- (a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Mitchell W. Brison, 99 Water Street, P.O. Box 280, Windsor, NS, B0N 2T0, or at any other address provided by the Owner.
- (b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner.

5.10 Full Agreement

This Agreement replaces and discharges the development agreement registered on PID 45421146, dated April 2, 2019 between the Municipality of the District of West Hants and 3229190 Nova Scotia Limited, 3307437 Nova Scotia Limited and 3307427 Nova Scotia Limited recorded at the Registry of Deeds in Hants County, Nova Scotia on May 16, 2019 as document #114457773, such that the sole development agreement applicable to the lands described in Schedule A attached hereto is this agreement.

IN WITNESS WHEREOF this agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

)

)

Per: _____

)

Abraham Zebian, Mayor

)

) Per: _____

)

Deanna Snair, Municipal Clerk

)

)

)

)

) **3229190 NOVA SCOTIA LIMITED**

)

)

)

Per: _____

Witness

) Mitchell W. Brison, President

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Mitchell W. Brison**, one of the parties thereto, signed, sealed and delivered the same in h presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

I certify that on this _____, 2022
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mitchell W. Brison, Nova Scotia, make oath and say that:

1. I Mitchell W. Brison of **3229190 NOVA SCOTIA LIMITED** the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this _____, 2022
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

MITCHELL W. BRISON, President

Schedule A **Legal Description**

PID 45055167

ALL THAT parcel of land situate in the Town of Windsor, County of Hants, Province of Nova Scotia and shown as Lot A and X (approved as an addition to lot A) on a plan of subdivision of Tregothic Heights, Windsor, Nova Scotia, prepared by V.E. Swinamer Surveying Limited dated May 22, 1975, approved by

the Town of Windsor on November 1, 1978 as plan 78-6 and filed with the Registrar of Deeds for the County of Hants as P2342 and more particularly described as follows:

BEGINNING at a point where the eastern boundary of Burgess Street intersects the southern boundary of Underwood Street and at the northwest corner of Lot 44 as shown on the plan;

THENCE on a bearing S19 degrees 28.5 minutes W along the western boundary of Lot 44 a distance of 125 feet to an iron bar;

THENCE on a bearing S71 degrees 37.6 minutes E along the southern boundaries of Lot 44 to 34 inclusive a distance of 893.35 feet to the southeastern corner of Lot 34;

THENCE on a bearing N17 degrees 27.1 minutes E along the eastern boundary of Lot 34 a distance of 125.01 feet to an iron bar located at the northeast corner of Lot 34 and the southern boundary of Underwood Street:

THENCE in a southeasterly direction along the southern boundary of Underwood Street on a bearing S72 degrees 32.9 minutes E a distance of 18.64 feet to a point;

THENCE southeasterly along the southern boundary of Underwood Street on a bearing S74 degrees 57.4 minutes E a distance of 31.39 feet to an iron bar located at the northwest corner of Lot 33 as shown on the plan;

THENCE on a bearing S17 degrees 27.1 minutes W along the Western boundary of Lot 33 a distance of 100.09 feet to an iron bar marking the southwest corner of Lot 33;

THENCE southeasterly along the southerly boundaries of Lots 33 to 29 inclusive on a bearing S74 degrees 57.4 minutes E a distance of 256.89 feet to an iron bar marking the southeast corner of Lot 29;

THENCE on a bearing N15 degrees 2.6 minutes E along the Eastern boundary of Lot 29 a distance of 100 feet to an iron bar marking the northeast corner of Lot 29;

THENCE in a southeasterly direction along the southern boundary of Underwood Street on a bearing S74 degrees 57.4 minutes E a distance of 66 feet to a point marking the northwest corner of Lot 28 as shown on the plan;

THENCE on a bearing S15 degrees 2.6 minutes W along the western boundary of Lot 28 a distance of 100 feet to a point marking the southwest corner of Lot 28 as shown on the plan;

THENCE on a bearing S74 degrees 57.4 minutes E a distance of 190.25 feet to a point;

THENCE on a bearing S46 degrees 25.5 minutes W along the Town of Windsor, Municipality of West Hants boundary line a distance of 575 feet to a point;

THENCE on a bearing N43 degrees 34.5 minutes W a distance of 130 feet to a point;

THENCE on a bearing S46 degrees 25.5 minutes W a distance of 264.56 feet to a point;

THENCE on a bearing N71 degrees 37.6 minutes W a distance of 1,850.50 feet to a point on the eastern boundary of Hospital Drive as shown on the plan;

THENCE in a northeasterly direction along the eastern boundary of Hospital Drive on a bearing N45 degrees 30.8 minutes E a distance of 500.23 feet to a point being the southwesterly corner of Lot 47 as shown on the plan;

THENCE on a bearing S44 degrees 29.2 minutes E along the southern boundary of Lot 47 a distance of 105.00 feet to a point;

THENCE on a bearing N45 degrees 30.8 minutes E a distance of 61.23 feet to a point on the southern boundary of a 25 foot wide sewer easement as shown on the plan;

THENCE on a bearing S74 degrees 44.2 minutes E along the southern boundary of the sewer easement a distance of 60.05 feet to a point in the arc of a curve;

THENCE northerly, northeasterly, easterly and southeasterly along the arc of a curve having a radius of 61 feet a distance of 199.44 feet to a point being the southeasterly corner of Lot 47 and southwesterly corner of Lot 48 as shown on plan;

THENCE northeasterly along the eastern boundary of Lot 47 on a bearing N19 degrees 28.5 minutes E a distance of 140.00 feet to an iron bar located at the northeasterly corner of Lot 47 and the southwesterly corner of Lot 45 as shown on the plan;

THENCE on a bearing S71 degrees 37.6 minutes E along the southern boundary of Lot 45 a distance of 90 feet to an iron bar;

THENCE northeasterly along the eastern boundary of Lot 45 on a bearing N19 degrees 28.5 minutes E a distance of 110.96 feet to an iron bar located at the northeast corner of Lot 45 and on the southern boundary of Underwood Street;

THENCE in a southeasterly direction along the southern boundary of Underwood Street on a bearing S70 degrees 31.5 minutes E a distance of 50 feet to the place of beginning.

SAVE AND EXCEPTING THEREOUT AND THEREFROM:

THAT portion of Burgess Street outlined in yellow on the plan and deeded to the Town of Windsor by Irven Burgess and Ann Burgess by deed dated January 12, 1979 filed as Registry Plan Number 2031.

SAVE AND EXCEPTING THEREOUT AND THEREFROM:

THAT lot of land shown as parkland and outlined in green on the plan which was conveyed by Irven Burgess and Ann Burgess to the Town of Windsor by deed dated January 12, 1979 filed as Registry Plan Number 2031.

SAVE AND EXCEPTING THEREOUT AND THEREFROM:

THOSE lots of land shown on a plan of lands of Victor Holdings Ltd. prepared by Frank Longstaff Surveying Ltd., known as lots 48, 49A, 49-57, 66-68, 68A and 69 filed as Registry Plan Number 5903.

SAVE AND EXCEPTING THEREOUT AND THEREFROM:

THAT lot of land shown of the aforesaid plan and designated Burgess Street Extension filed as Registry Plan Number 5903.

SAVE AND EXCEPTING THEREOUT AND THEREFROM:

THOSE lots of land shown on a plan showing Tregothic Heights Subdivision dated May 22, 1975, revised April 29, 1978 and being lots 74, 75, 76, and 77 filed as Registry Plan Number 2343.

ALSO SAVING and EXCEPTING Lots 201 to 225, inclusive; Parcel P-1; Parcel FD-1, Parcel BC-1 and Parcel WW-2 as shown on registered Plan No. 84603233

TOGETHER with an easement/right of way in favour of the Town of Windsor for drainage purposes, as more particularly described in an easement recorded as document number 84796607, and shown on said plan.

SAVING and EXCEPTING Parcel AB as shown on registry Plan No. 86093482

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Hants as plan or document number 86093482.

The MGA compliance statement has been applied by SNSMR during the processing of the abovementioned plan 86093482.

