



**West Hants**  
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY  
Planning and Heritage Advisory Committee (PAC/HAC) Agenda  
December 8, 2022 – 6:00pm  
In Person and Via Zoom**

**NOTE: PUBLIC INFORMATION MEETINGS (PIMs) WILL BE HELD AT 6:00 PM.  
PAC/HAC will begin immediately following the close of the PIMs**

- 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 PIMs**
  - 6.1 File # 22-31, Hantsport, File # 22-32, West Hants and File # 22-33, Windsor: Linking the Public Participation Program Policy to the MPS (Madelyn LeMay)
  - 6.2 File # 22-30 Development Agreement: 4190 Hwy 1, Garlands Crossing PID 45003357 (Sara Poirier)
  - 6.3 File # 22-20 Development Agreement: Burgess Crescent, Windsor PIDs 45338696, 45338688, and 45007010 (Alex Dunphy)
- 7.0 Business Arising from the Minutes**
  - 7.1 Update: File # 22-05/22-11 Cole Drive West Hants and Windsor MPS and LUB Amendments (Alex Dunphy)
  - 7.2 Update: File # 22-21 394 Greenhill Road, Greenhill Development Agreement (Alex Dunphy)
  - 7.3 Update: File # 22-04 PID 45038361, 4245 Hwy 14: WHLUB Amendment (Alex Dunphy)

- 7.4 Update: File # 22-19 PID 45026010: 697 Greenhill Road, Greenhill: WHLUB Map Amendment (Alex Dunphy)
- 7.5 Update: File # 20-29 West Hants; 20-30 Windsor; 20-31 Hantsport, Coastal Protection Act General Policy (Alex Dunphy)
- 7.6 Update: File # 22-12 Hantsport; 22-13 West Hants; 22-14 Windsor, MPS and LUB Amendments: Secondary Suites in Accessory Buildings (Sara Poirier)
- 7.7 Update: File # 22-17 WHLUB Amendments: Wentworth Road PID 45190386 and Cole Drive PID 45366457 (Sara Poirier)
- 7.8 Update: File # 22-10 Development Agreement: 4701 Hwy 1, Three Mile Plains (Sara Poirier)
- 7.9 Update: File # 22-16 WHLUB Amendment: Housekeeping (Madelyn LeMay)
- 7.10 Update: File # 22-06 Hantsport; File # 22-07 West Hants; File # 22-08 Windsor, MPS and LUB Amendments: Small Options Housing (Madelyn LeMay)
- 8.0 Building and Development Activity Reports (November)**
- 9.0 New Business**
- 9.1 Discussion of Public Participation in PIMs (Madelyn LeMay)
- 9.2 Discussion of Order of Agenda (Jennifer Nichols)
- 9.3 File # 22-24 Hantsport; File # 22-25 West Hants, Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515, Rezoning (Alex Dunphy)
- 9.4 File # 22-22 Hwy 215, Cheverie PID 45178944, Development Agreement (Alex Dunphy)
- 9.5 Heritage Plaques (Madelyn LeMay)  
Discussion/Recommendation of standard ceremonies to be offered
- 10.0 Notices from Adjacent Municipal Units**
- 11.0 Questions and Comments from the Public**
- 12.0 Next Meeting Date (January 12) / Adjournment**



**ACTIVITY REPORT**

For Month of November 11/30/2022

Type	Nov 2021			Nov 2022		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
Single Unit	12	5	1,931,168	23	9	2,582,984
Duplex/Semi	5	11	2,064,640	0	0	0
Apartments	0	0	0	2	0	27,000
Other Residential	19	0	549,241	18	0	486,519
Commercial	2	1	52,500	3	0	177,000
Industrial	0	0	0	0	0	0
Inst & Gov	0	0	0	2	0	175,000
Agriculture	4	0	185,000	0	0	0
Other	0	0	0	0	0	0
<b>Total</b>	<b>42</b>	<b>17</b>	<b>4,782,549</b>	<b>48</b>	<b>9</b>	<b>3,448,503</b>
<b>Year To Date</b>	<b>470</b>	<b>132</b>	<b>47,930,400</b>	<b>494</b>	<b>171</b>	<b>55,312,947</b>
Demolition	1	0		3	1	
Sign Permits	0			0		
Sub Applications	1	1 (Lots Requested)		3	2 (Lots Requested)	



**WEST HANTS REGIONAL MUNICIPALITY REPORT**

Information <input type="checkbox"/>	Recommendation X	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 8<sup>th</sup>, 2022

**Subject:** File # 22-24: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (Hantsport)

**LEGISLATIVE AUTHORITY**

Municipal Government Act Section 210

**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 amending Schedule A of the Hantsport Land Use-Bylaw by rezoning PIDs 45366473, 45366481, 45366499, 45366507, and a portion of 45366515 on Bog Road, Hantsport from the Single Unit Residential (R-1) zone to the Two Unit Residential (R-2) zone.

**BACKGROUND**

Property X	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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The completed application was submitted by Claude O’Hara on October 23<sup>rd</sup>, 2022 to change the zoning of 5 lots on Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515) to the Two Unit Residential (R-2) zone to permit multiple semi-detached dwellings. The applicant has now changed to Sheldon Chisholm.

### ***Surrounding Context***

The subject lots directly abut Bog Road. Lands within the jurisdiction of the Hantsport Municipal Planning Strategy (MPS) and located west of the subject lots, across Bog Road, are designated Residential, zoned Single Unit Residential (R-1), and are residential dwellings. Lands to the east, behind the subject lots, have portions within the jurisdiction of both the Hantsport MPS and the West Hants MPS. The Hantsport portion of this property is designated Residential, zoned Two Unit Residential (R-2), and hosted a former agricultural use.

### **DISCUSSION**

Four of the subject lots (PIDs 45366473, 45366481, 45366499, and 45366507) are located completely within the jurisdiction of the Hantsport Municipal Planning Strategy (MPS), while the last subject lot (PID 45366515) is partially within the jurisdiction of the Hantsport MPS and partially within the jurisdiction of the West Hants MPS.

The subject lots within the jurisdiction of the Hantsport MPS are designated Residential on the Generalized Future Land Use Map (GFLUM) of the Hantsport MPS (Figure 1). These subject lots are zoned Single Unit Residential (R-1) on Schedule A of the Hantsport Land Use By-law (LUB) (Figure 2).

#### ***Municipal Planning Strategy Document Review***

Policy RP-2A is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning land within the Residential designation to the Two Unit Residential (R-2) zone. The Policy also includes criteria which must be met by the proposed development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the subject lots have access to municipal services; and
- the proposed use is similar in nature to the surrounding uses and is not anticipated to conflict with the adjacent existing uses.

Policy IM-3 establishes the general criteria that all amendments to the Hantsport Land Use By-law must meet. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered 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, Municipal Traffic Authority, and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.

### **NEXT STEPS**

Discussion from PAC/HAC will be incorporated into the report and presentation to Council.

## **FINANCIAL IMPLICATIONS**

There are no financial implications to the Municipality or residents with regard to the filing of this report.

## **ALTERNATIVES**

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- discuss the proposed Land Use By-law amendment as specifically drafted or as revised by the Committee; or
- provide alternative direction, such as requesting further information on a specific topic.

## **ATTACHMENTS**

Figure 1	Hantsport GFLUM Extract
Figure 2	Hantsport Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Policy Summary for Rezoning
Attachment B	Public Information Meeting Notes

Report Prepared by: \_\_\_\_\_

Alex Dunphy, Planner

Report Approved by: \_\_\_\_\_

Madelyn LeMay, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

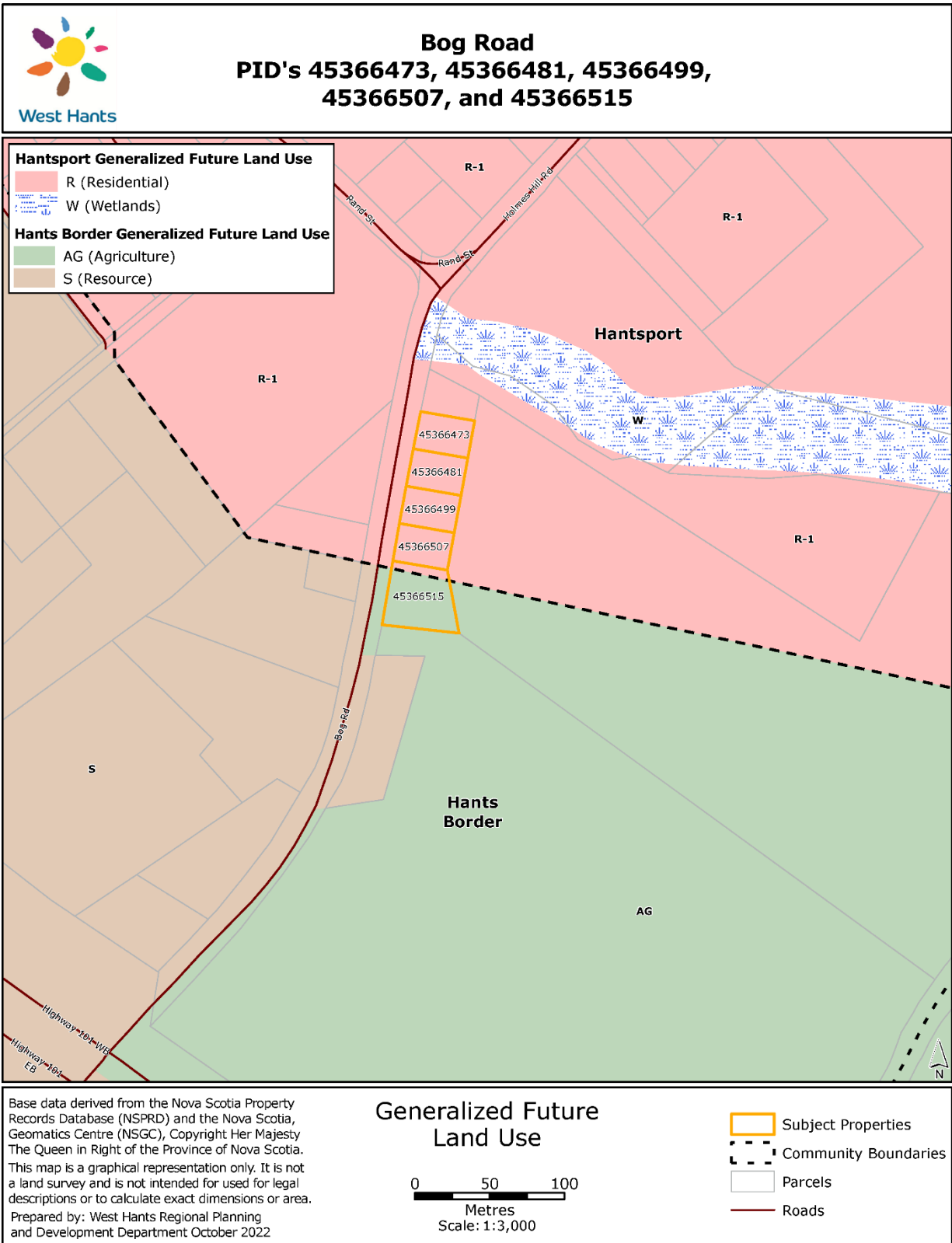


Figure 2 – West Hants Zoning Map Extract

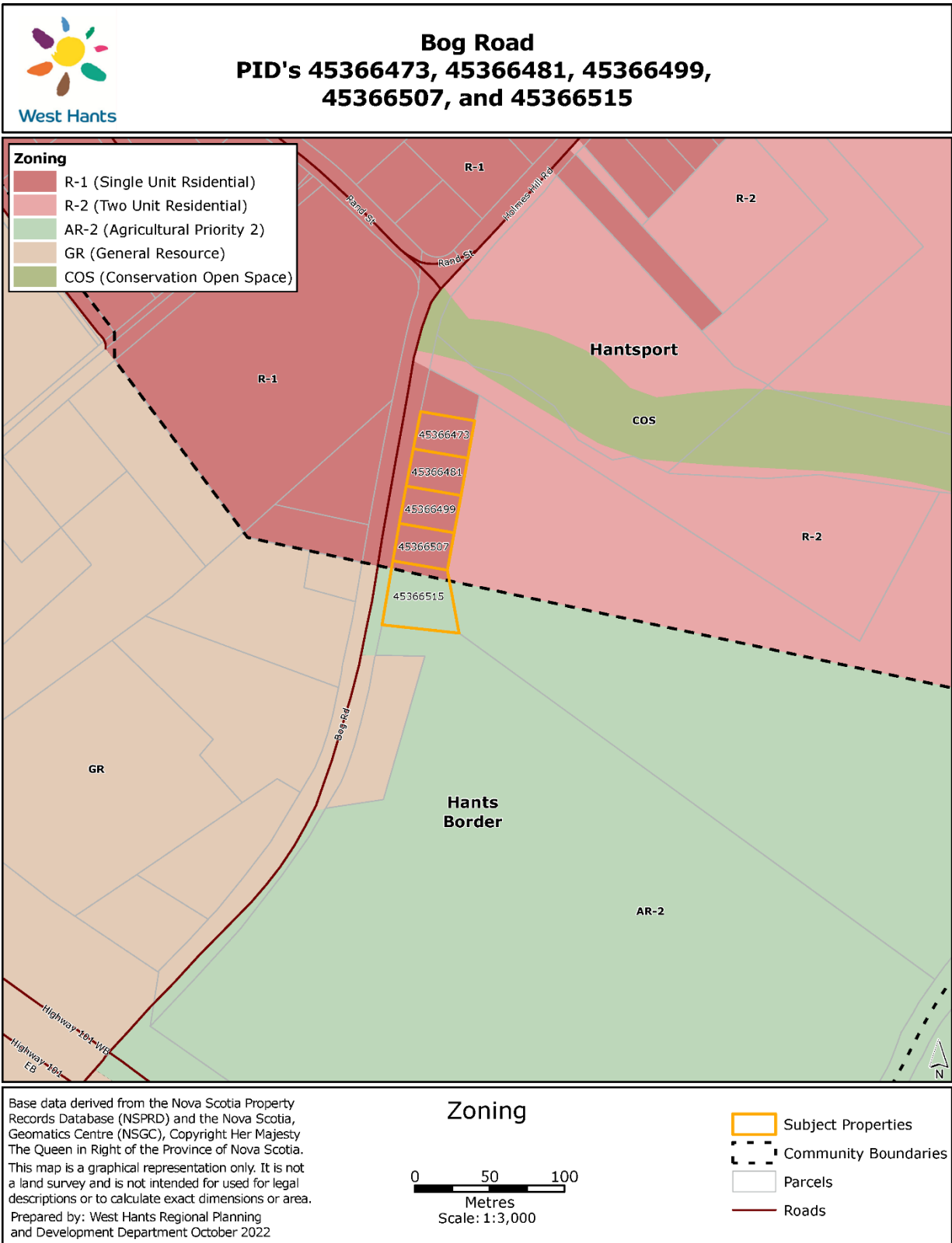
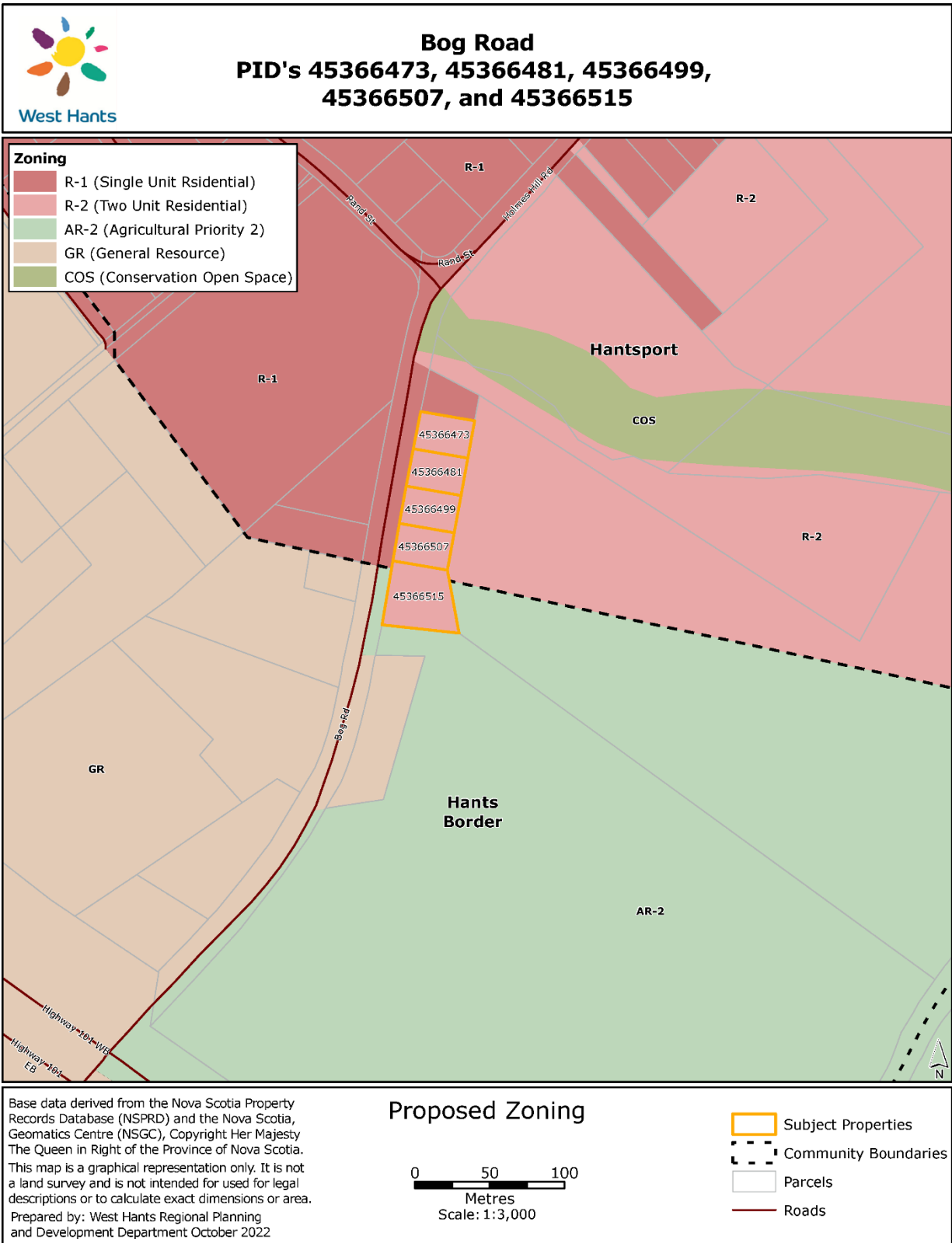


