



West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY
Planning and Heritage Advisory Committee (PAC/HAC) Agenda
December 2, 2021 – 6:00pm
Zoom

- 1.0 Call to Order and Attendance**
- 2.0 Announcements**
- 3.0 Approval of Agenda and Additions**
- 4.0 Declaration of Conflict of Interest**
- 5.0 Approval of Minutes**
- 6.0 Business Arising from the Minutes**
 - 6.1 Infrastructure Charges
 - 6.2 Agricultural Buffers: Bruce Wright, Federation of Agriculture
 - 6.3 Update: Update: File # 20-25 Fairfield Court Development Agreement (Alex Dunphy)
 - 6.4 Update: File # 21-04 College Road MPS and LUB Amendments (Sara Poirier)
 - 6.5 Update: File # 21-14 O'Brien Street Development Agreement and Discharge (Sara Poirier)
 - 6.6 Update: File # 21-09 Payzant Drive, PIDs 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775 Windsor LUB Amendment (Sara Poirier)
 - 6.7 Update: File # 21-12 West Hants LUB Amendments: Hwy 14, Vaughan PID 45288750 (Sara Poirier)
 - 6.8 Update: Civic Addressing By-law Amendment (Madelyn LeMay)
 - 6.9 Update: File # 21-11 Windsor LUB Amendments: Farm Markets in the Fairground (FG) Zone (Madelyn LeMay)
 - 6.10 CDDI By-law (Sara Poirier)
 - 6.11 Dog Parks and Skate Parks (Sara Poirier)
- 7.0 Building and Development Activity Reports (October and November)**
- 8.0 New Business**

- 8.1 File # 21-15 65 Ft. Edward St., Windsor PID 45059797; Request to amend the designation from Community Use to Residential and the Zone from Open Space (OS) to Two-Unit Residential (R-2) (Alex Dunphy)
- 8.2 File # 21-03 294 Falmouth Back Road Heritage Designation (Sara Poirier)
- 9.0 Notices from Adjacent Municipal Units**
- 10.0 Questions and Comments from the Public**
- 11.0 Next Meeting Date / Adjournment**



West Hants

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input type="checkbox"/>	Decision Request X	Councillor Activity <input type="checkbox"/>
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To: Planning and Heritage Advisory Committee (PAC/HAC)

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

Date: December 2, 2021

Subject: Buffers: Additional Material

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) 274

2.0 BACKGROUND

PAC/HAC discussed the first part of a report regarding Buffer Strips and Riparian Buffers at the October 14, 2021, PAC/HAC meeting. PAC/HAC requested some discussion with the Federation of Agriculture regarding buffer strips and requested a change in the proposed definition.

3.0 DISCUSSION

3.1 Buffer Strips

The material revised following the October meeting is attached (Appendix A). I anticipate further changes following the December 2 PAC/HAC meeting, but this material should provide a place to begin.

Bruce Wright, Federation of Agriculture, will provide information at the December 2, 2021 meeting.

3.2 Riparian Buffers

Material on Riparian Buffers is in the October 14, 2021 report and will be discussed at the December meeting.

APPENDIX A

MPS and LUB Material Regarding Buffer Strips

MPS

Background

When a new commercial, industrial or agricultural use is proposed for an area abutting an existing residential or institutional use, the neighbour in the residential or institutional use often worries about the impact on their use. Will the new use be unpleasant to look at? Noisy? Have a lot of traffic coming and going? Often residential owners complain about noise, odor and dust from a commercial, industrial or agricultural use. Council will address these concerns by requiring the new development to develop and maintain a “buffer strip” on its property.

Policy

As a result it shall be the policy of Council to:

- z.1 require new commercial, industrial or agricultural developments and some new residential developments to develop and maintain a buffer strip on the same lot as established in the LUB;
- z.2 not require a buffer strip:
 - (i) along the street frontage of a lot;
 - (ii) on a lot that is being developed within 500 ft. of existing development with frontage on the same street which was not required to provide a buffer to the abutting designation or use.
- z.3 define major and minor buffer strips and distinguish where they are to be used, depending on the type and location of the development;
- z.4 require all buffer strips to be developed in a manner which creates a reasonably dense or opaque screen sufficient to buffer the abutting development from the new use; and
- z.5 permit walkways or permitted driveways to cross buffer strips.

LUB

Revised LUB Definitions

Buffer Strip means a strip of land:

- (a) Major Buffer: a minimum of 20 ft. wide abutting a lot line and containing:
 - (i) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of 2 in. measured at 4.5 ft. above the surrounding grade and a minimum height of five (5) ft.;

- (ii) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity;
 - (iii) a berm which is a minimum of six (6) ft. in height to buffer the abutting property;
or
 - (iv) a wall or an opaque fence which is a minimum of five (5) ft. in height and of sufficient height to provide a visual buffer to the abutting property; or
- or any combination of the above, all arranged to form a dense or opaque screen; or
- (b) Minor Buffer: a minimum of ten (10) ft. wide abutting a lot line and containing:
- (i) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of two (2) in. measured at four-and-one half (4.5) ft. above the surrounding grade and a minimum height of 5 ft.;
 - (ii) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity; or
 - (iii) a wall or an opaque fence which is a minimum of five (5) ft. in height and of sufficient height to provide a visual buffer to the abutting property.

Land Use By-law Material

The following chart would be placed in the LUB:

Development- (Developer Provides the Buffer)	Designation	Zone	Abuts	Requires
Industrial	Industrial	Any	<ul style="list-style-type: none"> • any designation other than commercial or industrial designation • agricultural ???? PAC/HAC discussion point 	Major
Commercial	Commercial	Any	<ul style="list-style-type: none"> • any designation other than commercial or industrial • agricultural zone 	Major
Agricultural	Agricultural	Any	<ul style="list-style-type: none"> • any designation other than agriculture or industrial 	Major
Residential as Main Use	Industrial, Commercial Agricultural Residential		<ul style="list-style-type: none"> • any designation other than residential 	Major
PLUS				

Industrial Commercial Agricultural	ANY	ANY	<ul style="list-style-type: none">any existing residential or institutional use within the same designation as the new development	Minor
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WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: December 2nd, 2021

Subject: Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File# 21-15

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

... that PAC recommends that Council give First Reading and hold a Public Hearing to consider redesignating from Community Use to Residential and concurrently rezoning from Open Space (OS) to Two Unit Residential the lot identified as PID 45059797, 65 Fort Edward Street, Windsor.