PID 45364775

ALL THAT lot of land situate at Tregothic Heights, Windsor, in the County of Hants and Province of Nova Scotia, partly delineated and shown as Lot Y on a plan of survey entitled, Plan Showing Tregothic Heights Subdivision, prepared by Victor E. Swinamer, N.S.L.S., dated the 22nd day of May, 1975 and filed on November 2, 1978, at the Office of the Registry of Deeds for the Registration District of Hants as plan no. 2342, and on a plan of survey entitled, Plan of Survey of Lots 201 to 225 inclusive and Park Parcel P-1, Subdivision of Portion of Remainder of Lot AX, Lands Conveyed to Anahid Investments Limited, Payzant Drive, Burgess Crescent and Underwood Drive, Town of Windsor, Hants County, Nova Scotia, prepared by Allan J. Owen, N.S.L.S., dated January 3, 2006, and registered with the Hants County Land Registration Office on March 17, 2006, as plan no. 84603233, bounded and described as follows:

BEGINNING at a survey marker at the southernmost corner of proposed Lot 228 shown on plan no. 84603233, being the northeastern corner of Lot Y herein described;

THENCE South 23 degrees 29 minutes 37 seconds West (Grid - plan no. 84603233) along the boundary line between the Municipality of the District of West Hants and the Town of Windsor to a point on the former boundary line between the farms of G. Rourke (to the north) and of H. Curry and J. Dill (to the south), the said former boundary line being shown on plan no. 2342;

THENCE North 73 degrees 12.6 minutes West (Magnetic 1975), along the said former boundary line between the G. Rourke and the H. Curry and J. Dill farms, to a point on the eastern boundary of lands now or formerly of Armco Capital Inc., the said point being the northeast corner of lot X shown on plan no. 2342;

THENCE North 23 degrees 34 minutes 40 seconds East (Grid - plan no. 84603233), a distance of 199.74 feet to a survey marker on the southern boundary of proposed Lot 228 shown on plan no. 84603233;
THENCE South 66 degrees 25 minutes 20 seconds East (Grid - plan no. 84603233), along the southern boundary of the said proposed Lot 228, a distance of 130 feet (39.624 metres) to the place of beginning.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: HANTS COUNTY

Registration Year: 1978

Plan or Document Number: 2342

PID 45421146

Registration County: HANTS COUNTY

Street/Place Name: ELIZABETH AVENUE /GARLANDS CROSSING

Title of Plan: PLAN OF SURVEY OF PARCEL 1-A & REMAINING LANDS PARCELS R-1-RA & R-1-RB A S/D OF
PID 45190493 LANDS OF 3229190 NOVA SCOTIA LTD COMMUNITY WAY EXT WINDSOR

Designation of Parcel on Plan: PARCEL R-1-RB

Registration Number of Plan: 120175683

Registration Date of Plan: 2022-02-25 10:38:14

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or
registered under the Land Registration Act

Registration District: HANTS COUNTY

Registration Year: 2022

Plan or Document Number: 120175683

Schedule B
Site Plan



Attachment D
Public Information Meeting Notes
June 9 – June 24, 2022

File 21-10

Payzant Drive / Community Way area, Windsor;
PID 45055167, 45364775 and 45421146

Meeting date and time	A virtual Public Information Meeting was held on June 9 th , 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Poirier • Planner Dunphy • Director LeMay • Meeting Secretary Lake Applicant: • Mitch Brison, Applicant and Property Owner • Chrystal Fuller, Brighter Community Planning (Applicants Planner) The following members of the public requested invited to attend the PIM via Zoom: • Wendy McBride • Rita Nadasdi • Sheila Porter • Megan and Joseph O'Neill • Joanne Ans 5 members of the public attended the meeting in-person. Of those that attended in-person only Ken Creighton and Brigitte Cooney spoke.
Applicant Mitch Brison, 3229190 Nova Scotia Limited Property Payzant Drive / Community Way area, Windsor;	Planner Poirier outlined the development agreement application to permit two, 7-storey, 88-unit apartment buildings on the properties at PID 45055167 (portion of), 45364775, and 45421146 on Community Way. A formal presentation was made by Chrystal Fuller of Brighter Community Planning on behalf of the applicant. Mr. Brison responded to questions from the public.

PID 45055167, 45364775 and 45421146	
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between June 9 – 24, 2022. 5 members of the public spoke at the Public Information Meeting and 5 written comments were received via email. The questions and comments from the public are summarized below. The email responses are attached. The emails received prior to the PIM on June 9 were read into the record at the meeting. The following comments and questions were made at the Public Information Meeting. Staff and applicant responses are included in purple text. • No general opposition to the development • Lack of planning in Windsor side of this development for the past 10-15 years; lack of Municipal tax dollars being put into infrastructure upgrades in the area i.e., Underwood Dr. does not have a sidewalk • Payzant Dr. and Wentworth Rd. intersection and traffic concerns • What is happening elsewhere behind Burgess Crescent (between these apartment buildings and Payzant Drive)? Sara responded that the developer proposes single- or two-unit dwellings in that location and these would be permitted as-of-right. Mr. Brison confirmed this. • What is the timeline proposed for the single- and two-unit dwellings? Mr. Brison responded that it is market and supply chain driven however he hopes to have Community Way completed by the end of 2022 or early 2023. Construction of those lots will most likely be spring of 2023. • Dust issues while the development is under construction Mr. Brison noted that they will do what they can to minimize the dust with the intention being to put the pipe in the ground and then cover it with gravel which will minimize the dust • Timeline for the multi-unit buildings?

	Mr. Brison commented that they have started constructing Building A which should be roof tight by the end of 2022. He hopes to have an occupancy permit by spring of 2023. Buildings B and C will follow shortly after depending on the market and supply chain. He anticipates these buildings being completed within the next 3-5 years. • Will tower cranes be used in the construction of the 6-7 storey buildings? Mr. Brison responded that they plan to construct the buildings using concrete panels. There will be mobile cranes on site to lift the panels into place, but no tower cranes are needed. • Will the parking podium be landscaped or visible from abutting properties? Mr. Brison noted that most of the parking podium will be completely buried underground with landscaping over it. He does realize that he is developing close to residents back yards, so he is trying to be considerate of that and reduce the impact of the development where possible. • Was there any thought given to changing the location of Buildings B and C to be closer to Payzant Dr. where other apartment buildings are? Mr. Brison commented that consideration was given to the location of the buildings however it made most sense to locate Buildings A-C in the same area from a servicing perspective and some of the ground closer to Payzant Drive did not pass a geotechnical investigation to be able to locate the 6-7 storey concrete buildings there. • The parking podium looks to be approximately 15 ft. from some property lines. The podium will be constructed of an impervious surface and there are concerns about the stormwater impacts on adjacent properties if the water cannot penetrate the ground. Mr. Brison noted that the development will be designed to take care of the stormwater on the site which will flow into a stormwater retention pond. He added that this building will not cause residents any trouble in terms of stormwater.
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	- How will the grade difference between Fraser Drive and the apartment building site be managed (i.e., rock wall, landscaping, etc.)? Mr. Brison responded that topsoil will create a base layer for grass and trees will be planted. - There was a sign posted in the Crossing development a few years ago showing the apartment buildings to be located backing onto the mini home park instead of the now proposed location. What changed? Mr. Brison commented that the site plan that is posted outside the office in The Crossing was developed when he was proposing a long-term care style of housing in a multi-level building. Since then, his plans have changed. He would now like to construct a long-term care facility on the former masonic home site (beside the Credit Union on Wentworth Road) and he was able to acquire land from Armco Capital to use for the proposed apartment buildings in this application.
Adjournment	The meeting was adjourned at 6:58 p.m.

Public Email Responses Submitted for the Application PIM

June 2, 2022

From: Kelly McBride

To: Sara Poirier

Hi Sara,

Well obviously not sure why the town would even bother to have a virtual meeting on June 9, 2022 as this development of the two 7 storey buildings is already a go ahead as the tractors are already digging in my backyard for this. I believe the town knew this long ago. **Why don't you just butt the building right up to our windows.....GEEZ**

I live on Burgess Crescent with my two sisters and my concerns are as follows:

- Yes I realize Windsor has to grow but there are many other areas better suited for these buildings but def not in a residential area. I have lived and grew up in Bedford most of my life and have moved down to Windsor back in 2013 with my sisters and I have seen alot of development and growth in Bedford **but "APARTMENT BUILDINGS" were always down at the bottom of the hills** and not built in amongst residential houses...NOT RIGHT

- I have seen a huge change in population and busy since I moved down in Windsor in 2013 and especially **trying to get turned left on "Payzant Drive" onto Wentworth road** it is next to impossible. I can see a very bad accident waiting to happen as you have a **high school, hospital and now great 7 storey big buildings going in. It is time for the town to wake up and install traffic lights coming out of Payzant Drive.**
- Property taxes are very high in Windsor and alot more than HRM. We pay the highest taxes in Windsor in our area on Burgess Crescent and would like to see taxes decreased with these buildings going in behind us. Please explain how the property taxes will work. **Do you expect us to pay for the taxes for the two seven storey apartment buildings????**

Please provide me with answers to these questions.

Kelly

June 7, 2022

From: Steph Sedgwick

To: Sara Poirier

Dear Sara,

I'm writing in response to the letter received re a public information meeting scheduled for June 9, re a proposed development agreement for two apartment buildings on PIDs 45055167, 45190493, and 45364775.