Figure 3 – Proposed Zoning Map Extract



## Attachment A – Policy Summary for Rezoning

<p><b>Policy RP-2A</b>  <i>It shall be a policy of Council to consider rezoning land within the Residential Designation to R-2 subject to the following:</i></p>	
<p>(a) <i>the area to be rezoned is serviced, or capable of being serviced, with municipal water and sewer;</i></p>	<p>The Director of Public Works confirmed that the subject lots have access to municipal services.</p>
<p>(b) <i>the proposed use will not conflict with adjacent existing uses;</i></p>	<p>The proposed use is similar in nature to the surrounding uses and is not anticipated to conflict with the adjacent existing uses.</p>
<p>(c) <i>any other matter which may be addressed in a Land Use By-law; and</i></p>	<p>All relevant matters have been addressed in this report.</p>
<p>(d) <i>Policy IM-3. (Amendment HMPS 16-01 – effective June 26, 2017)</i></p>	<p>See Policy IM-3.</p>

<p><b>Policy IM-3</b>  <i>In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></p>	
<p>(a) <i>whether the proposal is considered premature or inappropriate in terms of:</i></p>	
<p>(i) <i>the adequacy of sewer and water services;</i></p>	<p>The Municipal Project Engineer commented that they had no concerns regarding the addition of the proposed use. The developer would be responsible for any development costs for any required upgrades to receive adequate municipal services.</p>
<p>(ii) <i>the adequacy of school facilities;</i></p>	<p>No impact on school facilities is anticipated.</p>
<p>(iii) <i>the adequacy of fire protection;</i></p>	<p>The local Fire Chief has stated that there is adequate fire protection for the proposed use. The Manager of Building and Fire Inspection Services had no issues with fire protection.</p>
<p>(iv) <i>the impact on adjacent uses;</i></p>	<p>The proposed use is similar in nature to the surrounding uses and is not anticipated to impact the area.</p>
<p>(v) <i>the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>The Area Manager from the Nova Scotia Department of Public Works and the</p>

	Municipal Traffic Authority had no concerns regarding the road networks adjacent or leading to the development.
<i>(vi) the financial capacity of the Municipality 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 Area Manager from the Nova Scotia Department of Public Works and the Municipal Traffic Authority commented that they had no concerns regarding any aspect of movement.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they had no concerns regarding the adequacy of dimensions and shape of the subject lots.
<i>(d) the pattern of development which the proposal might create;</i>	The Development Officer commented that they had no concerns regarding the pattern of the proposed development.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i>	Any development of the subject lots must meet the regulations of the Nova Scotia Department of Environment and Climate Change regarding the protection of watercourses.
<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) the impact of not only the use being proposed but all uses permitted in the zone;</i>	Uses permitted in the Two Unit Residential (R-2) zone are similar in nature to the surrounding uses and are not anticipated to impact the area. The keeping of horses is permitted in the Two Unit Residential (R-2) zone, however, the subject lots are not of a sufficient size for that use.
<i>(h) the site meets all of the zone requirements for the zone sought; and</i>	The subject lots meet all zone requirements of the Two Unit Residential (R-2) zone.
<i>(i) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

## Attachment B – Public Information Meeting Notes

November 10 - November 25, 2022

**File # 22-24: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (Hantsport)**

<b>Meeting date and time</b>	A public information meeting was held on November 10, 2022 beginning at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
<b>File Number</b>	22-24
<b>Attending</b>	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"><li>• Councillor Jim Ivey</li></ul> <p>Four (4) members of staff:</p> <ul style="list-style-type: none"><li>• Director LeMay (Chair)</li><li>• Planner Poirier</li><li>• Planner Dunphy</li><li>• Meeting Secretary Lake</li></ul> <p>Ten (10) members of the public were present for this meeting. Of those that attended in-person, Melody Dempsey and Graham Sanford spoke.</p>
<b>Applicant</b> Sheldon Chisholm <b>Properties</b> Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515)	<p>Planner Dunphy outlined the application to rezone the five (5) subject lots on Bog Road to the Two Unit Residential (R-2) zone.</p> <p>Sheldon Chisholm, the applicant, spoke to the intention to develop the lots as semi-detached residential dwellings.</p> <p>Graham Sanford, a resident, gave a presentation regarding concerns with the proposed rezoning of the subject lots. Mr. Sanford also explained concerns regarding a complaint with the Nova Scotia Department of Environment and Climate Change, a potential violation of the Land Use By-law, access to and water supply for a property owned by the developer and located abutting the subject lots, food production goals for the Province, and affordability of residential developments.</p>
<b>Comments</b>	<p>Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between November 10 – November 25, 2022.</p> <p>Staff received one (1) phone call and three (3) emails were received. The email responses are attached. The phone call was from Doreen Smith and was concerning the driveway located on one of the subject lots which the resident considered may not be up to code as well as concerns with the safety as a pedestrian on Bog Road.</p> <p>3 members of the public spoke at the Public Information Meeting. The following are comments and questions from the public</p>

	<p>information meeting. Staff and applicant responses are included in purple text.</p> <ul style="list-style-type: none"> <li>• Concerns with removal of agricultural land for residential development</li> <li>• There must have been former agricultural use on the property</li> <li>• Concerns with development of lots located behind subject lots and the view of farmland from existing properties Mr. Chisholm responded that the intention is to maintain some agricultural activity. The full scope of future development has not been determined. The Municipal Planning Strategy has policies for agricultural land which have been followed. Plan to preserve the barn. Director LeMay commented that any further proposed development on nearby land would be required to be addressed through a new planning process.</li> <li>• What properties does the developer own? Mr. Chisholm responded that not all the properties owned are shown.</li> <li>• The agrologist considered the subject lot as not ideal in terms of farmland? Mr. Chisholm confirmed that the subject lot had an agrologist report completed which determined the lot was not ideal for agricultural development.</li> <li>• Mr. Chisholm responded to Graham Sanford’s presentation by commenting that the developer will ensure that the lot located behind the subject lots will have access. The farmhouse was not able to be repaired, but the barn was able to be maintained. Mr. Chisholm disagreed with the current municipal boundary line. Mr. Sanford responded requesting an addition to any development agreement on the property require access for the lot located behind the subject lots. Director LeMay responded by commenting that this planning process is for the subject lots and any further development of other lots would have to be dealt with in another planning process.</li> </ul>
<b>Adjournment</b>	The presentation portion of the PIM ended at approximately 6:44 p.m.

**Public Email Responses Submitted for the Application PIM**

November 8<sup>th</sup>, 2022

**From: Graham Sanford**

To: Alex Dunphy

Hi Alex.

Nice speaking with you earlier.

As requested, please find attached my in person presentation for this Thursday November-10-22.

If there are any items I need to change please let me know along with the rationale for the change.

Per your instructions I will bring a data stick with me containing this presentation.

Could you please confirm receipt of this e-mail, that I have been slotted to present, and at what point in the schedule for the evening?

With my thanks,

Graham Sanford

**(Presentation is attached below)**

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November 10<sup>th</sup>, 2022

**From: Greg Pace**

To: Alex Dunphy

Good morning Mr. Dunphy

Elsie and I live at 59 Holmes Hill Rd and received the letter regarding the above noted meeting. On Tuesday morning of this week we received a phone call from Councillor Morton in which he said the meeting was open to the public and we were welcome to attend in person. We are both very interested in the apparent development of the land to our west which includes the PIDs as mentioned. Unfortunately both Elsie and I will not be able to attend the meeting this evening.

Further to this, we have been communicating with Graham Sanford, our neighbour, who has prepared a presentation for the meeting. We both concur with the information in his presentation.

Mr Graham indicated he was permitted a 5 minute time slot for a presentation to council regarding the rezoning. Elsie and I were not made aware in any communication that we were able to make a presentation at this meeting; given the opportunity we would have done so.

I am requesting that should Mr. Sanford require more than his allotted 5 minutes he be granted more time to communicate our views which are included in his presentation.

Regards

Greg Pace and Elsie Wetmore

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November 25<sup>th</sup>, 2022

**From: Graham Sanford**

To: Alex Dunphy

Hi Alex.

Please find attached our questions.

Best regards,

Graham Sanford

Don't Be The Dirt Advocacy

**(Question Sheet is attached below)**

“We believe the health of where we live is key to all possible outcomes.”



# Regarding Public Information Meeting Notice of November 1, 2022. Development on Bog Road, Hants Border.

Presented by Graham Sanford and Don't Be The Dirt Advocacy

53 Bog Road

Hants Border, N.S.

B0P 1P0

## Current Concerns

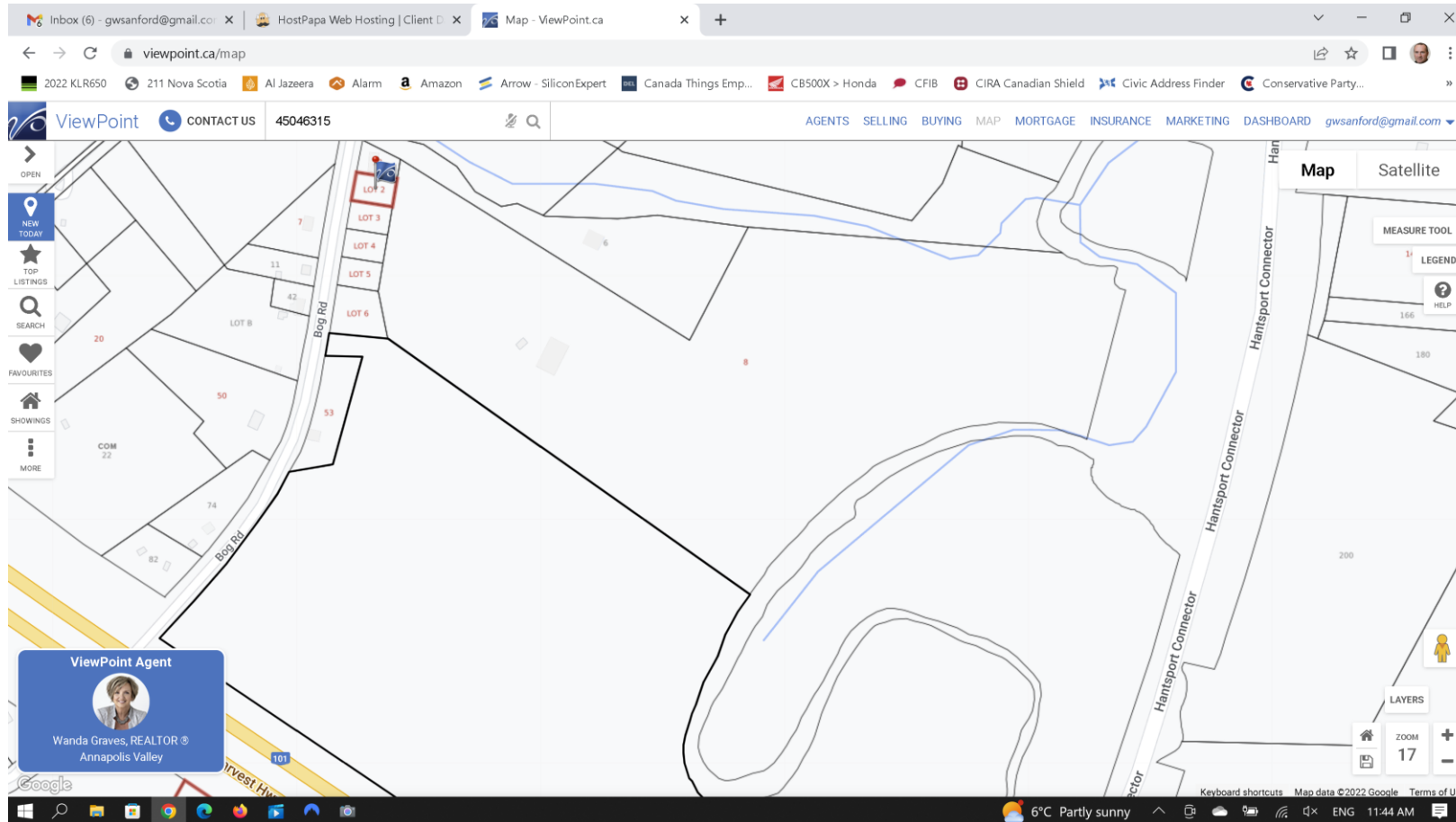
- 1.) PID 45046315 (8 Bog Road) , 26 acres. Inconsistent Information Regarding how R2 Zoning Came to Be
  - Three, separate conflicting answers from WHRM regarding when PID 45046315 (8 Bog Road) , 26 acres, was zoned R2: 1.) When amalgamation occurred, 2.) Prior to amalgamation, 3.) was never agricultural land.\*\*This is the PID behind the lots on Bog Road.
- 2.) Failure to Protect AP2 Land part of PID 45046315, RE: Site Inspection Based on Complaint
  - Conflicting information from WHRM Staff on October-12-22 related to their inspection of the site. See slide 4 for written support, visual support from slides 6/7/8/9.
- 3.) Complaint in Progress with Nova Scotia Department of Environment and Climate Change
  - Complaint with Nova Scotia Department of Environment and Climate Change filed October-11-22, Pit operation, possible no sediment damn leading to pollution of water course that feeds the Halfway River. Video evidence submitted.
- 4.) Development of the PIDS in the notice, will this lead to land locking of the AP2 zoned land, therefore creating a narrative supporting re-zoning for development?
- 5.) How will appropriate access be maintained to the AP2 Zoned land, specifically PID 45360914? \*\*This is the PID Zoned Agricultural Priority 2, that exists between 8 Bog Road, the land behind the lots along Bog Road, and the 101 Highway.
- 6.) By what method will water be supplied to this and any other development this side of the 101 Highway?

## Communications with WHRM

- October-11-22 Complaint regarding Activity on PID 45046315 to WHRM. I hope you are well. Please let this e-mail act as my formal complaint to the activity taking place on PID 45046315. For over a week now top soil that has been stripped from this same PID has been trucked, and is being trucked, off site. I do have proof. Thank you in advance for your appropriate action on this matter. Best regards, Graham Sanford, 53 Bog Rd, Hantsport, NS B0P 1P0 902 788 4989
- October-12-22 from WHRM: Graham, I inspected the Bog Road development yesterday. The top soil that is being removed is in the former Town of Hantsport, Two Unit Residential zone. **This is not a violation as top soil removal is only a violation if within the Agricultural zones.**

**Note: Slides 6/7/8/9 clearly indicate the boundary between R2 and AP2, and therefore clearly indicate the removal of top soil from Agricultural Priority 2 Zone, which per the Development Officer e-mail above, is a violation.**

# Viewpoint



2022-11-06

# Public Information Meeting Letter-Front



November 1, 2022

Dear Property Owner:

**Re: Public Information Meeting  
Bog Road, Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515)**

This letter is being sent to you as you are an owner of land within 500 feet of the above property.