BACKGROUND

A completed application was received from the Chief Administrative Officer, Mark Phillips, on September 28th, 2021, following a motion passed by Council directing him to submit an application to the Planning and Development Department for the redesignation and rezoning of 65 Fort Edward Street. The application was made to redesignate the lot from Community Use to Residential and rezone the lot from Open Space (OS) to Two Unit Residential (R-2) at the lot identified as PID 45059797, 65 Fort Edward Street, Windsor.

Previous Uses

The property was originally sold to the Town of Windsor in 1967 by Parks Canada as it had no further use for the land. It was then developed as pool site, then later transitioned to and is currently a vacant gravel lot utilized as municipal parking.

It should be noted that the subject lot is not a part of the Fort Edward National Historic Site. The designated historic site is owned by Parks Canada, while the subject lot is owned by West Hants Regional Municipality and is located wholly outside of the National Historic Site.

Previous Council Discussions

There have been many discussions regarding the intended development of this property over the last 14 years. This property has been of special interest to the West Hants Historical Society due to the proximity to the Fort Edward National Historic Site. Research for previous discussions and motions of the former Town of Windsor Council are ongoing.

DISCUSSION

The property is currently designated Community Use on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS) (Figure 1). This designation is generally applied to institutional, recreational, and open space uses.

The property is currently zoned Open Space (OS) on Schedule A of the Windsor Land Use By-law (WLUB) (Figure 2). Permitted uses in this zone consist of cemeteries, museums, historic sites, outdoor recreation, parks, and playgrounds.

Council’s motion to apply for a redesignation and concurrent rezoning will be considered through a set of enabling policies and a set of supporting policies. The enabling policies, which will be used to substantiate the ability for Council to redesignation and concurrent rezoning, consist of Policy 16.1.1 and Policy 16.3.1. The supporting policies, which will be examined as part of the criteria for the redesignation and rezoning, consist of Policy 11.0.1 and Policy 11.2.1.

Surrounding Neighbourhood

The subject lot directly abuts lots zoned Open Space (OS) to the northeast and southeast, Town Centre (TC) to the northwest, and Two Unit Residential (R-2) to the southwest.

Table 1: Use Abutting Subject Lot by Direction

Northeast & Southeast	Fort Edward National Historic Site zoned Open Space (OS).
Northwest	Single unit dwellings all zoned Town Centre (TC).
Southwest	Vacant gravel lot currently being used as parking zoned Two Unit Residential (R-2).

Proposed Designation and Zone

The intention of the application is to redesignate and rezone the subject property to allow for potential residential uses consisting of single or two-unit dwellings as of right or a greater number of units by development agreement.

Fort Edward Street is a local road which leads from King Street Extension and to the Fort Edward National Historic Site, as shown on the Transportation Map (Map 2) of the WMPS. The Municipal

Traffic Authority stated that there are many similar dwelling units in the area and they had no concerns in regard to the movement of auto, rail, and pedestrian traffic.

The Development Officer has no concerns about the proposed rezoning of this property as there are several existing Two Unit Residential (R-2) properties in close proximity and the property meets the minimum zone requirements in the WLUB. As there is existing Two Unit Residential (R-2) development in the area, as-of-right development should have little impact on the existing development.

Public Information Meeting Comments

Prior to and following the Public Information Meeting, staff have received many emails, phone calls, and letters. Staff responded to the comments received prior to the Public Information Meeting at the meeting, as seen on the final page of Attachment C – Public Information Meeting Notes. The comments in opposition to the redesignation and rezoning were primarily regarding losing access to this piece of property as public land and the lost opportunity for tourism or heritage use. The comments in favour of the redesignation and rezoning cited interest in seeing residential development on the property.

DOCUMENT REVIEW

Municipal Planning Strategy

There are two sets of policies in the WMPS that apply to this proposed amendment, the enabling policies (Policy 16.1.1 and 16.3.1) and the supporting policies (Policy 11.0.1 and 11.2.1).

The enabling policies provide the ability for the amendment to take place and the criteria that the amendment must meet.

Policy 16.1.1 allows Council to review and amend the WMPS or GFLUM. Amendments can be made when the GFLUM needs to be changed to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary due to a change in policy intentions or development environment. The proposed amendment would provide an opportunity for further residential development within Windsor, which in the current housing climate is necessary to not worsen the housing shortage. The amendment also addresses the Statement of Provincial Interest regarding housing by enabling additional residential development.

Policy 16.3.1 establishes the general criteria that all amendments must meet. The criteria will be explained in further detail in Attachment A, but in summary of how the proposal meets the criteria:

- the proposal is not considered premature or inappropriate
- no Municipal costs related to the proposal are anticipated
- the Fire Chief, Development Officer, Senior Building and Fire Official, Director of Public Works and Traffic Authority have no major concerns

The supporting policies provide justification for the amendment by comparing the current designation and zone definition to the use and intent of the property.

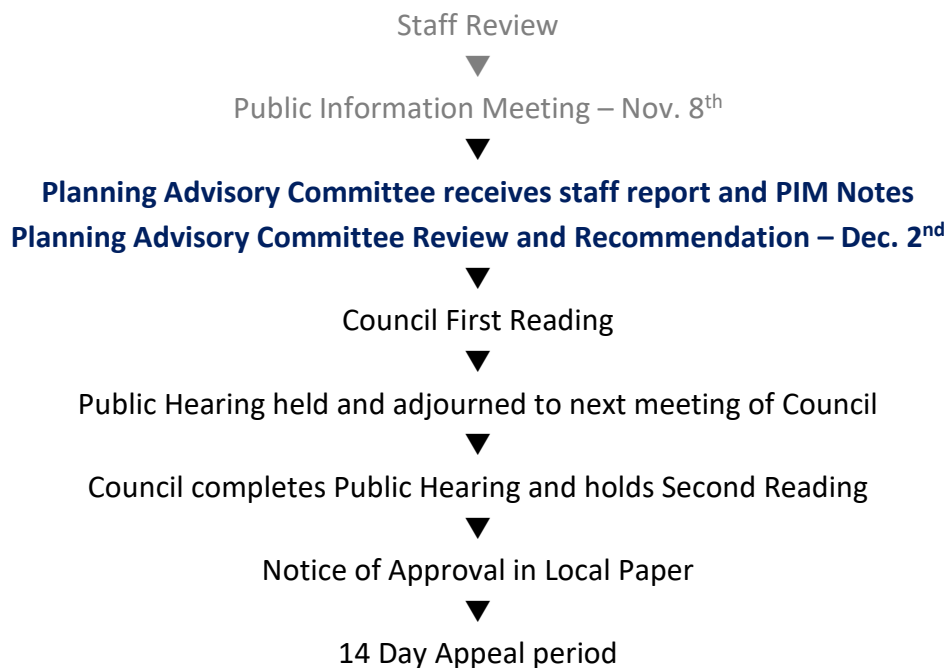
Policy 11.0.1 establishes the Community Use designation, which is the current designation of this property. As the property is currently a vacant gravel lot used for parking, it does not reflect the intent of the Community Use designation.