I would like to share concerns re the potential for further increased traffic volume on an already overburdened exit out of this community. Right now without these multiple-unit apartments, it is already extremely difficult to enter or exit the existing community around the hospital/high school. It is not uncommon to wait for over five minutes to turn left onto Wentworth from the Payzant intersection multiple times during the day. At peak traffic, around 9:30am and especially at 3:30pm with the 20+ school buses and hundreds of cars exiting the neighbourhood, those wait times can be significantly longer.

The additional vehicle traffic that could be expected from expanding this proposed area to multi-unit apartments will significantly add to the traffic load on an already overwhelmed intersection. I'm sure you are already aware that there is no option for emergency vehicles that need to enter or exit the area during those periods – there is literally no space for them to go around or between the stalled traffic, if they needed to get through.

I have not yet seen any proposals for road developments into or out of the Crossing that would alleviate the traffic volume issues at Payzant/Wentworth. And I would like to point out that adding traffic lights at the intersection of Payzant/Wentworth, which to my knowledge has

been mentioned several times over the years, does not impact the traffic volume and would be considered a “bandaid” at best.

I trust that Council already has plans underway for mitigating the existing traffic load in this area, and that any additional residential population increase would be accounted for in a way that will meet the entire community’s needs (including our adjacent neighbourhoods) and not just one specific development. Further, I ask that Council share those plans with the affected residents to alleviate our concerns.

Thanks for your time,

Stephanie Sedgwick
West Hants Resident

June 7, 2022

From: Kathy Sanford

To: Sara Poirier

Dear Sara,

I’m writing in answer to the letter received about an information meeting scheduled for June 9, about a potential development agreement for two apartment buildings on PIDs 45055167, 45190493, and 45364775.

I would like to share concerns regarding further increased traffic on an already overburdened exit out of this area. It is already extremely difficult to enter or exit the existing community around the hospital/high school. It is not unusual to wait for over five even ten minutes to turn left onto Wentworth from the Payzant intersection multiple times during the day. At peak traffic, around between 8-9:30am between 11:20. 12:20 and especially at 3:20 with the multiple school buses and hundreds of cars exiting the neighbourhood, people coming and going to businesses on the street so those wait times can be significantly longer. Our trips have to be planned out of this street around these times.

The additional vehicle traffic that could be expected from putting apartments on this street will significantly add to the traffic load on an already overwhelmed intersection. I’m sure you are already aware that there is no option for emergency vehicles that need to enter or exit the area during those periods – there is literally no space for them to go around or between the stalled traffic, if they needed to get through.

I have not yet seen any proposals for road developments into or out of the Crossing that would alleviate the traffic volume issues at Payzant/Wentworth. And I would like to point out that adding traffic lights at the intersection of Payzant/Wentworth, which to my knowledge has

been mentioned several times over the years, does not impact the traffic volume and would be considered a “bandaid” at best.

I trust that Council already has plans underway for mitigating the existing traffic load in this area, and that any additional residential population increase would be accounted for in a way that will meet the entire needs of the community and not just one specific development. With all the development going on will already overload the street. If there was ever an emergency here good luck getting out. It would be great to know the plan going forward.

Thank you.
Kathy Sanford

June 9, 2022

From: Suzanne Milner

To: Sara Poirier

Hi Sara - I watched the live meeting on FB and have a few things I would like to share:

1. No one was monitoring the chat at the live meeting. I was unable to find a Zoom link and just heard about the meeting at 5:30pm on June 9. If you are going to share and ask residents to join a live on FB, someone should have the decency to monitor the chat and respond to the questions posed.
2. When the development was being reviewed, there was mention of a future apartment building development on Pazant Drive. The image was covered over by a pop up menu so I could not see what was being discussed. I would like access to that information.
3. Is the plan for Community Drive to connect to Payzant? If so, what is the municipality's plan to address an already over-taxed roadway? The Payzant community was irresponsibly created with one way in and one way out. How is that going to be addressed with hundreds of more vehicles being added? We need another way in and out AND traffic lights.
4. I LOVE the development - we need places for people to live BUT we need roadway infrastructure AHEAD of the development. Someone mentioned there was a solution in the design phase. Could that possibly be shared with the residents who pay incredible taxes as well as the salaries of municipal staff and elected officials? Why is it a secret?

I would greatly appreciate answers to these questions. No disrespect to you, but the lack of sharing of information is appalling.

Suzanne - Payzant Drive resident

June 13, 2022

From: Rita Nadasdi

To: Sara Poirier

Good morning Sara, thanks again for the Zoom link for last week's meeting. I found it informative. Is there any chance I can have a copy of Chrystal Fuller's power point? And can you tell me what the plan is for the intersection at Payzant/Wentworth? Will there ever be an alternative exit off Payzant through to King?

Rita



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-07-26

Subject: Heritage Grant Application: 376 Falmouth Dyke Road, Falmouth PID 45036001

LEGISLATIVE AUTHORITY

Council RCOFN-012.00, *Grants and Contributions Policy*

Municipal Heritage Property Conservation Work Grant Guidelines (approved November 24, 2020)

RECOMMENDATION

Should Council wish to provide Ms. Perry the heritage grant, the following motion would be in order:

...that Council provide up to 50% of eligible project costs to a maximum of \$10,000 to Mrs. Maureen Perry, owner of 376 Falmouth Dyke Road, in order to facilitate the replacement of the kitchen door and repairs to the stone foundation of the main building located at 376 Falmouth Dyke Road, and replacement of railing and gate attached to the building, and that the funding be provided from account # 01-2-00-26-560-21130 only in accordance with the provisions of the *Municipal Heritage Property Conservation Work Grant Guidelines*.

BACKGROUND

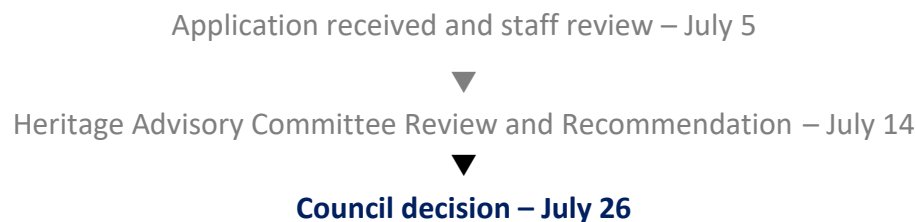
Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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An application was received for heritage grant funding from Maureen Perry, owner of a municipally designated property located at 376 Falmouth Dyke Road, Falmouth on July 5, 2022. The application received describes proposed work to repair the kitchen door with a door to match the existing windows and doors, repairs to the stone foundation of the main building, and replacement of the railing and gate to match the existing heritage rail.

DISCUSSION

On July 14, 2022 staff presented a recommendation report to the Heritage Advisory Committee (HAC) (Appendix A). HAC recommended in favour of providing Ms. Perry the grant at the meeting on July 14, 2022.

NEXT STEPS



FINANCIAL IMPLICATIONS

The 2022-23 Operating Budget has \$5,000 available for Heritage Grants. The additional \$5,000 would come from the Heritage Grant Reserve account, which is made up of funds budgeted in previous years, but not granted due to lack of applications.

ALTERNATIVES

In response to the application, Council may decide to:

- determine that 50% of the funding to the maximum of \$10,000 be provided in accordance with the terms of the *Municipal Heritage Property Conservation Work Grant Guidelines*;
- determine that funding to a maximum of some other amount be provided, providing the reason why funding is limited; and
- not approve the request 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*.

ATTACHMENTS

CHIEF ADMINISTRATIVE OFFICER REVIEW

Recognizing the property is municipally designated and eligible through the existing program, I support the recommendation.

Report Prepared by: _____

Sara Poirier, Senior Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Report Reviewed by: _____

Diana Gibson, Acting Director of Financial Services

Report Approved by:  _____

Mark Phillips, CAO



Appendix A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Members of Heritage Advisory Committee (HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-07-14

Subject: Heritage Grant Application: 376 Falmouth Dyke Road, Falmouth PID 45036001

LEGISLATIVE AUTHORITY

Council RCOFN-012.00, *Grants and Contributions Policy*

Municipal Heritage Property Conservation Work Grant Guidelines (approved November 24, 2020)

RECOMMENDATION

Staff recommends that the HAC forward a positive recommendation by passing the following motion:

...that HAC recommends that Council provide up to 50% of eligible project costs to a maximum of \$10,000 to Mrs. Maureen Perry, owner of 376 Falmouth Dyke Road, in order to facilitate the replacement of the kitchen door and repairs to the stone foundation of the main building located at 376 Falmouth Dyke Road, and replacement of railing and gate attached to the building, and that the funding be provided from account # 01-2-00-26-560-21130 only in accordance with the provisions of the *Municipal Heritage Property Conservation Work Grant Guidelines*.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
--	---	--------------------------------------	---------------------------------	-----------------------------------	--

An application was received for heritage grant funding from Maureen Perry, owner of a municipally designated property located at 376 Falmouth Dyke Road, Falmouth on July 5, 2022 (Appendix A).