You are invited to attend a Public Information Meeting hosted by the Planning and Heritage Advisory Committee. The meeting is scheduled for **6:00 p.m. on Thursday, November 10<sup>th</sup>** and it can be viewed live on the Municipal Facebook page at [www.facebook.com/RMWindsorWestHants](http://www.facebook.com/RMWindsorWestHants).

The meeting is to explain and receive comments on a proposed rezoning to the Two Unit Residential (R 2) zone.

If you would like to virtually attend the meeting, please contact Alex Dunphy by Tuesday, November 8<sup>th</sup>. Members of the public are welcome to submit comments or questions on the proposed development agreement to Alex Dunphy by noon on November 25<sup>th</sup>, 2022 by:

Phone	902-798-8391 ext. 118
Email	<a href="mailto:adunphy@westhants.ca">adunphy@westhants.ca</a>
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional office at 76 Morison Drive

Sincerely,

Alex Dunphy  
Planner

West Hants Regional Municipality  
PO Box 3000, 76 Morison Drive, Windsor, NS, B0N 2T0  
902-798-8391 [www.westhants.ca](http://www.westhants.ca)

# Public Information Meeting Letter-Back

\*Note the dotted line between PID 45366507 and PID 45366515, former TOH boundary\*

**PROPOSAL INFORMATION SHEET**

**Address:** Dog Road, Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515)

**Request:** Semi-detached residential dwellings

**Proposal Description:** Rezoning to the Two Unit Residential (R-2) zone.

<b>Community:</b> Hants Border	<b>Designation:</b> Residential / Agriculture	<b>Current Zone:</b> Single Unit Residential / Agricultural Priority Two (AR-2)
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**Location:**

**Bog Road**  
PID's 45366473, 45366481, 45366499,  
45366507, and 45366515

Scale in a centimetre for the 1:10,000 Project Plan. For a detailed map of the area, contact the Planning Department at 902-709-6301. This map is for informational purposes only. It is not intended to be used as a legal document. The information is provided as a service to the public and is subject to change without notice.

**Orthophoto**

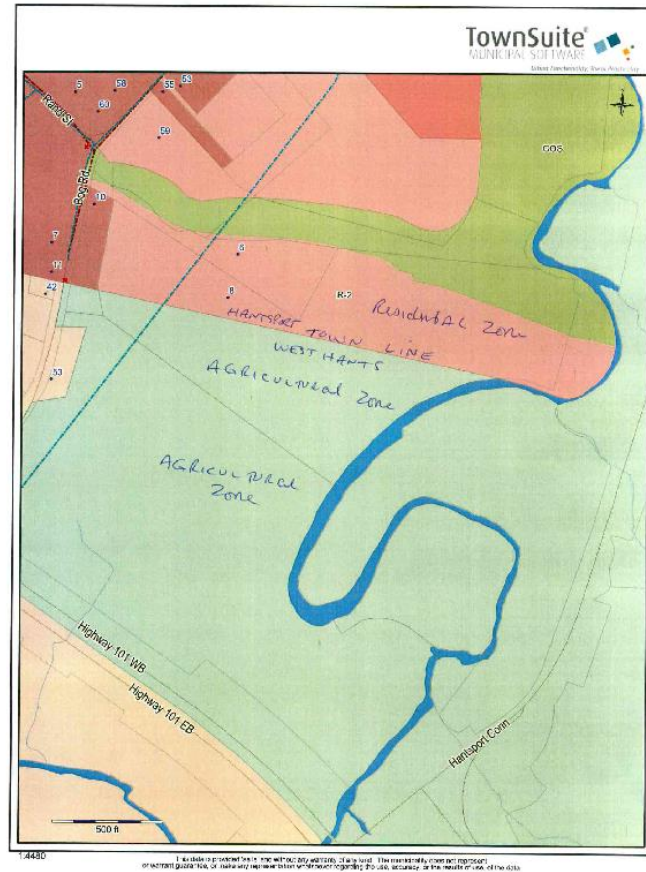
0 50 100  
Metres

- Proposed Properties
- Existing Properties
- Highway
- Local Road
- Water

West Hants Regional Municipality  
400-500, 78 Market Drive, Windsor, NS, B2N 2T0  
902-709-6301 www.westhants.ca

# Confirmed Zoning PID 45046315 from WHRM

\*Note the zoning inside and outside former TOH boundary



## Standing at TOH Line-Fire Hydrant-Compare to Slide 6 and 7

\*Left of hydrant flag is R2, right of hydrant flag AP2. Note the top soil removed, extending from Bog Road down to barn, in the AP2 Zone, gravel brought in, possible destruction of the water course, and possible absence of a sediment damn.



Standing at TOH Line-Fire Hydrant-Compare to Slide 6 and 7



## Reference from An Act Respecting Municipal Government

- **DEFINITIONS**
- These definitions apply to the Statements of Provincial Interest.
- **Agricultural Land** means active farmland and land with agricultural potential as defined by
- the Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, speciality
- crop lands and dykelands suitable for commercial agricultural operations as identified by
- the Department of Agriculture.

## **Reference from An Act Respecting Municipal Government**

- **PROVISIONS**
- 1. Planning documents must identify agricultural lands within the planning area.
- 2. Planning documents must address the protection of agricultural land. Measures that should be considered include:
  - (a) giving priority to uses such as agricultural, agricultural related and uses which do not eliminate the possibility of using the land for agricultural purposes in the future. Non-agricultural uses should be balanced against the need to preserve agricultural land;

## **Reference from An Act Respecting Municipal Government**

- **STATEMENT OF PROVINCIAL INTEREST**
- **REGARDING AGRICULTURAL LAND**
- **GOAL**
- To protect agricultural land for the development of a viable and sustainable agriculture and food industry.
- **BASIS**
- The preservation of agricultural land is important to the future of Nova Scotians.
- Agricultural land is being lost to non-agricultural development.
- There are land-use conflicts between agricultural and non-agricultural land uses.
- **APPLICATION**
- This statement applies to all active agricultural land and land with agricultural potential in the Province.

## **Reference from An Act Respecting Municipal Government**

- **(c) setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;**
- **(d) measures to reduce topsoil removal on lands with the highest agricultural value.**
- 3. Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when
- agricultural land is located within an urban area. In these cases, planning documents
- must address the reasons why agriculture lands cannot be protected for agricultural
- use. Where possible, non-agricultural development should be directed to the lands
- with the lowest agricultural value.

## Forward Looking Considerations

- Optics of how the Municipal process unfolds is key.
- There are pressures that could lead to decisions that erode the public trust.
- Erosion of public trust weakens our communities.
- Public trust in local governance is a cornerstone of a healthy vibrant community, where people choose to live, raise a family, immigrate, start a business, spend their disposable income, enjoy historic sites, embrace our good fortune in living where we do, without travelling to enjoy the natural world amongst us.
- There is no place for personal beliefs or philosophies in governance.
- Consistency is key.
- Adaptability with a wide lens is key.
- Inclusion is key.
- Integrity is key.

## Summary

- We need housing development.
- To be housed, is a necessity. Picture yourself without stable shelter to understand how it affects all other outcomes.
- Market based housing, and the supply of it, WILL lower the cost to acquire it.
- Market based housing, and the supply of it, IS NOT the sole solution.
- Market based housing, and the development of it requires a minimum rate of return for the developer.
- There are over 5000 persons in this province waiting for public housing.
- Approximately 1000 of these can be accommodated by moving the over housed.
- How will the others be housed?
- Thus, the need for other housing options that ARE NOT based on the market.
- Do the math when considering affordability, math does not lie.
- Seemingly valid concerns are already at play specific to the activities on Bog Road, Hants Border.
- The ability to express these concerns in a public format is foundational.
- Never give up the rules in place to protect land and the immediate environment in favor of any “emergency”.

**On behalf of Graham Sanford, and Don't Be the Dirt Advocacy...**

**Thank you!**

Disclaimer: By participating in the option to send in questions to the planner regarding the notice dated November 1, 22:

“Public Information Meeting Bog Road, Hants Border, (PID’s 45366473, 45366481, 45366499, 45366507, 45366515)

If you would like to virtually attend the meeting, please contact Alex Dunphy by Tuesday, November 8th . Members of the public are welcome to submit comments or questions on the proposed development agreement to Alex Dunphy by noon on November 25th, 2022” .....

We by no way forfeit our position, or requests in process, that this process should be halted given 2 violations on abutting PID 45046315, same landowner, **and an unanswered question with requested supporting documentation as to how PID 45046315 became R2 zoning.** If you accept these questions, you hereby agree to this statement.

If you reject these questions, please provide justification of the rejection.

1. Lot 3, PID 45366481 is a driveway. What is the purpose of the rezoning request given the only access to land behind these PID’s is from this location, this PID on the Bog Road?
2. With the exception of Lot 2, PID 45366473, the remainder of the lots are below the grade of the Bog Road. How will they be accessed?

3. Will the excavation for the structures dig into the bank closest to the road as with Lot 3, PID 45366481?
4. If so, will a guard rail be placed where the drop from the road shoulder to the excavation is a safety concern?
5. Can they developer provide examples from their portfolio of other housing developments in Nova Scotia?
6. Why does the developer not have a website and a clear public face, contact person with listed contact information and title, position held, at the developer organization? At last count there were 18 corporations registered to 49 Cole Drive in Windsor N.S.
7. How does this developer plan to finance this development?
8. Will the developer commit to participating in a Commitment Matrix? See example below.

Commitments Matrix: Takes the comments collected, makes commitments, and then references where in the plan these commitments are kept. This attachment is typically included in regulatory planning documents where it is essential to ensuring stakeholder alignment, e.g.

Consultation	Commitment	Reference
<p>“Save trees” – 49 comments in PC</p> <p>“Protect Wildlife” – 2 comments on website</p>	<p>Development will fell no existing trees.</p>	<p>Section 2.1</p> <p>Section 4.9</p> <p>Appendix A</p>
<p>“More active transit” – 21 comments in PC</p> <p>Town of Wolfville Active Transit Plan</p>	<p>A safe bike trail will permit bicycle commuter access to every building within the development area.</p>	<p>Section 3.7</p> <p>Appendix B</p>

9. How will the developer work around the water course to ensure no further contamination?
10. Will there be restrictions on the new property owners to ensure no unpermitted contamination enters the water course?
11. PID 45366515 is mostly Agricultural Priority 2. Given the comments of the landowner representative, Surveyor Sheldon Chisholm, at the Public Information Meeting Nov-10-22, the main concern that this PID supposedly failed agrologist testing, is the slope. If you would be excavating this PID to offset the issue of the slope to allow for housing construction, the same rational thinking could be used to do the same to permit continued Agricultural designation. Adding the Provincial Statement of Interest around the protection of Agricultural land, and, the Province’s published target

of 20% local food production by 2030, this PID should be removed from the application.

12. How will water be supplied to any housing built?

13. We would also like to see some more quantified metrics.

Not everyone is a visual

thinker. It would be good to have a table that included the following metrics extracted from

the proposed layout. We recognize some of these would be not available or would be mere

approximations at this juncture, but many could be populated.

Total square footage SFH

Total number of  $\leq 1$ BA

Total number of 2BA

Total number of 3BA+

Total number of rental units

Total number of purchase-able units

% of purchase-able units that will have a purchase price equal to or

less than the median price per square foot in Hantsport and Hants

Border

% of rental units that will have a monthly rental rate equal to or less

than the median monthly rental rate in Hantsport and Hants

Border

14. Is there any intent to do a wildlife study as part of this process? This area is extremely

well travelled by local fauna. This development will disrupt an existing hunting ground.

Building corridors and leaving wildspace within the development could mitigate this without substantially impacting the developable square footage. Reference green space between PID 45366515 and 53 Bog Road in conjunction with the water line for CKF over which no structures can be built.

15. We would like to know if there are any disclosures with respect to the development area landowners. Do they own or control other properties near the development area or in the municipality generally? Will they materially benefit from the configuration of the resulting development above and beyond their stake in it?

16. It has been mentioned that it is important that the development be attractive for developers. We take this to be a reference to ultimate profitability. Has any economic modeling been done in support of this development plan? Could it be shared?

17. Is there any possibility of pursuing any alternative development models for this land, such as housing cooperatives? Cooperative housing seems like it would fit the character of Hantsport and Area, and could provide a means of ensuring upkeep of common areas and development of additional cooperative services.

18. Were any alternative or supplemental scenarios considered in addition to developing

these lands, such as re-developing existing low-density housing?

19. The landowners who border the development parcels should be engaged with separately as a group and it seems like a fumble they were not. We would appreciate it if all bordering landowners were invited to a special consultation session focused on their concerns.

20. Could we be provided some comparables to the building forms being proposed?

21. We think we need information about how this will be managed in terms of minimizing disruption to residents while bringing habitable assets online quickly to meet demand.

What activities will be executed first? What milestones exist to confirm the full development will remain viable as it proceeds? What scale-back options exist if the economy changes not in favor the development?

22. Could we look to receive artist's renderings of the views as they will appear from typical viewing locations prior to approving presentation.

23. Could we understand more of the thinking process behind the buildings being proposed and the resulting density?

24. What are we leaving for the next generation if we landlock access to the agricultural land making it inaccessible?

25. There are many uses for sloped land in the agricultural context, it really depends on what model is being used for production and how non-cropped land is viewed. ie. The slope can house an apiary for pollination or developed for homing beneficial predatory species. Cattle can be mob grazed for a few hours in a rotational management strategy.

26. Having brought forward the slope as disqualification for ag land the agrologist has shown the limited big ag approach that is being used to assess the land.

It might be beneficial to find another agrologist to make comment on the land as a whole, one that is attuned to the holistic approaches to agriculture, using regenerative whole systems approach to the production of food.



**WEST HANTS REGIONAL MUNICIPALITY REPORT**

Information <input type="checkbox"/>	Recommendation X	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 8<sup>th</sup>, 2022

**Subject:** File # 22-25: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (West Hants)

**LEGISLATIVE AUTHORITY**

Municipal Government Act Section 205 & 210

**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 amending the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy to include PID 45366515 in the Residential designation and amending Schedule A of the West Hants Land Use-Bylaw by rezoning PID 45366515 on Bog Road, Hants Border from the Agricultural Priority Two (AR-2) zone to the Two Unit Residential (R-2) zone.

**BACKGROUND**

Property X	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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The completed application was submitted by Claude O’Hara on October 23<sup>rd</sup>, 2022 to change the zoning of 5 lots on Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499,

45366507, and 45366515) to the Two Unit Residential (R-2) zone to permit multiple semi-detached dwellings. The applicant has now changed to Sheldon Chisholm.

### ***Surrounding Context***

The subject lots directly abut Bog Road. Lands within the jurisdiction of the West Hants Municipal Planning Strategy (MPS) and located west of the subject lots, across Bog Road, are designated Resource, zoned General Resource (GR), and include residential dwellings as well as vacant lots. Lands to the east, behind the subject lots, have portions within the jurisdiction of both the Hantsport MPS and the West Hants MPS. The West Hants portion of this property is designated Agriculture, zoned Agricultural Priority Two (AR-2), and hosted a former agricultural use.

### **DISCUSSION**

Four of the subject lots (PIDs 45366473, 45366481, 45366499, and 45366507) are located completely within the jurisdiction of the Hantsport MPS, while the last subject lot (PID 45366515) is partially within the jurisdiction of the Hantsport MPS and partially within the jurisdiction of the West Hants MPS.

The subject lot within the jurisdiction of the West Hants MPS is designated Agriculture on the Generalized Future Land Use Map (GFLUM) of the West Hants MPS (Figure 1). This subject lot is zoned Agricultural Priority Two (AR-2) on Schedule A of the West Hants Land Use By-law (LUB) (Figure 2).

### ***Municipal Planning Strategy Document Review***

Policy 8.6.1 provides the criteria which must be met by an agrologist's report in order to permit the consideration of certain non-farm development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the agrologist has stated that the subject lot is considered Class 4 as per the CLI soil classification and exhibits constraints with regard to agriculture including stoniness, steepness of slope, and poor drainage;
- the author of the report is a professional agrologist (endorsed by the Nova Scotia Institute of Agrologists) who performed a site visit;
- the report includes a site plan showing the study area; and
- the report identifies site features and reasons that the subject lot would not be productive agricultural land.