Policy 11.2.1 establishes the Open Space (OS) zone, which is the current zone of the property. The property is currently a vacant gravel lot used for parking, not a use for which the Open Space (OS) zone is intended.

NEXT STEPS

The proposed amendments have been considered based on both the enabling and supporting policies of the WMPS and have proven consistent with the intent, objectives, and policies of WMPS. As a result, it is reasonable to consider redesignating from Community Use to Residential and concurrently rezoning from Open Space (OS) to Two Unit Residential (R-2) at 65 Fort Edward Street, Windsor (PID 45059797).

Process



FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality associated with this development.

ALTERNATIVES

In response to the application, PAC may:

- recommend that Council hold a First Reading and authorize a Public Hearing to approve the redesignation and concurrent rezoning; or
- provide alternative direction such as requesting further information on a specific topic

ATTACHMENTS

Figure 1	Windsor GFLUM Extract: Current Designation
Figure 2	Windsor GFLUM Extract: Proposed Designation
Figure 3	Windsor Zoning Map Extract: Current Zone
Figure 4	Windsor Zoning Map Extract: Proposed Zone
Attachment A	Policy Chart for Redesignation and Rezoning
Attachment B	Public Information Meeting Notes

Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – Windsor GFLUM Extract: Current Designation



Figure 2 – Windsor GFLUM Extract: Proposed Designation



Figure 3 – Windsor Zoning Map Extract: Current Zone

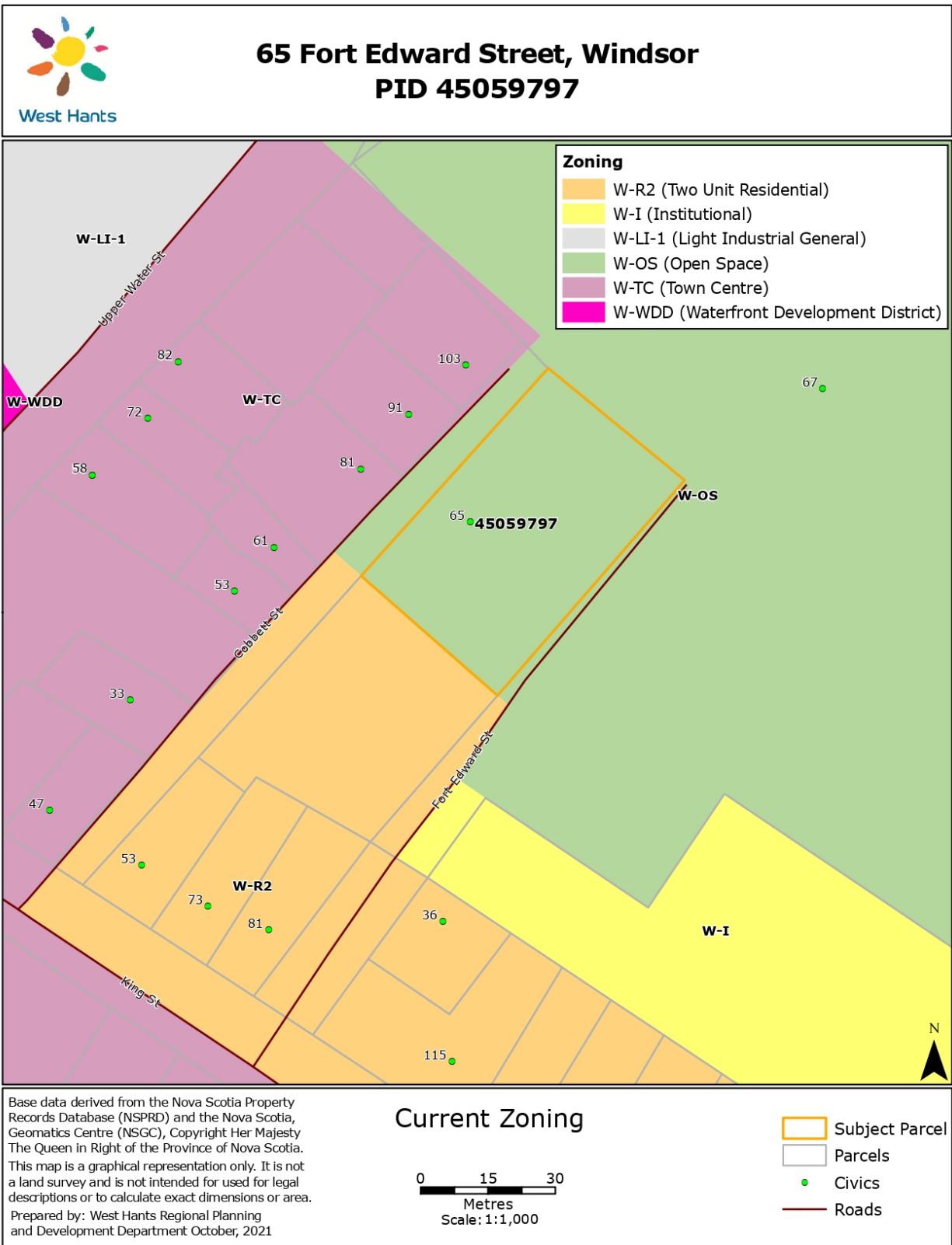
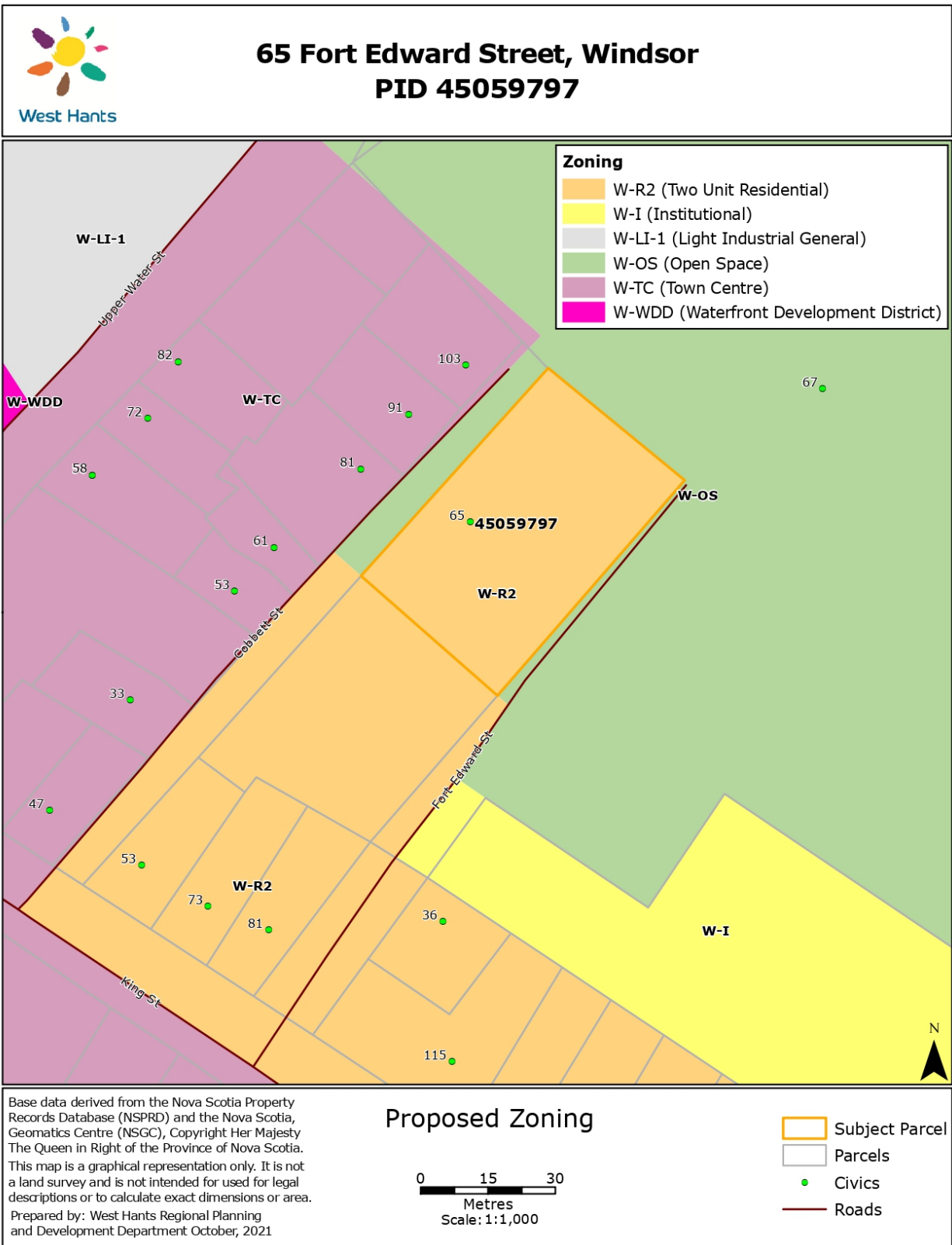


Figure 4 – Windsor Zoning Map Extract: Proposed Zone



Attachment A – Policy Summary

Enabling Policy

<p>Policy 16.1.1 It shall be the policy of Council to review and make amendments to this Strategy:</p>	
(a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);	The GFLUM will need to be updated if a redesignation is permitted by Council.
(b) to bring the Strategy in line with Provincial Statements of Interest; or	The redesignation would address the Statement of Provincial Interest with regard to Housing.
(c) when Council deems it necessary because of a change in policy intentions or the development environment.	Council has deemed this property as surplus and has given direction to the CAO to apply for the proposed changes..

<p>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:</p>	
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Director of Public Works commented that the property is capable of being serviced with water and sewer from Cobbett Street and would be adequate for uses associated with the amendment.
(ii) the adequacy of school facilities;	There are a number of schools within the area including an elementary school, two high schools, and an adult education centre.
(iii) the adequacy of fire protection;	The local Fire Chief and Manager of Building and Fire Inspection Services commented that there are no concerns regarding fire protection. There are multiple points of access to firefighting infrastructure and is located close to the Fire Hall.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Traffic Authority commented that the road networks around or adjacent to the property are sufficient for uses associated with the amendment. The property has access to both Fort Edward Street and Cobbett Street

(v) the financial capacity of the Town 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 Traffic Authority commented that they do not have any concerns regarding movement.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that the lot has adequate area and frontage to meet the requirements of the Two Unit Residential (R-2) zone.
(d) the pattern of development which the proposal might create;	There are several properties zoned Two Unit Residential (R-2) near the site. The Development Officer commented that as-of-right development should have little impact on the nearby development.
(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;	The property is on a sloped grade, so water runoff may occur; however the property has been landscaped to be suitable for development. The property is also not within the Environmental Constraints layer on the Windsor Zoning Map (Schedule A of WLUB).
(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.	All relevant matters have been addressed in this report.

Supporting Policy

<p>Policy 11.0.1 It shall be the policy of Council to establish a Community Use designation as shown on the Generalized Future Land Use Map (Map 1) to be applied to existing institutional uses, municipal recreation uses and open space areas.</p>	<p>Following the demolition of the former pool site, the use of the property as a vacant gravel lot does not match the intention of the Community Use designation. During the previous request for Expressions of Interest, the only proposal received was for a residential development.</p>
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Policy 11.2.1

It is the intention of Council to establish an Open Space (OS) zone which applies to parks and other outdoor recreation uses, cemeteries, historic sites and similar uses. Generally, open space uses do not involve main buildings, but the zone may also be applied to certain institutional uses, such as museums, which are located on large parcels of land used as parkland.

Following the demolition of the former pool site, the use of the property as a vacant gravel lot does not match the intention of the Open Space (OS) zone. The property is not currently being utilized to the best of its ability.

ATTACHEMENT B
Public Information Meeting Notes
November 8, 2021- November 23, 2021
File 21-15
65 Fort Edward Street, PID # 45059797

Meeting date and time	A public information meeting was held on November 8, 2021 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	21-15
Attending	<p>The PIM was held prior to the regular PAC/JAC meeting. As a result, the following members of PAC/HAC and staff were present:</p> <p>Councillor Jim Ivey Councillor Rupert Jannasch Councillor Mark McLean Councillor Debbie Francis Councillor John Smith Bill Preston Jane Davis Shelley Bibby Jennifer Nicholls Lisa Bland Jamie O’Hanlon</p> <p>Staff: Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner Vanessa Lake, Meeting Secretary</p> <p>Applicant: Mark Phillips, CAO</p> <p>As this meeting was held virtually there were no members of the public present.</p>
Applicant Mark Phillips, CAO	Mr. Dunphy outlined the application for a redesignation and concurrent rezoning at PID 45059797.
WHRM	A presentation was not made by the applicant.
Comments	<p>Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between November 8 – November 23, 2021.</p> <p>Two (2) letters were received, one (1) which requested priority consideration for a period of nine (9) months for the West Hants Historical Society to create a project plan and one (1) which was opposed to the redesignation due to the potential for public land to be developed with heritage and sustainability in mind.</p> <p>Four (4) emails were received, one (1) was in favour of the redesignation to provide additional housing possibilities, and three (3) were opposed to the redesignation based on proximity to the</p>

	<p>National Historic Site, elevation of the property, availability of parking, and potential community use.</p> <p>Four (4) Phone calls were received, with three (3) of the calls prior to the Public Information Meeting. Three (3) of the calls were opposed to the sale or development of the property, citing concerns regarding former Town Council decisions, the quality of development, and sale of the land without public consultation. One (1) call was in favour of the redesignation and was interested in developing the property as housing.</p>
Adjournment	The presentation portion of the PIM ended at approximately 6:10 p.m.

ATTACHMENT A

PIM Submissions: 65 Fort Edward Street

Received: October 28th – November 8th, 2021 (Prior to PIM) & November 9th – November 23rd, 2021

Compiled: November 24th, 2021

Letter

November 16, 2021

Shirley Pineo
President
West Hants Historical Society

281 King Street, Windsor, NS B0N 2T0
Mayor and Councillors of West Hants Council
Chair and Members of West Hants Planning Committee
76 Morison Dr, Windsor, NS B0N 2T0

Dear Mayor, Councillors and Planning Committee Members:

Thank you for considering this letter in the request by Council for development proposals regarding two municipal plots, PIDs 45059797 and 45059805, which abut the western edge of the Fort Edward National Historic Site in Windsor, West Hants, Nova Scotia.

Importance of Fort Edward

101 years ago, in 1920, Parks Canada declared Fort Edward a National Historic Site because of its role in the struggle for predominance in North America from 1750 to the war of 1812. However, the Fort and its location have importance much beyond its above noted role.

Fort Edward is intertwined in every major occurrence and the day-to-day life of our region since before recorded history. For centuries, the Mi'kmaq people knew this place as an ideal area for hunting and fishing. In the 1600s, the Acadians had a chapel on the grounds that became Fort Edward in 1770. Shortly thereafter, in 1755, over 1,000 Acadians were wrongfully deported from the region and an influx of American Planters ensued.

The longest running agricultural fair in North America began over 250 years ago at Fort Edward, and during World War I, the first Prime Minister of the State of Israel trained for military service at the Fort. Today, the

sole remaining built structure of Fort Edward is its blockhouse, prefabricated defense post that is now oldest and longest serving structure of its kind in North America.

Fort Edward National Historic Site is a landmark like none other, having borne witness to and played a crucial role in our collective histories, reminding us of who we are and how far we have come as a community.

West Hants Historical Society

Since the late 1990s, Parks Canada has contracted the West Hants Historical Society to facilitate the visitor experience offered at Fort Edward and contribute valuable input in the overall management of the Site. For its part, Parks Canada oversees the strategic operations of Fort Edward in context to the Fort's relationship with other Parks Canada historic sites throughout Southwest Nova Scotia.

There have been many discussions over the years as to how Fort Edward should be enhanced as a tourism destination, a recreation space, a learning tool to convey historic perspectives and potentially as a contributor to the local economy. The strict archaeological constraints of the Site itself, however, restrict development to take place, meaning that any sort of building or structure to support the Site would need to be placed off the Site on adjacent land not currently managed by Parks Canada.

When Windsor's Centennial Pool (PID 45059805) was decommissioned in 2006 it represented the first opportunity for the Society since entering its contract with Parks Canada to expand the Site's offering beyond its designated borders. Discussions were held with Town staff regarding use of pool's administration building so Site visitors and staff could access the public washrooms, with the remaining space used for artifact displays and minor retail, however, access was not granted.

Later, in 2010, the West Hants Historical Society formally requested Windsor Town Council to entertain development propositions for the above-named properties adjacent to the Fort Edward Site only if the developments were to be sensitive to and supportive of the Historic Site. The request was in response to an expression of interest submitted to Council from a developer proposing high value residential units that would be available for young professionals to rent. After the Society's request, the residential development proposal did not proceed.

In 2016, Parks Canada released its [10-year National Historic Sites of Southwest Nova Scotia Management Plan](#). This document provides a wealth of data in which to aid Parks Canada and stakeholder communities throughout the region to effectively leverage important sites like Fort Edward as destinations at which community members and visitors alike can learn, connect, reconcile, build bonds, share histories, tell our stories, and bridge our differences toward creating a society that is more aware, inclusive, and productive.

As local custodians of the Fort Edward Site, and on behalf of members of the Society, stakeholder groups and area residents who wish to see the Fort Edward National Historic Site play a more relevant role in education, economic development, and facilitating reconciliation within our community, the **West Hants Historical Society proposes to lead a multi-stakeholder, collaborative plan to provide a built structure on the surplus parcels (PID #s 45059797 and 45059805).**

Based on feedback we have received from visitors and community members alike dating back several years, along with initial interest of involvement from stakeholder groups we have approached thus far, we are confident we can deliver to Council a progressive development plan to create a built structure that adds economic value and diverse interest to the existing Site as well as provides a designated space for visitors and community members to gather, learn, enjoy, and reflect.

We therefore request the Municipality of West Hants to **grant the West Hants Historical Society priority consideration for a period of nine months so the Society, its partners, and community stakeholder**

representatives may collaborate on a multi-use, built project plan toward creating a centre that provides for historical and cultural interpretation, commerce, amenities, and public gatherings upon PID plots 45059797 and 45059805.

Signed respectfully,
Shirley Pineo
President
West Hants Historical Society

c.c.

- Kody Blois, MP for Kings Hants
- Melissa Sheehy Richard, MLA for Hants West
- Glooscap Ventures, Glooscap First Nations
- Ted Dolan,, Superintendent, Parks Canada
- Sharmay Beals-Wentzell, Coordinator, West Hants Historical Society Diversity Committee
- Sara Beanlands, Historian, Royal Nova Scotia Historical Society
- Jonathan Fowler, Archeologist, Archaeology in Acadie
- Adrienne Wood and Ashley Wood, Chairs, Windsor Township Business Association
- Lisa Hines, Manager, Windsor Agricultural Society
- 84th Regiment of Foot
- WHHS Facebook page

November 23, 2021

From: Teresa Newcomb
To: Alex Dunphy, Planner
C/C Abraham Zebian
Windsor West Hants

Re: 65 Ft. Edward St
PID 45059797

Request to Redesignate to Residential, Concurrent Rezoning to Two Unit Residential (R-2) zone

See attached letter

Emails

From: Kelly McGregor
Sent: November 1, 2021 11:38 AM
To: Alexander Dunphy <ADunphy@westhants.ca>
Subject: Feedback 65 Fort Edward Street

Hello,
I would like to give feedback on the change of use for the 65 Fort Edward Street.

We would like to strongly support this project. We feel that any additional housing stock is absolutely necessary at this time.

We were contacted because the Portal owns a property in the vicinity.

Regards,
Kelly McGregor

From: Andrea Moore
Sent: November 3, 2021 12:38 PM
To: Alexander Dunphy ADunphy@westhants.ca
Subject: 65 Fort Edward St meeting

Hi Alex,

I would like to virtually attend the meeting about 65 Fort Edward Street.

I also have 3 questions.

1. This property and adjacent 36 Fort Edward are currently listed for sale on Viewpoint, advertised as "lands are zoned R2 which allows for duplex dwellings."

The letter I received states that the redesignation is proposed.

So, is the redesignation already in place or is it in the proposal phase?

2. The properties are listed together for 303,000\$. Why is this meeting about one property only? Is there another different plan for 36 Fort Edward Street?

3. These are large properties. How many duplex dwellings would be permitted on each PID?

Thank you,
Andrea Moore

Hi Alex,

Thank you for your responses to my initial questions.

I do not agree with the rezoning of 65 Fort Edward Street to R2.

It is adjacent to a National Historic Site and as such should receive significant more consideration as to its use, and perhaps more importantly, the lost potential from selling off this unique land.

1. Tourists come and go from this location because of its listing as a National Historic Site...and a free one at that. But they often take a picture and leave within 5-10 minutes, likely on to Grand Pre where there are facilities and an interpretive centre. Any kind of tourist information or interpretation or facilities in a separate building would likely be well received and well visited, encouraging people to stay longer and explore the local area further. This may be a better location for the tourism information bureau given the ample parking, existing stream of visitors, and proximity to the highway.
2. Alternatively, create something of additional value for locals. Why not a community garden on the gravel lot. Or on the grassy area or both. Raised beds could easily be added to the gravel surface and allow for much more substantial use than other areas in town which are limited to one plot. This would provide benefits to many more people than the potentially 2 families from a duplex. There are surely many more options for this location recreation-wise given the proximity to the trail. Enhancing this area could also provide relief to the now marshfront, offering an alternate destination for a lovely walk, with potentially another outdoor gym or playground for families.

3. Personally, I can see residential use for the adjacent property on Fort Edward, but this one is much different. It is very high and large and is split by a road that the public uses. The side on Cobbett Street beneath the gravel is very steep and a building would be an eyesore from that side, assuming that a residential unit would face onto Fort Edward Street. A building, even a two story, would loom large from below, more like a four or five story given the difference in elevation, which is a significant, not a minor, disturbance to the current view, and amount of natural light from my location.

I strongly urge the committee to consider alternative uses for this unique property before it is sold. Or delaying its rezoning for another year. Please also consider splitting the PIDs and selling 36 Fort Edward Street but not 65 Fort Edward Street. This would allow the municipality to make some money from the sale of a property but reserve another to potentially reach many more community members and tourists in a much more meaningful and long lasting way.

Sincerely,
Andrea Moore

From: Denise Forand
Sent: November 9, 2021 5:34 PM
To: Alexander Dunphy <ADunphy@westhants.ca>
Subject: Former pool site, 65 Fort Edward Street

Dear Mr Dunphy,

I feel the name alone says why we should not sell this land or call it surplus.
I don't think there is a home on that short road.

These lands are used for excess parking for the municipal regional office, the fire station, tourist for the Fort and locals who walk the trail, not surplus.

If our new municipality building moves into the economic centre , we will require the parking spaces even more than today.

This Downtown location should be kept for local needs in our future as we have limited lots downtown in our commercial town centre.

What happened to the Jewish museum? They were thinking of that location.

The region is in great financial shape.

We cannot grow more lots downtown, it's a historic 175 year old town.

I firmly believe all councillors and planners should have a slow tour of the architectural district and the reason for different rules for different locations.

Late 1898 would have been when Windsor got rebuilt. No cars in any planner's designs, we had ships, lots of ships and a rail line.

I firmly believe that this land should be held for our own future needs.

Sincerely,
Denise

Thank You Alexander, I am against losing the designation of open space in our town center for residential or commercial on said lots by Fort Edward.

I firmly believe our next pool will be back where our centennial pool was for 50 years, on high ground. This land is too valuable to sell for a measles amount when it's need will be required in the future growth of our township.

Thank You, Denise

From: Don Hurshman

Sent: November 23, 2021 12:47 PM

To: Alexander Dunphy <ADunphy@westhants.ca>

Subject: Just my opinion.

What I think should happen with the 2 parcels of land at the fort is to have a small tourist bureau in the lower parking lot similar to the one that used to be as you drove into Hantsport. And in the upper parcel a splash pad for the small children that are yet too young for the pool, don't forget there are many young families that can't afford to take their children to the pool everyday, having a splash pad would cure that problem. After all this land was deeded to the town for the benefit of the citizens of Windsor and not for the benefit of one developer. There are other lots of land I'm sure where a couple of duplexes could be built.

Thank you for your time

Don Hurshman

Phone Calls

From: Liz Galbraith

Date: October 28, 2021

To: Alexander Dunphy

Ms. Galbraith had concerns regarding former Windsor Town Council decisions to reserve the property for heritage or tourism usage. Ms. Galbraith also had concerns regarding the suitability of infrastructure and neighbourhood character. The Planner replied that they would research former Town Council decisions and that any development would be required to follow all policies and by-laws.

From: G. Fogarty

Date: November 4, 2021

To: Alexander Dunphy

Ms. Fogarty had concerns regarding the quality of development for the property. The Planner replied that the land had yet to be sold and that any development would be required to follow all policies and by-laws.

From: Roaland Newcomb

Date: November 8, 2021

To: Alexander Dunphy

Mr. Newcomb had concerns regarding the sale of public land without public consultation. The Planner replied that the public consultation process had yet to begin and that it would be starting with the Public Information Meeting that night.

From: Kevin Saunders
Date: November 17, 2021
To: Alexander Dunphy

Mr. Saunders was interested about developing the land as residential and was in favour of the redesignation and rezoning.

Staff Comment Response

PIM Comments Response – Nov. 8th, 2021

We have received a number of phone calls from the public about this lot. Generally, the concerns were regarding the public consultation, sale of the land, the quality of future development, former Town Council decisions, the suitability of infrastructure and the neighbourhood character.

In response to these concerns, staff provide the following:

- This application is solely for the redesignation and rezoning of the lot.
- Staff are researching any previous decisions regarding 65 Fort Edward Street by the former Windsor Town Council
- Any sale of this lot is a decision of Council
- All requirements of the Public Participation Policy process have been and will continue to be met
- Any future development on this property will be required to follow the regulations in the Windsor Land Use By-law
- The Municipal Planning Strategy requires aspects such as the suitability of infrastructure and neighbourhood character to be examined as part of the recommendation made by planning staff

Staff have also received a number of emails regarding the Public Information Meeting.

In response to these questions, staff provide the following:

- This application is only dealing with 65 Fort Edward Street. It is currently zoned Open Space (OS) and the application is to rezone the lot to Two Unit Residential (R-2). No decisions have been made yet
- A single or two-unit dwelling would be permitted as-of-right on this lot if the rezoning application is approved

This concludes the comments received so far.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Heritage Advisory Committee (HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2021-12-02

Subject: Municipal Heritage Designation: 294 Falmouth Back Rd., Falmouth PID 45036720; File #21-03

LEGISLATIVE AUTHORITY

Heritage Property Act
West Hants Regional Municipality Heritage Property By-law (2021)

RECOMMENDATION

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

...that HAC recommends that Council follow the process to designate the main residential building located at 294 Falmouth Back Rd., Falmouth PID 45036720 as a Municipal Heritage Property.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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An application was received on January 20, 2021 from Richard and Helen Murphy to consider registering the residential building at 294 Falmouth Back Rd., Falmouth (PID 45036720) as a Municipal Heritage Property. Mr. Murphy requested that the application be put on hold in April 2021 until a necessary roof replacement was completed. Planner Poirier received correspondence on November 18, 2021 that the applicant was ready to proceed.

The heritage designation is being sought for only the main dwelling on the property. Accessory buildings and the land itself will not be covered under the heritage designation.

The property is owned by Richard and Helen Murphy.

The Heritage Property By-law (2021) was approved by the Minister and became an official WHRM document on June 29, 2021.

DISCUSSION

Selection Criteria for examining whether a property is eligible to be registered as a Municipal Heritage Property was approved by Council on November 24, 2020. Information about the property is measured against each criterion and then scored (Attachment A). This ensures that properties are of local heritage significance before being registered. Each section of the criteria in relation to the subject lot is described in more detail below.

Context / Environment

The residential building sits on a 16.84 acre lot. The building is considered a symbol of community importance due to its connection to John Manning and it is important to maintaining the dominant rural agricultural character of the area. The building is on the original site with some major additions to the building over time. These additions include the fully covered front porch along the front façade, the shed style dormer on the second-floor rear elevation, the kitchen on the east side of the building and the mud room on the rear. These additions are in keeping with the original structure and do not detract from the historical significance of the building.

History and Culture

In 1763, a 500 acre land grant was granted to Walter Manning, a Halifax Merchant who was originally from Ireland. Walter Manning deeded part of this property to his cousin, Peter. Peter's son, John Manning inherited the property and built the farmhouse between 1790 and 1795.

John Manning was a prominent member of the community. The Seasoned Timbers book by the Heritage Trust of Nova Scotia (pg. 52) states that John Manning "held the rank of Lieutenant in the Hants County Militia; represented Falmouth in the Legislative Assembly from 1812 to 1818; and was the Chairman of the Town meeting from 1810 to 1852."

The property is not owned or occupied by descendants of the Manning family.

Architecture

The Seasoned Timbers book by the Heritage Trust of Nova Scotia (pg. 52) states that John Manning "built a solid conventional type house, a rectangle with a massive centre chimney." The book reports, and a site visit to the property confirms, that John Manning built the foundation of stone and mortar, used post and beam construction with 12"-14" beams at a length of thirty-two feet to support the floor, and used handmade brick to build the walls of the home. The Houses of Nova Scotia book by Allen Penney (pg. 56) describes that construction

was “refined to a large degree, with frames sometimes visible inside but always prefabricated prior to final assembly. Hence the Roman numerals incised at the pegged joints”. This would mean that the post and beam construction found in this home would be a common example of the building technology used during this time period.

The house would be classified as a one-and-a-half storey New England Colonial style building with its steeply pitched gable roof, large central chimney and wood beam construction. There are a few items that are unique to this property with respect to a New England Colonial style classification of building. These items would have been added after the original build. These additions include the fully covered front porch along the front façade, the shed style dormer on the second-floor rear elevation, the kitchen on the east side of the building and the mud room on the rear. As noted above, the additions do not detract from the historical significance of the building.

Although the builder, John Manning, was a prominent member of the community he was not known as an architect or builder.

The building is in excellent state of repair and the property owners are committed to continuing the maintenance of the property.

Statement of Significance

A Statement of Significance describes what the historic place is and why it is important. The Statement of Significance has three sections:

- Location and description of the historical place
- Explanation of the historical value of the property to the community, province, or country
- Character-defining elements: the elements of the property that establish the character of the property and need to remain for the property to keep its historical value

The Statement of Significance outlines to residents, property owners and Council what items make the property historically valuable to ensure those items are not significantly altered over time. The draft Statement of Significance for this property is included in Attachment B.

If the Municipal heritage designation application is approved by Council, the notice of recommendation and notice of registration would be filed at the Land Registry Office.

Plaque

The Heritage Property Act allows municipalities to place a plaque on municipal heritage properties. Both Windsor and West Hants have done so in the past. If the property is designated a municipal heritage property a plaque will be placed on the home.

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 Back Road may be affected.

NEXT STEPS

As noted above the application has been reviewed against the Selection Criteria and is recommended for registration as a Municipal Heritage Property.

Process



FINANCIAL IMPLICATIONS

The West Hants Regional Municipality Fees Policy, RCOFN-013.00, outlines that fees associated with the Building Code Act By-law, Land-Use By-laws, Subdivision By-laws, Hantsport Swimming Pool By-law and amendments to the Municipal Planning Strategies are waived for Municipally Registered Heritage Properties, non-profit organizations registered under the Societies Act and Municipally owned properties. As this is an application to register a municipal heritage property, no fees were collected from the applicant.

The only costs related to the designation are the costs associated with filing the information in the Land Registry Office and the associated legal fees (approximately \$300), and the cost of having a plaque prepared (approximately \$700). Funds are available within the 2021-2022 budget.

ALTERNATIVES

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

- refuse the application to designate the property as a Municipal Heritage Property.

ATTACHMENTS

Attachment A	Selection Criteria
Attachment B	Draft Statement of Significance

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Attachment A

CRITERIA FOR THE INCLUSION IN THE MUNICIPAL REGISTRY OF HERITAGE PROPERTIES

The following criteria will be used by the Heritage Advisory Committee of West Hants Regional Municipality in recommending inclusion of a property in the Municipal Heritage Register. Points will be awarded as noted below.

Property Name, address and PID: 294 Falmouth Back Rd., Falmouth PID 45036720
Initial Scoring By: Sara Poirier, Senior Planner Date: March 16, 2021

CONTEXT/ENVIRONMENT

Landmark

Importance as a visual landmark:

- (15) Symbol of provincial importance
- (10) Symbol of county or regional importance
- (5) Symbol of community importance
- (0) Little or no symbolic value

Environment

The extent the property contributes to the historical/architectural character of the area:

- (15) Essential to maintaining the dominant character
- (10) Important to maintaining the dominant character
- (5) Compatible with the dominant character
- (0) Incompatible with the dominant character

Integrity

- (10) On the original site with few or minor exterior alterations
- (7) On the original site with major exterior alterations
- (5) Building or structure has been relocated and has minor exterior alterations
- (0) Building or structure has been relocated and has major exterior alterations

HISTORY & CULTURE

Continuity

- (10) Owned, occupied or cared for by descendants of original owner or developer

*CRITERIA FOR THE INCLUSION IN THE MUNICIPAL REGISTRY OF HERITAGE
PROPERTIES*

Period

Building, structure or evident relationship dates from:

(automatic) Mi'kmaq

(automatic) 1675-1755 Acadian

(15) 1756-1800 New England Planter/United Empire Loyalist migration

(12) 1801-1840 General development of education & transportation

(10) 1841-1900 Age of Sail – rise of coastal communities

(7) 1901-1914 Economic development and prosperity

(5) 1915-1939 WWI – Interwar

(5) 1940+ WWII to present

Association

Association with the life or activities of a person, group, organization, institution or event that has made a significant contribution to the community, province or nation.

(25) Intimately connected to a person, group, event, etc. of primary importance

(20) Loosely connected to a person, group, event, etc. of primary importance

(15) Intimately connected to a person, group, event, etc. of secondary importance

(10) Loosely connected to a person, group, event, etc. of secondary importance

(0) No known connection to a person, group, event, etc. of importance

ARCHITECTURE**Style**

In comparison to recognized historical building styles the style is considered a:

(10) Very rare example or contains a very rare element

(7) Rare example or contains a rare element

(5) Common example

(0) Very common example

Construction type/building technology

The type of construction or building technology used is considered:

(10) Very rare or early example

(7) Rare or fairly early example

(5) Common example

(0) Very common example

*CRITERIA FOR THE INCLUSION IN THE MUNICIPAL REGISTRY OF HERITAGE
PROPERTIES*

Architect/builder

The property is an example of an architect/builder's work that is considered:

- (20) Very rare or work from an architect/builder of exceptional interest
- (15) Rare or work from an architect/builder of special interest
- (5) Common or architect/builder of little interest
- (0) Very common or architect/builder of no interest or unknown

Condition

The building's structural condition and state of repair is:

- (10) Excellent
- (7) Very good
- (5) Fair
- (0) Poor

Additional points may be assigned if there is a commitment to repair.

82 TOTAL

Attachment B

STATEMENT OF SIGNIFICANCE

294 Falmouth Back Rd.

294 Falmouth Back Rd., Falmouth, Nova Scotia, B0P 1L0, Canada

Formally Recognized: 2022/**Month/Day**

	
<p>Façade – East</p>	<p>Rear elevation - West</p>
	
<p>From the south west</p>	<p>From the north west</p>

DESCRIPTION OF HISTORICAL PLACE

294 Falmouth Back Road is a one-and-a-half storey New England Colonial style home situated on the top of a hill with a large front lawn extending from the house down to the street. The home is not visible from the Falmouth Back Road due to its placement on the property and the landscaping around the home. The designation includes only the main residential building.

HERITAGE VALUE

294 Falmouth Back Road is considered to have heritage value due to its age, architectural style and association with John Manning. The house is a one-and-a-half storey New England Colonial style home in design and proportion and retains many of its original features including a massive central chimney, the steep gable roof and a virtually intact interior.

Also known as the Manning-MacDonald-Boyce Farm House, the house was built by John Manning between 1790 and 1795. John Manning has significant ties to Falmouth. He was elected Chairman of the Falmouth Town Council from 1810 to 1852 and elected a member of the Nova Scotia Legislative Assembly from 1811 to 1818. The house and farm were occupied by members of the Manning family until 1896.

CHARACTER DEFINING ELEMENTS

Character-defining elements of the Manning-MacDonald-Boyce Farm House relate to the design and architectural style of the home, including:

- One-and-a-half storey structure with a gable roof and massive central chimney
- Visible stone and mortar foundation
- Post and beam construction with 12"-14" beams at a length of thirty-two feet to support the floor and handmade brick walls (brick noggin)
- Wooden shingles on the exterior walls
- Covered front porch along the façade with a central doorway
- Ganged windows within the dormer on the second floor rear elevation
- Three-sided bay window on the main floor rear elevation
- Six-over-six windows on the rear, south west and north west elevations