Ms. Perry has received heritage grants in the past from the former Municipality of the District of West Hants. The former West Hants grant policy limited the grant to a maximum of \$5,000 on a 50% cost-sharing basis. The first grant of \$5,000 was received in the 2017-2018 fiscal period for exterior repairs of cladding, repainting, and replacement of front steps. A second grant of \$5,000 was received in the 2019-2020 fiscal period for the replacement of exterior brickwork above the roof line on the two existing chimneys.

DISCUSSION

The application received describes proposed work to repair the kitchen door with a door to match the existing windows and doors, repairs to the stone foundation of the main building, and replacement of the railing and gate to match the existing heritage rail.

Heritage Permit

Examination of the proposed work and the list of non-substantial alterations approved by Council on November 24, 2020 (Appendix B) has resulted in a staff determination that the proposed alterations are not substantial alterations. As a result, no Heritage Permit is required.

Municipal Grant

The Municipal Heritage Property Conservation Work Grant Guidelines (Appendix C) approved by Council on November 24, 2020 list specific work as either eligible or ineligible for funding. The replacement of the kitchen door and repairs to the stone foundation of the main building are eligible for funding in accordance with the Grant Guidelines. Staff will conduct a site visit prior to the PAC/HAC recommendation to ensure the replacement of railing and gate attached to the building is eligible.

The 2022-2023 Operating Budget approved June 2, 2022 includes \$5,000 as “Heritage Grant” and is intended to provide funds for the *Municipal Heritage Property Conservation Work Grant Guidelines funding* program. The Acting Director of Financial Services confirmed that there is a reserve of \$15,000 available as “Heritage Grant” as well.

There are currently 13 registered municipal heritage properties in the Region that may be eligible for funding through the *Municipal Heritage Property Conservation Work Grant Guidelines*. No other application for funding has been received.

Applicants are eligible to receive a maximum grant of \$10,000 allocated on a 50% cost-sharing, matching basis within a five (5) year period for eligible conservation work. The five (5) year period for this property began in the 2017-2018 fiscal year and would have concluded in 2021-2022. This grant is being requested in a new five (5) year period therefore the maximum amount of \$10,000 can be considered. The number of incentives per property is limited to two (2) per fiscal-year and ten (10) in any five (5) year period. Project costs are based on actual eligible expenses; in kind contributions are not included.

MCCAP

The Municipal Climate Change Action Plan (MCCAP) for West Hants and the Falmouth Stormwater Management Plan do not identify any issues with inland flooding or sea level rise in this location, although other areas of Falmouth Dyke Road may be affected.

NEXT STEPS

Application received and staff review – July 5



Heritage Advisory Committee Review and Recommendation – July 14



Council decision – July 26

FINANCIAL IMPLICATIONS

There is capacity in the budget and reserves to provide this heritage grant to Ms. Perry.

ALTERNATIVES

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

- determine that 50% of the funding to the maximum of \$10,000 be provided in accordance with the terms of the *Municipal Heritage Property Conservation Work Grant Guidelines*;
- determine that funding to a maximum of some other amount be provided, providing the reason why funding is limited; and
- 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*.

ATTACHMENTS

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

Report Prepared by: _____
Sara Poirier, Senior Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Attachment A



West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY HERITAGE GRANT APPLICATION

Owner MAUREEN PERRY	Civic Address: 376 FALMOUTH DYKE RD
Mailing Address: P.O. BOX 76	PID:
Email:	
Name of Property (if applicable): GREENWOOD	
Work for Which Grant is Requested: (attach information if necessary)	
Date of Heritage Permit Issued/or Advised No Heritage Permit Required:	
Date Development Permit (if required) Issued:	
Date Building Permit (if required) Issued:	
Date Heritage Grant approved:	
Council: Maximum amount of grant:	
Date Work Completed:	
Total Cost of Work Completed:	
Attach Itemized costs based on invoices – arranged by date:	
Amount of Grant requested:	
IMPORTANT: PLEASE READ DECLARATION BELOW AND THEN SIGN It is clearly understood that this is only an application and does not imply that the funding will be approved. I certify that I am the owner of the property or am acting with the owner's consent.	
Date: July 5/2022	
Signature of Owner or Agent (attach written consent): M.A. Perry	
I confirm that the work for which funding is requested: • has been done • is considered eligible work under the Municipal Heritage Property Conservation Work Guidelines	
Print Name of Heritage Advisor: NADELYN LEMAY / SARA POIRIER	
Date: July 5/2022	
Application Effective June 2021	



West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY

Application for a Heritage Permit

Owner: MADREEN PERRY	Property Location: FALMOUTH
Mailing Address: PO BOX 76 FALMOUTH, NS B0P 1L0	Civic Address: 376 FALMOUTH DYKE ROAD FALMOUTH, N.S. B0P 1L0
E-Mail Address:	PID:
Telephone:	
Proposed Alterations: (attach a separate sheet if needed) REPLACE DOOR AND GARDEN DOOR ON KITCHEN REPAIR STONE WORK AROUND FOUNDATION CHECK CAULKING AROUND WINDOWS REPAINT SIDING & TRIM WHERE NEEDED REPAIR DECK & RAIL ON APPROACH TO KITCHEN DOOR REPLACE SHINGLES ON ROOF.	
IMPORTANT: PLEASE READ DECLARATION BELOW AND THEN SIGN	
It is clearly understood that this is only an application and does not imply that a Heritage Permit will be granted. I certify that I am the owner of the property or am acting with the owner's consent. Date: Signature of Owner or Agent (specify relationship to Owner and attach consent). M. A. Perry.	

Updated/PDF: May 15, 2020

Recast Construction

ESTIMATE

3720 Hwy 14
RR 3 Windsor, NS
B0N 2T0

TO: Maureen Perry
376 Dyke Road
Falmouth, NS
B0P 1L0

June 23, 2022

JOB DESCRIPTION

Repairs as requested below

ITEMIZED ESTIMATE: TIME AND MATERIALS

AMOUNT

1) Replace back kitchen door (32") A) Ensuring door is not outswing B) All existing trim to be removed and reinstalled C) All decayed framing to be replaced and/or repaired D) Door to be Kolteck with grills as to match existing old house windows and doors.	\$2,234.99
2) Repairs to stone foundation A) Repairs to decaying stone work on driveway side B) Repairs to be made to falling stone work on either side of basement entry, C) Repairs to stone foundation at rear of house D) Front sand stones to be shimed and mortered back together on left side of front veranda. E) All repairs as to keep out water and rodents.	\$6,871.00
3) Replacement of rail and gate on shop side of house A) Rail to be built as to match existing hertiage rail B) Rail to have pressure treated post covered with painted pine as ot match exisitng house C) Gate post to be pressure treated and be set in concrete approx 48" below grade and pine covered as to match existing	\$5,210.00

SUBTOTAL	\$14,315.99
HST	\$2,147.40
TOTAL	\$16,463.39

Thank you for the opportunity to quote your job!

Attachment B

Approved November 24, 2020

WEST HANTS REGIONAL MUNICIPALITY

List of Alterations to Municipally Designated Heritage Properties which are to be Considered Non-Substantial

- replacement of or repair to any element of the exterior or public building interior where no change is intended;
- items which the Heritage Advisor considers to be maintenance;
- changes in storm windows from painted wood to aluminum;
- use of vinyl (or other material) window inserts within the existing opening;
- replacement of shingles with clad board with the same exposure, or clad board with shingles unless cladding is specified as a character-defining element;
- replacement of doors or storm doors with doors within the existing opening;
- replacement of non-traditional elements with traditional (i.e. clad or replace concrete steps with wood; shingle a wall now covered in plywood);
- installation of wooden gutters;
- addition of utilities such as air-conditioning vents and "Selkirk" chimneys to walls which are not visible from the public street;
- installation of solar panels on any roof surface;
- addition of minor accessory structures which do not require a building permit;
- alteration of existing minor accessory structures which do not require a building permit;
- placement of commercial advertising signs;
- construction and repair of fences; or
- landscaping elements such as ground level "patios" or stairways which are not connected to the main building.

MUNICIPAL HERITAGE PROPERTY CONSERVATION WORK GRANT POLICY

Objective

To provide information for owners of Municipal Heritage properties regarding the financial assistance program which supports conservation of this important resource.

Eligible Applicants

The program provides eligible owners of Municipal Heritage properties with access to financial assistance comparable to that available to Provincially registered heritage properties. Within the limits of the annual budget, the Heritage Funding Program provides a maximum grant of \$10,000 within a five (5) year period for eligible conservation work.

Eligible owners include only not-for-profit organizations incorporated under the Societies Act of Nova Scotia and private owners.