Policy 16.1.1 allows Council to review and make amendments to the West Hants MPS including the Generalized Future Land Use Map (GFLUM). Amendments may be considered when the GFLUM is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intentions or the development environment. Residential development in the area, coupled with this request for amendment suggests a change in the development environment for this area.

Policy 16.3.1 establishes the general criteria that all amendments to the West Hants Land Use By-law must meet. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered 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, Municipal Traffic Authority, and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.

### ***Nova Scotia Statements of Provincial Interest***

The Statement of Provincial Interest Regarding Housing seeks to provide a wide range of housing types and opportunities to meet the needs of all Nova Scotians. The proposed development aligns with this interest as permitting two-unit residential dwellings in this area would enable a higher density and increased number of residential units to be provided for the community.

The Statement of Provincial Interest Regarding Infrastructure seeks to make efficient use of existing municipal water supply and wastewater disposal systems. The proposed development aligns with this interest as the subject lots are currently vacant and enabling infill development would allow for effective use of existing municipal services.

The Statement of Provincial Interest Regarding Agricultural Land seeks to protect agricultural land for the development of a viable and sustainable agriculture and food industry. This statement applies to all active agricultural land and land with agricultural potential in the Province. As determined by the agrologist, the subject lot (PID 45366515) has very low agricultural capability and would be unsuitable for the use of agricultural production of most crops due to various characteristics of its soil and topography, particularly its steep slope and poor drainage. As a result of the assessment of the subject lot being unsuitable for agricultural production of most crops, the Statement of Provincial Interest Regarding Agricultural Land would not be applicable.

### **NEXT STEPS**

Discussion from PAC/HAC will be incorporated into the report and presentation to Council.

### **FINANCIAL IMPLICATIONS**

There are no financial implications to the Municipality or residents with regard to the filing of this report.

### **ALTERNATIVES**

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- discuss the proposed Municipal Planning Strategy and Land Use By-law amendments as specifically drafted or as revised by the Committee; or
- provide alternative direction, such as requesting further information on a specific topic.

## **ATTACHMENTS**

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Policy Summary for Rezoning
Attachment B	Public Information Meeting Notes
Attachment C	Agrologist Report

Report Prepared by: \_\_\_\_\_

Alex Dunphy, Planner

Report Approved by: \_\_\_\_\_

Madelyn LeMay, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

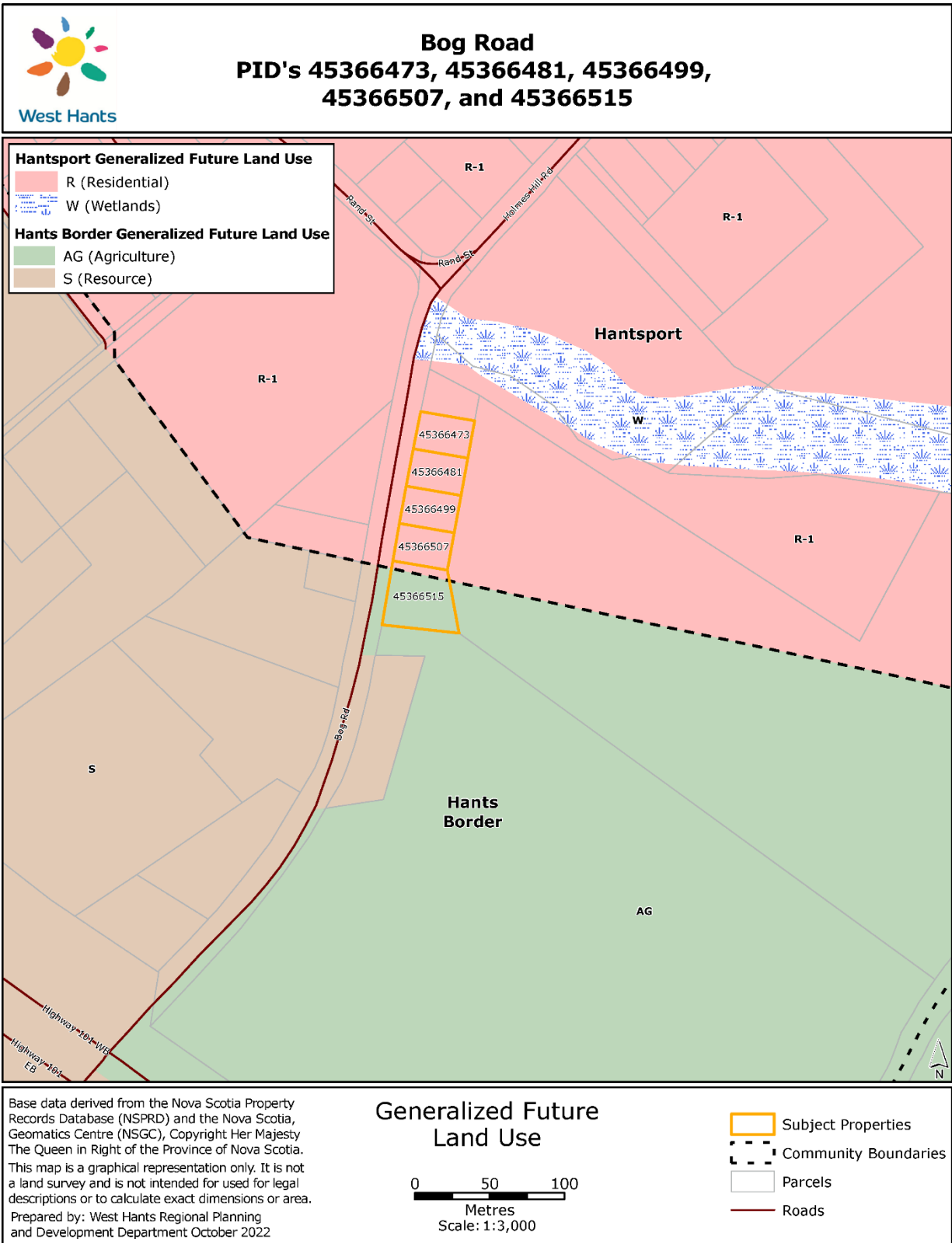


Figure 2 – West Hants Zoning Map Extract

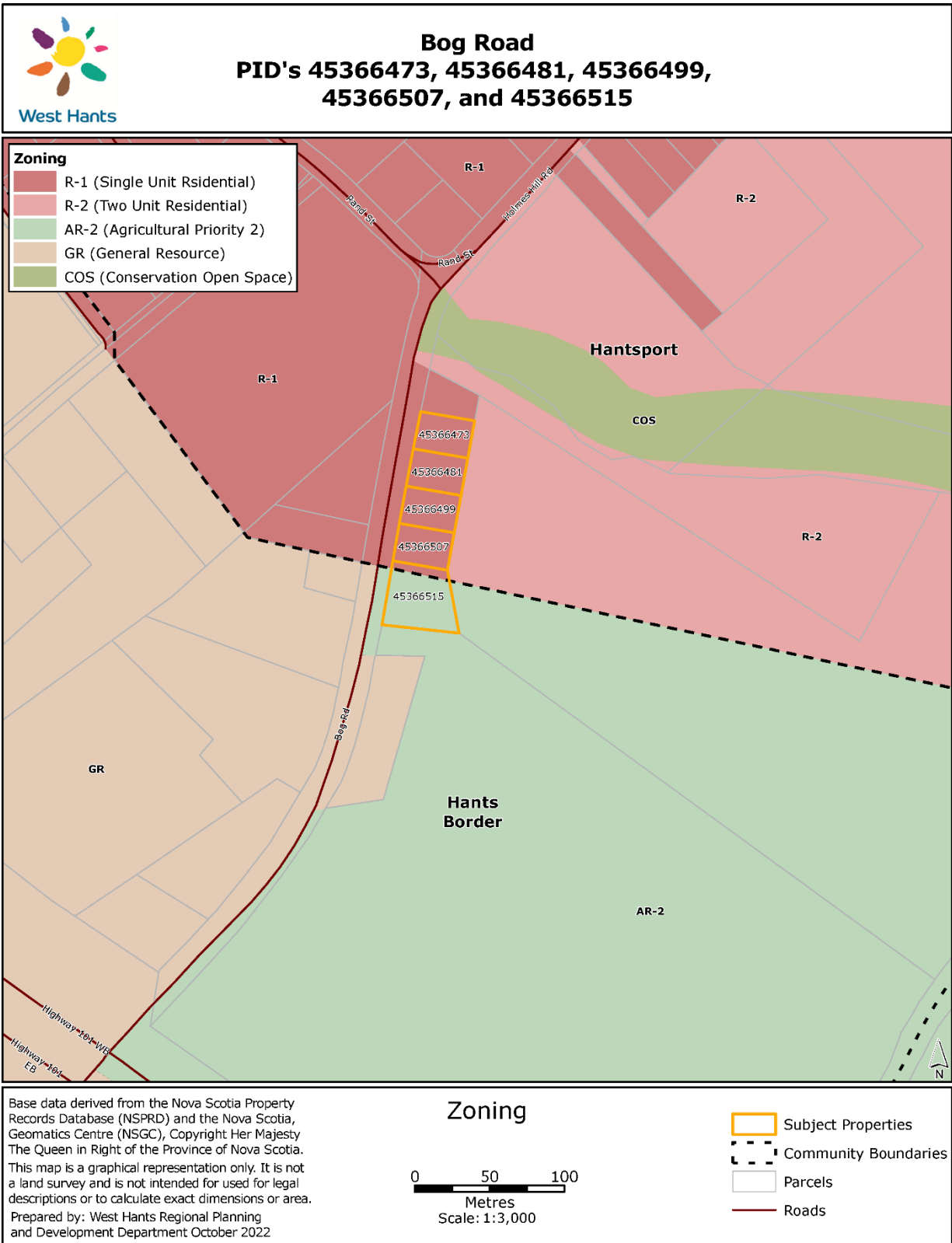
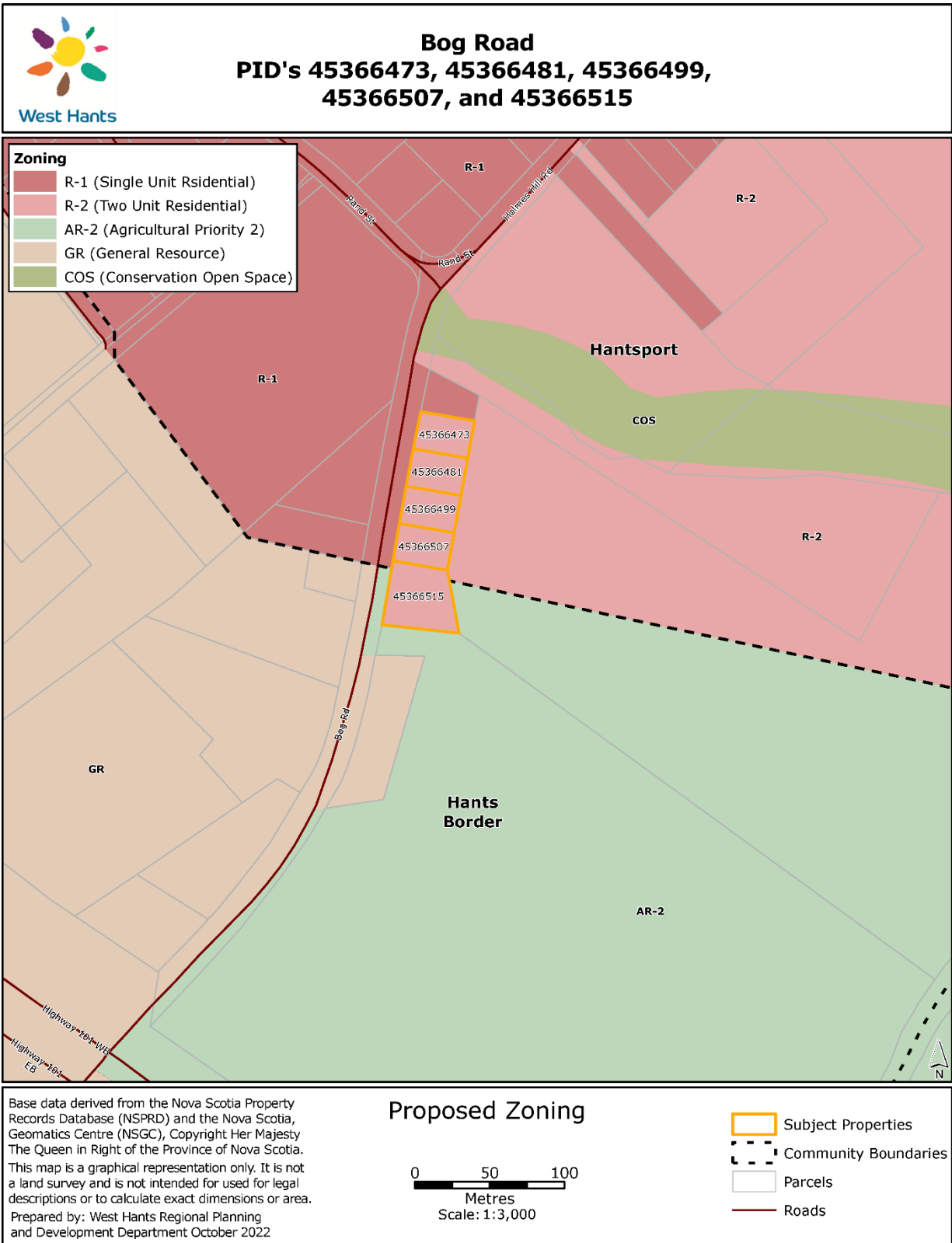


Figure 3 – Proposed Zoning Map Extract



## Attachment A – Policy Summary for Redesignation and Rezoning

<p><b>Policy 8.6.1</b>  <i>It shall be the policy of Council to consider certain non-farm development, pursuant to the relevant specific policies of this Part, on land within the Agricultural designation that has been determined to have little or no agricultural capability. A determination of agricultural capability shall be based on the following:</i></p>	
<p>(a) <i>90 percent or more of the development site is an existing or abandoned resource extraction site such as a sand pit, gravel pit or quarry for which a permit for extraction has been issued by the Province of Nova Scotia. The resource extraction must have been existing or abandoned prior to the effective date of this Strategy; or</i></p>	N/A
<p>(b) <i>if not a resource extraction site, a study has been prepared by a professional agrologist, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations and:</i></p>	
<p>(i) <i>90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture; or</i></p>	The agrologist determined that the land in the subject lot would be considered Class 4 agricultural land under the Canada Land Inventory classification system.
<p>(ii) <i>the soils have a capability for agriculture rating better than Class 4, but 90 percent or more of the development site exhibits severe limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings;</i></p>	N/A
<p>(c) <i>the study shall:</i></p>	
<p>(i) <i>be prepared by a registered full member of the Nova Scotia Institute of Agrologists;</i></p>	A report was received from Steve Howatt, who is a Professional Agrologist with the PEI Institute of Agrologists. Staff received confirmation that membership with the PEI Institute of Agrologists has been recognized by the Nova Scotia Institute of Agrologists qualifies Steve Howatt as a Professional Agrologist in Nova Scotia.
<p>(ii) <i>require a site inspection by the agrologist;</i></p>	A site visit was conducted on August 5 <sup>th</sup> , 2022 by Steve Howatt.
<p>(iii) <i>specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;</i></p>	The agrologist performed a site inspection, assessed soil type and quality through digging numerous test pits, observed

	vegetation, and assessed slope, drainage, and stoniness. The agrologist also reviewed soil survey and topography maps as well as the current Canada Land Inventory (CLI) classifications for soils present on the subject and neighbouring lots.
<i>(iv) identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;</i>	Refer to Site Description section in Attachment D.
<i>(v) include a site plan illustrating the area studied and any relevant site features;</i>	Refer to Figure 1 included within Attachment D.
<i>(vi) identify reasons why the use would be compatible with, or not adversely affect, area farms. Reference should be made to the following where applicable: site and locational constraints; infilling between existing non-farm development; logical extension of existing non-farm development; special use with special locational requirements; current pattern of development; parcel size and shape; surrounding land uses; context within which the parcel fits into the farming area; viability of the parcel and remnant for farming; and existing, past and future use of the parcel and remnant;</i>	The agrologist has identified that other than the subject lot, no other agricultural production abuts the subject lot.
<i>(vii) indicate the implications of letting the parcel go out of agricultural production; and</i>	The subject lot is not currently in agricultural production. The agrologist determined that due to stoniness, slope, and poor drainage, the subject lot would significantly restrict agricultural capability.
<i>(viii) indicate the implications of fragmenting the land.</i>	The subject lot is a comparatively small lot and the proposal does not fragment agricultural development in the area.