General Project Requirements

- all work must be completed and the final claim made by March 31 of the year in which the work is done;
- an application must be completed and an estimate must be provided from one contractor for the proposed work;
- grants are provided at the discretion of Council and no grant will be provided for work started before the grant is approved.

Eligible Conservation Work & Materials

Projects related to architectural elements which support the designation of the property including:

- **Preservation** of existing architectural elements, including but not limited to, repair of windows, doors, cladding, roof, foundation, and architectural trim;
- **Replacement** of architectural elements which still exist but which are beyond preservation or repair, including doors, windows, cladding, roofing, foundation materials, and architectural trim, using materials and configurations similar to the original;
- **Restoration** of significant architectural elements which have been lost but for which the appearance can be determined from physical evidence or documentary sources such as historic drawings or photographs; and
- **Replacement or repair of structural elements** which support the building or structure.

MUNICIPAL HERITAGE PROPERTY CONSERVATION WORK GRANT POLICY

Ineligible Work & Materials

- modern materials or elements such as vinyl or aluminum clad windows, steel doors, vinyl siding, or synthetic cladding unless required to meet the requirements of the Building Code Act By-law;
- short-term routine maintenance, including minor repairs to non-original cladding or roofing;
- landscaping features and repairs to minor structures such as fences and retaining walls which do not support the building;
- work carried out prior to approval of the grant;
- poor or defective work;
- electrical, heating or plumbing work;
- construction of an addition;
- construction of an accessory building;
- new windows and doors that do not support the heritage character of the building; and
- owner's labour.

Project Evaluation

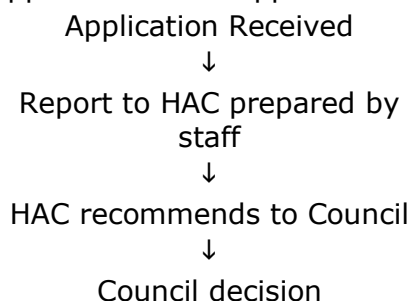
The project will be evaluated using criteria established under the Standards and Guidelines for the Conservation of Historic Places in Canada.

Priority will be given to:

- first-time applicants;
- work on structural or weatherproofing elements; and
- applications supported by a Building Conservation Plan (a drawing or a report which reasonably illustrates all intended work) prepared by an architect, building official, engineer, or restoration professional.

Application Review Process

The process for review of an application takes approximately three (3) months.



All eligible applications may not receive approval due to limited funds.

Grants & Applications

- Grants are awarded on a 50% cost-sharing, matching basis;

MUNICIPAL HERITAGE PROPERTY CONSERVATION WORK GRANT POLICY

- The minimum grant is \$500. per property;
- The maximum number of grants per property is two (2) per fiscal-year and ten (10) in any five (5) year fiscal period;
- Grants are based on eligible expenses; in-kind contributions are not included in calculating the grant.

Conditions of Approval & Payment of Funds

- Projects must be completed within the fiscal year for which they were approved unless exceptional circumstances arise following approval. Approval for extending the grant into a second fiscal year must be requested from the Chief Administrative Officer as soon as the need is known;
- Grants are conditional on completion of the approved and submission of receipts and paid invoices;
- Deadline for submission of receipts and paid invoices is March 31 each year;
- The applicant shall notify the Municipality of any proposed changes to the approved work and shall receive approval from Council before doing the work;
- Grants are tied to the work approved and will not be given for work which was not approved.

I, Rhonda Brown, Municipal Clerk of the West Hants Regional Municipality, in the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the **24th** day of **November, 2020**.



R. N. Brown
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	November 13, 2020
<i>Approval:</i>	November 24, 2020
<i>Description:</i> Initial approval of the Municipal Heritage Property Conservation Work Grant Policy, RCOPL-003.00.	

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Danny	Dill	2020-06-30	2020-07-14 COTW
Quentin	Davison	2020-07-06	2020-07-14 COTW
Alyson	Bremner	2020-07-07	2020-07-14 COTW
Cecil	Rolfe	2020-07-13	2020-07-14 COTW
Pat	Porter	2020-07-13	2020-07-14 COTW
Nikki-Marie	Lloyd	2020-08-02	2020-09-08 COTW
Heather	Boylan (Martock)	2020-09-01	2020-09-08 COTW
Greg	O'Leary	2020-09-03	2020-09-08 COTW
Dr. Abby	Kirumira	2020-09-02	2020-09-08 COTW
Dean	Manning	2020-09-08	2020-09-08 COTW
David & Michelle	Rideout	2020-09-08	2020-09-08 COTW
Colleen	Walsh-Bouman	2020-09-08	2020-09-08 COTW
Nicholas & Alyson	Juurlink/Bremner (Linked Farms)	2020-09-08	2020-09-22 Council
Tasha	Rogers	2020-09-08	2020-09-22 Council
Brad	Carrigan	2020-09-23	2020-10-13 COTW
Karen	Carrigan	2020-09-23	2020-10-13 COTW
Elaine	Morehouse	2020-09-24	2020-10-13 COTW
Gary	Morehouse	2020-09-24	2020-10-13 COTW
Dr. A	Kirumira	2020-09-24	2020-10-13 COTW
Blake	Sarsfield	undated	2020-10-13 COTW
Greg	Webster	2020-10-01	2020-10-13 COTW
Bobby	Kidston	2020-10-02	2020-10-13 COTW
NSTIR	(Province of NS)	2021-01-13	2021-01-26 Council
Darren	Porter	2021-03-19	2021-03-23 Council
Rylan	Carrigan	2021-03-29	2021-04-13 COTW
Robin	Bremner-Popma (Hants Co Fed of Agri)	2021-03-29	2021-04-13 COTW
Roslyn	MacDuff	2021-03-29	2021-04-13 COTW
Darlene	Taylor	2021-03-23	2021-04-13 COTW
Daniel	Oulton	2021-03-26	2021-04-13 COTW
Karen	Carrigan	2021-03-26	2021-04-13 COTW
Marie & Andrew	Connolly	2021-03-26	2021-04-13 COTW
Robin	Thomson (Atlantic Division Canoe Kayak Canada)	2021-03-30	2021-04-13 COTW
Barbara	Hughes	2021-03-29	2021-04-13 COTW
Laura	Fisher	2021-04-01	2021-04-13 COTW

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Nikki-Marie	Lloyd	2021-04-06	2021-04-13 COTW
Ken	Donnelly (Hwy 101 Twinning CLC)	2021-04-01	2021-04-13 COTW
Darren	Porter	2021-04-06	2021-04-13 COTW
Karen	Lynch	2021-04-09	2021-04-13 COTW
Carilee	Eddy	2021-04-15	2021-04-27 Council
Nikki-Marie	Lloyd	2021-04-19	2021-04-27 Council
Sheldon	Hope	2021-04-19	2021-04-27 Council
Adrienne	Wood	2021-04-22	2021-04-27 Council
Magda	Montgomery	2021-04-22	2021-04-27 Council
Sheldon	Hope	2021-04-26	2021-04-27 Council
Andrew	Smiley	2021-05-02	2021-05-11 COTW
Carrilee	Eddy	2021-05-03	2021-05-11 COTW
Denise	Forand	2021-04-27	2021-05-11 COTW
Erin	Naugler	2021-05-02	2021-05-11 COTW
Janet	Comeau	2021-05-02	2021-05-11 COTW
Kristyn	Anderson	2021-05-02	2021-05-11 COTW
Laura	Fisher	2021-04-01	2021-05-11 COTW
Nick	Rafuse	2021-05-03	2021-05-11 COTW
Nicole	McLeod	2021-05-02	2021-05-11 COTW
Robyn	Cook	2021-05-02	2021-05-11 COTW
Sheldon	Hope	2021-05-02	2021-05-11 COTW
Tammy	Hilden	2021-05-02	2021-05-11 COTW
Tracey	Sexton	2021-05-03	2021-05-11 COTW
Ginette	Pitcher	2021-05-03	2021-05-11 COTW
Greg	Miller	2021-05-05	2021-05-11 COTW
David & Michelle	Rideout	2021-05-05	2021-05-11 COTW
Sylvia & Vince	Burgess	2021-05-05	2021-05-11 COTW
Scott (Adrienne)	Miniau (Wood)	2021-05-03	2021-05-11 COTW
Barbara	Sullivan	2021-05-06	2021-05-11 COTW
Sandra & Skip	Hogan	2021-05-06	2021-05-11 COTW
Marie & Andrew	Connolly	2021-05-06	2021-05-11 COTW
Karen	Carrigan	2021-05-07	2021-05-11 COTW
Adrienne	Wood (Petition)	2021-05-07	2021-05-11 COTW
Lisa	Hines	2021-05-07	2021-05-11 COTW

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Cam	Hartley	2021-05-07	2021-05-11 COTW
Troy & Vicki	Harvie	2021-05-07	2021-05-11 COTW
Jenn	McDermott	2021-05-08	2021-05-11 COTW
Jennifer	Daniels	2021-05-09	2021-05-11 COTW
Krista & Colin	Duncan	2021-05-09	2021-05-11 COTW
Robin	Bremner-Popma	2021-05-07	2021-05-11 COTW
Roslyn (Darlene) [Barb]	MacDuff (Taylor) [Hughes]	2021-05-08	2021-05-11 COTW
Wayne & Dianne	Hines	2021-05-09	2021-05-11 COTW
Bob & Sandra	Langdon	2021-05-10	2021-05-11 COTW
Brad	Hood	2021-05-10	2021-05-11 COTW
Ed & Cathy	Kerr	2021-05-10	2021-05-11 COTW
Ann	MacArthur	2021-05-10	2021-05-11 COTW
Carole Anne	Casey	2021-05-10	2021-05-11 COTW
Sarah	MacDonald	2021-05-10	2021-05-11 COTW
Andre & Donna	Arsenault	2021-05-11	2021-05-11 COTW
Aaron	Leblanc	2021-05-12	2021-05-25 Council
Adrian	Rooney	2021-05-19	2021-05-25 Council
Adrienne	Wood	2021-05-12	2021-05-25 Council
Barb	Sullivan	2021-05-16	2021-05-25 Council
Barbara	Beck	2021-05-15	2021-05-25 Council
Bethany	Rozee	2021-05-12	2021-05-25 Council
Carl	Siler	2021-05-12	2021-05-25 Council
Carol	Bradley	2021-05-16	2021-05-25 Council
Carol	McKinley	2021-05-12	2021-05-25 Council
Chad	Pothier	2021-05-18	2021-05-25 Council
Chris	Cann	2021-05-21	2021-05-25 Council
Connie	Shay	2021-05-15	2021-05-25 Council
Conrad	Mullins	2021-05-18	2021-05-25 Council
Darlene	Taylor	2021-05-15	2021-05-25 Council
Darren	Porter	2021-05-12	2021-05-25 Council
Darren	Woods	2021-05-13	2021-05-25 Council
Dawson	Sheehy	2021-05-16	2021-05-25 Council
Deanna	Hamilton	2021-05-15	2021-05-25 Council
Debbie	Porter-Wood	2021-05-13	2021-05-25 Council
Debbie	Siler	2021-05-15	2021-05-25 Council
Denise	Forand	2021-05-13	2021-05-25 Council

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Devan	Archibald	2021-05-18	2021-05-25 Council
Diane	Ogilvie	2021-05-13	2021-05-25 Council
Erin	Naugler	2021-05-13	2021-05-25 Council
Ernest	Eddy	2021-05-15	2021-05-25 Council
Gerry	Young	2021-05-15	2021-05-25 Council
Gina	Cochrane	2021-05-12	2021-05-25 Council
Harry	Ullock	2021-05-15	2021-05-25 Council
Hope	Moon	2021-05-12	2021-05-25 Council
Ian	Shaw	2021-05-16	2021-05-25 Council
J	Davis (and J Griffith)	2021-05-17	2021-05-25 Council
Jacqueline	Farvacque	2021-05-12	2021-05-25 Council
Jayne	Murray	2021-05-16	2021-05-25 Council
Jeff	Redden	2021-05-17	2021-05-25 Council
Jennifer	Shaw	2021-05-16	2021-05-25 Council
Jocelyne	Marchand	2021-05-12	2021-05-25 Council
John & Sarah	Monette	2021-05-19	2021-05-25 Council
Jordan	Macumber	2021-05-12	2021-05-25 Council
Josette	Dugue	2021-05-12	2021-05-25 Council
Judy	Lynch	2021-05-13	2021-05-25 Council
June	Pedersen-LaPierre	2021-05-15	2021-05-25 Council
Justin	Cochrane	2021-05-12	2021-05-25 Council
Karen	Lynch	2021-05-18	2021-05-25 Council
Kathryn	Bergeron	2021-05-16	2021-05-25 Council
Kathy	Veinot	2021-05-15	2021-05-25 Council
Kyle	Pellegrini	2021-05-12	2021-05-25 Council
Lachlan	Riehl	2021-05-12	2021-05-25 Council
Laura	Stewart	2021-05-19	2021-05-25 Council
Lee	Billington	2021-05-12	2021-05-25 Council
Lee	Millett	2021-05-12	2021-05-25 Council
Lexie	Barkhouse	2021-05-12	2021-05-25 Council
Linda	Card	2021-05-11	2021-05-25 Council
Monique	Wood	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-18	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-12	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-17	2021-05-25 Council

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Olena	Kharytonova	2021-05-15	2021-05-25 Council
Pat	Porter	2021-05-12	2021-05-25 Council
Paula	Lake	2021-05-12	2021-05-25 Council
Robert	Bowkett	2021-05-18	2021-05-25 Council
Roslyn	MacDuff	2021-05-15	2021-05-25 Council
Ruth	Angevine	2021-05-13	2021-05-25 Council
Scotch Village	Farm	2021-05-19	2021-05-25 Council
Shirley	Pineo	2021-05-12	2021-05-25 Council
Stephen	Brooks	2021-05-12	2021-05-25 Council
Trudy	Sheehy	2021-05-17	2021-05-25 Council
Steven	Bouman	2021-05-17	2021-05-25 Council
Sue	Sheehy	2021-05-14	2021-05-25 Council
Susie	Smith	2021-05-12	2021-05-25 Council
Tasha	Rogers	2021-05-12	2021-05-25 Council
Tera	Brommit	2021-05-17	2021-05-25 Council
Toni-Lee	Burns	2021-05-12	2021-05-25 Council
Tony	Wood	2021-05-18	2021-05-25 Council
Tracey	Sexton	2021-05-16	2021-05-25 Council
Trevor	Levy	2021-05-12	2021-05-25 Council
Tricia	Brommit	2021-05-17	2021-05-25 Council
Vince & Sylvia	Burgess	2021-05-16	2021-05-25 Council
Loretta	MacEachern	2021-05-20	2021-05-25 Council
Tim & Jennifer	Bayers	2021-05-21	2021-05-25 Council
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darren	Porter (forwarded email from/to another source)	2021-05-27	2021-06-08 COTW
Dawn	Allen	2021-05-25	2021-06-08 COTW
John	Monette	2021-05-25	2021-06-08 COTW
Richard	Dunham	2021-05-25	2021-06-08 COTW
Carrilee	Eddy	2021-06-06	2021-06-22 Council
Darlene	Taylor	2021-06-09	2021-06-22 Council
Darren	Porter	2021-06-06	2021-06-22 Council
Lisa	Bland	2021-06-08	2021-06-22 Council
Krista & Scott	Lloy	2021-06-07	2021-06-22 Council
Nancy	Sheehy	2021-06-06	2021-06-22 Council
Karen	Beazley	2021-07-06	2021-07-13 COTW

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

[illegible]



July 12, 2022

His Worship Abraham Zebian
Mayor
West Hants Regional Municipality
c/o Deanna Snair

Dear Mayor Zebian:

Thank you for your correspondence of May 5, 2022, requesting that your previous correspondence of May 12, 2021, addressed to my predecessor, be withdrawn. You wrote regarding the Ministerial Order to improve fish passage on the Avon River.

I truly appreciate your response, and it is clear that the Municipality shares the commitment to reconciliation that the Government of Canada has made. Fisheries and Oceans Canada continues to work with the Province of Nova Scotia, the Mi'kmaq, and stakeholders to find a lasting solution for the Avon River that upholds the *Fisheries Act* and respects Aboriginal and Treaty rights. I invite your continued participation in this process and look forward to further discussions with the Municipality.

Thank you again for writing. I look forward to our continued collaboration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'J. Murray', with a long horizontal flourish extending to the right.