<b>Policy 16.1.1</b>	
<i>It shall be the policy of Council to review and make amendments to this Strategy:</i>	
<i>(a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);</i>	The GFLUM will need to be updated if Council redesignates the lot.
<i>(b) to bring the Strategy in line with Provincial Statements of Interest; or</i>	The redesignation would address the Statements of Provincial Interest with

	regard to housing, infrastructure, and agricultural land.
<i>(c) when Council deems it necessary because of a change in policy intentions or the development environment.</i>	Residential development in the area, coupled with this request for amendment suggests a change in the development environment for this area.

<b>Policy 16.3.1</b>	
<i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i>	
<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 commented that they had no concerns regarding the addition of the proposed use. The developer would be responsible for any development costs for any required upgrades to receive adequate municipal services.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The local Fire Chief has stated that there is adequate fire protection for the proposed use. The Manager of Building and Fire Inspection Services had no issues with fire protection.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager from the Nova Scotia Department of Public Works and the Municipal Traffic Authority had no concerns regarding the road networks adjacent or leading to the development.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	The Municipal Project Engineer commented that the subject lots would have access to municipal services. The developer would be responsible for any development costs for any required upgrades to receive adequate municipal services.

<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Area Manager from the Nova Scotia Department of Public Works and the Municipal Traffic Authority commented that they had no concerns regarding any aspect of movement.</p>
<p><i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The Development Officer commented that they had no concerns regarding the adequacy of dimensions and shape of the subject lots.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The Development Officer commented that they had no concerns regarding the pattern of the proposed development.</p>
<p><i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i></p>	<p>Any development of the subject lots must meet the regulations of the Nova Scotia Department of Environment and Climate Change regarding the protection of watercourses.</p>
<p><i>(g) 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></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p><i>(h) any other matter required by relevant policies of this Strategy.</i></p>	<p>All relevant matters have been addressed in this report.</p>

## Attachment B – Public Information Meeting Notes

November 10 - November 25, 2022

**File # 22-25: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 – Rezoning (West Hants)**

<b>Meeting date and time</b>	A public information meeting was held on November 10, 2022 beginning at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
<b>File Number</b>	22-25
<b>Attending</b>	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"><li>• Councillor Jim Ivey</li></ul> <p>Four (4) members of staff:</p> <ul style="list-style-type: none"><li>• Director LeMay (Chair)</li><li>• Planner Poirier</li><li>• Planner Dunphy</li><li>• Meeting Secretary Lake</li></ul> <p>Ten (10) members of the public were present for this meeting. Of those that attended in-person, Melody Dempsey and Graham Sanford spoke.</p>
<b>Applicant</b> Sheldon Chisholm <b>Properties</b> Bog Road, Hantsport/Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515)	<p>Planner Dunphy outlined the application to rezone the five (5) subject lots on Bog Road to the Two Unit Residential (R-2) zone.</p> <p>Sheldon Chisholm, the applicant, spoke to the intention to develop the lots as semi-detached residential dwellings.</p> <p>Graham Sanford, a resident, gave a presentation regarding concerns with the proposed rezoning of the subject lots. Mr. Sanford also explained concerns regarding a complaint with the Nova Scotia Department of Environment and Climate Change, a potential violation of the Land Use By-law, access to and water supply for a property owned by the developer and located abutting the subject lots, food production goals for the Province, and affordability of residential developments.</p>
<b>Comments</b>	<p>Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between November 10 – November 25, 2022.</p> <p>Staff received one (1) phone call and three (3) emails were received. The email responses are attached. The phone call was from Doreen Smith and was concerning the driveway located on one of the subject lots which the resident considered may not be up to code as well as concerns with the safety as a pedestrian on Bog Road.</p> <p>3 members of the public spoke at the Public Information Meeting. The following are comments and questions from the public</p>

	<p>information meeting. Staff and applicant responses are included in purple text.</p> <ul style="list-style-type: none"> <li>• Concerns with removal of agricultural land for residential development</li> <li>• There must have been former agricultural use on the property</li> <li>• Concerns with development of lots located behind subject lots and the view of farmland from existing properties Mr. Chisholm responded that the intention is to maintain some agricultural activity. The full scope of future development has not been determined. The Municipal Planning Strategy has policies for agricultural land which have been followed. Plan to preserve the barn. Director LeMay commented that any further proposed development on nearby land would be required to be addressed through a new planning process.</li> <li>• What properties does the developer own? Mr. Chisholm responded that not all the properties owned are shown.</li> <li>• The agrologist considered the subject lot as not ideal in terms of farmland? Mr. Chisholm confirmed that the subject lot had an agrologist report completed which determined the lot was not ideal for agricultural development.</li> <li>• Mr. Chisholm responded to Graham Sanford’s presentation by commenting that the developer will ensure that the lot located behind the subject lots will have access. The farmhouse was not able to be repaired, but the barn was able to be maintained. Mr. Chisholm disagreed with the current municipal boundary line. Mr. Sanford responded requesting an addition to any development agreement on the property require access for the lot located behind the subject lots. Director LeMay responded by commenting that this planning process is for the subject lots and any further development of other lots would have to be dealt with in another planning process.</li> </ul>
<b>Adjournment</b>	The presentation portion of the PIM ended at approximately 6:44 p.m.

**Public Email Responses Submitted for the Application PIM**

November 8<sup>th</sup>, 2022

**From: Graham Sanford**

To: Alex Dunphy

Hi Alex.

Nice speaking with you earlier.

As requested, please find attached my in person presentation for this Thursday November-10-22.

If there are any items I need to change please let me know along with the rationale for the change.

Per your instructions I will bring a data stick with me containing this presentation.

Could you please confirm receipt of this e-mail, that I have been slotted to present, and at what point in the schedule for the evening?

With my thanks,

Graham Sanford

**(Presentation is attached below)**

---

November 10<sup>th</sup>, 2022

**From: Greg Pace**

To: Alex Dunphy

Good morning Mr. Dunphy

Elsie and I live at 59 Holmes Hill Rd and received the letter regarding the above noted meeting. On Tuesday morning of this week we received a phone call from Councillor Morton in which he said the meeting was open to the public and we were welcome to attend in person. We are both very interested in the apparent development of the land to our west which includes the PIDs as mentioned. Unfortunately both Elsie and I will not be able to attend the meeting this evening.

Further to this, we have been communicating with Graham Sanford, our neighbour, who has prepared a presentation for the meeting. We both concur with the information in his presentation.

Mr Graham indicated he was permitted a 5 minute time slot for a presentation to council regarding the rezoning. Elsie and I were not made aware in any communication that we were able to make a presentation at this meeting; given the opportunity we would have done so.

I am requesting that should Mr. Sanford require more than his allotted 5 minutes he be granted more time to communicate our views which are included in his presentation.

Regards

Greg Pace and Elsie Wetmore

---

November 25<sup>th</sup>, 2022

**From: Graham Sanford**

To: Alex Dunphy

Hi Alex.

Please find attached our questions.

Best regards,

Graham Sanford

Don't Be The Dirt Advocacy

**(Question Sheet is attached below)**

“We believe the health of where we live is key to all possible outcomes.”



# Regarding Public Information Meeting Notice of November 1, 2022. Development on Bog Road, Hants Border.

Presented by Graham Sanford and Don't Be The Dirt Advocacy

53 Bog Road

Hants Border, N.S.

B0P 1P0

## Current Concerns

- 1.) PID 45046315 (8 Bog Road) , 26 acres. Inconsistent Information Regarding how R2 Zoning Came to Be
  - Three, separate conflicting answers from WHRM regarding when PID 45046315 (8 Bog Road) , 26 acres, was zoned R2: 1.) When amalgamation occurred, 2.) Prior to amalgamation, 3.) was never agricultural land.\*\*This is the PID behind the lots on Bog Road.
- 2.) Failure to Protect AP2 Land part of PID 45046315, RE: Site Inspection Based on Complaint
  - Conflicting information from WHRM Staff on October-12-22 related to their inspection of the site. See slide 4 for written support, visual support from slides 6/7/8/9.
- 3.) Complaint in Progress with Nova Scotia Department of Environment and Climate Change
  - Complaint with Nova Scotia Department of Environment and Climate Change filed October-11-22, Pit operation, possible no sediment damn leading to pollution of water course that feeds the Halfway River. Video evidence submitted.
- 4.) Development of the PIDS in the notice, will this lead to land locking of the AP2 zoned land, therefore creating a narrative supporting re-zoning for development?
- 5.) How will appropriate access be maintained to the AP2 Zoned land, specifically PID 45360914? \*\*This is the PID Zoned Agricultural Priority 2, that exists between 8 Bog Road, the land behind the lots along Bog Road, and the 101 Highway.
- 6.) By what method will water be supplied to this and any other development this side of the 101 Highway?

## Communications with WHRM

- October-11-22 Complaint regarding Activity on PID 45046315 to WHRM. I hope you are well. Please let this e-mail act as my formal complaint to the activity taking place on PID 45046315. For over a week now top soil that has been stripped from this same PID has been trucked, and is being trucked, off site. I do have proof. Thank you in advance for your appropriate action on this matter. Best regards, Graham Sanford, 53 Bog Rd, Hantsport, NS B0P 1P0 902 788 4989
- October-12-22 from WHRM: Graham, I inspected the Bog Road development yesterday. The top soil that is being removed is in the former Town of Hantsport, Two Unit Residential zone. **This is not a violation as top soil removal is only a violation if within the Agricultural zones.**

**Note: Slides 6/7/8/9 clearly indicate the boundary between R2 and AP2, and therefore clearly indicate the removal of top soil from Agricultural Priority 2 Zone, which per the Development Officer e-mail above, is a violation.**

# Viewpoint

The screenshot displays the ViewPoint.ca web application interface. At the top, the browser address bar shows the URL `viewpoint.ca/map`. The navigation menu includes links for `AGENTS`, `SELLING`, `BUYING`, `MAP`, `MORTGAGE`, `INSURANCE`, `MARKETING`, and `DASHBOARD`. The user's email `gwsanford@gmail.com` is visible in the top right corner.

The main map area shows a residential subdivision with several lots labeled `LOT 3` through `LOT 6`. Lot 3 is highlighted with a red border. The map includes a search bar, a sidebar with navigation options like `NEW TODAY`, `TOP LISTINGS`, `SEARCH`, `FAVOURITES`, `SHOWINGS`, and `MORE`, and a `VIEWPOINT AGENT` pop-up for Wanda Graves, REALTOR® in Annapolis Valley. The map also features a `MEASURE TOOL`, `LEGEND`, `HELP`, and `LAYERS` panel. The bottom status bar shows the weather as `6°C Partly sunny` and the time as `11:44 AM`.

2022-11-06

# Public Information Meeting Letter-Front



November 1, 2022

Dear Property Owner:

**Re: Public Information Meeting  
Bog Road, Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515)**

This letter is being sent to you as you are an owner of land within 500 feet of the above property.

You are invited to attend a Public Information Meeting hosted by the Planning and Heritage Advisory Committee. The meeting is scheduled for **6:00 p.m. on Thursday, November 10<sup>th</sup>** and it can be viewed live on the Municipal Facebook page at [www.facebook.com/RMWindsorWestHants](http://www.facebook.com/RMWindsorWestHants).

The meeting is to explain and receive comments on a proposed rezoning to the Two Unit Residential (R 2) zone.

If you would like to virtually attend the meeting, please contact Alex Dunphy by Tuesday, November 8<sup>th</sup>. Members of the public are welcome to submit comments or questions on the proposed development agreement to Alex Dunphy by noon on November 25<sup>th</sup>, 2022 by:

Phone	902-798-8391 ext. 118
Email	<a href="mailto:adunphy@westhants.ca">adunphy@westhants.ca</a>
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional office at 76 Morison Drive

Sincerely,

Alex Dunphy  
Planner

West Hants Regional Municipality  
PO Box 3000, 76 Morison Drive, Windsor, NS, B0N 2T0  
902-798-8391 [www.westhants.ca](http://www.westhants.ca)

# Public Information Meeting Letter-Back

\*Note the dotted line between PID 45366507 and PID 45366515, former TOH boundary\*

**PROPOSAL INFORMATION SHEET**

**Address:** Dog Road, Hants Border (PIDs 45366473, 45366481, 45366499, 45366507, and 45366515)

**Request:** Semi-detached residential dwellings

**Proposal Description:** Rezoning to the Two Unit Residential (R-2) zone.

<b>Community:</b> Hants Border	<b>Designation:</b> Residential / Agriculture	<b>Current Zone:</b> Single Unit Residential / Agricultural Priority Two (AR-2)
-----------------------------------	--	---

**Location:**

**Bog Road**  
PID's 45366473, 45366481, 45366499,  
45366507, and 45366515

Scale in a centimetre from the 1:50,000 Project Plan. For a detailed map of the area, contact the Planning Department at 902-709-6301. This map is for informational purposes only. It is not intended to be used as a legal document. The information is subject to change without notice.

**Orthophoto**

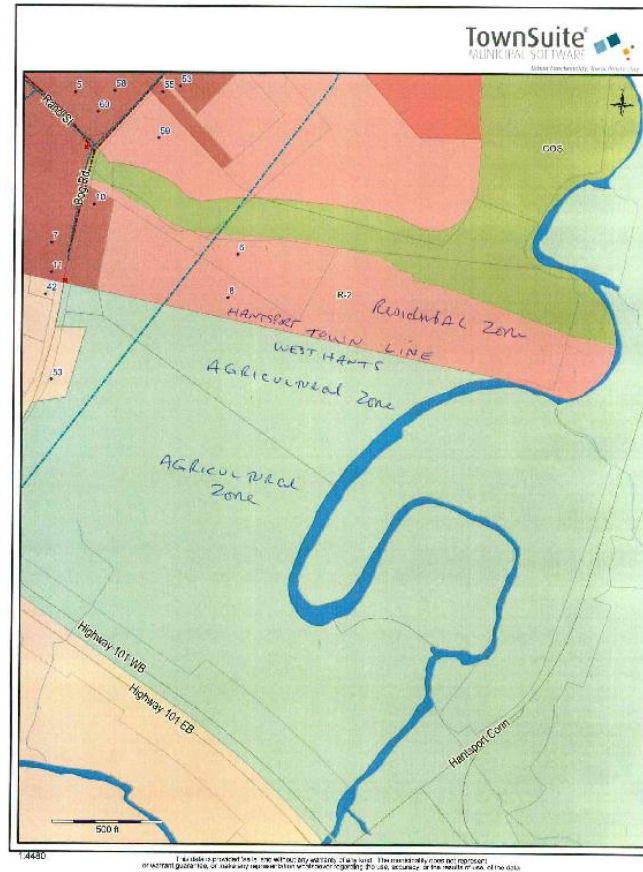
0 50 100  
Metres

- Proposed Properties
- 2015-16 Property Assessment
- Setback
- Road

West Hants Regional Municipality  
400-500, 78 Market Drive, Windsor, NS, B2N 2T0  
902-709-6301 www.westhants.ca

# Confirmed Zoning PID 45046315 from WHRM

\*Note the zoning inside and outside former TOH boundary



## Standing at TOH Line-Fire Hydrant-Compare to Slide 6 and 7

\*Left of hydrant flag is R2, right of hydrant flag AP2. Note the top soil removed, extending from Bog Road down to barn, in the AP2 Zone, gravel brought in, possible destruction of the water course, and possible absence of a sediment damn.



## Standing at TOH Line-Fire Hydrant-Compare to Slide 6 and 7



## Reference from An Act Respecting Municipal Government

- **DEFINITIONS**
- These definitions apply to the Statements of Provincial Interest.
- **Agricultural Land** means active farmland and land with agricultural potential as defined by
- the Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, speciality
- crop lands and dykelands suitable for commercial agricultural operations as identified by
- the Department of Agriculture.