The Honourable Joyce Murray, P.C., M.P.

c.c.: Mr. Kody Blois, M.P.
Kings-Hants
The Honourable Steve Craig, M.L.A.
Nova Scotia's Minister of Fisheries and Aquaculture
Ms. Melissa Sheehy-Richard, M.L.A.
Hants West

Correspondence Received

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Katherine	Mcleod, P.Eng, Dept. Environment and climate change	2021-10-28 (Received)	2022-01-11 COTW
Hants County Legion		2021-11-25	2021-12-07 COTW
Hon. Melissa	Sheehy-Richard	2021-11-30	2021-12-07 COTW
Hon. John	Lohr	2021-11-30	2021-12-07 COTW
Hon. Kim	Masland	2021-12-01	2021-12-16 Council
NSUARB		2021-12-10	2021-12-16 Council
Bennet	Mary Lou	2021-12-13	2021-12-16 Council
Hon. Kim	Masland	2021-12-17	2022-01-11 COTW
Bland	Lisa	2021-01-17	2022-01-11-COTW
Wilson	John	2021-12-21	2022-01-11 COTW
Pineo	Shirley	2021-12-17	2022-01-11 COTW
Nelson	Gary	2022-01-11	2022-01-25 Council
Hon. Kody	Blois	2022-01-13	2022-01-25 Council
Denise	Forrand	2022-01-19	2022-01-25 Council
Dawn	Allen	2022-01-18	2022-01-25 Council
Sarah	Brothers	2022-01-19	2022-01-25 Council
Roland	Newcombe	2022-01-20	2022-01-25 Council
Valerie	Newcombe	2022-01-20	2022-01-25 Council
Andrea	Moore	2022-01-21	2022-01-25 Council
Gary	Nelson	2022-01-26	2022-02-08 COTW
Hon. Minister	Johns	2022-01-27	2022-02-08 COTW
Hon. John	Lohr	2022-02-01	2022-02-08 COTW
Hon. Joyce	Murray	2022-02-02	2022-02-08 COTW
Kim	MacQuarrie	2022-02-06	2022-02-22 Council
Sheldon	Hope	2022-02-08	2022-02-22 Council
Brad	Carrigan	2022-01-24	2022-03-08 COTW
Dr. Gordon	Haliburton	2022-02-14	2022-03-08 COTW
Hon. Kim	Masland	2022-03-01	2022-03-08 COTW
East Hants		2022-03-01	2022-03-08 COTW
Hon. John	Lohr	2022-03-22	2022-04-12 COTW
Andrea	Parker	2022-03-28	2022-04-12 COTW
Bulk Water Haulers		2022-03-30	2022-04-12 COTW
Mark	Wainman	2022-04-04	2022-04-12 COTW
Jeff	Houser	2022-03-23	2022-04-12 COTW
Kathrin	Winkler	2022-04-05	2022-04-12 COTW
Joseph, PVSC	Feeney	2022-04-14	2022-04-26 Council

Correspondence Received

[illegible]



July 12, 2022

His Worship Abraham Zebian
Mayor
West Hants Regional Municipality
c/o Deanna Snair

Dear Mayor Zebian:

Thank you for your correspondence of May 5, 2022, requesting that your previous correspondence of May 12, 2021, addressed to my predecessor, be withdrawn. You wrote regarding the Ministerial Order to improve fish passage on the Avon River.

I truly appreciate your response, and it is clear that the Municipality shares the commitment to reconciliation that the Government of Canada has made. Fisheries and Oceans Canada continues to work with the Province of Nova Scotia, the Mi'kmaq, and stakeholders to find a lasting solution for the Avon River that upholds the *Fisheries Act* and respects Aboriginal and Treaty rights. I invite your continued participation in this process and look forward to further discussions with the Municipality.

Thank you again for writing. I look forward to our continued collaboration.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'J. Murray', with a long horizontal stroke extending to the right.

The Honourable Joyce Murray, P.C., M.P.

c.c.: Mr. Kody Blois, M.P.
Kings-Hants
The Honourable Steve Craig, M.L.A.
Nova Scotia's Minister of Fisheries and Aquaculture
Ms. Melissa Sheehy-Richard, M.L.A.
Hants West

Deanna Snair

From: Diana Gibson
Sent: Wednesday, June 29, 2022 1:32 PM
To: WWH Council
Cc: Diana Gibson
Subject: Follow-Up: June 28th Council Meeting

Hi everyone,

There were a couple of questions that we were unable to answer last night at Council, and I wanted to provide you with those answers now that we have them.

Cost Associated with Fort Edward Properties

It was asked how much the Municipality has spent to date on the Fort Edward properties, I have done a review of all the archaeological assessments, appraisals, and geotechnical and retracement surveys that have been completed at this point and these costs come in at \$24,976. This figure does not include any staff time dedicated to the properties.

RCMP – Electric/Hybrid Vehicles

During the RCMP Multi-Year Budget Presentation, it was asked if there was a forecast of the RCMP moving toward electric or hybrid vehicles, unfortunately, Danielle was experiencing some technical issues with her microphone and was unable to provide an answer during the meeting, but she sent the following response via email this morning:

The paragraph below was what was included in the full MYFP document sent earlier this month. I can also share that within our administrative units at HQ, we have just replaced two vehicles with hybrid vehicles and will likely continue to replace more administrative vehicles with hybrids/electrics. Given the scope of federal government procurement processes, I assume police vehicles will likely take some time before they become available for purchase however, we are moving in that direction.

Greening of Fleet Assets:

The RCMP continues to make progress in supporting the Greening Government Strategy, a Government of Canada directive to achieve net-zero carbon and climate-resilient operations by 2050. This is also affecting the future of the National Safety and Security Fleet including the RCMP policing and administrative vehicles. The impact to the RCMP is being assessed through a study to inform the feasibility of implementing this strategy across all geographical locations. This may impact fleet sustainment costs as well as the requirement for charging infrastructure. More information will be provided as information becomes available.

Sincerely,

Diana

Deanna Snair

From: Abraham Zebian
Sent: Wednesday, July 20, 2022 10:39 AM
To: Deanna Snair
Subject: Fwd: Response to your email dated June 30, 2022

Correspondence

Mayor Abraham Zebian
West Hants Regional Municipality
76 Morrison Drive
Windsor NS
B0N 2T0
902-790-1566

Begin forwarded message:

From: Acute Care
Date: July 20, 2022 at 9:38:28 AM ADT
To: "AZebian@westhants.ca" <AZebian@westhants.ca>
Cc: "MacDougall, Brett", "Purcell, Angela L"

Subject: Response to your email dated June 30, 2022

Caution

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Dear Abraham Zebian:

Thank you for your letter dated June 30, 2022, regarding the planned emergency department (ED) closures at Hants Community Hospital. As Senior Executive Director, the Premier has asked me to respond on his behalf.

I can understand the importance of this hospital to the surrounding communities and how the ED closures would be concerning, and I appreciate Council's suggestions for keeping the ED open and increasing access to primary care - I have shared with my colleagues within Nova Scotia Health as well as within Physician Services (responsible for physician accountability and payment).

Unfortunately, with increased COVID-19 inpatient demand and staffing shortages, temporary closures of EDs in rural hospitals like Hants Community Hospital continue to occur; however, we are working hard to keep our hospital EDs open.

Healthcare provider recruitment and retention and timely access to health care are top priorities for this government and are part of our [Action for Health](#) plan. The Office of Healthcare Professional Recruitment, created in the fall, continues to work on recruitment and retention of nurses and doctors to ensure our facilities are staffed appropriately and can stay open. In March 2022, a recruitment campaign was launched to bring more doctors home to Nova Scotia. Doctors who go to the Come Home to Nova Scotia website and say they want to work in the province will be contacted by a recruitment specialist within 24 hours. Those who qualify could receive a conditional offer of employment within 10 business days.

To find out when the ED is closed, updated hours will be posted online [Temporary service and facility closure notices from Nova Scotia Health](#) and on signs outside of the hospital. People can also call the hospital's switchboard, 902-625-3100, to see if the emergency department is open.

We are making progress, but the overall impact of these efforts will take time.

Thank you for your sharing your concerns.

Sincerely,

Tanya Penney

RN ENC(C) CBB BScN MPA(M) EXTRA Fellow
Senior Executive Director, Clinical Portfolio

Fort Edward Lands Correspondence

First Name	Last Name	Correspondence	Meeting/Logged
Theresa	Newcombe	11/23/2021	2022-03-22 Council
Gary	Nelson	12/17/2021	2022-01-11 COTW
Lisa	Bland	12/17/2021	2022-01-11 COTW
John	Wilson	12/21/2021	2022-01-11 COTW
Gary	Nelson	1/11/2022	2022-01-25 Council
Andrea	Moore	1/21/2022	2022-01-25 Council
Valerie	Newcombe	1/21/2022	2022-03-22 Council
Gary	Nelson	1/26/2022	2022-02-08 COTW
Sara	Brothers	1/19/2022	2022-01-25 Council
Dawn	Allen	1/17/2022	2022-01-25 Council
Marty	Fougarty	2/5/2022	2022-03-22 Council
Dr. Gordon	Haliburton	2/14/2022	2022-03-08 COTW
Theresa	Newcombe	3/11/2022	2022-03-22 Council
Marie	Claude-Roiux	3/9/2022	2022-03-22 Council
Barbara	Gallagher	No Date	2022-03-22 Council
Roland	Newcombe	1/20/2022	2022-01-25 Council
Liz	Galbraith	12/16/2021	2021-12-16 COTW
Mary Lou	Bennet	12/13/2021	2021-12-16 COTW
Jean	Scotney	2/25/2022	2022-03-22 Council
Denise	Forand	3/16/2022	2022-03-22 Council
Jonathan Fowler	Fowler	3/13/2022	2022-03-22 Council
Heather	Pick	3/17/2022	2022-03-22 Council
Wanda	Donelle	2/22/2022	2022-04-12 COTW
Teresa	Newcombe	3/22/2022	2022-04-12 COTW
Patti	Quinn	3/22/2022	2022-4-12 COTW
Martin	Theberge	4/6/2022	2022-04-12 COTW
Rene	Cormier	4/12/2022	2022-04-26 Council
Daphnee	de Lamirande	4/29/2022	2022-05-12 COTW
Carol	Bradley	6/23/2022	2022-06-28 Council
Ruth	Angevine	6/24/2022	2022-06-28 Council
Denise	Forand	6/28/2022	2022-06-26 Council
Marie	Claude-Roiux	6/28/2022	2022-07-12 COTW