## Reference from An Act Respecting Municipal Government

- **PROVISIONS**
- 1. Planning documents must identify agricultural lands within the planning area.
- 2. Planning documents must address the protection of agricultural land. Measures that
- should be considered include:
- 
- (a) giving priority to uses such as agricultural, agricultural related and uses
- which do not eliminate the possibility of using the land for agricultural purposes
- in the future. Non-agricultural uses should be balanced against the need
- to preserve agricultural land;

## **Reference from An Act Respecting Municipal Government**

- **STATEMENT OF PROVINCIAL INTEREST**
- **REGARDING AGRICULTURAL LAND**
- **GOAL**
- To protect agricultural land for the development of a viable and sustainable agriculture and
- food industry.
- **BASIS**
- The preservation of agricultural land is important to the future of Nova Scotians.
- Agricultural land is being lost to non-agricultural development.
- There are land-use conflicts between agricultural and non-agricultural land uses.
- **APPLICATION**
- This statement applies to all active agricultural land and land with agricultural potential in the
- Province.

## **Reference from An Act Respecting Municipal Government**

- **(c) setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;**
- **(d) measures to reduce topsoil removal on lands with the highest agricultural value.**
- 3. Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when
- agricultural land is located within an urban area. In these cases, planning documents
- must address the reasons why agriculture lands cannot be protected for agricultural
- use. Where possible, non-agricultural development should be directed to the lands
- with the lowest agricultural value.

## Forward Looking Considerations

- Optics of how the Municipal process unfolds is key.
- There are pressures that could lead to decisions that erode the public trust.
- Erosion of public trust weakens our communities.
- Public trust in local governance is a cornerstone of a healthy vibrant community, where people choose to live, raise a family, immigrate, start a business, spend their disposable income, enjoy historic sites, embrace our good fortune in living where we do, without travelling to enjoy the natural world amongst us.
- There is no place for personal beliefs or philosophies in governance.
- Consistency is key.
- Adaptability with a wide lens is key.
- Inclusion is key.
- Integrity is key.

## Summary

- We need housing development.
- To be housed, is a necessity. Picture yourself without stable shelter to understand how it affects all other outcomes.
- Market based housing, and the supply of it, WILL lower the cost to acquire it.
- Market based housing, and the supply of it, IS NOT the sole solution.
- Market based housing, and the development of it requires a minimum rate of return for the developer.
- There are over 5000 persons in this province waiting for public housing.
- Approximately 1000 of these can be accommodated by moving the over housed.
- How will the others be housed?
- Thus, the need for other housing options that ARE NOT based on the market.
- Do the math when considering affordability, math does not lie.
- Seemingly valid concerns are already at play specific to the activities on Bog Road, Hants Border.
- The ability to express these concerns in a public format is foundational.
- Never give up the rules in place to protect land and the immediate environment in favor of any “emergency”.

**On behalf of Graham Sanford, and Don't Be the Dirt Advocacy...**

**Thank you!**

Disclaimer: By participating in the option to send in questions to the planner regarding the notice dated November 1, 22:

“Public Information Meeting Bog Road, Hants Border, (PID’s 45366473, 45366481, 45366499, 45366507, 45366515)

If you would like to virtually attend the meeting, please contact Alex Dunphy by Tuesday, November 8th . Members of the public are welcome to submit comments or questions on the proposed development agreement to Alex Dunphy by noon on November 25th, 2022” .....

We by no way forfeit our position, or requests in process, that this process should be halted given 2 violations on abutting PID 45046315, same landowner, **and an unanswered question with requested supporting documentation as to how PID 45046315 became R2 zoning.** If you accept these questions, you hereby agree to this statement.

If you reject these questions, please provide justification of the rejection.

1. Lot 3, PID 45366481 is a driveway. What is the purpose of the rezoning request given the only access to land behind these PID’s is from this location, this PID on the Bog Road?
2. With the exception of Lot 2, PID 45366473, the remainder of the lots are below the grade of the Bog Road. How will they be accessed?

3. Will the excavation for the structures dig into the bank closest to the road as with Lot 3, PID 45366481?
4. If so, will a guard rail be placed where the drop from the road shoulder to the excavation is a safety concern?
5. Can they developer provide examples from their portfolio of other housing developments in Nova Scotia?
6. Why does the developer not have a website and a clear public face, contact person with listed contact information and title, position held, at the developer organization? At last count there were 18 corporations registered to 49 Cole Drive in Windsor N.S.
7. How does this developer plan to finance this development?
8. Will the developer commit to participating in a Commitment Matrix? See example below.

Commitments Matrix: Takes the comments collected, makes commitments, and then references where in the plan these commitments are kept. This attachment is typically included in regulatory planning documents where it is essential to ensuring stakeholder alignment, e.g.

Consultation	Commitment	Reference
<p>“Save trees” – 49 comments in PC</p> <p>“Protect Wildlife” – 2 comments on website</p>	<p>Development will fell no existing trees.</p>	<p>Section 2.1</p> <p>Section 4.9</p> <p>Appendix A</p>
<p>“More active transit” – 21 comments in PC</p> <p>Town of Wolfville Active Transit Plan</p>	<p>A safe bike trail will permit bicycle commuter access to every building within the development area.</p>	<p>Section 3.7</p> <p>Appendix B</p>

9. How will the developer work around the water course to ensure no further contamination?
10. Will there be restrictions on the new property owners to ensure no unpermitted contamination enters the water course?
11. PID 45366515 is mostly Agricultural Priority 2. Given the comments of the landowner representative, Surveyor Sheldon Chisholm, at the Public Information Meeting Nov-10-22, the main concern that this PID supposedly failed agrologist testing, is the slope. If you would be excavating this PID to offset the issue of the slope to allow for housing construction, the same rational thinking could be used to do the same to permit continued Agricultural designation. Adding the Provincial Statement of Interest around the protection of Agricultural land, and, the Province’s published target

of 20% local food production by 2030, this PID should be removed from the application.

12. How will water be supplied to any housing built?

13. We would also like to see some more quantified metrics.

Not everyone is a visual

thinker. It would be good to have a table that included the following metrics extracted from

the proposed layout. We recognize some of these would be not available or would be mere

approximations at this juncture, but many could be populated.

Total square footage SFH

Total number of  $\leq 1$ BA

Total number of 2BA

Total number of 3BA+

Total number of rental units

Total number of purchase-able units

% of purchase-able units that will have a purchase price equal to or

less than the median price per square foot in Hantsport and Hants

Border

% of rental units that will have a monthly rental rate equal to or less

than the median monthly rental rate in Hantsport and Hants

Border

14. Is there any intent to do a wildlife study as part of this process? This area is extremely

well travelled by local fauna. This development will disrupt an existing hunting ground.

Building corridors and leaving wildspace within the development could mitigate this without substantially impacting the developable square footage. Reference green space between PID 45366515 and 53 Bog Road in conjunction with the water line for CKF over which no structures can be built.

15. We would like to know if there are any disclosures with respect to the development area landowners. Do they own or control other properties near the development area or in the municipality generally? Will they materially benefit from the configuration of the resulting development above and beyond their stake in it?

16. It has been mentioned that it is important that the development be attractive for developers. We take this to be a reference to ultimate profitability. Has any economic modeling been done in support of this development plan? Could it be shared?

17. Is there any possibility of pursuing any alternative development models for this land, such as housing cooperatives? Cooperative housing seems like it would fit the character of Hantsport and Area, and could provide a means of ensuring upkeep of common areas and development of additional cooperative services.

18. Were any alternative or supplemental scenarios considered in addition to developing

these lands, such as re-developing existing low-density housing?

19. The landowners who border the development parcels should be engaged with separately as a group and it seems like a fumble they were not. We would appreciate it if all bordering landowners were invited to a special consultation session focused on their concerns.

20. Could we be provided some comparables to the building forms being proposed?

21. We think we need information about how this will be managed in terms of minimizing disruption to residents while bringing habitable assets online quickly to meet demand.

What activities will be executed first? What milestones exist to confirm the full development will remain viable as it proceeds? What scale-back options exist if the economy changes not in favor the development?

22. Could we look to receive artist's renderings of the views as they will appear from typical viewing locations prior to approving presentation.

23. Could we understand more of the thinking process behind the buildings being proposed and the resulting density?

24. What are we leaving for the next generation if we landlock access to the agricultural land making it inaccessible?

25. There are many uses for sloped land in the agricultural context, it really depends on what model is being used for production and how non-cropped land is viewed. ie. The slope can house an apiary for pollination or developed for homing beneficial predatory species. Cattle can be mob grazed for a few hours in a rotational management strategy.

26. Having brought forward the slope as disqualification for ag land the agrologist has shown the limited big ag approach that is being used to assess the land.

It might be beneficial to find another agrologist to make comment on the land as a whole, one that is attuned to the holistic approaches to agriculture, using regenerative whole systems approach to the production of food.



**WEST HANTS REGIONAL MUNICIPALITY REPORT**

Information <input type="checkbox"/>	Recommendation X	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 8<sup>th</sup>, 2022

**Subject:** File # 22-22: Highway 215, Cheverie (PID 45178944) – Development Agreement

**LEGISLATIVE AUTHORITY**

Municipal Government Act Section 230

**RECOMMENDATION**

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a campground at Highway 215, Cheverie (PID 45178944) which is substantively the same as the draft set out in Attachment B of the report File #22-22 to the Planning and Heritage Advisory Committee dated December 8, 2022.

...that PAC/HAC recommends that Council require that the development agreement with Kristen, Jeffery, and Cody Ross for Highway 215, Cheverie (PID 45178944) 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 X	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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The completed application was submitted by Kristen, Jeffery, and Cody Ross on September 6<sup>th</sup>, 2022 to consider a campground by development agreement on Highway 215, Cheverie (PID 45178944).

### ***Surrounding Context***

All properties surrounding the subject lot are designated Resource and zoned General Resource (GR), with the exception of a small lot zoned Open Space (OS). Lands surrounding the subject lot are primarily low density residential uses with natural forest cover.

## **DISCUSSION**

The subject lot is designated Resource on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (MPS) (Figure 1) and zoned General Resource (GR) on Schedule A of the West Hants Land Use By-law (LUB) (Figure 2).

### ***Municipal Planning Strategy Document Review***

Policy 9.1.7 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider Recreation Commercial (RecC) uses in the General Resource (GR) zone by development agreement. The Policy also includes criteria which must be met by the proposed development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- there are no existing resource uses near the subject lot; and
- the proposed development is a suitable size for the rural nature of the area.

Policy 13.3.2 provides the specific criteria which must be met in order to permit the consideration of a development agreement for the proposed Recreation Commercial (RecC) use. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposed campground is intended to be open to the public and privately owned;
- provisions have been made in the draft development agreement to include yard requirements, buffering, lighting, maintenance, and operator presence; and
- the Development Officer and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.

Policy 16.3.1 establishes the general criteria that all amendments to the Windsor Land Use By-law must meet. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered 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 Engineering Technologist, and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.

## **NEXT STEPS**

Discussion from PAC will be incorporated into the report and presentation to Council.

## **FINANCIAL IMPLICATIONS**

There are no financial implications to the Municipality or residents with regard to the filing of this report.

## **ALTERNATIVES**

The Planning and Heritage Advisory Committee (PAC/HAC) may:

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

## **ATTACHMENTS**

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Draft Development Agreement
Attachment C	Public Information Meeting Notes

Report Prepared by: \_\_\_\_\_

Alex Dunphy, Planner

Report Approved by: \_\_\_\_\_

Madelyn LeMay, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

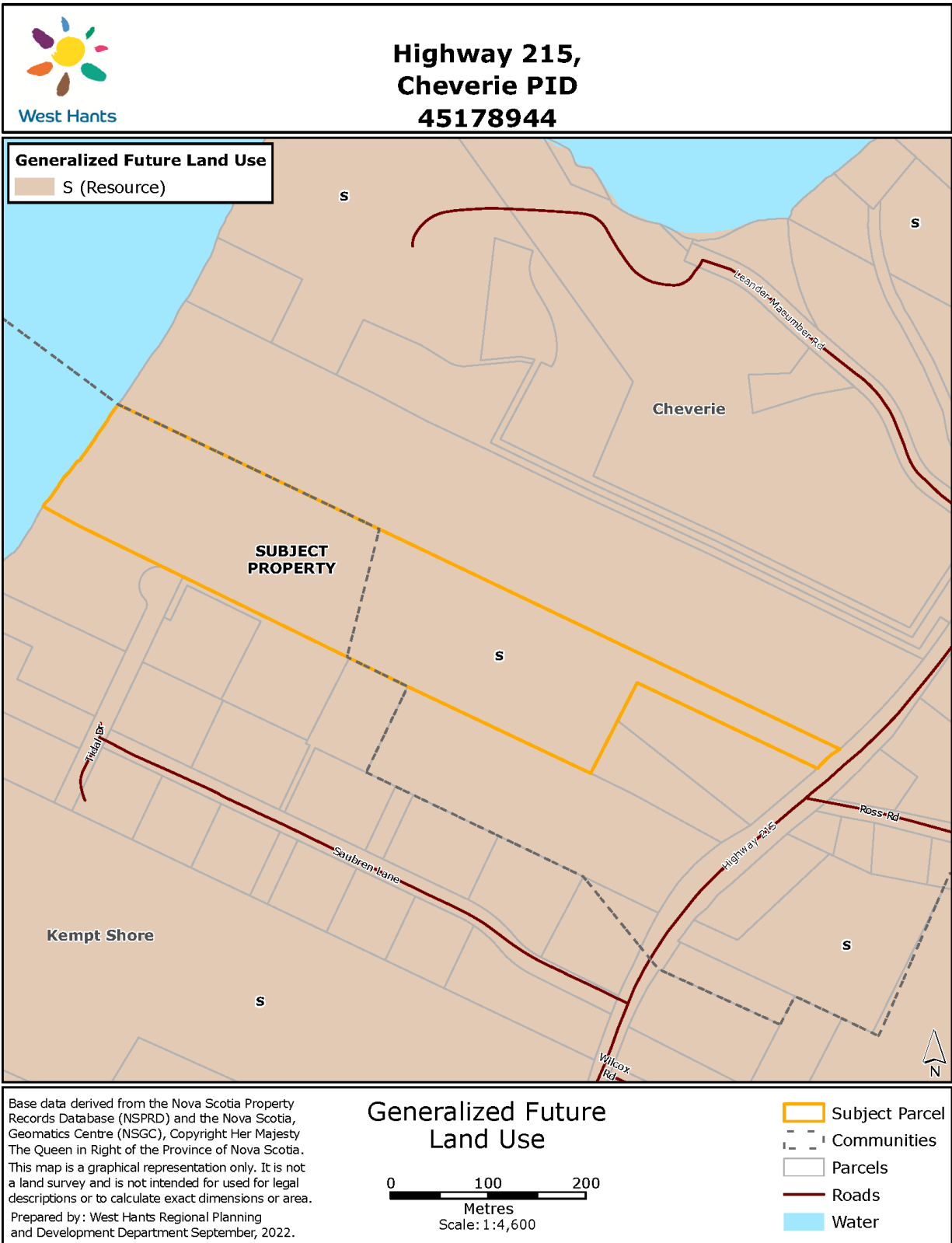
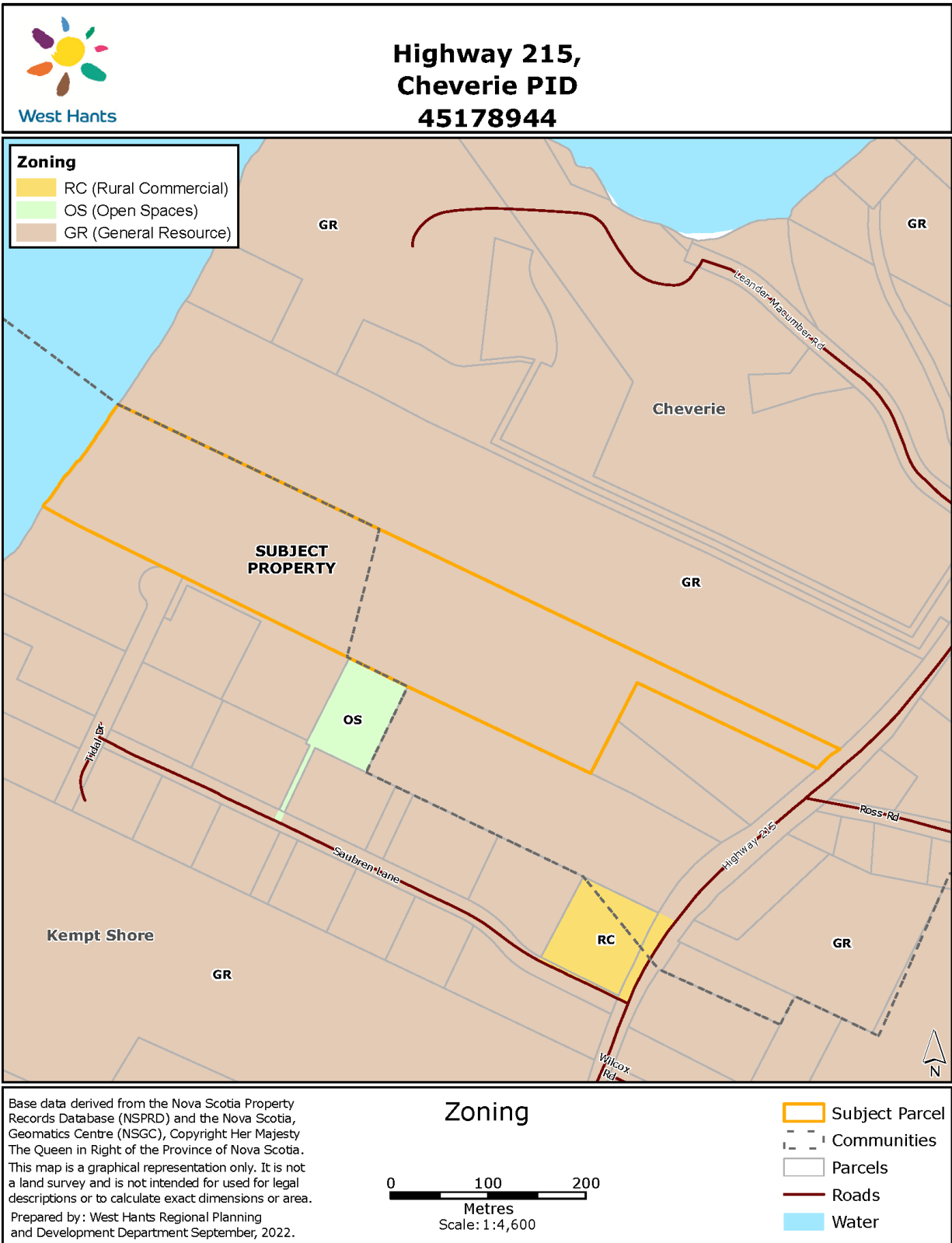


Figure 2 – West Hants Zoning Map Extract



## Attachment A – Policy Summary for Development Agreement

<p><b>Policy 9.1.7</b>  <i>It shall be the policy of Council that new Recreation Commercial uses may be considered in the General Resource (GR) zone by development agreement subject to Policies 13.3.2 and 13.3.3, provided:</i></p>	
<p><i>(a) the use will not adversely affect existing resource uses in the area; and</i></p>	<p>There are no existing resource uses near the subject lot.</p>
<p><i>(b) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet.</i></p>	<p>The proposed development is a suitable size for the rural nature of the area. The proposed campground is suitable for the rural context and is of a relatively low density design.</p>
<p><b>Policy 13.3.2</b>  <i>It shall be the policy of Council to consider the establishment of new Recreation Commercial uses by development agreement in any designation except the Village Core subject to the following criteria:</i></p>	
<p><i>(a) the proposed use is a campground, golf course, driving range or other commercial entertainment or recreation facility which is open to the public and privately owned;</i></p>	<p>The proposed campground is intended to be open to the public and privately owned.</p>
<p><i>(b) the use shall not include race tracks, motocross courses or other establishments which require the continued or frequent use of motor vehicles;</i></p>	<p>N/A</p>
<p><i>(c) the lot dimensions and any structures are adequate for the use at proposed capacity;</i></p>	<p>The Development Officer commented that they had no concerns regarding the adequacy of dimensions and shape of the lot for the proposed campground.</p>
<p><i>(d) safe and efficient roadway access is provided;</i></p>	<p>The Area Manager of the Nova Scotia Department of Public Works Confirmed that the subject lot is able to meet commercial access requirements.</p>
<p><i>(e) adequate on-site parking is provided;</i></p>	<p>The Development Officer commented that the proposed use has adequate space for on-site parking.</p>
<p><i>(f) if the proposed development is located in a Growth Centre, the property has adequate frontage on an arterial or collector road;</i></p>	<p>N/A</p>
<p><i>(g) neighbouring uses will not be adversely affected as a result of traffic generation, visual intrusion, hours of operation, noise, lighting, littering, dust or other impacts;</i></p>	<p>To reduce the potential for conflict between the proposed use and neighbouring uses, staff have included provisions in the development for: yard</p>

	requirements, buffering, lighting, maintenance, and operator presence.
<i>(h) adequate landscaping, fencing or buffering, and separation distances will be provided;</i>	Staff have recommended a major buffer of 20 ft be provided in the required yard setback of the proposed campground.
<i>(i) any other matter which may be addressed by development agreement; and</i>	All other matters are considered addressed.
<i>(j) Policy 16.3.1.</i>	See below.

<b>Policy 16.3.1</b>	
<i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i>	
<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 Public Works Department confirmed that there are no municipal services on the subject lot. Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.
<i>(ii) the adequacy of school facilities;</i>	N/A
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The local Fire Chief has stated that there is adequate fire protection for the proposed use. The Manager of Building and Fire Inspection Services had no issues with fire protection.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager from the Nova Scotia Department of Public Works had no concerns regarding the road networks adjacent or leading to the development.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Area Manager from the Nova Scotia Department of Public Works commented

	that the existing field access will require upgrades including a dimensioned intersection design and turning templates. This work will be required as part of the development process.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they had no concerns regarding the adequacy of dimensions and shape of the subject lot.
<i>(e) the pattern of development which the proposal might create;</i>	The Development Officer commented that they had no concerns regarding the pattern of the proposed development. The proposed development is not intended to be an intensive use as the developer has proposed a relatively low density design.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i>	Staff noted no issues at the time of the site visit.
<i>(g) 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>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

**Attachment B - Draft Development Agreement**



## DEVELOPMENT AGREEMENT

**THIS AGREEMENT** made this                    day of                    , 2023.

### **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 -

**Kristen Ross, Jeffery Ross, and Cody Ross**, of PID 45178944, Highway 215, Cheverie, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Owners”)

OF THE SECOND PART

**WHEREAS** the Owners are the registered owners of a parcel of land located at Highway 215 (PID 45178944) hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

**WHEREAS** the Property is designated Resource on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (June 26, 2008) (the “Municipal Planning Strategy”) and

zoned General Resource (GR) on the Zoning Map of the West Hants Land Use By-law (June 26, 2008) (the “Land Use By-law”); and

**WHEREAS** the Owners have requested that the Municipality enter into a development agreement to permit a Campground on the Property (the “Development”) and Section 6.1 (y) of the Land Use By-law enables Council to consider a development agreement for a campground as it is a listed permitted use in the Recreation Commercial (RecC) zone; and

**WHEREAS** the Council of the Municipality, at a meeting held on **Month Day, 2023**, approved this request;

**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 By-law, except those defined as follows:

- (a) “Campground” means an area used for a range of short term accommodations, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices and washroom facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

### **1.2 Schedules**

The following attached schedules shall form part of this agreement:

Schedule A - Legal Description

Schedule B - Site Layout

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

- (a) *Municipal Planning Strategy* means the West Hants Municipal Planning Strategy, effective on June 26, 2008, as amended, or successor By-laws;
- (b) *Land Use By-law* means the West Hants Land Use By-law, effective on June 26, 2008, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the West Hants Subdivision By-law, effective on June 26, 2008, as amended, or successor By-laws.

## **PART 2 DEVELOPMENT REQUIREMENTS**

### **2.1 Use**

The Parties agree that uses on the Property shall be limited to the following:

- (a) those uses permitted by the underlying zoning in the Land Use By-law;
- (b) a Campground; and
- (c) uses and structures accessory to the uses specified in clause 2.1 (a) and (b), including, but not limited to, storage sheds.

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**

The Campground shall be located completely within PID 45178944, Highway 215, Cheverie. A maximum of 15 unserviced campsites, 10 serviced campsites, 15 tenting campsites, washroom facility and two accessory buildings shall be located as shown on the Site Layout, Schedule B. The Campground shall meet the following yard requirements:

<b>Minimum front yard</b>	30 ft (9.14 m)
<b>Minimum rear yard</b>	30 ft (9.14 m)
<b>Minimum side yard</b>	30 ft (9.14 m)
<b>Maximum height of main building</b>	35 ft (10.67 m)

### **2.3 Buffering**

A 20 ft. wide buffer strip shall be located along all lot lines which abut other properties, except the lot line with street frontage on Highway 215, and shall contain:

- (a) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of at least 2 in. measured at 4.5 ft. above the surrounding grade and a minimum height of five (5) ft.; or
- (b) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity; or
- (c) a berm which is a minimum of six (6) ft. in height to buffer the abutting property; or
- (d) 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

any combination of the above, all arranged to form a dense or opaque screen, and maintained for as long as the buffer is required.

## **2.4 Access and Egress**

The main access/egress to the lot shall be directly from Highway 215. The vehicular entrance and exit shall be clearly demarcated and maintained to a level adequate to the standard set by the Nova Scotia Department of Public Works.

## **2.5 Parking**

A minimum of one (1) parking space shall be provided for each campsite.. Parking shall be located at each campsite or at such other location as may be approved in writing by the Development Officer without such new location being deemed an amendment of this agreement.

## **2.6 Storage**

Open storage shall be screened from adjacent residential properties by a continuous row of trees, a hedge, a fence, or a combination of the foregoing arranged to form a dense or opaque screen. Accessory buildings for the Campground shall be permitted in accordance with Section 5.1 of the Land Use By-law.

## **2.7 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.

## **2.8 Water and Sewer Services**

The property is not serviced by municipal water and sewer. The Owners shall be responsible for ensuring adequate water and sewer services are available for the uses permitted.

## **2.9 Operator Presence**

The Owners, or a representative of the Owners shall be present on-site while the Campground is in use.

## **2.10 Maintenance**

- (a) The Owners 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 Owners shall maintain the driveway to a level adequate to allow for access by emergency service vehicles.

### **PART 3 CHANGES and DISCHARGE**

- 3.1** The Owners 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* of this Agreement; and
  - (b) the location of the washroom and accessory buildings on Schedule B of this agreement.
- 3.4** Notwithstanding the foregoing, discharge of this agreement is not a substantive matter and this agreement may be discharged by Council without a public hearing.
- 3.5** Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owners 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 Owners, 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 Owners, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.
- 3.6** 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 Owners 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 twenty four (24) 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 Owners. Upon the written request of the Owners, 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) If the Owners are bona fide delayed from commencing the development for reasons which are beyond the Owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owners is excused for the period of the delay and the time period for the Owners 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 Owners shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within ten days of completion of any work which requires the engineered design.
- (b) The Owners 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 Bylaws and Regulations**

- (a) Nothing in this Agreement shall exempt the Owners 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 neutral gender shall include the masculine and feminine.
- (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.

## **5.4 Municipal Responsibility**

- (a) The Municipality does not make any representations to the Owners about the suitability of the Property for the development proposed by this agreement. The Owners assume 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 Owners in writing. In the event that the Owners have 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 Owners 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 Owners 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 Owners personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Kristen Ross, Jeffery Ross and Cody Ross 562 New Cheverie Road, Riverside, NS B0N 2A0 or at any other address provided by the Owners in writing.
- (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 in writing.

#### **5.10 Full Agreement**

This agreement constitutes the entire agreement and contract entered into by the Municipality and the Owners. 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:

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

Per: \_\_\_\_\_

\_\_\_\_\_

Witness

) Abraham Zebian, Mayor

)

)

Per: \_\_\_\_\_

\_\_\_\_\_

Witness

) Deanna Snair, Municipal Clerk

)

)

Per: \_\_\_\_\_

\_\_\_\_\_

Witness

) Kristen Ross

)

)

Per: \_\_\_\_\_

\_\_\_\_\_

Witness

) Jeffery Ross

)

)

Per: \_\_\_\_\_

\_\_\_\_\_

Witness

) Cody Ross

**PROVINCE OF NOVA SCOTIA  
COUNTY OF HANTS**

**ON THIS**            day of            , A.D. **2023**, 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 **THE 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            presence.

---

A Commissioner of the Supreme Court of Nova Scotia

**ON THIS**            day of            , A.D. **2023**, 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 **THE 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            presence.

---

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA  
COUNTY OF HANTS**

**ON THIS**            day of            , A.D. **2023**, 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, **Kristen Ross**, one of the parties thereto, signed, sealed and delivered the same in            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 \_\_\_\_\_, 2023  
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  
Print name/affix seal

\_\_\_\_\_  
Deanna Snair, Clerk

CANADA  
PROVINCE OF NOVA SCOTIA  
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

We, Kristen, Jeffery, and Cody Ross, the “Deponents”, make oath and swear that:

1. We acknowledge that we executed the foregoing instrument on the date of this affidavit; this acknowledgement 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 s.79(1)(a) of the *Land Registration Act* as the case may be.
2. We are nineteen years of age or older and are residents of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit “spouse” means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to section 55(1) of the Act.
4. We are not spouses of each other. None of us has any other spouse nor, with respect to the within property, any former domestic partner with the rights contemplated by Section 55 of the *Vital Statistics Act*, or any former spouse with rights under the *Matrimonial Property Act*. We consent to this disposition.

I certify that on this \_\_\_\_\_, 2023  
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

\_\_\_\_\_  
Kristen Ross

\_\_\_\_\_  
Jeffery Ross

\_\_\_\_\_  
Cody Ross

**Schedule A**  
**Legal Description – PID 45178502**

ALL that lot, piece or parcel of land situate, lying and being at Cheverie, in the Township of Kempt Shore, Province of Nova Scotia, bounded and described as follows:

COMMENCING at the East corner of lands now or formerly of George H. Greeno on Post Road;

THENCE running North forty-five and one half degrees West until it comes to lands now or formerly of George H. Greeno near the Shore or Basin of Minas;

THENCE following the said road, six chains and fifty links to land now or formerly of Alfred Weatherbee;

THENCE South forty-five and one half degrees East until it comes to said Post Road;

THENCE following said road to the place of beginning.

CONTAINING an area of twenty four and one quarter acres more or less.

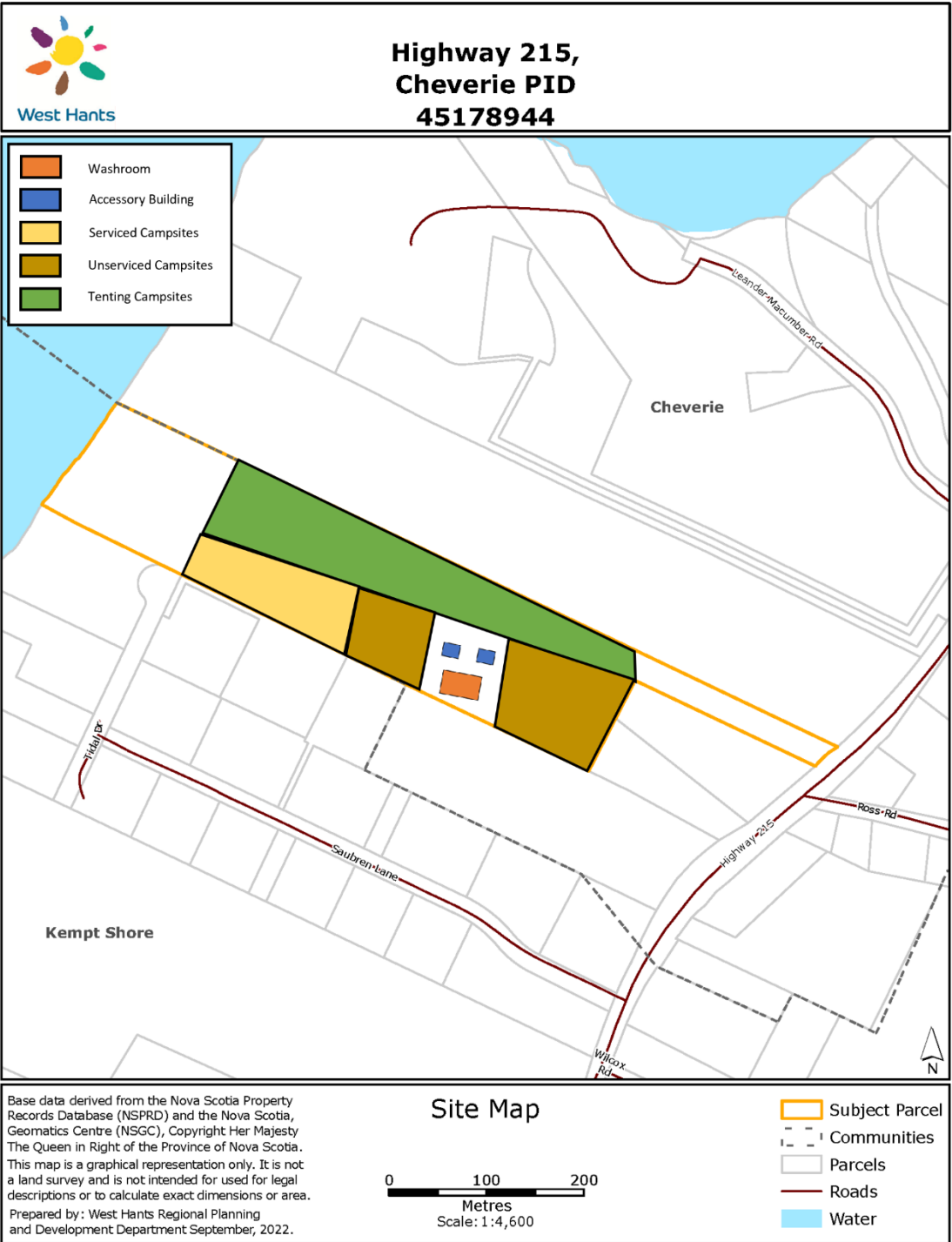
SAVING AND EXCEPTING THEREOUT that lot of land bounded and described as follows:

ALL that certain lot, piece or parcel of land situate, lying and being at Kempt, in the County of Hants, Province of Nova Scotia shown and delineated as Lot WR-1 on a plan of survey entitled Plan of subdivision Lot WR-1 Lands of Walter Ross, surveyed by Robert S. Redden N.S.L.S., dated the 14th day of August, 1979, approved by the West Hants Municipal Development Officer on the 15th Day of October, 1979 under plan Number 065/79 and filed at the Registry of Deeds at Windsor Nova Scotia on the 16th day of October, 1979 under plan Number P-2761 and containing 77,900 square feet more or less.

The description for this parcel originates with a deed dated February 13, 2004, registered in the registration district of Hants County in Book 1034 at Page 51 and the subdivision is validated by Section 291 of the Municipal Government Act.

SAVING and EXCEPTING Lot WR-2 as shown on registered Plan No. 82757098

**Schedule B  
Site Layout**



## Attachment C – Public Information Meeting Notes

November 10 - November 25, 2022

### File # 22-22: Highway 215, Cheverie (PID 45178944) – Development Agreement

<b>Meeting date and time</b>	<p>A public information meeting was originally scheduled for October 13<sup>th</sup>, 2022 at 6:00 p.m. However due to an error in the addressing and comment period deadline, the public information meeting was postponed in order to re-advertise.</p> <p>A public information meeting was held on November 10, 2022 beginning at 6:45 p.m. The meeting was broadcast live on the Municipal Facebook page.</p>
<b>File Number</b>	22-22
<b>Attending</b>	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"><li>• Councillor Jim Ivey</li></ul> <p>Four (4) members of staff:</p> <ul style="list-style-type: none"><li>• Director LeMay (Chair)</li><li>• Planner Poirier</li><li>• Planner Dunphy</li><li>• Meeting Secretary Lake</li></ul> <p>Ten (10) members of the public were present for this meeting. Of those that attended in-person only Mark Peterson spoke.</p>
<b>Applicant</b> Kristen, Jeffery, and Cody Ross <b>Property</b> Highway 215, Cheverie (PID 45178944)	<p>Planner Dunphy outlined the application to allow a proposed campground by development agreement.</p> <p>Cody Ross, one of the applicants, spoke to the plan to develop a small-scale, family-oriented campground. Mr. Ross gave a brief history of the land.</p>
<b>Comments</b>	<p>Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between November 10 – November 25, 2022.</p> <p>Staff received one (1) phone call and eight (8) emails were received. The email responses are attached. The phone call was from Nancy Saunders outlining the information that had been sent by email.</p> <p>1 member of the public spoke at the Public Information Meeting. The following comments and questions were made at the public information Meeting. Staff and applicant responses are included in purple text.</p> <ul style="list-style-type: none"><li>• The owner of the Kempt Shore Oceanview Campground commented that more places are needed for individuals to stay during the Kempt Shore festivals. Due to the proposed campground being small-scale, there is no conflict with the existing campground. More attractions are needed to bring in tourism to the area.</li></ul>

	<p>Mr. Ross replied that they are a supporter of the festival and the proposal is to complement the existing campground. There is still a portion of the subject lot that is being kept for personal use.</p> <p>The owner of the Kempt Shore Oceanview Campground replied that they supported the proposal.</p>
<b>Adjournment</b>	The presentation portion of the PIM ended at approximately 6:55 p.m.

### Public Email Responses Submitted for the Application PIM

October 6<sup>th</sup>, 2022

**From: Nancy Saunders**

To: Councillor Rupert Jannasch, Cc: Alex Dunphy

Councilor Jannasch:

Saubren Dev Ltd just received a notice in the mail today for the public info session on the campground proposal for PID number 45178944. The notice was dated Oct 4 yet says I have until Sept 6 to ask to attend the meeting and until Sept 23 to submit questions or concerns. I have left a message with the planner Alex Dunphy regarding this also copied on this email along with the Director of Planning. **Please ensure that this public info session is postponed to allow the qualifying property owners to properly prepare and request attendance at the meeting.** Also the notice quotes the property address as Tidal Drive. The Ross property has no access off of Tidal Drive as it is a private road owned by our Residents Association..the address should be **Hwy 215 and NOT Tidal Drive**. I have also asked the planner to fix this on all related documents for this property. I trust a new notice will go out to all qualifying property owners with a new public information session date.

Thank You,

Nancy Saunders

President, Saubren Development Limited

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October 7<sup>th</sup>, 2022

**From: Amanda Boyd**

To: Alex Dunphy

TO : Councillor Jannasch, Planner Dunphy and Planning Director LeMay

RE: Campground Proposal PID 45178944

Good Day

I did not receive notification of the proposed campground on the Ross Property PID number 45178944. I believe my property may be within the required notification area. My neighbors and I have questions and concerns regarding land use and the preservation of sensitive areas, and we would like to have time to prepare for any public information session on this topic.

I ask that the info session proposed for October 13, is postponed so that my neighbors and myself are given the proper notification and time to prepare.

Thank You Kindly

Amanda Boyd

Member of BVRA

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October 7<sup>th</sup>, 2022

**From: Mark Ashmore and Heather Simpson**

To: Alex Dunphy

RE. Public Information Meeting

PID 45178544

Good morning Mr. Dunphy. We were advised by Nancy Saunders that a letter was sent out to all property owners within 500 feet of a proposed campground on the above-referenced property. To date, we have received no such letter, and are outraged that the property owners in question were not notified of the proposal as well as the October 13th meeting long before now.

Ms. Saunders was kind enough to send a scan of the letter she received. Why does a letter dated October 4th state that the deadline for virtual attendance was September 6th, and the deadline for comments or questions was September 23rd? Why does PID 45178544 indicate an address on Tidal Drive, when this is not the case, and never will be?

We have several questions that we would like answered, more will likely follow:

How many campsites?

What type of camping?

Would a revised zoning permit music festivals?

Is this proposal being put forward by the Ross family, or is a new owner involved?

It is our understanding that typically a zoning of this type would require a buffer of trees along the edge of the property; no such buffer exists between this property and ours.

With the Kempt Shore Campground only five minutes down the road, is there a need for another?

**At the very least, the public information meeting should be postponed in order to ensure all affected landowners receive proper notification.** More detail in the application would also be beneficial.

We await your reply.

M. Ashmore, H. Simpson

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Mark Ashmore & Heather Simpson

BUMBLEMOUSE COTTAGE

---

October 12<sup>th</sup>, 2022

**From: Joanne Bath and Joel Brown**

To: Alex Dunphy

Hello Alex,

Please note that the letter we received from your office regarding the Public Information Meeting - Tidal Drive, Cheverie was not sent in the appropriate timeline. Your letter, dated October 4<sup>th</sup>, required recipients to respond to you by September 6<sup>th</sup> and send any questions by noon September 23<sup>rd</sup>. An impossible feat to say the least. Both of these deadlines are impossible as they occurred before the letter was even sent. We plan to attend the meeting and will bring forward questions and concerns at that time. I would expect in the future, such notifications will be provided in a timely manner. Should issues arise at this meeting, I expect residents will be given ample time to consider and be consulted as well.

Kindly,

Joanne Bath and Joel Brown

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November 2<sup>nd</sup>, 2022

**From: Paul Brison**

To: Alex Dunphy

**(Letter is attached below)**

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November 10<sup>th</sup>, 2022

**From: Heather Simpson**

To: Alex Dunphy

Hello again Mr. Dunphy. You will think I have nothing better to do than email you with questions. Mark and I have decided we will watch the meeting live, mostly in the interests of saving ourselves an hour of driving and the gas costs associated with that, but I am wondering how one goes about having questions or concerns addressed if we are not there in person?

As I mentioned previously, we would appreciate being advised of the following:

How many campsites?

What type of camping?

Would a revised zoning permit music festivals?

Is this proposal being put forward by the Ross family, or is a new owner involved?

It is our understanding that typically a zoning of this type would require a buffer of trees along the edge of the property; no such buffer exists between this property and ours.

Will anyone be on site to administer the campground?

With the Kempt Shore Campground only five minutes down the road, is there a need for another?

Our property directly borders PID 45178944, and we have grave concerns about the impact this rezoning will have on our property values, and those of others in the same position. We worry about noise, and trespassers. We also worry about the impact on the land itself. Given that we have had to pick trash up after every party that has been held there, we worry that we will have campers venturing onto property that is not theirs, or pitching their litter over the fence as has been done in the past.

I thank you for your time, and will await your reply.

Kind regards,

Heather (Simpson).

---

November 10<sup>th</sup>, 2022

**From: Peter Grabosky**

To: Alex Dunphy

My name is Peter Grabosky, I live at **(address removed)**

I am contacting you as a renter at the above address & I am in 'Support' of the possible rezoning and development of a future camp ground.

This business would provide The Shore & more precisley the Kempt, Cheverie, much needed revenue going to a local variety store, summer dining in Walton, a local food stand in Cheverie, local farmers/property owners of wood lots in selling camp fire wood.

As well as a positive revenue source for the county of West Hants.

I would only presume there would be a seasonal employment at the site which provides employment to local indiv's(?) Therefore, I am prepared to vote in a positive manner for the development of a viable new business in our community.

Yours Respectfully,

Peter P Grabosky

---

November 12<sup>th</sup>, 2022

**From: Nancy Saunders**

To: Alex Dunphy

Good Day Mr. Dunphy:

I tuned into the public information session on November 10th and have the following questions and concerns regarding the campground proposal on Hwy 215, Kempt.

1. The campground must have a wide tree buffer between the sites and abutting properties. Is there provision in the development agreement for that? The property should be fenced as well to restrict access to abutting properties.
2. When can the development agreement be available to the public for review? I heard Mr Ross casually mention different numbers of serviced and unserviced lots, tents sites, etc and it is unclear how many of what type they are actually asking for.
3. What are the specifics regarding operation of the campground? Will the operator be on site to monitor guests, activities and noise?
4. Can the development agreement stipulate quiet hours for the camp sites and what would they be?
5. Will the development agreement allow for music festivals, and if so what are the specifics around that? How many spectators, etc.

6. How many bunk houses are permitted? I understand there are already at least two on the site?

7. Does the zoning actually change from resource general or does it stay the same with the development agreement allowing the specific variances?

8. There is currently parkland designated at the Blomidon View subdivision which was donated by Saubren Development Limited as part of the subdivision approval process. The Blomidon View Residents Association want to use this space at some point and develop it with the Municipality; it also has an historic graveyard on it that must be protected. Does that parkland remain for the sole use of Blomidon View Residents/ Lot owners or is there any circumstance that would see the Municipally owned parkland used for the campground?

9. What are the remedies if the provisions of the development agreement are broken by the developer ; i.e. can the development agreement be rescinded by council in this case?

10. Once the development agreement is in place, can the developer make applications for wider uses without the public having knowledge or input?

Thank-you,

Nancy Saunders

President, Saubren Development Limited

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November 17<sup>th</sup>, 2022

**From: Nancy Saunders**

To: Alex Dunphy

Thank you Mr. Dunphy:

Where can I find the draft dev agreement ..I believe it will be available to the public on December 8th or before?

Nancy

**Submission to Mr. Alex Dunphy**

Re: Re-zoning PID 45178944 for a camp ground  
(Tidal Drive, Cheverie)

As a long time, resident of Cheverie, and own property near the above cited PID, I would like to provide some information about the parcel of land.

Historically the Kempt Shore-Cheverie was populated first by the indigenous people and then the Acadians and finally by settlers of European origin. Settlement was along the water, as virtually all transportation was initially by boat. Houses were built by the shore and land clearing began to reach inland. When a road inland passed by the community lanes or roads connected the shore to the new road, which is the case here. The road was along the border of this property and the Glenn Ross property, but on the Glenn Ross side of the line. This road permitted access to the properties for local families and is probably why the local families established a graveyard on this property.

The Greeno Family Graveyard is a small cemetery located in what is now the wooded area approximately halfway across the property.

I found a list of who is buried there it's on the "Find a Grave" web site. It is called " Greeno Family Burying Ground." Estimated 25 burials.

There are pictures of many of the headstones and this is the information on who took the pictures, T L Brown.

- *Find a Grave*, database and images  
(<https://www.findagrave.com/memorial/190053939/eliza-king>: accessed 01 November 2022), memorial page for Eliza King (unknown–24 Jan 1859), Find a Grave Memorial ID [190053939](https://www.findagrave.com/memorial/190053939), citing Greeno Family Burying Grounds, Kempt Shore, Hants County, Nova Scotia, Canada; Maintained by TLBrown (contributor [49358200](https://www.findagrave.com/memorial/49358200)) .

- . No one can block access to a graveyard. And, no one can own it.
- 
- Here is the Provincial Act that governs the resting spot.
- 
- **Cemetery and Monuments Protection Act**
- 
- <https://nslegislature.ca/sites/default/files/legc/statutes/cemprot.htm>
- 

## [Cemeteries and Monuments Protection Act - Nova Scotia House of Assembly](#)

Interpretation 2 In this Act, (a) "abandoned cemetery" means a cemetery that is declared to be an abandoned cemetery pursuant to this Act; (b) "cemetery" means land that is set apart or used as a place for

the burial of human remains and, for greater certainty, includes all tombstones, gravemarkers and other monuments located thereon and any buildings or structures located thereon for the ...

**Request for land use restrictions to be required as part of the rezoning permit:**

- 1. That there be a reasonable distance from the cemetery and any camping lots created and in operation.**
- 2. That there be provision to ensure the site be undamaged**
- 3. That public access be encouraged and provided.**

**Thank you for considering this issue and for including it in the final permit granted in the zoning change.**

Paul Brison



6327 Highway 215, Cheverie, N.S. B0N 1G0

902 633 2108

brisonp@ns.sympatico.ca



## 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 8, 2022

**Subject:** Heritage Plaque Ceremony

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#### 1.0 LEGISLATIVE AUTHORITY

Heritage Property Act, Section 19

#### 2.0 RECOMMENDATION

...that PAC/HAC recommends that Council offer the owner of any newly-registered heritage property the option of holding a ceremony at the property or having the plaque presented during a Council meeting.

#### 3.0 BACKGROUND

The Region has registered one municipal heritage property, and Council has approved PAC/HAC's recommendation regarding the appearance of the plaques. The plaque for the newly-registered property has been received, and a decision needs to be made regarding presentation of plaques in the Region.

#### 4.0 DISCUSSION

To make things clear for future registrations, PAC/HAC could recommend standard plaquing ceremony "types" to Council.

Options include Council (1) hosting a ceremony at the registered property or (2) Council presenting the plaque during a Council meeting. Both methods have been used in the past by West Hants and Windsor. A recommendation should be made to Council indicating whether both methods should be offered to the owner or whether Council should only use one method.

**4.0 NEXT STEPS**

Once PAC/HAC has made a recommendation, the decision rests with Council.

**5.0 FINANCIAL IMPLICATIONS**

There may be costs associated with a ceremony in either location should Council wish to host a reception.

**6.0 ALTERNATIVES**

PAC/HAC may provide alternative direction.

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Report prepared by: \_\_\_\_\_  
Madelyn LeMay, Director, Planning and Development