Combined Overflow System Correspondence

First Name	Last Name	Date Received	Meeting/Logged
Katherine	MacLeod	10/27/2021	2022-01-11 COTW
Katherine	MacLeod	10/28/2021	2022-01-11 COTW
Carrilee	Eddy	3/13/2022	2022-03-22 Council
Anna	DeNicola	3/12/2022	2022-03-22 Council
Darren	Porter	3/13/2022	2022-03-22 Council
Ellen	Hart	3/13/2022	2022-03-22 Council
Jennifer	Davidson	3/13/2022	2022-03-22 Council
Felicia	McNeil	3/14/2022	2022-03-22 Council
Darren	Porter	3/15/2022	2022-03-22 Council
Susie	Smith	3/15/2022	2022-03-22 Council
Carol	Bradley	3/17/2022	2022-03-22 Council
Felicia	McNeil	3/21/2022	2022-04-12 COTW
Felicia	McNeil	4/11/2022	2022-04-26 Council

Correspondence Sent

[illegible]



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councilor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
John Ogilvie, Climate Action Coordinator

Date: July 26, 2022

Subject: Information Report: Property Assessed Clean Energy (PACE) Program Application

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 81(A)

RECOMMENDATION

That Council approve the joint application to the Federation of Canadian Municipalities' (FCM) Community Efficiency Financing (CEF) Program to assist with funding a Property Assessed Clean Energy (PACE) program.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☒	Social ☒	Economic ☒	Councilor Activity ☐
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Staff of WHRM and Kentville had a meeting on July 13, 2022 with Julian Boyle, President of PACE Atlantic, to discuss progress on a joint application to the Federation of Canadian Municipalities' (FCM) Community Efficiency Financing (CEF) Program to assist with funding a PACE program. Julian Boyle and Brennan Kilfoil led the meeting and are facilitating the application on behalf of the two municipal units. The application will be prepared by PACE Atlantic and scheduled for submission by the end of July.

DISCUSSION

The WHRM Greenhouse Gas Emissions Local Action Plan (2021) which was adopted by Council outlines Action 5.6 to “explore options on PACE programming”.

On February 22, 2022, Council approved the following motion:

Council allocate \$10,000.00 in the 2022/23 operating budget to support the joint costs to submit an application with neighboring municipalities and PACE Atlantic, to the FCM (Federation of Canadian Municipalities), under the Community Efficiency Financing Program, for funding to develop and carry out a PACE (Property Assessed Clean Energy) Program.

Further,

It is understood by Council that the PACE Program submitted under the application will be reviewed by Council prior to it being submitted to the FCM for Councils’ approval.

A joint application with the Town of Kentville is being prepared for the Federation of Canadian Municipalities’ funding program. This funding will help support a detailed study into the feasibility of a PACE program within West Hants Regional Municipality and the Town of Kentville; PACE Atlantic is preparing the application on behalf of the two municipal units.

The PACE program would be administered by PACE Atlantic on behalf of the Municipality, with interested residents/applicants being loaned money for efficiency and/or clean energy upgrades. The no-interest loan would then be paid back over a pre-determined time period, allowing applicants to amortize the cost of their upgrades. Staff and the Municipal Climate Change Action Plan (MCCAP) Committee will be involved in the program design and administration.

Julian Boyle of PACE Atlantic has provided information on what the program design and administration may look like below:

The program would build upon the success of Wolfville’s PACE program which is also administered by PACE Atlantic, along with programs in Colchester and Prince Edward Island. Like the Wolfville program, the goal would be to operate under a “user pay” model that does not cost the municipality. The West Hants PACE program would address goals within the West Hants 2021 GHG Emissions Local Action Plan to reduce emissions in the residential and potentially commercial building sectors – which are the first and third largest sources of emissions.

The FCM CEF program could provide a grant of up to \$175,000 to support detailed program design, financing, and legal and financial supports and due diligence needed to launch a program. Other activities to be supported by the FCM CEF grant include community engagement and program marketing – which will stress the economic and environmental

benefits of energy efficiency. By working with the Town of Kentville, the program can be launched with the \$10,000 already committed by WHRM in February 2022.

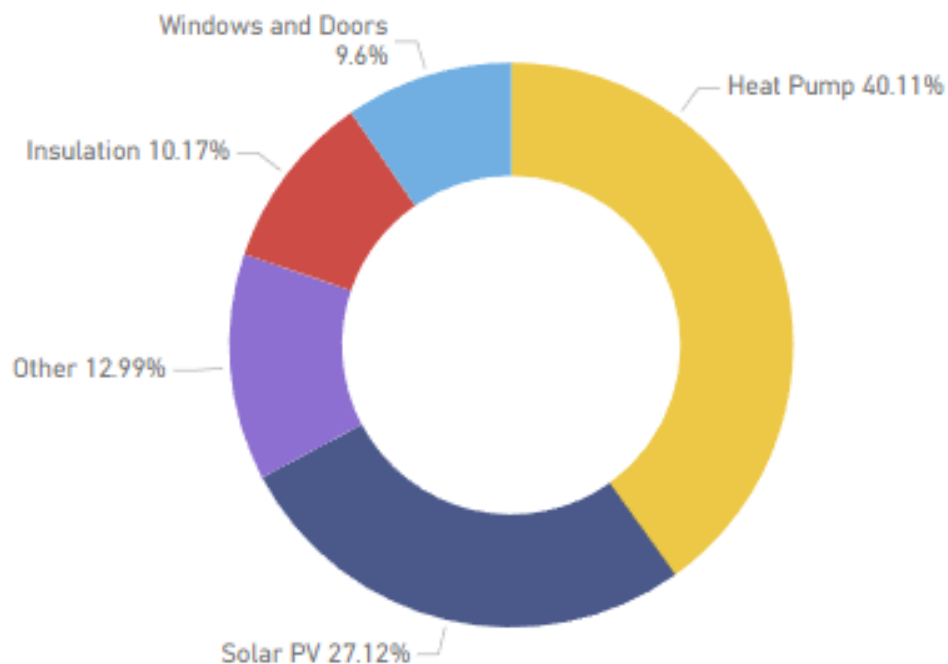


Figure 1: Projected project types in West Hants

Figure 1 above portrays what PACE Atlantic believes will be the most common types of projects in WHRM, through a PACE program. This does not describe all projects/activities that a PACE program can include in WHRM, that list will be created during detailed program design with direction from MCCAP.

Forecasted Annual Program Activity:

Home energy retrofits: 200-250

GHG Reductions: 30-50%

> 1,000 tons

> \$4M investments

Average project cost: \$16,000

>\$600,000 savings in community energy

The goals of the PACE program would be to:

1. Operate on a sustainable financing platform that is at no direct cost to the municipality
2. Achieve scale in programming in 250+ home retrofits per year that reduce GHG emissions by >50%
3. Encourage local economic development and opportunities for businesses in energy efficiency and renewable energy.

NEXT STEPS

1. Creation of the application and PACE Program (estimated 3-month process/submission in July)
2. Approval of the PACE Program/Application by Council
3. Application submitted to FCM (July)
4. FCM review of application (estimated 6-to-8-month review and evaluation period)
 - a. Establish a Municipal by-law as per the MGA Section 81(A)
5. Spring 2023 – WHRM PACE Program Launch

FINANCIAL IMPLICATIONS

Sources of Funding:

WHRM	\$10,000
Kentville	\$10,000
FCM	<u>\$175,000</u>
	\$195,000
In-kind (staff time)	\$12,500

ALTERNATIVES

1. WHRM considers funding a PACE program in-house or from other sources
2. WHRM decides to not participate in this PACE program application

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report outlines the known details of the PACE Program currently. The report further follows up on the past motion of Council to inform and seek Council's approval before proceeding.

I support the recommendation.

Report Prepared by: _____
John Ogilvie, Climate Action Coordinator

Report Reviewed by: _____
Sara Poirier, Senior Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer