



West Hants
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY
Planning and Heritage Advisory Committee (PAC/HAC) Agenda
May 11, 2023 – 6:00pm
In Person and Via Zoom**

**NOTE: Public Information Meetings (PIMs) will be held at 6:00pm.
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 (April 13, 2023)**
- 6.0 Business Arising from the PIMs**
 - 6.1 File # 23-03 WHLUB Amendments: Pemberton Ave, Garlands Crossing PID 45003563 (Alex Dunphy)
 - 6.2 File # 23-04 Development Agreement: Payzant Drive, PIDs 45053030, 45343894, 45343878, 45234382 (Alex Dunphy)
 - 6.3 File # 23-06 HLUB Amendments: 35 William St, Hantsport PID 45044419 (Alex Dunphy)
- 7.0 Business Arising from the Minutes**
 - 7.1 Update: File # 22-23 Development Agreement: PID 45006947 and 45415668, MacLeod Court, Three Mile Plains (Sara Poirier)
 - 7.2 Update: File #22-25 Development Agreement Amendment: College Road, PID 45336203 (Sara Poirier)
 - 7.3 Update: File #22-24 Hantsport; File #22-25 West Hants, Rezoning: Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515 (Alex Dunphy)

- 7.4 Update: File #21-18 Development Agreement: Benjamins Mill Wind Project (Alex Dunphy)
- 7.5 Update: File #22-28 Development Agreement: PID 45276441 and PID 45366986, Payzant Dr., Windsor (Sara Poirier)
- 7.6 Update: File #22-29 Development Agreement: PID 45166915 Scotch Village Station Rd. (Sara Poirier)
- 7.7 Update: Review of Agricultural Policies (Sara Poirier)
- 8.0 Building and Development Activity Reports (April 2023)**
- 9.0 New Business**
- 9.1 File # 23-01 Rezoning: 997 Hwy 14, Upper Vaughan (Alex Dunphy)
- 9.2 File # 23-05 Development Agreement: Cole Drive, Windsor, PID 45366432 (Alex Dunphy)
- 9.3 Information Report: File # 23-02 WMPS and WLUB Amendments: 368 Nesbitt Street, PID 45056447
- 9.4 Information Report: File # 23-08 Public Participation Program Policy
- 10.0 Notices from Adjacent Municipal Units**
- 11.0 Questions and Comments from the Public**
- 12.0 Next Meeting Date (June 8, 2023) / Adjournment**



ACTIVITY REPORT

For Month of April 4/30/2023

Type	Apr 2022			Apr 2023		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
Single Family	22	14	4,985,900	9	6	2,391,500
Duplex/Semi	2	4	600,000	1	0	15,000
Apartments	0	0	0	0	0	0
Other Residential	9	0	177,500	13	0	517,200
Commercial	4	0	397,000	0	0	0
Industrial	0	0	0	0	0	0
Inst & Gov	0	0	0	0	0	0
Agriculture	0	0	0	0	0	0
Other	0	0	0	0	0	0
Total	37	18	6,160,400	23	6	2,923,700
Year To Date	89	47	13,826,162	64	17	8,347,754
Demolition	2	0		1	0	
Sign Permits	0			0		
Sub Applications	1	2 (Lots Requested)		3	1 (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: May 11, 2023

Subject: WHLUB Amendment: 997 Highway 14, Upper Vaughan (PID 45041902); File # 23-01

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Staff do not recommend in favour of the application because the criteria 9.1.6 (c) safe and efficient roadway access, (e) (i) traffic safety, and (f) being considered obnoxious, as well as Policy 16.3.1 (a) (iii) adequacy of fire protection, (c) suitability of movement, (e) pattern of development, and (g) provincial requirements are not met.

If the PAC/HAC would like to recommend in favour of the proposal the following motion would be in order:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) 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 Planning and Development Department was first made aware of the existing use of the property due to a complaint which led to the owner applying for a rezoning. A completed application was received from William (Bill) Clarke on March 8, 2023. The application is to allow for commercial storage and distribution by rezoning the subject lot to the Resource Industrial (M-1) zone.

DISCUSSION

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

Surrounding Context

All properties surrounding the subject lot are designated Resource and zoned General Resource (GR). Nearby uses include single unit residences, the Upper Vaughan Community Hall heritage property, and the Pisiqid Canoe Club.

Municipal Planning Strategy Document Review

Policy 9.1.6 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning to allow for industrial uses permitted in the Resource Industrial (M-1) zone. The Policy also includes criteria which must be considered in relation to the proposal. The full list of criteria is included with this report in Attachment A. In summary, the proposal does not meet the criteria since:

- neither the primary or secondary access meets the stopping site distance requirements and the secondary access does not meet the current access criteria for the NS Department of Public Works;
- slow-moving vehicles accessing the subject lot may impede traffic safety as commented by the NS Department of Public Works;
- there is potential for conflict with the hours of operation between the established residential uses and some of the permitted uses listed in the Resource Industrial (M-1) zone;
- certain uses permitted in the Resource Industrial (M-1) zone could potentially be obnoxious in nature; and

- the current use does not meet the setback criteria for the Resource Industrial (M-1) zone and further development of the subject lot could reduce buffering from adjacent existing uses.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the West Hants Land Use By-law. The full list of criteria is included with this report in Attachment A. In summary, the proposal does not meet the criteria as:

- the local Fire Chief has stated that there are a number of uses in the Resource Industrial (M-1) zone that would be concerning due to potentially insufficient response time;
- due to the subject lot not meeting stopping site distances, it is possible that slow-moving vehicles accessing the subject lot may impede the movement of traffic passing the subject lot as commented by the NS Department of Public Works;
- uses permitted in the Resource Industrial (M-1) zone would constitute a major change from the pattern of development currently existing in the area and the potential development of additional Resource Industrial uses would negatively affect surrounding residential uses; and
- access to the property does not meet the requirements of the NS Department of Public Works.

Existing Development Permit

This rezoning application is only pertaining to the use of the subject lot for industrial purposes which is in violation of the West Hants Land Use By-law. This does not include the existing personal storage building which was issued a development permit on September 10, 2020 (Attachment B).

A development permit was issued for a garage as a storage building to be used for personal storage only as per section 5.1 (d) of the West Hants Land Use By-law (WHLUB). Section 5.1 (d) of the WHLUB states:

(d) No accessory building or structure shall be constructed:

(i) prior to construction of a main building, unless development and building permits have been issued for the main building, except that a boat house, dock or storage shed may be built prior to construction of a seasonal dwelling only on a lot located in the General Resource (GR) zone; or

(ii) prior to the establishment of the main use of the land where no main building is to be built.

As a follow up to a complaint that was received in November 2022, the Development Officers inspected the subject lot and use of storage building. The Development Officers confirmed that the building is being used for personal storage of items (household items, personal vehicles,

etc.). Therefore, the current use of the building does conform to the development permit that was issued.

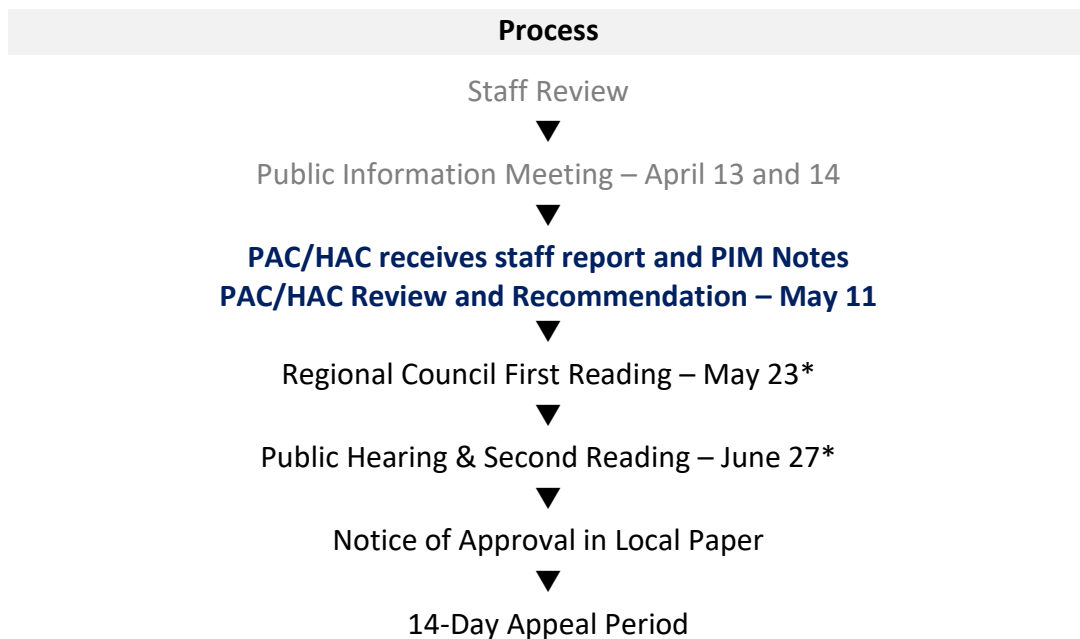
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

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



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of PAC/HAC;
- hold First Reading and authorize a Public Hearing to refuse the amendments as drafted or as specifically revised by direction of PAC/HAC; 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	West Hants Proposed Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Development Permit
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

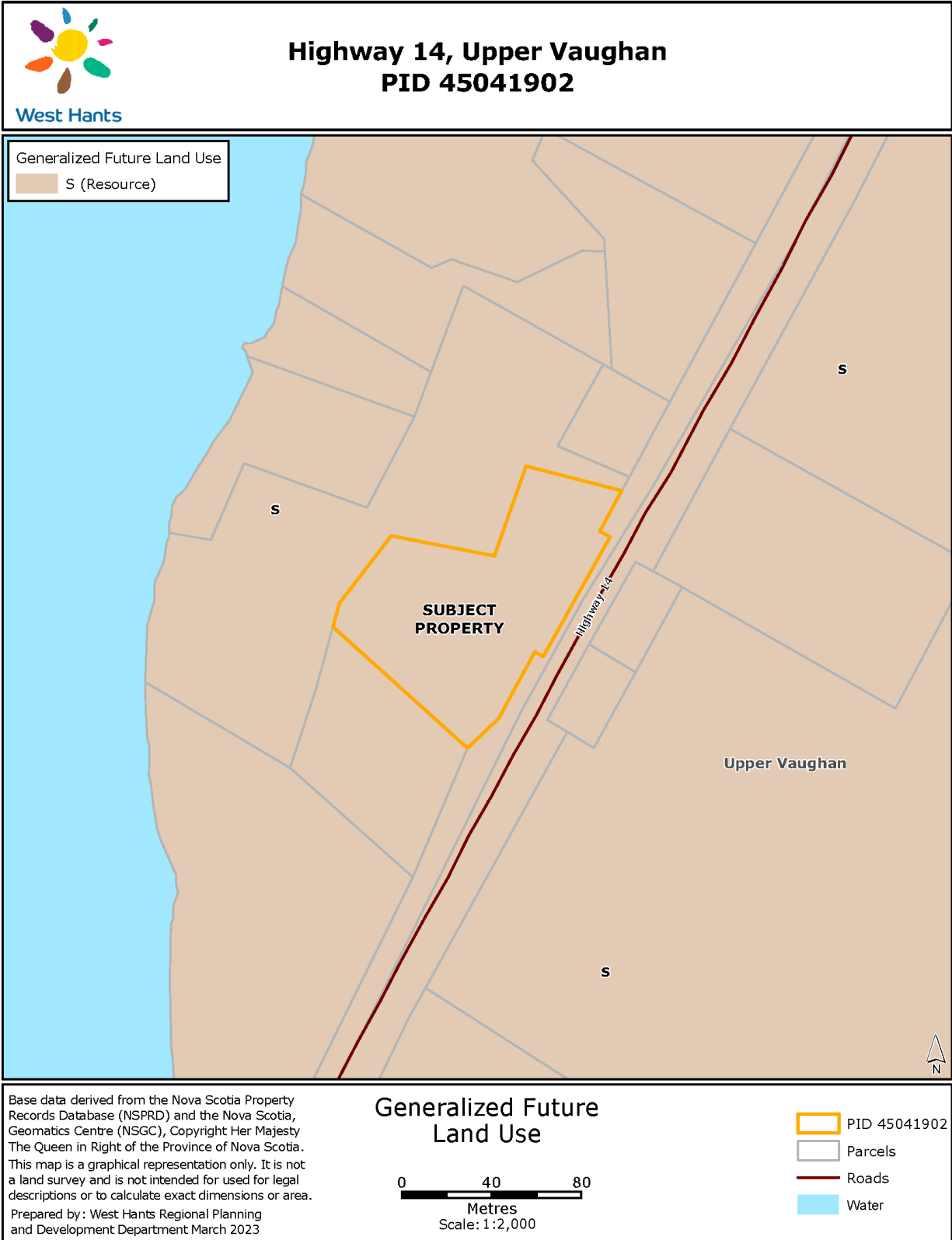
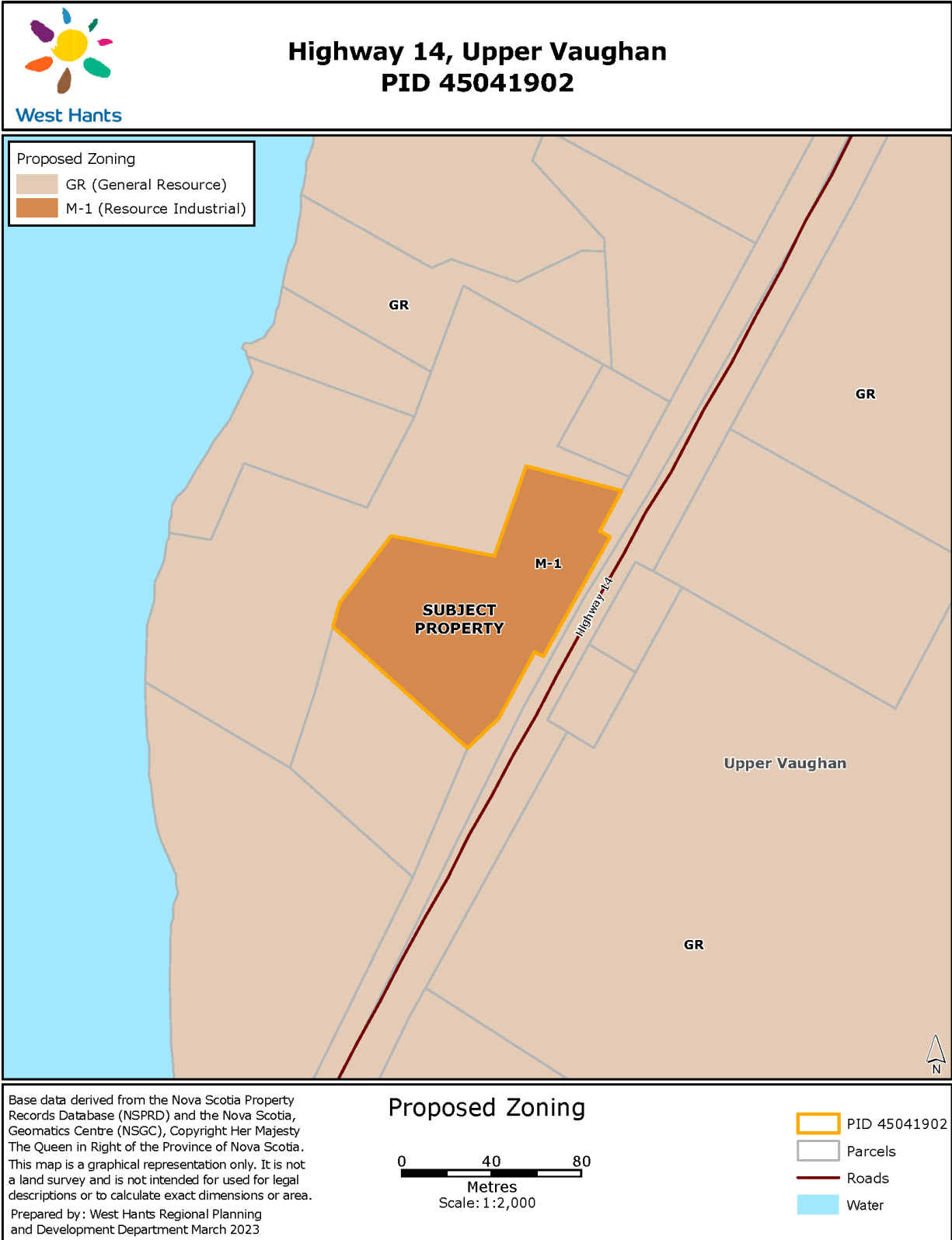


Figure 2 – West Hants Zoning Map Extract



Figure 3 – West Hants Proposed Zoning Map Extract



Attachment A – Policy Summary for Development Agreement

<p>Policy 9.1.6 <i>It shall be the intention of Council to consider rezoning land zoned General Resource (GR) to allow for commercial or industrial uses permitted in the Rural Commercial (RC) or Resource Industrial (M-1) zones subject to the following: (Amendment WHMPS 14-01 Effective January 22, 2015)</i></p>	
<p><i>(a) the use will not adversely affect existing resource uses in the area;</i></p>	<p>There are no existing resource uses in the area surrounding 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 Development Officer commented that uses permitted in the Resource Industrial zone are most appropriate in the Industrial Park or Resource designation. The subject lot is designated Resource, which meets this criterion.</p>
<p><i>(c) safe and efficient roadway access is provided;</i></p>	<p>The Acting Area Manager of the NS Department of Public Works stated that neither the primary or secondary access points meet current stopping site distance requirements and that the secondary access also does not meet current access requirements. Staff do not consider this criterion to be met.</p>
<p><i>(d) adequate on site parking is provided;</i></p>	<p>The Development Officer commented that they had no concerns regarding accommodating on-site parking.</p>
<p><i>(e) the development is compatible with adjacent land uses with respect to:</i></p>	
<p><i>(i) traffic generation and traffic safety;</i></p>	<p>In a follow-up discussion with the NS Department of Public Works it was stated that due to the subject lot not meeting stopping site distances, slow-moving vehicles accessing the subject lot may impede traffic. Due to these</p>

	<p>traffic safety concerns, staff do not consider this criterion to be met.</p>
<p><i>(ii) hours of operation;</i></p>	<p>There is potential for conflict with the hours of operation between the established residential uses in the area and some of the permitted uses listed in the Resource Industrial (M-1) zone including abattoirs, manufacturing, processing, and industrial operations, saw mills, as well as wood processing and manufacturing establishments.</p>
<p><i>(iii) size and design of building(s);</i></p>	<p>The commercial storage and distribution of industrial materials would be the main use for the proposed rezoning. This use would be contained within shipping containers. These units would not be considered out of the ordinary for the Resource designation.</p>
<p><i>(iv) signage; and</i></p>	<p>Any signage would be required to meet the standards of the WHLUB.</p>
<p><i>(v) pedestrian circulation and safety;</i></p>	<p>There are no sidewalks in the area leading to the subject lot, however it is not anticipated that anyone would be walking to the potential uses of a Resource Industrial (M-1) lot. In addition, the Acting Area Manager of the NS Department of Public Works stated that they had no comments regarding pedestrian circulation and safety.</p>
<p><i>(f) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;</i></p>	<p>The Development Officer commented that certain uses permitted in the Resource Industrial (M-1) zone would cause concern for being obnoxious in</p>

	nature, including saw mills, abattoirs, and wood manufacturing and processing establishments. Therefore, staff do not consider this criterion met as the potential industrial uses could be considered obnoxious by virtue of potential noise, odours, dust, fumes, or other emissions.
<i>(g) adequate buffering or screening, setbacks and yards are provided, and open storage is controlled;</i>	The Development Officer commented that it would be possible for the proposed industrial storage use to meet the required setbacks; however it does not currently meet those setbacks. Other uses permitted in the Resource Industrial (M-1) zone may not be able to meet the required setbacks and the forested portion of the subject lot would need to be cleared to provide enough space for those setbacks. Any clearing of the subject lot would serve to further reduce the buffering existing on the subject lot from surrounding uses.
<i>(h) any other matter which may be addressed in a Land Use By law; and</i>	All relevant matters have been addressed in this report.
<i>(i) Policy 16.3.1.</i>	See below.

Policy 16.3.1	
<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 Public Works Department confirmed that there are

	<p>no municipal services on the subject lot.</p> <p>Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change and would be the responsibility of the owner.</p>
<i>(ii) the adequacy of school facilities;</i>	N/A
<i>(iii) the adequacy of fire protection and other emergency services;</i>	<p>The Manager of Building and Fire Inspection Services had no issues with regard to fire protection. The local Fire Chief has stated that there are a number of uses in the Resource Industrial (M-1) zone that would be concerning due to response time, including manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building, fertilizer industries, and fuel storage depots. Due to the concerns of the local Fire Chief, staff would not consider this criterion to be met.</p>
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	<p>The Acting Area Manager for the NS Department of Public Works stated that they had no concerns regarding the road networks adjacent or leading to the development.</p>
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<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>	<p>Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.</p>

<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>In a follow-up discussion with the NS Department of Public Works it was stated that due to the subject lot not meeting stopping site distances, it is possible that slow-moving vehicles accessing the subject lot may impede traffic. Due to these traffic safety concerns, staff do not consider this criterion to be met.</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 the proposed use should not be located closer than 40 ft from any property line. It would be possible for the proposed use to meet the required setbacks; however the current placement of the shipping containers does not currently meet those setbacks. Other uses permitted in the Resource Industrial (M-1) zone may not be able to meet the required setbacks and the forested portion of the subject lot would need to be cleared to provide enough space for those setbacks.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The Development Officer commented that uses permitted in the Resource Industrial (M-1) zone would constitute a major change from the pattern of development currently existing in the area. The potential development of additional Resource Industrial uses would negatively affect surrounding residential uses.</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>The District Manager of the NS Department of Environment and Climate Change stated that they were unable to comment on the suitability of</p>

	<p>the subject lot for industrial use. PID 45041902 is relatively flat. There are no waterbodies or wetlands present on the mapping for the property. There are no evident concerns in terms of steepness of grade, soil or geological conditions.</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>The Acting Area Manager of the NS Department of Public Works stated that neither access point for the subject lot meet stopping site distance requirements and the secondary access does not meet the current access criteria for the NS Department of Public Works. Due to these traffic safety concerns, staff do not consider this criterion 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 – Development Permit



PLANNING & DEVELOPMENT SERVICES
76 Morison Drive, Windsor-West Hants Industrial Park
P.O. Box 3000, Windsor, Nova Scotia B0N 2T0
Tel: (902) 798-8391 Ext. 115 Fax: (902) 798-8553

DEVELOPMENT AND BUILDING PERMIT

Permit #: C2020-371 Issued Date: September 10, 2020
Property Address: 997 Highway 14, Upper Vaughan PID: 45041902 AAN: 00136514
Land Use Zone(s): GR Lot:
Class of Work: Construction Bldg Type: Garage/Carport/Shed Designation:
Estimated Cost of Construction: \$175,000.00
Proposed Use: Garage
Use Description: Storage building

Owner: 3222228 Nova Scotia Limited Applicant: William Clarke Contractor:

Building Details:
Width: 60.00 ft Length: 40.00 ft Building Area: 2400.00 sq. ft No. of Floors: 1.0

MINIMUM SETBACKS: Front Yard Setback: 25.00 ft Rear Yard Setback: 25.00 ft
Left Yard Setback: 15.00 ft Right Yard Setback: 15.00 ft

Conditions:
Development permit issued for a detached garage to be used for personal storage purposes only. As per section 5.1(d) of L.U.B. Setbacks from property lines approved as per site plan submitted with application. Height not to exceed 20 feet. This Development permit shall automatically expire 12 months from the date of issue if the development has not commenced.

All work to comply with the Nova Scotia Building Code Act, the January 2020 Regulations and the 2015 National Building Code of Canada.

During construction of your project, periodic inspections are required to make sure work proceeds properly. You are responsible for notifying the Building Official 48 hours in advance at 798-8391 Ext. 122 at various stages of construction so that problems can be corrected before they become costly.

DMU Development Officer
[Signature] Building Official

September 9, 2020 Approval Date
September 10, 2020 Approval Date

Attachment C – Public Information Meeting Notes

April 13 - April 28, 2023

WHLUB Amendment: 997 Highway 14 (PID 45041902); File # 23-01

Meeting date and time	A Public Information Meeting was held on April 13, 2023 beginning at 6:02 p.m. A secondary Public Information Meeting was held on April 14, 2023 at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	23-01
Attending	<p>In attendance for the first meeting:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none">• Councillor Murley <p>Three (3) members of staff:</p> <ul style="list-style-type: none">• Director Poirier• Planner Dunphy• Planning Assistant Lake <p>PAC/HAC Members:</p> <ul style="list-style-type: none">• Jennifer Nicholls (Chair)• Jane Davis• Stefan Palios• Greg Pace• Tasha Rogers• Lisa Bland <p>26 members of the public.</p> <p>In attendance for the second meeting:</p> <p>One (1) member of Council:</p> <ul style="list-style-type: none">• Mayor Zebian (Chair) <p>Three (3) members of staff:</p> <ul style="list-style-type: none">• Director Poirier• Planner Dunphy• Planning Assistant Lake <p>3 members of the public.</p>
Applicant Bill Clarke Property	<p>Planner Dunphy outlined the application to rezone the subject lot to permit a warehousing and distribution centre.</p> <p>The applicant did not provide a presentation.</p>

997 Highway 14, Upper Vaughan (PID 45041902)	
Comments	<p>Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between April 13 – April 28, 2022.</p> <p>Staff received 1 phone call, 1 letter, and 15 emails from the public. The email responses are attached. The phone call was from Teresa Newcomb and was regarding the subject lot being located close to the community hall and how the rezoning would negatively affect greenspace and property values.</p> <p>8 members of the public spoke during the April 13 Public Information Meeting. The following are the comments from the public. Staff and applicant responses are included in purple text.</p> <ul style="list-style-type: none">• Andrew Hardman stated that the subject lot is zoned General Resource and that none of the existing uses should have been approved for this property and that it causes problems for Ron Smith.• Ron Smith had concerns regarding the regrading of the subject lot and the shipping containers causing erosion of his driveway and onto the schoolhouse property. Ron showed a picture of the drain installed on the property that he said was ineffective. Ron also stated that the concrete wall that was placed is in the driveway of the canoe club. <p>Andrew reiterated that the schoolhouse is a heritage property.</p> <p>Ron had additional concerns regarding the shipping containers and potential for leakage of fuel from a crane operating on the property. Ron also commented that the garage was unsightly, questioned who built the guardrail in front of the subject lot, took issue with the irregular noise, that the property uses the schoolhouse lot for equipment, that the access points to the property are dangerous</p>

that nearby properties had lost value, and that the building was too close to the road.

- Kevin Smith stated that mitigation is not enough, the permitted use list is a concern, the rezoning would cause more damage and that the buildings should be removed.
- Andrea Lynn commented that the municipality should provide an alternate lot for the landowner in an industrial park and give this land to the community.
- Shirley Pineo commented that another Council decided that no industrial uses should be located outside of the industrial park. Shirley had concerns regarding the environmental issues that the industrial uses could cause and specifically that the water in the lake is used by everyone.
- David Cameron had concerns regarding noise pollution, the initial permit that was issued, the negative affect the subject lot has had on the aesthetic of the community, light pollution from the subject lot, safety of those traveling to the canoe club, the regulations for storage of potentially hazardous materials, and the possible endangerment of those below elevation from the subject lot.
- Andrew Hardman asked why the use hasn't been stopped yet.

Sara Poirier responded that the Development Officer investigated the use then passed the file to Planning staff to determine if there was a policy option for Council to consider the proposed uses. go through the public process as a solution.

Andrew stated that the complaint was filed 2 years ago.

A member of the public clarified that the complaint was made to the Property Valuation Services Corporation and that the complaint was not brought directly to the Planning and Development Department until later.

- Barry Maxner started a vote with the public for those opposing the development, the members of the public present showed that they are opposed to the rezoning.
- Zema White-Pose commented that the noise and view of the subject lot disturbs the peace of the community.
- Shirley Pineo asked why a rezoning was pursued instead of a development agreement.

Sara Poirier responded that the policy only provided the opportunity for a rezoning and that policy is created by Council.

- Lisa Bland commented that noise pollution contributes to stress and physical health.
- Councillor Jim Ivey asked when the permit was issued.

Andrew responded that the permit was issued for accessory personal storage to a numbered company and that the complaint was issued last September. Shirley Pineo asked if the permit could be provided.

Sara Poirier responded that the permit will be provided and attached to future reports.

2 members of the public spoke during the April 14 Public Information Meeting. The following are the comments from the public. Staff and applicant responses are included in purple text.

- Andrea Lynn was in favour of leaving the subject lot as General Resource and stated that the public opinion of this application is clear. Andrea stated that industrial development should not be located here, instead a lot in the industrial park should be provided and this lot should be given to the community. Andrea then stated that the use has caused disruption in the community.
- Chris had concerns regarding the potential affects of the proposal on the nearby watercourse and outlined a potential judicial review for the environmental concerns.

Adjournment	The PIM was adjourned at approximately 6:50 p.m.
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Public Email Responses Submitted for the Application PIM

April 7, 2023

From: Andrew Hardman

To: Sara Poirier

Ms. Poirier

Please see the attached notice.

The notice was distributed on April 3rd with a date on the notice of April 4, 2023.

It says the meeting is scheduled for Thursday, April 14 @ 6:00 pm. This Thursday is April 13th.

This zoning issue is a serious matter.

Taxpayers are relying on the WHRM Planning Department to be accurate with all communications and decisions.

I suggest immediate corrective and preventative actions.

Sincerely, Andrew Hardman

[NOTICE ATTACHED AT BOTTOM OF DOCUMENT]

April 9, 2023

From: Mark Kehoe

To: Alex Dunphy

Attn West Hants Municipality:

I'm writing to you to express my concerns regarding the application for the property rezoning at 997 Highway 14, Upper Vaughan to allow commercial storage and distribution. My name is Mark Kehoe and I reside at [REMOVED ADDRESS]a couple driveways down from 997.

The current property owner has already shown disregard for the community and the bylaws by operating his storage and distribution commercial business under the guise of a personal storage building permit for some time now. This blatant disregard and abuse of the bylaws creates concern of what he will do with the property if allowed to be rezoned as Resource Industrial.

Upper Vaughan is a small community with a proud history of rural living and being good stewards of the environment. The permitted uses for a property zoned Resource Industrial contrasts with our community's landscape and lifestyle. It sits directly beside our community center, which was once the schoolhouse in the early 1900's, a heritage building for our community. Its landscape should be preserved, not lost to industrial buildings and activity.

It's also concerning that the owner isn't a resident of the community, and his business brings no economic value to the area. In fact, having an industrial operation next door only decreases residential property values.

Selling the property in the future leads to more concern of what could move in beside our homes.

Our rural community has the right to the peaceful enjoyment of our properties. We have invested our lives and resources to live where we do and that shouldn't have to change. Our community is zoned General Resource and I don't wish to see our rural atmosphere and landscape changed.

I am currently out of province and can not attend the Public Hearing April 13th, but I want to make the municipality aware that as a neighboring resident, I strongly oppose this rezoning application. I'm sure if the municipality spoke with the community, they will discover no residents want this. Please do not approve this rezoning application.

Thanks for your time.

Mark Kehoe

April 11, 2023

From: Ron Smith

To: Alex Dunphy

To whom it may concern:

We are opposed to any change in Rezoning of subject property. The owner disregards the zoning bylaws and any change will allow the property owner to further take liberties with the regulations. Unfortunately the West Hants Municipality has not enforced regulations for this property before. Violations have occurred during prior work on this property. #1. Regrading has caused rain runoff to flood areas across my driveway, causing serious erosion, this is a new problem that never occurred before. The drain created by the owner is not functional as it is at a high point also it is positioned in driveway for the PCC this forces club members to enter their property by driving across the neighbors property.

#2 Approximately twenty large shipping containers are stacked around the perimeter this is an unsightly mess and does not belong in a residential zone. #3 A guard rail has been installed along the roadway, 1 meter away from the road, who installed this system? Did the property owner do it or the municipality? Pedestrians are at risk of injury or death from passing trucks because of inadequate clearance #4 Noise is another problem caused by heavy machinery moving around. #5 Hazardous waste is not contained on this property, which may cause damage to cottage water systems Refuelling equipment that stays on this property causes spills also fuel is probably not stored to code #6 Air quality is degraded because of diesel exhaust. #7 Relocation of the access to face the neighbors property means that trucks and tractor trailers must impinge on their property. Should you require further explanation I would be happy to oblige. Respectfully Ron Smith [REMOVED ADDRESS] Upper Vaughan Sent from my iPhone

April 13, 2023

From: David Cameron

To: Alex Dunphy

West Hants Council Members:

As long-term residents of Upper Vaughan and neighbours to the property in question, we have the following concerns with the proposed rezoning of that property to Industrial M1:

-the wide range of industrial activity that could move there, and the precedent that such retroactive permitting sets for the future. It is our opinion that the proponent rushed to build several years ago knowing more stringent regulation was coming and hoping his project would get "grandfathered" if already built before new rules were in place.

-the loss of the heritage property landscape for the school house/community center. All rural amenities and historically important properties struggle for survival. Their look and "feel" are important as keepers of local history and residential sense of place. Generations of Upper Vaughan residents attended the Community Centre when it was the local Waterville School. Demolition of the neighboring residence, a building of traditional vernacular design in keeping with the history of the neighbourhood, was an aesthetic disaster for the Community Centre, only to be followed by construction of the present aesthetically brutal industrial building in place of the former, humbly gracious, residence, trees and gardens.

-decreased property value for neighboring residential homes.

-human and environmental risks from industrial possibilities. what will be stored there? are there regulations, and the means to enforce them, regarding dangerous materials storage and handling? The property is adjacent and immediately above Zwicker Lake and the

Canoe Club. Any toxic spill is most likely to run down-hill. Any explosion or gas release could affect many people and the environment.

-loss of rural property and community feel.

-owner of industrial business not residing in community and thus perhaps having little care for how the business affects residents.

-greatly increased light pollution in the area at night

-greatly increased noise pollution in the neighbourhood

-significantly increased traffic/machine danger for Canoe Club participants. Thank you for your attention to these concerns.

David Cameron

Nancy Sherwood

April 13, 2023

From: Seamus Marriott

To: Alex Dunphy

To whom it may concern,

As a resident of Upper Vaughan, I am adamantly opposed to the proposed rezoning of the property at 997 Highway 14, Upper Vaughan. Residents of the community have repeatedly shared their concerns with the Municipal Planning Office, about the non-compliant uses and activity of the property under the Land Use Bylaw. These concerns have been continuously set aside by the Municipal Development Officer with the same response that the facility is a personal storage building.

For the record, a portion of a letter sent to Municipal Development officer Doug MacInnes earlier this year outlines the community concern: "though you continually say the building is a personal storage shed. A land title search shows that the building is owned by a numbered company from Dartmouth. A warehouse sized building, metal gates, semi-trailers on the grounds, folk lifts and stacked multiple containers are hardly personal storage. A professional engineer assessed the facility and deemed it to be an industrial distribution center.

We are happy that Municipal Officers have finally taken action and created an active file for this property. In a letter of response to community concerns dated March 20, 2023 Municipal Officers shared: You brought to our attention the matter of an industrial use in your community. This is an open active file in the hands of our Planners who are working with the property owner to ensure compliance.

The idea of working with the property owner to ensure compliance of Municipal Land Use Bylaw is appreciated but should not provide for the property owner the opportunity to simply change the law. I recognize that the property owner has the right to make rezoning application, yet for this rezoning to be allowed would be real slap to the residents of Upper Vaughan. There is a whole host of reasons to object to this proposal from proximity to a community heritage property, to environmental concerns and possibility of contamination of Zwicker Lake, due to industrial fluids and/or other industrial activity.

The property owner appears to have little respect for current bylaws and to this point the Municipality has turned a blind eye. The idea of simply changing the zoning to allow for the industrial activity to continue is preposterous. Land Use Bylaws/Zoning are in place for a reason and should not be changed to reward the owner of a non-compliant facility at the expense of all who live in the community.

Thank you for the opportunity to share my thoughts and opposition to this rezoning proposal.

Regards,

Seamus Marriott

April 13, 2023

From: Duane Walker

To: Alex Dunphy

As a property owner within the 500 ft area, I would agree that the change would affect property values in the area surrounding the property requesting rezoning. Also, the current lighting on the north and south sides is blinding to oncoming traffic. The lighting could possibly be the cause of traffic accidents. The lighting is also causing a great amount of light pollution in the area, before this construction we had extremely dark sky for watching the sky after dark, not as good as it use to be.

Duane Walker

April 14, 2023

From: Mark Kehoe

To: Alex Dunphy

Hello again, I'm submitting a 2nd letter with an additional concern regarding the rezoning of 997 in Upper Vaughan to Industrial.

I really wish I could attend the meeting in person and speak, but I'm out of province working and not able to participate. I was able to watch the 1st meeting last night and it was disappointing to see so many community members in distress over this zoning application and the handling of Mr Clarke's activities. I'm proud of my community and the residents for making the time and having the courage to come and express their frustrations and concerns in a public forum.

This really does seem like an easy decision to deny this industrial rezoning application in a residential neighborhood and I'm hoping the West Hants Municipality will begin to correct the many mistakes they've made in our community the past 2 years.

Thanks

Mark Kehoe

[LETTER ATTACHED AT BOTTOM OF DOCUMENT]

April 14, 2023

From: Deborah Innes

To: Alex Dunphy

Mr. Dunphy:

My response to the rezoning of the above property as a community member living Upper Vaughan's.

Thank you,

Deborah J. Innes

[LETTER ATTACHED AT BOTTOM OF DOCUMENT]

April 15, 2023

From: Denise Forand

To: Alex Dunphy

To West Hants Regional Planning,

I am writing to voice my many concerns into the rezoning of our pristine Lake District to Industrial.

Industrial and commercial zones do not belong in our quiet clean country sides .

I feel heartbroken that the canoe club is such a invasive loud inconsiderate group that landed on this extremely tranquil idealistic lake.

Sincerely,

Denise Forand

April 17, 2023

From: Elaine Eye

To: Alex Dunphy

Mr. Dunphy

I feel very fortunate to have shared a seasonal property on Zwicker Lake for 35 years with my spouse who was a child when her parents purchased the property, over 67 years ago. This property is situated within 500 feet of 997. The property owners request to rezone to resource industrial is cause for great concern for the community of Upper Vaughan as you heard on the evenings of April 13/14, 2023.

We personally have experienced the early morning sounds of truck traffic which are not sounds we have heard previously as traffic noises WERE a rarity from our location on the lake. This in itself may not appear a hardship but when you realize where it is coming from and the potential of what it could mean, it gives you pause. On Zwicker Lake, besides humans, live a large and diverse group of wildlife, to name a few : Blue heron, loons, ducks, American Bittern , owls, woodpeckers, and a very old snapping turtle we saw slip off a rock and swim larger than life under the kayak. All of these creatures are not able to speak for themselves so we must also think of their well being when we ourselves feel threatened.

Zwicker Lake and the residents of Upper Vaughan experienced in 2003/04 the failure of the dam on the lake and the stresses that ensued with Emera. Locals and many others worked diligently meeting, discussing and planing. They consulted biologists and geologists, who reported that it would cost NS Power more money to remediate the lake to its natural state than to build a new dam. Hence the spillway dam and fish ladder were built. It does not permit the same effect as a total return to natural habitat, but is the best compromise the committee could arrive at at the time. The natural environment and quiet was very important to the majority of the lake community and has persisted until now. It is with this same resolve and perseverance that we will meet any threat to our community.

When Pisiquid Canoe Club was given the property (using our tax dollars) behind 997 the community should have had the opportunity to voice our concerns, as you are now requesting we do regarding the rezoning of 997. It was then and even more now, very clear that they are

not just another resident on the lake as they initially claimed to be. They have taken over, making it impossible for others to swim, fish, canoe or just plain enjoy the peace and quiet to which we have become accustomed. It should never be the right of a group of individuals on one property to alter the enjoyment of many other property owners. West Hants Municipal Council has allowed and maybe even encouraged this by not requiring PCC to meet the existing bylaws ie. permits, etc. that do exist to prevent this from happening.

There are many who say that our elected officials are being forced by an entity other than themselves to allow things to happen outside of the law. If property 997 is permitted to be rezoned I too will believe this is true! Please do not allow the rezoning.

Respectfully

Elaine Eye

April 17, 2023

From: Doug Christie

To: Alex Dunphy

[FORWARDED MESSAGE FROM ROBIN CHRISTIE]

Unfortunately, we were unable to attend the meeting held Thursday April 13, 2023. We have owned property on Zwicker Lake for 16 years and thoroughly enjoy our family time there.

On that note, taking into regard the parameters for M1 below and concerns expressed I would support strongly the comments of residents.

I would like to reinforce that the proximity of this property to Lake Zwicker makes it essential to ensure there is environmental compliance with the watershed.

It also appears that this industrial site was not in compliance for many years having been zoned something other than industrial and therefore operated outside the zoning bylaw. That it was not in compliance should give the municipality pause to rigorously examine this property to ensure no environmental or other general condition has been breached. One would have assumed a responsible owner of the property would have sought the correct approvals in a timely manner which did not occur.

As also highlighted by some no matter what the outcome, the zoning now must reflect what cannot be placed there in the future. The M1 designation is very broad and allows a very liberal interpretation of what might be contemplated for the future. Is a sale contemplated which would require an

industrial designation? Based on past performance by the owner the municipality should exercise extreme caution

Also to note that this property abuts lot 1A-3 while that property abuts the residential property PID:45041886 lot 1011. All of these properties were or are owned by the current owner of Lot 997. I bring this up because a transfer of ownership to Lot 1011 took place without any public consultation and is now being used as canoe club which is clearly not residential and should have been rezoned recreational prior to sale. This only reinforces my view that caution needs to be exercised as the current owner is seeking to rezone the current lot 997.

I understand that the property 1011(the current owner being the pisiquid canoe club) rezoning is also under review and legal scrutiny and it seems that this additional rezoning for lot 997 cannot be assessed fully without a conclusion with respect to the waterfront property which is being used as a canoe club and may not be in compliance with a number of environmental and transport Canada rules and restrictions. For example where is the road access point to the waterfront property and is there sufficient parking to allow for the safety of canoeists. I understand that currently the patrons of the waterfront property disembark on Lot 997 and walk to the clubhouse. I am not disputing that this is illegal although insurance providers may have a view but only to show the interconnectivity among these three properties. Also there are former horse stables/outbuildings which lie across lot 1011 and lot-1A. Leaving aside whether the previous owner had the right permit to shelter horses so close to the lake and also the fact that there could be a mitigation strategy for the outbuildings I wish to point out the complete lack of stewardship with respect to the three properties.

Residents have lost faith in the lack of stewardship, transparency and process and are completely unsupportive of any change this point. Simply put there is no trust.

Robin Christie

17.0 RECREATION COMMERCIAL (RecC)

Permitted Uses

17.1 The following uses shall be permitted in the Recreation Commercial (RecC) zone:

- Campgrounds
- Driving ranges
- Golf courses and club houses
- Single unit dwellings
- Ski lodges and facilities
- Tennis courts and club houses

RecC zone General Requirements

26.0 RESOURCE INDUSTRIAL (M-1)

Permitted Uses

- 26.1 The following uses shall be permitted in the Resource Industrial (M-1) zone:
- Abattoirs
 - Agricultural processing industries
 - Any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment
 - Any manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other obnoxious emission of refuse matter or water-carried waste, or by reason of unsightly open storage
 - Building supply and equipment depots
 - Bulk storage of sand and gravel
 - Commercial and office uses accessory to a main use
 - Commercial greenhouses
 - Excavation and landscaping operations
 - Farm supplies and equipment sales and service
 - Feed and fertilizer industries
 - Fruit and vegetable sorting, grading and packaging establishments
 - Fuel storage depots
 - Heavy equipment sales and service
 - Licensed Micro-Cultivation of cannabis (Amendment 18-08 effective November 26, 2019)
 - Licensed Micro-Processing of cannabis (Amendment 18-08 effective November 26, 2019)
 - Licensed Cannabis Nurseries (Amendment 18-08 effective November 26, 2019)
 - Licensed Standard Cultivation and Processing of cannabis (Amendment 18-08 effective November 26, 2019)
 - Railway uses
 - Recycling depots
 - One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
 - Saw mills
 - Service industries
 - Structures related to sand and gravel excavation and processing

17.0 RECREATION COMMERCIAL (RecC)

Permitted Uses

- 17.1 The following uses shall be permitted in the Recreation Commercial (RecC) zone:
- Campgrounds
 - Driving ranges
 - Golf courses and club houses
 - Single unit dwellings
 - Ski lodges and facilities
 - Tennis courts and club houses

RecC zone General Requirements

April 28, 2023

From: Ron Smith

To: Alex Dunphy

Mr. Dunphy

Please see attached

Andrew Hardman

[LETTER ATTACHED BELOW]

April 27, 2023

From: Traci Curry

To: Alex Dunphy

Good afternoon Alex,

I am writing to you about my concern regarding the proposal to change 997 Highway #14 to Resource Commercial. I own a home in close proximity to the proposed rezoning @ 1077 Highway 14. I am not in favour of a rezoning and believe the current buildings/structures are in non compliance of the existing General Resource designation.

I was a citizen member on PAC for 3 terms so have some familiarity with planning and applaud the good work planning has done over the last number of years. It would seem to be that things have gotten offside at 997 Highway 14, specifically;

1. The existing development permit is for a garage. How can this be allowed when there is no house on the property? When I read the planning documents for General Resource (GR) the only buildings that are allowed are boathouse, dock or storage shed if there is a seasonal building. This unsightly complex of industrial storage units would look to be a non conforming use. Can you explain to me what part of the GR document I am missing?
2. Accessory buildings are also meant to be built behind or set back from the main dwelling (which is absent). This array of building is very close to the busy route #14 and since it is not an agricultural building or operation would look to be a non conforming use?

3. The current listed use for this building is Commercial Storage and Distribution. Where is that listed as a conforming use in the GR zone?
4. The Permit # C2020-371 lists the Building type as Garage/Carport/Shed. This would infer a small building for homeowner use. Again. No home on the property and at last count 8 units including tractor trailers being used as storage, sea cans and converted sea cans to make a large warehouse building. This would look to be a clear violation of the original permit and casts a poor light on what has been a very good planning team.

Please let me know when the next meeting is scheduled to discuss this request so that I can attend. I also request you table my comments.

Thank you,

Traci Curry

April 28, 2023

From: Ron Smith

To: Alex Dunphy

Dear Mr.Dunphy: In reference to the zoning problems at 997 Highway 14, please see attached photo of the drain that was installed in the middle of the PCC right of way. This is the photo that I presented at your public meeting and I believe it maybe of some help in your future decisions regarding the zoning. Yours respectfully, Ron Smith.



April 14, 2023

Attn Planning/Heritage Advisory Committee:

Hello again. My name is Mark Kehoe and I reside at [ADDRESS REMOVED] north of 997. Thank you for providing our community with a second opportunity to share our concerns regarding the rezoning application for 997 Hwy 14 to Industrial.

A couple quick points to make regarding the summary Mr Dunphy shared. It was stated the property abuts a community hall. It should be clearly noted the community hall is also the old schoolhouse and a rural Heritage building. Which is now in the shadow of an industrial compound.

Also, during the summary, you provided a list of activities permitted within the proposed rezoning of Resource Industrial M1 and it was only a partial list. You didn't include a lot of other permitted uses like Fuel Storage Depot, Slaughterhouses and Fertilizer Industry. All with ground leeching concerns for a property on that's on high ground and everything runs downhill to the lake.

I've already submitted a letter to the committee regarding my obvious concerns.

- the wide range of industrial activity that could move there.
- the loss of the heritage property landscape for the schoolhouse/community hall.
- no economical gain for community.
- decreased property value for neighboring residential homes.
- environmental risks from industrial possibilities
- property owner isn't a resident
- loss of rural property and community feel.
- industrial business not existing in residential communities
- and just the clear fact that industrial properties belong in industrial parks

Why are we here discussing a rezoning application?

According to your Application background, we are here because there was a complaint. This is not correct. We are here because the property applicant erected a commercial industrial compound in the middle of a residential community. Furthermore, complaints did not lead to the property owner applying for rezoning. The first complaints lead to the Municipal Development Officer replying to concerns that Mr Clarke had the necessary permits. When residents learned the permit was for an accessory building "a personal storage building" that

was an accessory to no main building and issued to a corporation, they complained again. Which lead to the Development Officer visiting the site in June, where he confirmed the building and property was a personal storage shed with a permit and stated he was in compliance with the LUB. A complaint was made again in a meeting with the Planning Dept and residents urged the DO to consider revisiting the property and reviewing the LUB for the General Resource zone. After this visit it was then determined it was indeed an industrial distribution center. And this application for rezoning quickly followed.

My real concerns are with the municipality. Why was this permitted to be built in the first place? How does it go unnoticed that a property owner raised the grade of a property that causes water runoff and erosion issues for neighbors, placed 15 to 20 storage containers, erected a massive steel building among residential homes, parked tractor trailers and an industrial crane for loading and unloading cargo containers, built on the shoulder of a highway, daily industrial activity noise, light pollution to neighbors, possible hazardous materials could leech into the lake and encroaches activities on a heritage property with the same driveway? And it draws zero attention from the municipality.

What elevates concerns regarding the municipality's involvement with Mr Clarke even more is that a senior staffer within the municipal planning dept consistently drives by this compound daily with no concern. This same senior staffer that secured 1.3 million \$ of taxpayers dollars to buy the other portion of Mr Clarkes property for the Pisiquid Canoe Club, who he is the commodore of. Why is this relevant, because this property isn't zoned correctly for the PCC's planned recreational facility and day camps either. And the municipality again issued an invalid permit for activities not in compliance with the LUB for that PID. Residents have since been forced to hire legal representation and dispute the municipalities invalid permit in court. Why is this continuing to happen? I'm not saying there were any greasy handshakes, but I'm quite certain there would have been a few high fives when those cheques all cleared, and the invalid permits were issued. It's amazing to me that a neighboring property with a youth membership isn't participating in a public hearing and objecting to an illegal industrial property at the entrance of their club house. This is just another reason residents are extremely frustrated and concerned.

I understand this committee is in the process of reviewing the application and will make a recommendation to the council. My recommendation is to toss this application in the garbage where it belongs and have the property returned to its original state. I'd also make a recommendation to review the municipalities' inability to adhere to the Land Use Bylaws with this particular property and property owners.

Thanks for your time,

Mark Kehoe

WEST HANTS REGIONAL MUNICIPALITY

76 Morison Drive, PO Box 3000

Windsor, NS B0N 2T0

Phone 902-798-8391 Ext. 113

vlake@westhants.ca

www.westhants.ca



April 4, 2023

Dear Property Owner:

**Re: Public Information Meeting
997 Highway 14, Upper Vaughan (PID 45041902)**

You are receiving this letter because 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 to be held in person at 76 Morison Drive, Windsor on **Thursday, April 14 at 6:00 p.m.** If you would like to attend the meeting virtually, please contact Vanessa Lake (vlake@westhants.ca) by Tuesday, April 11, at noon. The meeting can also be viewed live on the Municipal Facebook page at www.facebook.com/RMWindsorWestHants.

The meeting is to explain and initiate comments on rezoning the subject lot to Resource Industrial (M-1) to allow for commercial storage and distribution. Please note this is the first step in the process and no decisions have been made yet.

Members of the public are welcome to submit comments or questions on the proposal to Alex Dunphy by noon on April 28, 2023 by:

Phone	902-798-8391 ext. 118 Please leave a message and he will return your call within 24 hours
Email	adunphy@westhants.ca
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional Office at 76 Morison Drive,

Sincerely,

Vanessa Lake
Planning Assistant

INFORMATION SHEET

Address: 997 Highway 14, Upper Vaughan, PID 45041902

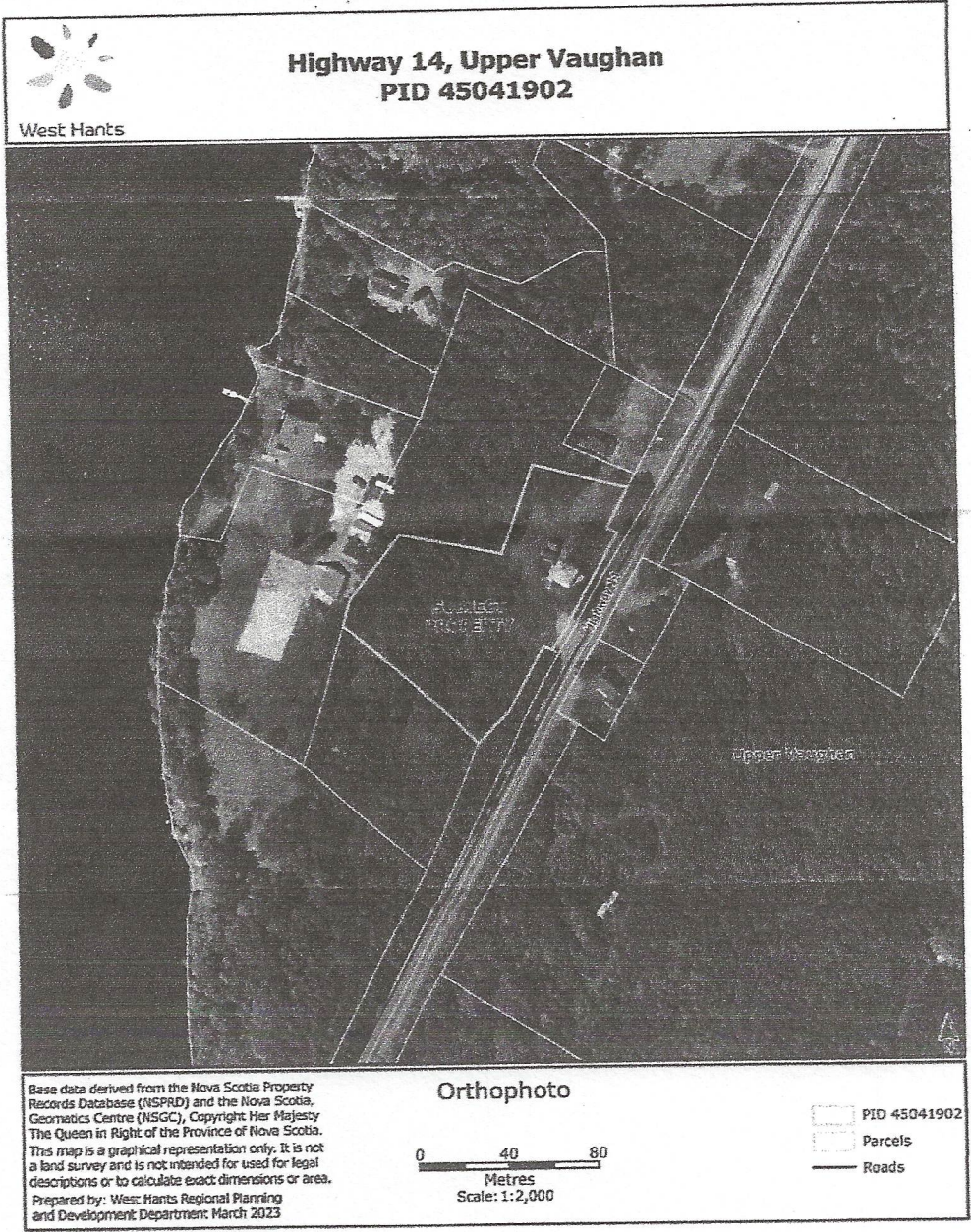
Request: Rezone to Resource Industrial (M-1)

Proposal Description: Commercial Storage and Distribution

Community: Upper Vaughn

Designation: Resource

Zone: General Resource



Response submitted by Deborah Innes

RE 997 Highway 14, Upper Vaughan, PID 45041902

First let me thank you for providing for this second meeting to correct an error in the letter sent out to those residents within the 500 feet of 997 Highway 14, Upper Vaughan, PID 45041902. It was very nice to see this corrective action taken by the Planning Department to ensure that all residents who wanted to air their concerns and questions have an opportunity to do so. I can only hope that the Planning Department have revised their procedure manual so in the future if it happens again, they do not have to wait for a resident of the community to advise them of their error.

What is unfortunate is that Mr. Clarke was allowed to erect this industrial building without the proper permit on land clearly zoned as General Resource. Allowing this has thrown our community into utter chaos – it is as if no one cares for those that make their homes in this community. Do we not have a voice, is no one listening – it would appear so! I listened in last night for a short time as I had another meeting and could not attend but I could loudly hear the passion in each person's voice who spoke about "our" community and how they have been affected by Mr. Clarke's building. I wonder if you will hear it and take the right steps by not allowing his request for rezoning the subject lot to Resource Industrial (M1) to allow for commercial storage and distribution.

Another unfortunate occurrence is the blind-sidedness of the Planning Officer and others that allowed this so called "storage shed" to be build in the first place on land zoned for General Resources while clearly breaking the Municipalities own by-laws. In my mind when I hear the word **law** in normal circumstances, it has consequences, I could be charged, maybe go to court and so on. I ask then why can the Municipality keep breaking their own by-laws. These by-laws were developed to protect communities and the people that reside in them.

I have been working with the Core Committee of the Zwicker Lake Property Owners and while we are not here to discuss the topic of the Pisiqid Canoe Club, again more by-laws and wrongful permits being issued. It very disheartening as a community member that those working on our behalf are funded by tax-payers money in other words we pay your salaries. Who checks to ensure that those that work for the Municipality are doing their job and adhering to the rules and by-laws set forth by the Municipality.

I was always under the impression that we elected a councillor to heed the concerns of the community he/she represents. In our case, I have not witnessed this happening. I have in the past have had nothing but respect for the work that our elected officials undertake but at a recent meeting, I along with others heard the CAO for this Municipality say he has the final say in front of all the councillors. Wow is all I could respond to this. It must have made all the Councillors feel they have no say just like we in the community that is affected by this rezoning application.

Please do the right thing – turn down this application and ensure that the property is returned to General Resources. Our Little Red School House – a heritage property – should be front and centre not this monstrosity of a building that overall does nothing for the community that we live in. Give us our community spirit back!

Thank you.

/dji – April 14, 2023

Challenge to proposed change to Resource Industrial (M1)

997 Highway 14, PID 45041902

By: Andrew Hardman

This is the existing development permit #C2020-371

Proposed use: Garage

Permit #: C2020-371	Issued Date: September 10, 2020	
Property Address: 997 Highway 14, Upper Vaughan	PID: 45041902 AAN: 00136514	
Land Use Zone(s): GR	Lot:	
Class of Work: Construction Bldg Type: Garage/Carport/Shed	Designation:	
Estimated Cost of Construction: \$175,000.00		
Proposed Use: Garage		
Use Description: Storage building		
Owner: 3222228 Nova Scotia Limited	Applicant: William Clarke	Contractor:

Conditions:

Development permit issued for a detached garage to be used for personal storage purposes only. As per section 5.1(d) of L.U.B. Setbacks from property lines approved as per site plan submitted with application. Height not to exceed 20 feet. This Development permit shall automatically expire 12 months from the date of issue if the development has not commenced.

Important Notes:

- 1. The Permit was issued to a corporate entity: 32222228 Nova Scotia Limited**
- 2. The permit was issued for “personal storage purposes only” – TO A CORPORATE ENTITY!**
- 3. The proposed use of this building was garage. In the GR zone, only a boathouse, dock or storage shed may be built prior to a seasonal dwelling. The intent of 5.1 (d) was to allow people to enjoy future seasonal properties by building a smaller building first. The seasonal dwelling must be on a private road (22.1)**

5.0 GENERAL PROVISIONS FOR ALL ZONES

Accessory Buildings and Structures

- 5.1 (a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:
- (i) be used as a dwelling unit except where a dwelling is a permitted accessory use;
 - (ii) be built within 6 ft (1.83 m) of the main building;
 - (iii) be built closer to the street than the main building on the lot except in the Prime Agriculture (P/Ag) zone;
 - (iv) be built closer to any lot line than the minimum setback required in the zone for the main building, except that:
 - Common garages for semi-detached dwellings may be centred on a mutual side lot line;
 - Garages and storage sheds may be built a minimum of 4 ft (1.22 m) from the side and rear lot lines;
 - Boat houses and docks may be built to the lot line where the lot line corresponds to the water's edge.
- (b) Notwithstanding clauses (iii) and (iv) of Section 5.1(a), an accessory building or structure may be located in the front yard or a lot but in no case shall be less than 60 ft (18.29 m) from the front lot line.
- (c) Notwithstanding anything else in this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, memorials and fences shall be exempt from any requirement under subsection (a).
- (d) Not accessory building or structure shall be constructed:
- (i) prior to the time of construction of the main building to which it is accessory, except that a boat house, dock or storage shed may be built prior to construction of a seasonal dwelling only on a lot located in the General Resource (GR) zone; or
 - (ii) prior to the establishment of the main use of the land where no main building is to be built.

22.0 GENERAL RESOURCE (GR)

Permitted Uses

- 22.1 The following uses shall be permitted in the General Resource (GR) zone:
- Agricultural support uses
 - Agricultural uses
 - Automobile service stations
 - Churches, community centres and fire halls
 - Farm equipment sales and service
 - Forestry and forestry related activities
 - Indoor storage facilities accessory to an agricultural use subject to Section 5.19 (Amendment 18-03 Effective December 25, 2018)
 - Manufactured homes
 - Personal service shops
 - Restaurants
 - Retail stores under 5,000 ft² (139.35 m²) in commercial floor area
 - Seasonal dwellings on private roads
 - Single and two unit dwellings
 - Structures associated with sand and gravel extraction operations
 - Existing automobile, truck and motorcycle sales, service and rental establishments
 - Existing commercial and institutional uses (Amendment WHLUB 14-01 Effective January 22, 2015)

Permit C2020-371, should never have been issued. A stand-alone garage is not a permitted use in the GR Zone, unless it is an accessory building to a permitted use.

997 Highway 14 - As Built/Used



- Metal garage structure that does not fit in the community
- High garage doors that are obviously installed to accommodate tractor trailers
- Tractor trailers turning in the community center parking lot
- Using the parking lot as a material staging area
- Run-off and drainage issues
- Many sea containers used for storage.
- Tractor trailers
- Material handling equipment
- Concrete jersey barriers
- Guard rail too close to roadway? Was it installed by TIR?

The current use is a “Commercial Storage and Distribution”. It needs to be stopped immediately.

Proposed Zoning change to Resource Industrial (M-1).

Definition:

26.0 RESOURCE INDUSTRIAL (M-1)

Permitted Uses

- 26.1 The following uses shall be permitted in the Resource Industrial (M-1) zone:
- Abattoirs
 - Agricultural processing industries
 - Any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment
 - Any manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other obnoxious emission of refuse matter or water-carried waste, or by reason of unsightly open storage
 - Building supply and equipment depots
 - Bulk storage of sand and gravel
 - Commercial and office uses accessory to a main use
 - Commercial greenhouses
 - Excavation and landscaping operations
 - Farm supplies and equipment sales and service
 - Feed and fertilizer industries
 - Fruit and vegetable sorting, grading and packaging establishments
 - Fuel storage depots
 - Heavy equipment sales and service
 - Licensed Micro-Cultivation of cannabis (**Amendment 18-08 effective November 26, 2019**)
 - Licensed Micro-Processing of cannabis (**Amendment 18-08 effective November 26, 2019**)
 - Licensed Cannabis Nurseries (**Amendment 18-08 effective November 26, 2019**)
 - Licensed Standard Cultivation and Processing of cannabis (**Amendment 18-08 effective November 26, 2019**)
 - Railway uses
 - Recycling depots
 - One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
 - Saw mills
 - Service industries
 - Structures related to sand and gravel excavation and processing
 - Utility facilities
 - Wood processing and manufacturing establishments

Issues

- The property is next to a heritage site. There is a loss of the heritage property landscape



- There is a possibility of a wide range of industrial activities that could take place on the property are not appropriate to the area
- There does not seem to be any economic gain for the community
- There are potential environmental risks
- Loss of rural/community feel
- The industrial business has no ties to the community as far as we know
- Potential to negatively affect property values
- May not have the required setback

The building, storage containers and all the equipment needs to be removed!!

West Hants Municipal Council, April 13, 2023 6 PM rezoning #997

I am Andrea Lynn, a ratepayer, (a townie), and have been a seasonal resident at Zwicker Lake #1021 Route 14 for 68 years. My property is within 500 feet of #997, the lot now seeking rezoning.

94 years ago, October 1929 my property #1021 was acquired in a high stakes poker game. It shared a full southern boundary with the property (currently Pisiquid Canoe Club) belonging to Arthur Church. After the First War, followed by the roaring 20's, property #1021 engaged in a 25-year, illustrious and infamous history. It was a strategic location for rum-running during prohibition, vote-buying during elections and various & sundry forms of influence pedalling. That being said, now, from 2004 to 2022, that neighbouring Arthur Church property largely belonged to the current owner of lot #997 - 3 acres which now remain after the 2022 sale to the Canoe Club.

My personal concern regarding lot #997 is the potential for municipal corruption in decision making.

1. *Problems are already filed with the County* regarding questionable funding for the Pisiquid canoe club; West Hants employee conflict of interest ; bylaw violations; missing and invalid zoning controls; missing development agreements - all happened in the first season after the owner of #997 sought sale to Pisaquid Canoe Club. This does not bode well for potential future uses of #997 property if changed from General Resource to Resource Industrial (M-1).
2. Trans-World Distributing Ltd. is a company over 50 years old. It once manufactured most of its distributed industrial fasteners, but like many Canadian companies may have moved production to a Chinese factory. This does not promise local manufacturing work for the community, and creates the potential for hard industry to settle into the middle of an environmentally pristine area. The municipality does not protect ecology here.

I suggest property #997 be left General Use; that the municipality acquire an Industrial M-1 designated lot of like dimensions in a West Hants Industrial Park. This would be traded with the owner of property #997. Once the owner has vacated all equipment and buildings to the industrial park, the County will generously donate the lot to the Upper Vaughans' Community Centre to rejuvenate its role. It may later be sensibly decided that the Upper Avon Canoe association and "Community Centre" property be made available to all local Vaughns-area communities (adults and children) for soft aquatic programs -

canoeing/ kayaking, swimming, diving (no racing/ no motors, no wires) with a strong emphasis on identification and protection of area wild life and fish. Later, Windsor Canoe Clubhouse, too, will be known and sought after as the place where young and old alike can learn the skills of navigating a craft on the full tidal water of a returned Avon River, and on all other Basin rivers fully flowing both ways. Skills of Birch Bark Canoe making would be taught there.

ECO Tourism is an investment fetish of current government corporations seeking rich tourist \$.

Real tourism happens when we develop amazing activities and services with by and for local people. Real Tourists will come, to marvel and take part in the varieties of what locals are doing. This is the purpose of municipalities freed to act as if there were a future, not struggling daily against a dark, shadow government.

I would like to acknowledge and thank the core committee of Zwicker Lake Property Owners for its vigilance and in-depth research regarding the summer activities of the Pisiquid Canoe Club on the Lake and documenting legal, but unlawful and immoral stances by the corporation of the District of West Hants. I believe the Lake property owners will bring the same vigilance to #997. It is nearly 100 years since the revelry in the area I described on Zwicker lake. The effect it had on local families then was no doubt also very disruptive and divisive. We are living in times now, like then, with ill effects increased 100 fold.
Hand-outs.

There is a network developing across Canda (over 65 groups at last count). They work from the bottom up using a reverse engineering model and are called Citizen Accountability and Transparency Councils (CATCs). They operate much like the Zwicker Lake Core committee.

I apologize for myself and many citizens like me who have left our elected representatives here to struggle with a global corporation in its midst. Municipal corporate employees can outnumber councillors as much as 4 to 1. The CATCs groups are discovering that Municipal Corporations are rewriting and can legally ignore Municipal Bylaws, and that funds issued by the federal government to municipalities for projects can be traced back along a money trail to places other than our own tax dollars.

Respectfully submitted, Andrea Lynn

Community Accountability and Transparency Councils

CATCs

<https://www.eates.org>

Overview of CATCs

Citizens and their elected representatives have a problem-we are no longer on speaking terms. Community Accountability and Transparency Councils (CATCs) will take steps to engage with all levels of government to pursue discussions on policies that affect our communities. .

Our plan is to bring into existence a national network of CATCs with the objective of providing citizen advocates with strategies and tools to successfully engage with our elected officials.

Mandate and Priorities of CATCs

The CATCs network will work to engage with all channels of our public institutions including local city councils, school boards, provincial and federal members of parliament. The mandate of CATCs will be to seek accountability, transparency, review and advise on public policy and to rally the public to become involved.

Pillars of Priorities

First Order-Good Governance

1. Accountability and transparency of public of institutions
2. Standards of conduct by our elected officials
3. Policy development and recommendations
4. Political interference in our governance by unelected global entities and NGOs

Second Order-Societal Responsibilities

1. Security and protection of energy, food, seniors, children, education, families.
2. Health and wellness and the integrity of our medical system.
3. Addressing transformational policies including banking, central bank digital currencies, digital ID, privacy and the role of technology in our society.
4. Emergency preparedness and support for the disenfranchised.

Roles and Responsibilities

National CATC

1. Establish a national council with representatives from every region of the country.
2. Support the local CATCs.
3. Provide toolkits and strategies.

Local CATC

1. Support the mandate provided by the national CATC including code of engagement and to work with other CATCs to leverage the network.
2. Engage with political representatives to achieve the goals of better governance and transparency.



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: May 11, 2023

Subject: Development Agreement: PID 45411808, Cole Drive, Windsor; File # 23-05

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a four storey, mixed-use apartment building on PID 45411808 on Cole Drive in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-05 to the Planning and Heritage Advisory Committee dated May 11, 2023.

...that PAC/HAC recommends that Council require that the development agreement with Shawn Foote & Mark Hartlin which permits a four storey, mixed-use apartment building on PID 45411808 on Cole Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property 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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An updated application was received from Darren Shupe of Brighter Community Planning & Consulting on behalf of the property owner Mainland South Investments on March 21, 2023. The application is to consider permitting a 4-storey mixed-use apartment building by development agreement.

DISCUSSION

The subject lot is approximately 2 acres (8093.71 sq. m.) in size. It is designated Residential and included within the Three Mile Plains Growth Centre on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). The subject lot is zoned Multiple Unit Residential (R-3) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2).

Surrounding Context

Properties to the south and west of the subject lot are designated Residential and are zoned Multiple Unit Residential (R-3) and Agriculture (AG). Properties to the north and east are designated Joint Industrial Park and zoned Light Industrial Type Three (LI-3). Lands to the south and west are currently being developed for residential uses. There is an office building which is currently under construction and directly abutting the subject lot. Further along Cole Drive in the Joint Industrial Park designation is a hotel and a vacant lot. Highway 101 also directly abuts the subject lot on the northeast lot line. The Residentially designated land located on the south side of Cole Drive are currently being developed for residential uses.

Municipal Planning Strategy Document Review

Policy 5.3.8 is one of the two enabling policies to be considered for this application. This policy provides Council with the ability to consider new multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement. In addition to the criteria outlined in this policy, Policy 5.3.8 requires the criteria from Policy 5.3.7 to be considered by Council in relation to 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 proposed development has side yards that are at least one half the height of the main building;
- Cole Drive has been identified as a Collector Street on the Future Streets Map within the West Hants Subdivision By-law;

- the amount of recreational space provided in the proposal exceeds the amount of recreational space required by the West Hants Land Use By-law; and
- the Development Officer, Municipal Project Engineer, Fire Chief, Manager of Building and Fire Inspection Services, and the Municipal Traffic Authority have no concerns.

Policy 5.6.4 is the second enabling policy to be considered for this application. This policy provides Council with the ability to consider new local commercial uses in Growth Centres outside the Commercial designation by development agreement. This policy also includes criteria which must be considered in relation to 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 proposed development is of a similar size to surrounding buildings;
- the draft development agreement outlines the hours of operation for the commercial uses of the development as between 7:00 a.m. and 9:00 p.m. daily, inclusive; and
- the Development Officer and the Municipal Traffic Authority have no concerns.

Policy 16.3.1 establishes the general criteria that must be considered for all development agreements applications. 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, and Municipal Traffic Authority have no concerns which have not been addressed in this report.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

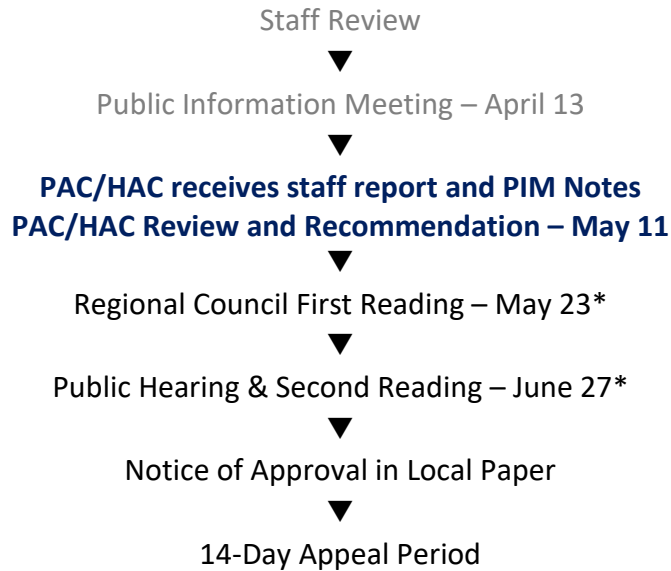
The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the subject lot, however the bottom of Cole Drive may experience flooding.

The Municipal Services Specifications Manual will require the developer to provide information to the Municipal Department of Public Works to ensure pre- and post-development flows are met. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

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

Process



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

- hold First Reading and authorize a Public Hearing to approve the development agreement as drafted or as specifically revised by direction of PAC/HAC; 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
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: _____
Sara Poirier, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

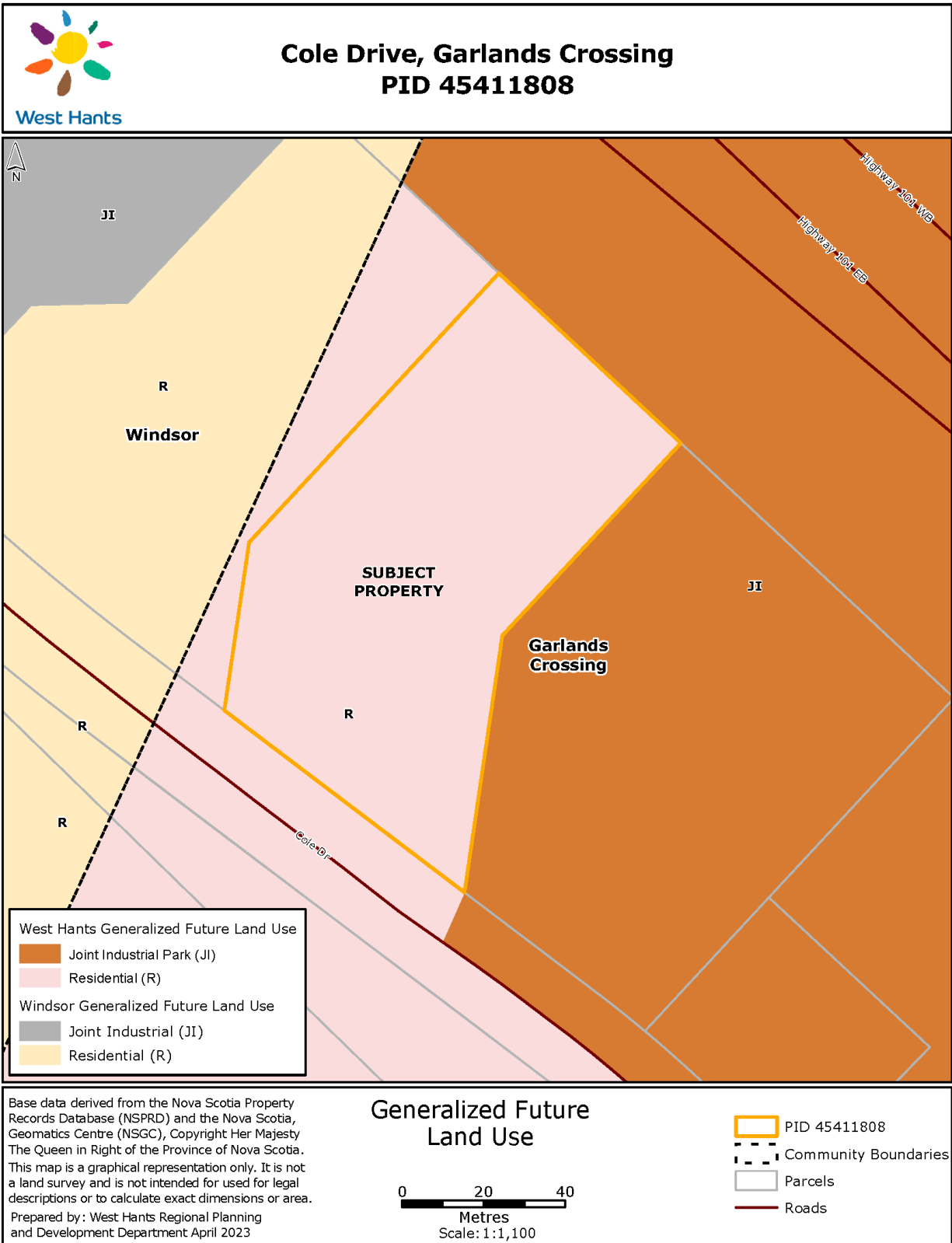
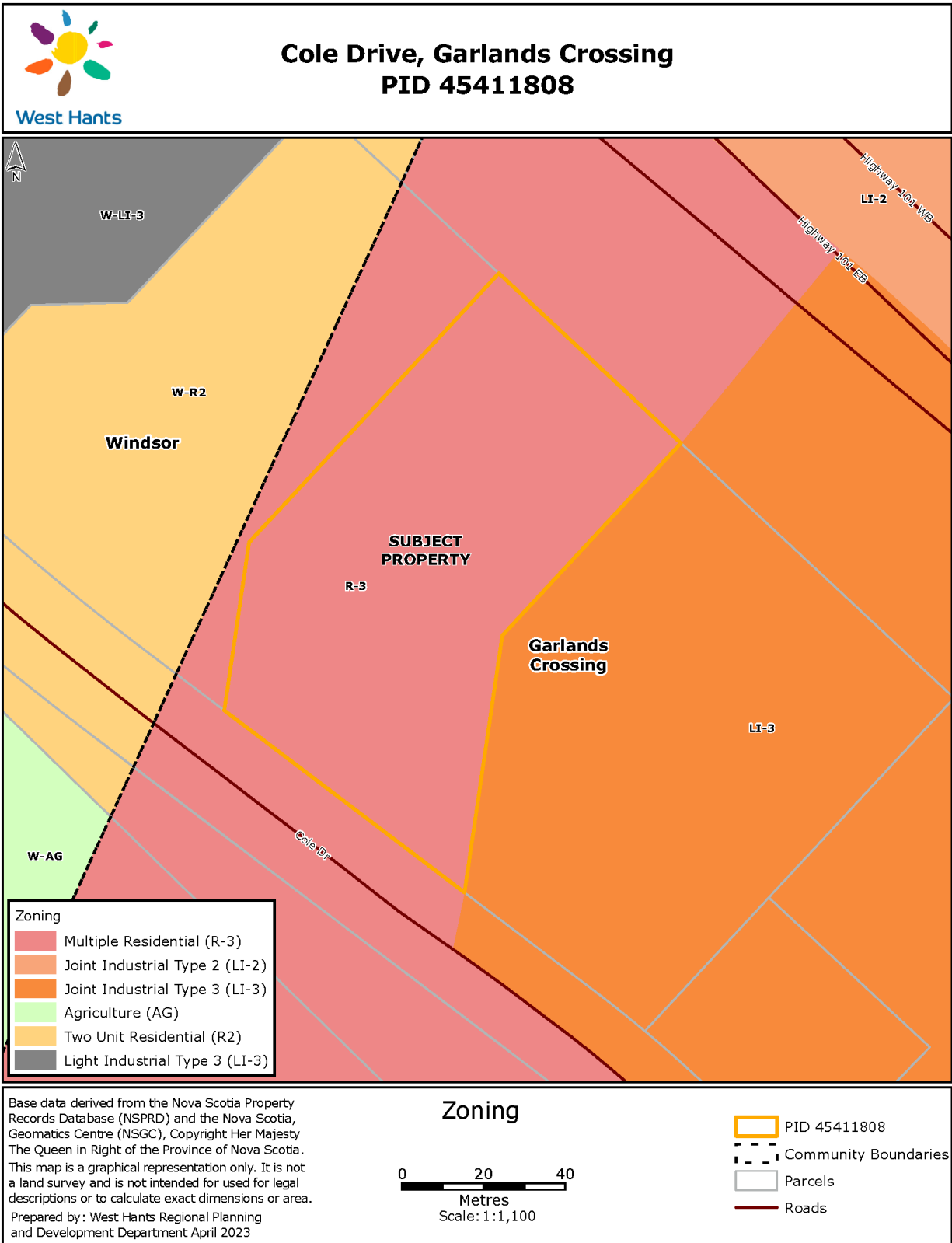


Figure 2 – West Hants Zoning Map Extract



Attachment A – Policy Summary for Development Agreement

<p>Policy 5.3.7 <i>It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-3 subject to the following:</i></p>	
<p><i>(a) the development has frontage on an arterial or collector street designated on the Transportation Map (Map 2) if it consists of 12 or more units;</i></p>	<p>Cole Drive is shown as a local road on the Transportation Map of the West Hants Municipal Planning Strategy. Even though Cole Drive is within an area designated Joint Industrial Park and was constructed with a sidewalk on one side of the street, it is most likely classified as a local road due to it being a dead-end street with no current connections elsewhere. The Future Streets Map attached to the West Hants Subdivision By-law identifies Cole Drive as a collector street. Due to this classification and the Traffic Authority having no concerns, this criterion is considered met.</p>
<p><i>(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)</i></p>	<p>The Municipal Public Works Department stated that they have no concerns regarding the adequacy of municipal services for the proposed development.</p>
<p><i>(c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;</i></p>	<p>The proposal is of a similar scale and design to the surrounding existing uses. There are no concerns regarding traffic generation or density.</p>
<p><i>(d) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;</i></p>	<p>Cole Drive is a public street owned by the Municipality. The Municipal Traffic Authority stated that they have no concerns and that the existing street is adequate to support the development.</p>
<p><i>(e) adequate open space or recreational space is provided;</i></p>	<p>The amount of recreational space provided in the proposal exceeds the amount of recreational space required by the West Hants Land Use By-law.</p>

	The Development Officer commented that they have no concern regarding the adequacy of on-site recreational space.
<i>(f) adequate on-site parking is provided;</i>	The Development Officer commented that the parking provided is considered adequate.
<i>(g) any other matter which may be addressed in a Land Use By law; and</i>	All relevant matters have been addressed in this report.
<i>(h) Policy 16.3.1.</i>	See below.
<p>Policy 5.3.8 <i>It shall be the policy of Council to consider multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement subject to the following:</i></p>	
<i>(a) the side yards are at least one half the height of the building;</i>	The proposed building is 4 storeys and has side yards of at least 20 ft.
<i>(b) adequate landscaping, screening and buffering is provided to minimize the impact of building height on adjacent properties;</i>	The proposed development agreement outlines the buffering requirements for all parking and service areas of the development.
<i>(c) the specific requirements for multiple unit development set out in Policy 5.3.7;</i>	See above.
<i>(d) any other matter which may be addressed in a development agreement; and</i>	All relevant matters have been addressed in this report.
<i>(e) Policy 16.3.1.</i>	See below.

<p>Policy 5.6.4 <i>It shall be the policy of Council to consider new local commercial uses in Growth Centres outside the Commercial designation by development agreement subject to the following provisions:</i></p>	
<i>(a) the adjacent residential area will not be adversely affected with respect to:</i>	
<i>(i) traffic generation and traffic safety;</i>	The Traffic Authority stated that they have no concerns regarding traffic generation or safety.
<i>(ii) signage;</i>	Any signage will need to meet the

	requirements of the West Hants Land Use By-law.
<i>(iii) hours of operation;</i>	The draft development agreement outlines the hours of operation for the commercial uses of the development as between 7:00 a.m. and 9:00 p.m. daily, inclusive.
<i>(iv) size of building(s); and</i>	The proposal is of a similar size to the surrounding existing uses. There are no concerns regarding the proposal's building size.
<i>(v) pedestrian circulation and safety;</i>	The Traffic Authority stated that they have no concerns regarding pedestrian circulation or safety. There is a sidewalk on Cole Drive which leads to the subject lot and will connect to the proposed development through an abutting development which is also owned by the property owners of the subject lot.
<i>(b) adequate on-site parking is provided;</i>	The Development Officer has no concerns regarding the adequacy of the proposed on-site parking provided by the development.
<i>(c) adequate buffering or screening, setbacks and yards are provided;</i>	The Development Officer has no concerns regarding the buffering and required setbacks for the proposed development.
<i>(d) maintenance of the proposed use will be satisfactory;</i>	The draft development agreement outlines the requirements for maintenance.
<i>(e) any other matter which may be addressed by a development agreement; and</i>	All relevant matters have been addressed in this report.
<i>(f) Policy 16.3.1.</i>	See below.

Policy 16.3.1

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:

(a) whether the proposal is considered premature or inappropriate in terms of:

<i>(i) the adequacy of sewer and water services;</i>	The Public Works Department confirmed that the existing municipal services are adequate for the proposed development.
<i>(ii) the adequacy of school facilities;</i>	The Annapolis Valley Regional Centre for Education has stated that they will accommodate all students.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The Manager of Building and Fire Inspection Services has no issues with fire protection but did mention that the proposal has a steep driveway access for the fire department. The local Fire Chief has stated that there is adequate fire protection for the proposed use and had no concerns regarding the driveway access.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Traffic Authority has 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 subject lot has access to adequate municipal services.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Traffic Authority has no concerns regarding movement suitability on the subject lot.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that the subject lot is suitable for this proposal.

<i>(e) the pattern of development which the proposal might create;</i>	The proposal is in line with the pattern of development surrounding Cole Drive. There have been more applications to consider residential uses in this area lately. The Development Officer has no concerns regarding the pattern of development.
<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>	The site appears to be at a higher elevation in comparison to buildings closer to Wentworth Road. There are no watercourses or wetlands located on the property. No concerns were recorded during 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 -

MAINLAND SOUTH INVESTMENTS INC. a body corporate, with a head office at 56 Jebel Lane, Herring Cove, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Co-owner”)

OF THE SECOND PART

3171692 NOVA SCOTIA LIMITED a body corporate, with a head office at Suite 411, 5 Ramsgate Lane, Halifax, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Co-owner”)

OF THE THIRD PART

WHEREAS the Co-owners are the registered owners of parcel of land located on Cole Drive, PID 45411808, hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS PID 45411808 is designated Residential and is within the Three Mile Plains Growth Centre on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned Multiple Unit Residential (R-3) on the Zoning Map of the Land Use By-law; and

WHEREAS the Co-owners have requested that the Municipality enter into a development agreement to permit up to 42 apartment units and up to 13,400 sq. ft. of commercial space within a four (4) storey apartment building on the Property (the “Development”); and

WHEREAS Policy 5.3.8 of the Municipal Planning Strategy and Section 6.1 (a) of the Land Use By-law enable Council to consider entering into a development agreement to allow multiple unit residential development greater than three storeys in the Three Mile Plains Growth Centre, and Policy 5.6.4 of the Municipal Planning Strategy and Section 6.1 (h) of the Land Use By-law enable Council to consider entering into a development agreement to allow new local commercial uses in Growth Centres outside of the Commercial designation; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2023, approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto;

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

PART 1 AGREEMENT CONTEXT

1.1 Definitions

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

- (a) “Active Construction” means that the Owner has active development and building permits for the construction of the apartment building and the associated parking podium, and that construction activity including but not limited to equipment, machinery, and employees, are on-site working towards the necessary building inspections leading to an occupancy permit.

- (b) “Commencement” means the date the Owner begins Active Construction on the apartment building within this Agreement as permitted by an issued development and building permit; and
- (c) “Commercial Floor Area” means the total useable floor area within a building used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage rooms and common hallways between stores.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

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

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

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

- (a) The Parties agree that uses on the Property shall be limited to the following:
 - (i) those uses permitted by the underlying zoning in the Land Use By-law;
 - (ii) a four (4) storey apartment building containing up to 42 apartment units and up to 13,400 sq. ft. (1,244.9 sq. m.) of Commercial Floor Area on the ground floor for commercial uses which shall be limited to the following:
 - Arts, crafts, gifts and antique shops
 - Clubs
 - Convenience stores
 - Florists
 - Day care centres, licensed or non-licensed
 - Offices
 - Personal service shops
 - Restaurants, excluding drive-through restaurants

- (iii) underbuilding, underground and surface parking for the uses within the building.

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

2.2 Development Location and Design

- (a) The Development location and design shall be generally consistent with the site plan shown in Schedule B.
- (b) The Development Officer may approve in writing minor changes to the location of the building or other aspects of the Site Plan provided the side yards are not decreased.
- (c) The apartment building shown on the Site Plan in Schedule B shall be limited to a maximum of 42 dwelling units and up to 13,400 sq. ft. (1,244.9 sq. m.) of Commercial Floor Area on the ground floor. The building may include underground and underbuilding parking and shall conform to the following requirements:

Minimum Front Yard	25 ft. (7.62 m.)
Minimum Rear Yard	35 ft. (10.67 m.)
Minimum Side Yard	15 ft. (4.57 m.) or one-half the height of the building whichever is greater
Maximum Storey of Main Building	4 storeys
Maximum Building Height	40 ft. (12.19 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

- (d) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.
- (e) A minimum of 10,020 sq. ft. (930.89 sq. m.) of usable recreation space as outlined in Section 2.6, *Recreational Space*, shall be required.
- (f) The Co-owners shall keep all undeveloped areas of the Property landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Access and Egress

- (a) The Co-owners shall develop, construct, and maintain the driveways in the Development in general conformance with the driveways shown on Schedule B.
- (b) The driveways shown on Schedule B shall be constructed a minimum of 100 ft. (30.48 m.) from a street intersection. The driveways shall be paved with a

minimum paved surface width of 20 ft. (6.09 m.). The vehicular entrance and exit shall be clearly demarcated.

2.4 Parking

- (a) All parking spaces for vehicles using the Property shall be located on the lot and shall be generally located as shown on Schedule B.
- (b) A minimum of one (1) parking space shall be provided per dwelling unit and a minimum of one (1) parking space shall be provided for every 500 sq. ft. (46.45 sq. m.) of Commercial Floor Area dedicated to commercial uses on the Properties.
- (c) Parking may be provided either underbuilding, underground or outside at grade.
- (d) Outside parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Co-owners. They may be constructed using permeable construction materials to assist with stormwater retention.
- (e) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m) wide.
- (f) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

2.5 Fire Safety

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

2.6 Recreational Space

A minimum of 10,020 sq. ft. (930.89 sq. m.) of usable recreational space shall be provided on the Property and may include:

- (a) individual balconies; and
- (b) common use landscaped areas.

2.7 Buffering

Outdoor parking, driveways, and parking aisles shall be screened from adjacent properties, except for the lot line abutting Cole Drive and the lot line abutting PID 45366432, through the use of:

- (a) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of at least two (2) in. measured at four-and-one half (4.5) ft. above the surrounding grade and a minimum height of 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 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.

2.8 Servicing

(a) Waste Collection

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

(b) Water and Sewer Services

- (i) The building shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.
- (ii) The Co-owners shall be responsible for constructing, installing and maintaining the water and sewer services on the Property.

(c) Snow Plowing

The Co-owners shall have sole responsibility for snow plowing within the Development.

2.9 Maintenance

- (a) The Co-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 Co-owners shall maintain the driveways to a level adequate to allow for access by emergency services vehicles.

2.10 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.

2.11 Hours of Operation

The hours of operation for the commercial uses within this Development shall be limited to between 7:00 a.m. and 9:00 p.m. daily, inclusive.

2.12 Variance

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

- (i) minimum required yard dimensions except side yard requirements as required in Section 2.2 (c) of this Agreement; and
- (ii) number of parking spaces required.

PART 3 CHANGES AND DISCHARGE

3.1 The Co-owners shall not vary or change the number of units within the apartment building on 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 this Agreement.

3.3 The following matters are substantive matters:

- (a) the number of units permitted within the apartment building on the Property as listed in Section 2.1, *Use*;
- (b) the minimum side yard requirements and maximum building height of the building as listed in Section 2.2, *Development Location and Design*;
- (c) the fire safety requirements as listed in Section 2.5, *Fire Safety*;
- (d) the hours of operation for the commercial uses as listed in Section 2.11, *Hours of Operation*.

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 Co-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 Co-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 Co-owners, provided the use of the Properties 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 Co-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. The date of commencement will be determined as the date the Co-owners begins Active Construction on the building within this Agreement as permitted by an issued development and building permit.
- (b) Active Construction shall commence not later than forty-eight (48) 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 Co-owners. Upon the written request of the Co-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 Co-owners are bona fide delayed from commencing the Development for reasons which are beyond the Co-owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Co-owners is excused for the period of the delay and the time period for the Co-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 Co-owners shall provide record drawings to the Development Officer for any portion of the Development for which an engineered design is required, within ten (10) days of completion of any work which requires the engineered design.
- (b) The Owner shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

- (a) Nothing in this Agreement shall exempt the Co-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 masculine gender shall include the feminine and neutral gender.
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.
- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Co-owners about the suitability of the Property for the Development proposed by this Agreement. The Co-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 Co-owners in writing. In the event that the Co-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 Co-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 Co-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 Co-owners personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Shawn Foote at 56 Jebel Lane, Herring Cove, NS, B3V 1T2, and Mark Hartlin at Suite 411, 5 Ramsgate Lane, Halifax, NS, B3P2S6, or at any other address provided in writing or email by the Co-owners.
- (b) The Co-owners 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 in writing or email by the Municipality to the Co-owners.

5.10 Full Agreement

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the Co-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:

Witness

Witness

Witness

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

Per: _____

) Abraham Zebian, Mayor

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

) **MAINLAND SOUTH INVESTMENTS INC.**

)

Per: _____

) Shawn Foote, President

)

) **3171692 NOVA SCOTIA LIMITED**

)

Per: _____

) Mark Hartlin, President

**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 **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, **Shawn Foote**, one of the parties thereto, signed, sealed and delivered the same 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, **Mark Hartlin**, 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

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Shawn Foote, Nova Scotia, make oath and say that:

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

I certify that on this _____, 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

Shawn Foote, President

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mark Hartlin, Nova Scotia, make oath and say that:

6. I Mark Hartlin of **3171692 NOVA SCOTIA LIMITED** the “Corporation”. Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
7. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
8. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
9. The Corporation is a resident of Canada under the Income Tax Act (Canada).
10. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this _____, 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

Mark Hartlin, President

**Schedule A
Legal Description**

PID 45411808

Registration County: HANTS COUNTY

Street/Place Name: COLE DRIVE /GARLANDS CROSSING

Title of Plan: PLAN OF S/D TO CREATE LOT 2 S/D OF OF LOT 2R LAND REGISTRED TO 3102673
NOVA SCOTIA LTD COLE DR & HWY NO 101 WINDSOR & GARLANDS CROSSING

Designation of Parcel on Plan: LOT 2

Registration Number of Plan: 122141428

Registration Date of Plan: 2023-03-08 11:29:32

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

Compliance:

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

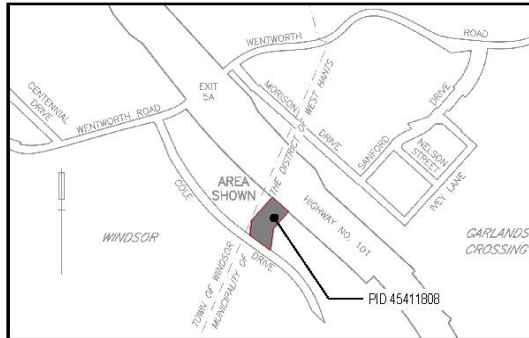
Registration District: HANTS COUNTY

Registration Year: 2023

Plan or Document Number: 122141428

Schedule B
Site Plan

brighter
community
PLANNING & CONSULTING



KEYPLAN
NTS



ARCHITECTURAL SITE PLAN
1/64" = 1'-0"

APRIL 2023

Attachment C – Public Information Meeting Notes

April 13 - April 28, 2023

Development Agreement: PID 45411808, Cole Drive ; File # 23-05

Meeting date and time	A Public Information Meeting was held on April 13, 2023 beginning at 6:55 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	23-05
Attending	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> • Councillor Murley <p>Three (3) members of staff:</p> <ul style="list-style-type: none"> • Director Poirier • Planner Dunphy • Planning Assistant Lake <p>Applicant:</p> <ul style="list-style-type: none"> • Darren Shupe, Brighter Community Planning (Applicant’s Planner) • Shawn Foote (Applicant) <p>PAC/HAC Members:</p> <ul style="list-style-type: none"> • Jennifer Nicholls (Chair) • Jane Davis • Stefan Palios • Greg Pace • Tasha Rogers • Lisa Bland <p>26 members of the public were present for this meeting.</p>
<p>Applicant Darren Shupe on behalf of Shawn Foote</p> <p>Property Cole Drive (PID 45411808)</p>	<p>Planner Dunphy outlined the application to allow a proposed mixed-use 4 storey apartment building by development agreement.</p> <p>Darren Shupe provided a presentation on behalf of the applicant.</p>
Comments	<p>Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between April 13 – April 28, 2022.</p> <p>No comments were received from the public.</p> <p>1 member of the public spoke during the Public Information Meeting. The following are the comments from the public. Staff and applicant responses are included in purple text.</p> <ul style="list-style-type: none"> • Shirley Pineo asked how residential development was happening.

	<p>Shawn Foote responded that a rezoning process was initiated previously.</p> <p>Shirley then asked if Council had looked into policing, municipal servicing, and doctor capacity for more development.</p> <ul style="list-style-type: none">• Laura Mosher asked what the criteria for the policies being considered are. <p>Alex Dunphy responded that the criteria are generally not discussed at Public Information Meetings in depth and that they are addressed in the recommendation report to PAC/HAC.</p>
Adjournment	The presentation portion of the PIM ended at approximately 7:18 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Director of Planning and Development

Date: 2023-05-11

Subject: WMPS and WLUB Amendments: 368 Nesbitt Street, PID 45056447; File #23-02

LEGISLATIVE AUTHORITY

Municipal Government Act Section 205 & 219

RECOMMENDATION or DECISION REQUEST

This report is being provided for information purposes only.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
--	--	--------------------------------------	---------------------------------	-----------------------------------	---

A completed application was received from Jenifer Tsang of Sunrose Land Use Consulting on behalf of the property owner, 3321153 NOVA SCOTIA LIMITED / United Gulf Developments Ltd. on April 13, 2023 to request Windsor Municipal Planning Strategy (WMPS) and Windsor Land Use By-law (WLUB) amendments for 368 Nesbitt Street, PID 45056447 to permit:

- a mixed-use, multi-unit building with commercial uses on the ground floor, 2 floors of office space and 16 residential floors, for a total of up to 19 floors and 164 residential units;
- commercial uses to include: offices, museum, general retail and services, and café;
- restaurant in a separate building;
- outdoor commercial recreation space; and
- specific considerations for: signage and illumination, parking requirements, size and design of building, and buffering.

DISCUSSION

Site Context

The 5.0-acre subject lot is located north of Highway 101, with approximately 550 ft. (167 m.) of frontage on Colonial Road and approximately 15 ft. (4.5 ft.) of frontage on Nesbitt Street and may be known as the former textile mill site. The textile mill was built in the 1880's and was a major industry in Windsor until it closed in 2005. A development agreement was registered on the property in 2007 that permitted commercial and residential redevelopment, but these aspects were not completed by previous owners. The building has sat vacant since then. In August 2021 a demolition permit was issued for a portion of the building which left approximately half of the original textile mill building remaining.

The lot is designated Industrial on the Generalized Future Land Use Map of the WMPS (Figure 1) and is within the Commercial Development District (Figure 2). Part 10.0 of the WMPS contains the overall intention for Industrial areas in Windsor and Part 7.7 outlines the intent of the Commercial Development District.

The subject lot is zoned Light Industrial (LI-1) on the Zoning Map of the WLUB (Figure 3). Portions of the lot are within the Environmental Constraints area (Figure 4).

The existing development agreement registered on the property from 2007, permits up to 20,000 sq. ft. commercial floor area and two-thirds of the building to be used for residential purposes. The commercial uses permitted are limited to microbreweries and associated pubs, retail stores, farm markets, restaurants, offices, museums and art galleries, bakeries, personal service shops. It is likely that this development agreement will need to be discharged through this application process.

The subject lot abuts properties designated Residential and zoned High Density Residential (R-4) and Highway Commercial (HC). Single unit dwellings are the main residential type surrounding the subject lot.

Proposal

The application letter describes the proposal as a mixed-use, multi-unit development and hockey themed tourism destination, which promotes the historical nature of the textile mill and Windsor as the birthplace of hockey. Further details in the letter include:

- Preserving and repurposing the remainder of the former textile mill building for commercial uses on the ground floor and a museum on the second and third floor;
- A new mixed-use, multi-unit apartment building which is connected to the former textile mill building on the ground floor and contains commercial uses, two floors of commercial office space, and 16 floors of residential uses for a total of 164 apartment units;
- The first three floors of the mixed-use, multi-unit apartment building is proposed to have a similar architectural style as the remainder of the former textile mill building, including window shape and façade using similar exterior materials. The 16 floors of residential uses will be modern in design;
- Commercial uses to include offices, general retail, museum, cafes and hockey inspired retail and services;
- A hockey puck shaped restaurant to be constructed in a separate building;
- Outdoor recreational space including seasonal composite artificial ice surfaces, hockey inspired sculptures, outdoor seating areas and green space; and
- A large hockey stick that will be back lit and visible from Highway 101 to be positioned near the hockey puck shaped restaurant.

The applicant has requested Council consider WMPS and WLUB amendments to create a site-specific policy for the property to create a new tourism destination, mixed-use designation and zone. They request that the zone allow for a range of commercial, residential, and recreation uses and that the new zone allow flexibility in building size, site design, signage, and parking layout. They note that this will encourage a timelier development.

Policy

Section 9.0 of the WMPS outlines the intention for Council to consider permitting mixed use developments. The background for this section states the following (underlining emphasis added by staff).

“There has been some interest in providing mixed residential/commercial development in Windsor. In many cases, these developments target retired people and provide housing plus personal service uses such as hairdressing or barber shops, small convenience and drug stores, medical and dental offices, and even restaurants where residents may get all or some of their meals. At this time, the Kingsway Gardens Enriched Housing Complex, which includes a restaurant, lounge, hairdresser and meeting facility, as well as apartments, is the only development of this type in Windsor.

Council would like to encourage mixed use development in other suitable locations. For example, with the 2005 closure of the Nova Scotia Textiles mill on Nesbit's Island and the resulting developer interest in the site, Council feels this property may have potential for redevelopment including a broad range of commercial, light industrial and recreational uses in combination with residential. Built in 1884, the mill is an excellent example of a late 19th century industrial building and its highly visible location adjacent to Highway 101 makes it a landmark. Where possible, any redevelopment of the Nova Scotia Textiles mill should retain the architectural elements which contribute to the public façades on both Nesbit Street and Colonial Road, as well as to the view from Highway 101. These elements include the brick façade and the number, size, shape and location of windows.”

Policy 9.2.1 would allow Council to consider the proposed mixed use, multiple unit residential development on the subject lot by development agreement, however the criteria restrict the scale and density of the development.

Policy 16.1.1 of the WMPS states that “It shall be the policy of Council to review and make amendments to this Strategy: ...(c) when Council deems it necessary because of a change in policy intentions or the development environment.” This proposal would be considered a major change in the development environment for the subject lot and would be consistent with this policy for when Council would consider amendments to the WMPS.

Initial Review of the Application

Staff view this development as a one-of-a-kind proposal for the community of Windsor due to the visibility, scale and location of the subject lot adjacent to Highway 101 and the potential for repurposing of the remainder of the former textile mill building. The background statements and policy option in Section 9.0 of the WMPS show that Council had intended to consider redevelopment of this lot through the development agreement process, however, the applicant has requested Council consider amending the policies of the WMPS and regulations in the WLUB to change the designation and zoning of the lot to allow the requested uses as-of-right.

The amendments proposed by the applicant would change the general intent of the planning documents in relation to the subject lot. Therefore, staff have prepared an overview of policy options in relation to this application and request that the PAC/HAC provide feedback on the application and options available. Feedback received will help staff discuss the application with the public at an upcoming Public Information Meeting.

Options

Map Amendments

WMPS and WLUB map amendments could be considered to change the designation and zone of the subject lot on both the Generalized Future Land Use Map and the Zoning Map. For example, instead of the lot being designated Industrial and zoned Light Industrial (LI-1), the designation and zoning could be amended to a new mixed-use designation and zone. Changing the designation and concurrently the zoning of a property would indicate to staff, the property owner and the public that Council has changed its overall intent for the property from industrial to mixed-use. Staff have no initial concerns with considering map amendments in association with this application.

Text Amendments

In addition to any WMPS and WLUB map amendments, text amendments to the documents would also be made based on how the PAC/HAC and Council would like to consider this proposal. The options for text amendments are outlined in the chart below.

<p>As-of-right</p>	<p>The applicant has requested that Council consider amending the text of the WMPS and WLUB to permit the proposed uses as-of-right. As-of-right means that the proposed uses meet all policies of the Municipal Planning Strategy and regulations within the Land Use By-law and can be issued a development permit without any further public input or Council approval. In this case a new zone would most likely be created outlining the maximum height permitted, minimum yard setbacks, recreational space requirements, landscaping, and parking requirements, among other items.</p> <p>Most zones in the current planning documents for the community of Windsor currently limit the height of buildings to maximum of 35 ft. or 3 storeys. In the residential designation the policies of the WMPS allows Council to consider allowing up to 8 storeys by development agreement. With this proposal including a mixed-use, multi-unit building up to 19 storeys (approx. 266 ft. or 81 m.) in height, should Council consider this being allowed to be built as-of-right?</p>
<p>Site Plan Approval</p>	<p>Site Plan Approval is an option that is more restrictive than permitting a use as-of-right but requires less process for the developer than requesting Council consider the use by development agreement. The Nova Scotia Government website provides a process chart for site plan approval (Attachment A). The appeal of the issuance or refusal to issue a site plan approval is made to Council.</p> <p>The enforcement of a site plan approval is similar to that of the enforcement of a development agreement. A site plan runs with the</p>

property which means if the property is sold to a new owner the site plan remains in place until it is discharged by the Development Officer, with the concurrence of the property owner.

The planning documents can specify when a site plan approval is required. The Municipal Government Act (MGA) outlines that a site plan approval may deal with:

- the location of structures on the lot;
- the location of off-street loading and parking facilities;
- the location, number and width of driveway accesses to streets;
- the type, location and height of walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements necessary to protect and minimize the land-use impact on adjoining lands;
- the retention of existing vegetation;
- the location of walkways, including the type of surfacing material, and all other means of pedestrian access;
- the type and location of outdoor lighting;
- the location of facilities for the storage of solid waste;
- the location of easements;
- the grading or alteration in elevation or contour of the land and provision for the management of storm and surface water;
- the type, location, number and size of signs or sign structures; and
- provisions for the maintenance of any of the items referred to in this subsection.

The current Windsor planning documents only use site plan approval in the Waterfront Development District (WDD) for new main buildings, additions in excess of 1,000 sq. ft. (92.9 sq. m.) of floor area, or accessory structures in excess of 500 sq. ft. (46.5 sq. m.), and in the Wentworth Road Commercial (WR-C) zone for large format retail stores that do not exceed 50,000 sq. ft. (4,645 sq. m.).

The WLUB outlines the specific items that the applicant must provide to the Development Officer for review prior to being able to approve the site plan and issue a development permit for the developments

listed above in the Waterfront Development District (WDD). These items include:

- A topographic survey by a surveying engineer who is a member of Association of Professional Engineers of Nova Scotia (APENS);
- A site plan drawn to an appropriate scale by a landscape architect who is a member of the Atlantic Provinces Association of Landscape Architects (APALA) showing: the items required to be shown in the application for a building permit, a construction mitigation plan demonstrating how any new structures will minimize negative impacts on the surrounding properties including noise, dust, fumes, lighting, shadows, stormwater and erosion control, or other nuisances or inconveniences during and after construction, and any additional information related to the site, buildings, or adjoining properties as may be required by the Development Officer.
- Architectural plans prepared by an Architect who is a member of the Nova Scotia Association of Architects (NSAA), indicating compliance with the specific design requirements of the By-law including the siting of building utilities, vehicle access, parking, lighting and signage.
- A servicing schematic prepared by a civil engineer who is a member of APENS.
- A Traffic Impact Statement by a transportation engineer who is a member of APENS.

The WLUB outlines the specific items that the Development Officer must review and be satisfied that the application meets to be able to approve the site plan and issue a development permit for large format retail stores in the Wentworth Road Commercial (WR-C) zone. These items include:

- a landscaped area being provided along the front property line to act as a buffer between the development and the public street;
- landscaped islands being provided within parking lots containing 24 or more spaces to avoid the appearance of large, unbroken expanses of asphalt;

- safe, continuous and clearly defined pedestrian walkways are provided from the street to the primary building entrance;
- the location, number and width of driveway accesses adequately address any traffic problems identified by the Traffic Authority;
- parking and loading facilities are located so as to minimize congestion within the parking lot and prevent conflicts between pedestrians or passenger vehicles and transport trucks;
- easements required for services or access are suitably identified on the plan;
- site grading and storm water management plans adequately address the disposal of surface water on the site;
- facilities for the storage of solid waste shall be located so as to minimize impacts on adjacent properties and the view from the street, or shall be screened from view through landscaping or fencing;
- gas bars or other structures accessory to the large format retail store may be located in the front yard provided the landscaped area is maintained as a buffer between the structure and the public street;
- the type and location of outdoor lighting provides safety and security for the structure, driveways and any pedestrian access, but is designed to ensure there is no light spilling, glare or light cast over adjacent uses and the street;
- the location, number and size of signs is appropriate to the scale of the development, contributes to an attractive and pedestrian-friendly environment and does not create visual clutter; and
- the above-listed items are adequately maintained.

Staff reviewed the Halifax Regional Municipality (HRM) website to see what documentation is required for site plan approval within their municipality. The website states that the following items are required for all site plan approval applications:

- Architectural rendering of streetline (not mandatory for Downtown Halifax);

	<ul style="list-style-type: none"> • Building design variance illustration (not mandatory for Downtown Halifax); • Design rationale prepared by the project architect (mandatory for Regional Centre and Downtown Halifax, not mandatory for other site plans); • Elevations; • Site Plan; and • Site Servicing Plan (Mandatory for Downtown Halifax, not mandatory other places). <p>Other documents that may be required to be provided by HRM include:</p> <ul style="list-style-type: none"> • Design of private shared driveway; • Heritage impact statement where a registered heritage property is part of the development site; • Land suitability analysis; • Plan of survey by a Surveyor; • Preliminary landscape plan; • Public consultation summary; • Shadow study; • Stormwater management, erosion and sedimentation control; • Traffic impact statement/study; • View/sight line statement; • Wind impact analysis with mitigation; and • Wind impact assessment. <p>The items listed in the WLUB and required by HRM provide a good example of the breadth of potential items that could be required for this proposal if it were to be considered through site plan approval.</p> <p>If there are particular items that Council determines should be reviewed in greater detail in relation to this proposal these could be listed as requirements for site plan approval. The Development Officer would then ensure the application meets these requirements prior to issuing site plan approval and any development permits for the proposed uses.</p>
Development Agreement	A development agreement is the most restrictive and requires the most process for the developer of the options.

A development agreement is a contract between Council and a property owner to permit a specific use of land not permitted in the underlying zone. There is room for negotiation which enables Council to develop restrictions on a case-by-case basis, but the restrictions are limited by the MGA and policy within the WMPS. Most of the development restrictions that can be applied by development agreement can also be applied to a specific zone, except hours of operation. To consider a development agreement there must be a policy in the WMPS and an enabling section in the WLUB. There can be specific criteria listed in the WMPS policy that must be met for Council to approve an application. The criteria are used by staff to negotiate the agreement with the applicant and ensure Council's intentions are met.

A development agreement provides Council an opportunity to address concerns specific to the site. However, the process to approve a development agreement can be lengthy as staff negotiate the agreement with the applicant and then the application follows Council's approval process.

The appeal of the approval or refusal of a development is made to the Nova Scotia Utility and Review Board.

The agreement is registered to the property which means if the property is sold to a new owner the agreement remains in place until it is discharged by Council. If the property owner wishes to change any of the development restrictions in the development agreement, they must apply for an amendment to the agreement and that process would follow the same Council approval process. Limiting the substantive content of an agreement could reduce the time required for amendments.

The Development Officer administers the agreement and performs an annual review of the property to ensure the property owner meets the requirements of the agreement.

The MGA outlines the items a development agreement may deal with including:

- matters that a land-use by-law may contain;
- hours of operation;
- maintenance of the development;

- easements for the construction, maintenance or improvement of watercourses, ditches, land drainage works, stormwater systems, wastewater facilities, water systems and other utilities;
- grading or alteration in elevation or contour of the land and provision for the disposal of storm and surface water;
- the construction, in whole or in part, of a stormwater system, wastewater facilities and water system;
- the subdivision of land;
- security or performance bonding.

A development agreement may also:

- identify matters which are not substantive or, alternatively, identify matters that are substantive;
- identify if the variance provisions are to apply to the development agreement;
- provide for the time when and conditions under which the development agreement may be discharged with or without the concurrence of the property owner;
- provide that upon the completion of the development or phases of the development, the development agreement, or portions of it, may be discharged by council;
- provide that if the development does not commence or is not completed within the time specified in the development agreement, the development agreement or portions of it may be discharged by council without the concurrence of the property owner.

If this proposal were to be considered by development agreement, the criteria listed could be similar to the criteria required for site plan approval, with the addition of being able to limit hours of operation of the commercial uses, if desired.

If there are particular items that Council determines should be reviewed in greater detail in relation to this proposal these could be listed as criteria to be considered upon review of a development agreement application. Council would ultimately decide if the proposal meets these criteria at the end of a public application process. Only then, once the development agreement is registered,

	could the Development Officer issue a development permit for the proposed uses.
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MUNICIPAL CLIMATE CHANGE ACTION PLAN

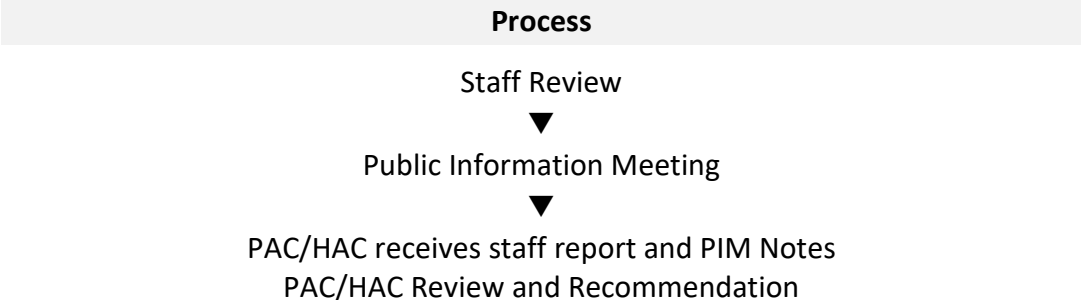
The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent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

Portions of the lot are within the Environmental Constraints area which means that it has been identified as marshland, specifically within the Tregothic Marsh. Properties within the Environmental Constraints area have to meet more stringent requirements including completing an environmental study before being issued a development permit for any new building.

The Windsor Dykeland’s Background Report (2001) specifies that the subject lot, and approximately 40 percent of the properties within the Tregothic Marsh, have been exempted by the Province from the requirements of Section 41 of the Agricultural Marshland Conservation Act. The Agricultural Marshland Conservation Act (2001) protects marshland for agricultural purposes. Being exempt from this portion of the Act means that the owner would not have to apply to the marsh body to allow any future construction. Any new construction on site would have to meet the requirements of Section 27.0 of the WLUB and any other requirements of the Regional Municipality.

NEXT STEPS

Staff will prepare options to be considered at a Public Information Meeting based on the feedback from PAC/HAC. The process for the WMPS and WLUB amendments as part of this application would be as follows:





FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this report, the PAC/HAC may:

- allow staff to follow the anticipated process for this file including scheduling a Public Information Meeting to gather public feedback; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Commercial Development District Extract
Figure 3	Zoning Map Extract
Figure 4	Environmental Constraints Extract
Attachment A	Site Plan Approval Process

Report Prepared by: _____

Sara Poirier, Director of Planning and Development

Report Reviewed by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Mark Fredericks, Senior Planner

Figure 1
GFLUM Extract

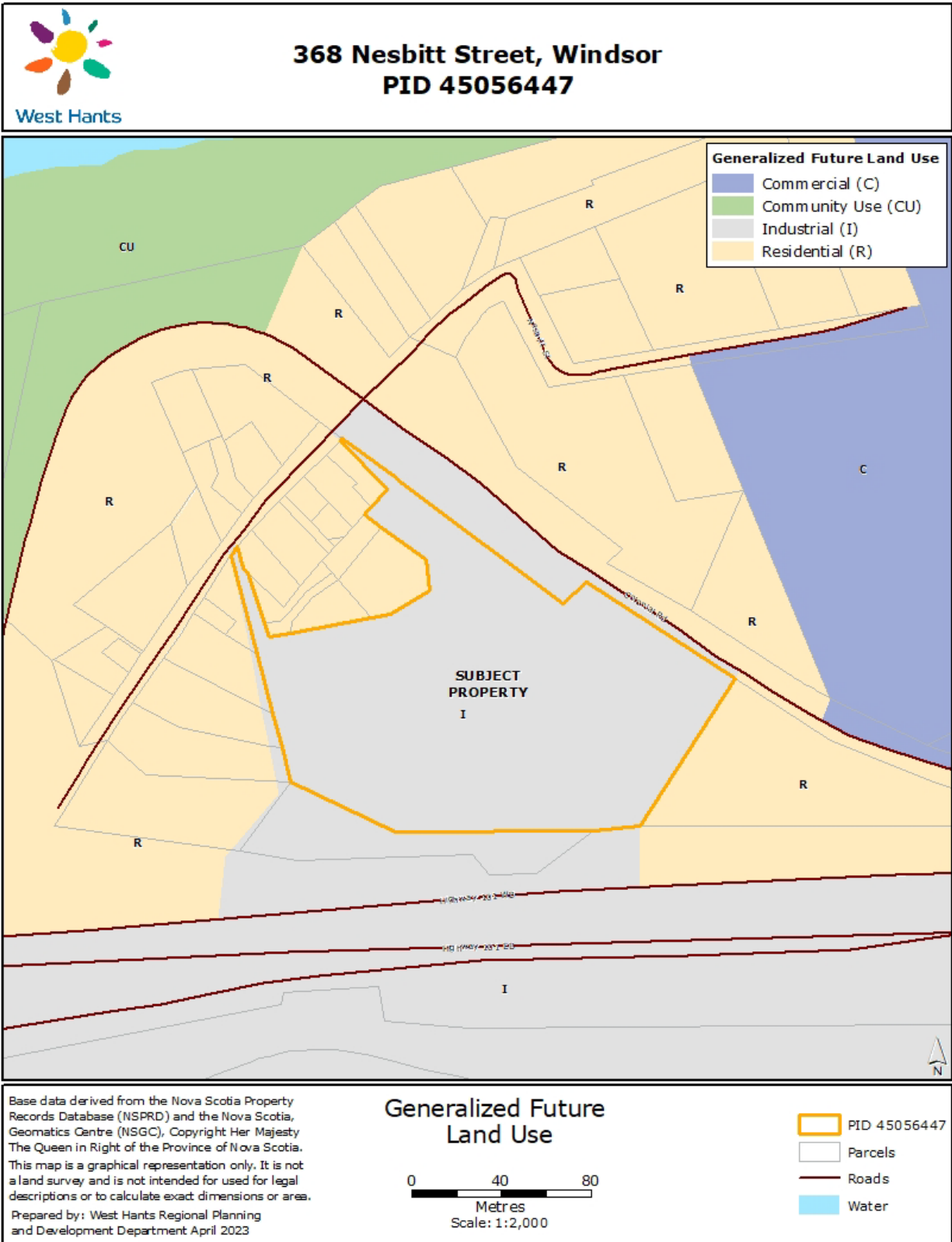


Figure 2
Commercial Development District Extract

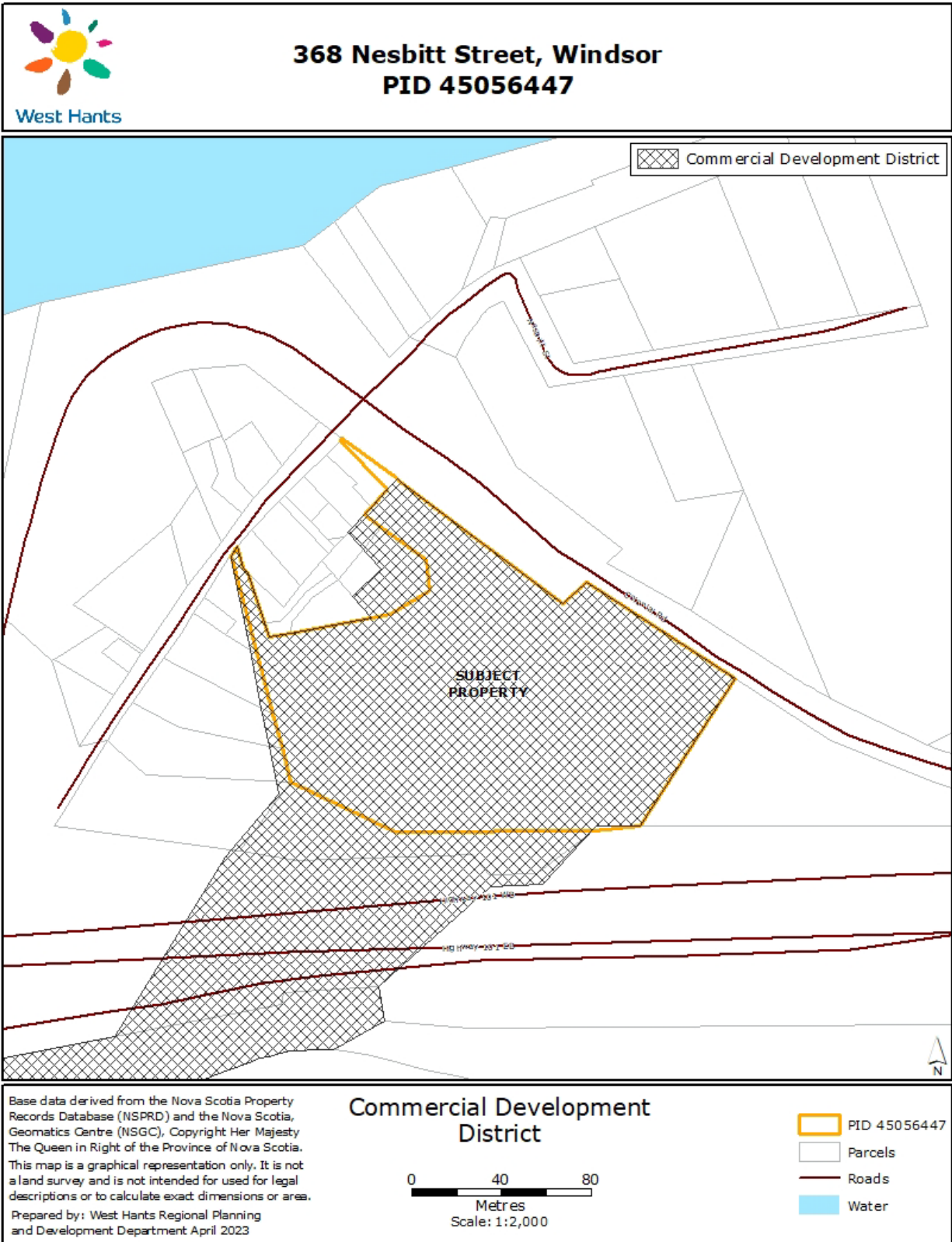


Figure 3
Zoning Map Extract

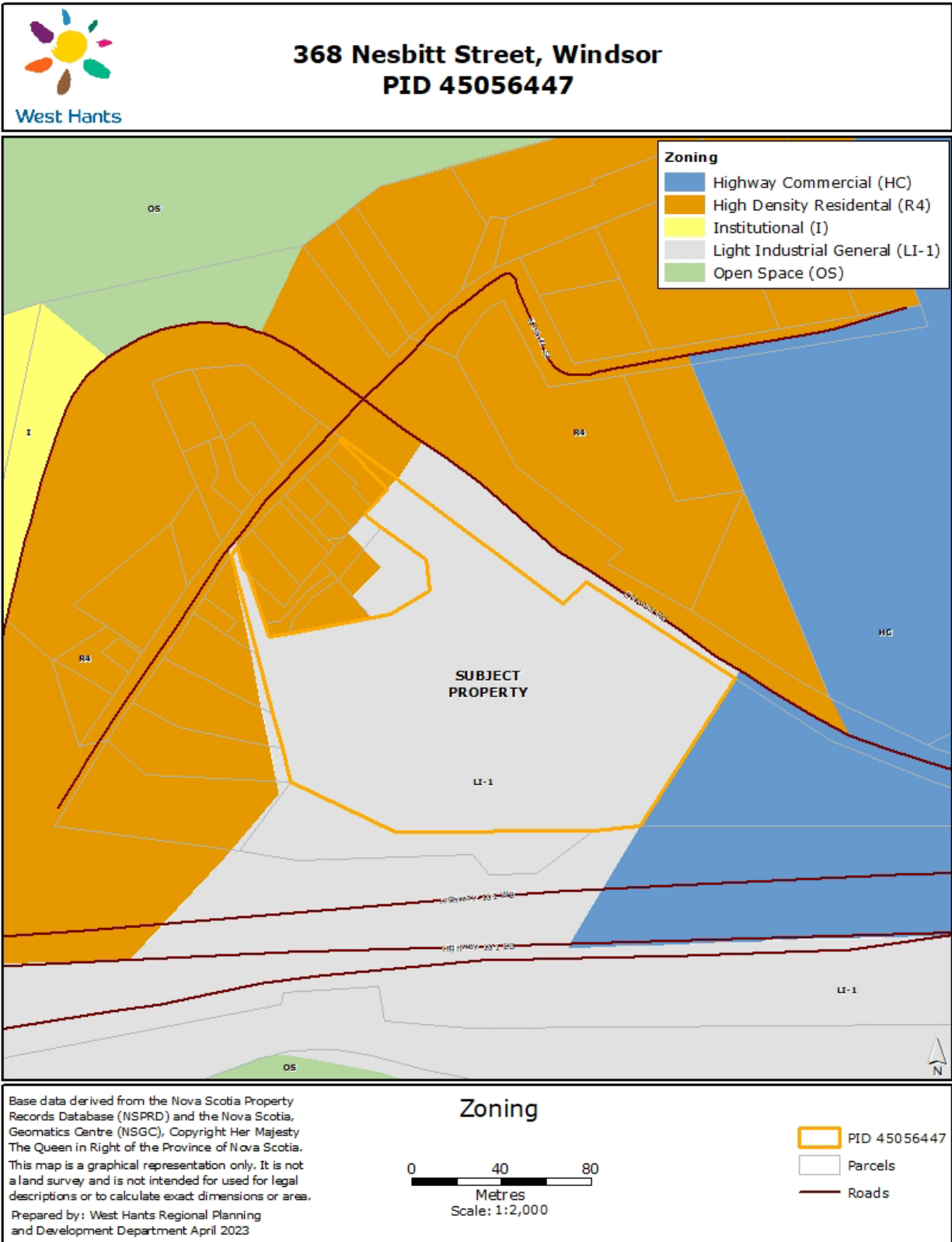
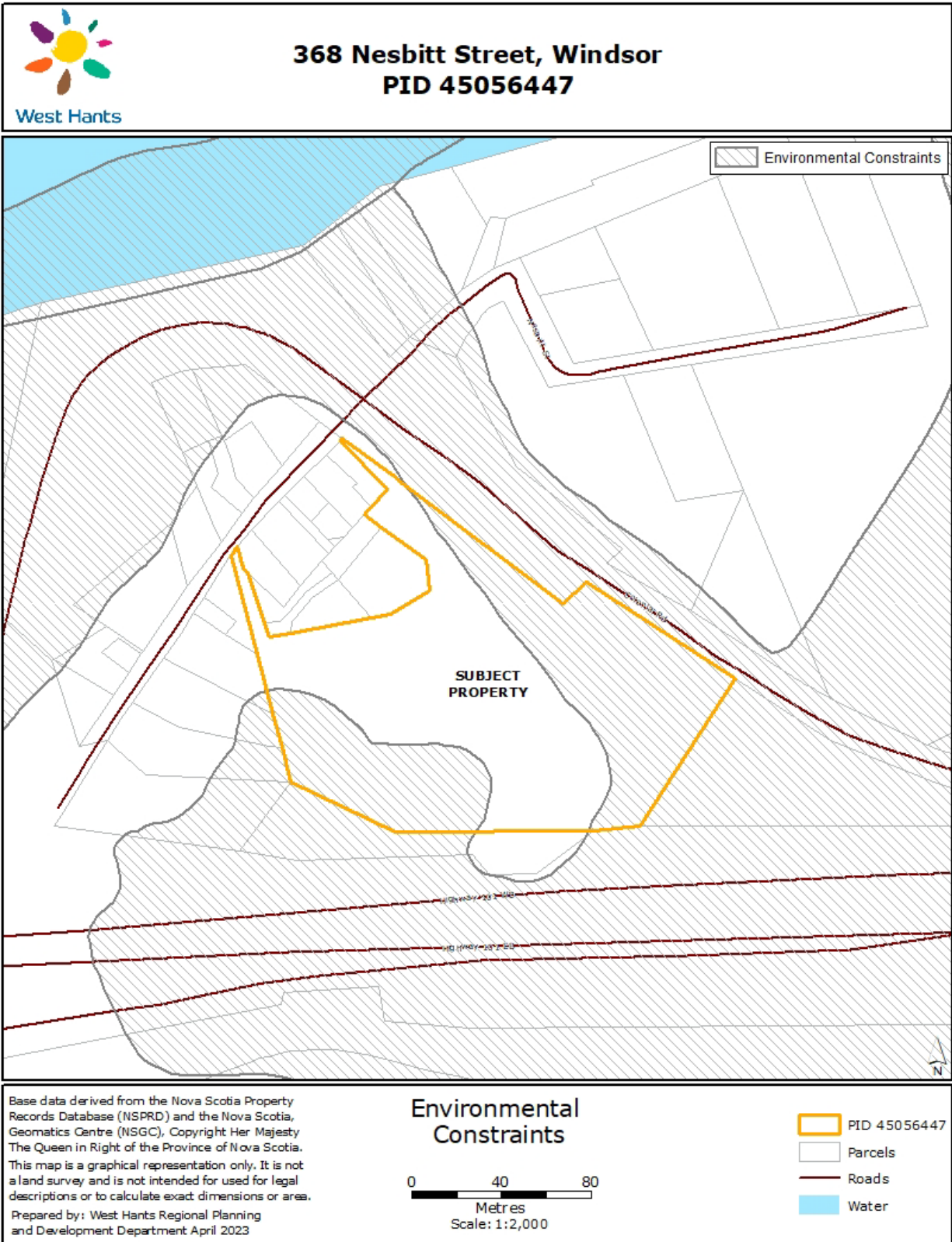
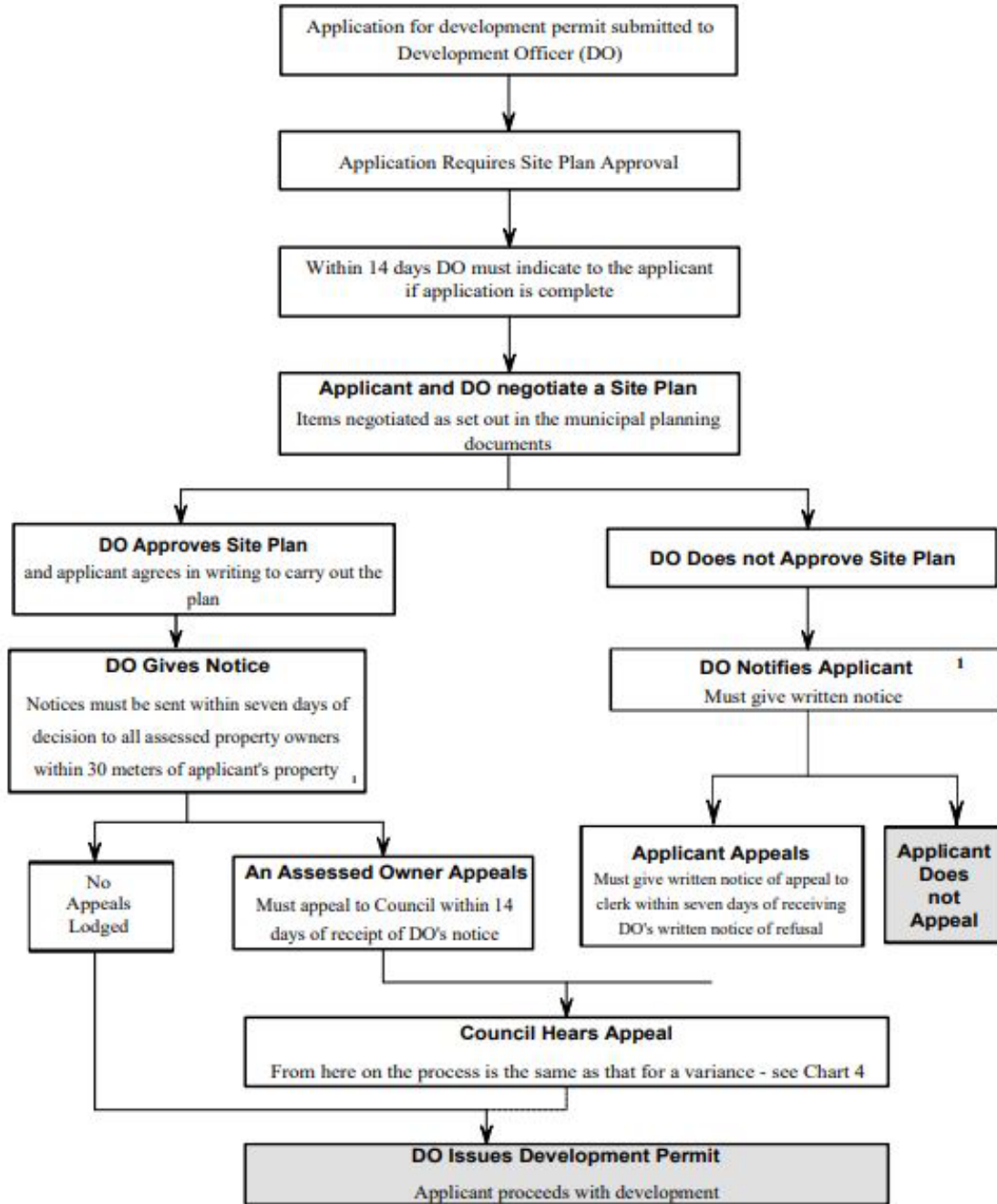


Figure 4
Environmental Constraints Extract



Attachment A

Chart 5 - Site Plan Approval Process



¹ See Chart X - Variance Process for detailed information on notices, appeals and hearings.
Shaded boxes indicate that the process has come to an end.
Sources: (MGA sections 231, 232, 233 and 234.) (HRM chapter 246, 247, 248 and 249.)

February, 1999
Revised: September, 2020



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Director of Planning and Development

Date: 2023-05-11

Subject: Public Participation Program Policy; File 23-08

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 204 Public Participation Program and s. 204A Engagement Program

RECOMMENDATION or DECISION REQUEST

This report is being provided for information purposes only.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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During the PAC/HAC meeting on March 9, 2023 the Committee discussed the current process for notification of Public Information Meetings and ways this could be improved, including larger sized signage on site, notification in local community centres and/or post offices, and hosting the Public Information Meeting in the community where the property is located.

Council approved the following motion on March 28, 2023:

COUNCIL HAVE STAFF EXPLORE AMENDING THE PPPP TO INCLUDE STRENGTHENED PUBLIC NOTICE OF INFORMATION MEETINGS.

DISCUSSION

Municipal Government Act

The MGA outlines the powers provided to municipalities. Section 204 of the MGA states the following:

- (1) A council shall adopt, by policy, a public participation program concerning the preparation of planning documents.
- (2) A council may adopt different public participation programs for different types of planning documents.
- (3) The content of a public participation program is at the discretion of the council, but it shall identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents.

Section 204A states:

- (1) A council shall adopt, by policy, an engagement program for engaging with abutting municipalities when the council is adopting or amending a municipal planning strategy.
- (2) Subject to the regulations, the content of an engagement program is at the discretion of the council.
- (3) The Minister may make regulations respecting the content of an engagement program.
- (4) The exercise by the Minister of the authority contained in subsection (3) is regulations within the meaning of the Regulations Act.

Public Participation Program Policy

A Public Participation Program Policy for West Hants Regional Municipality was established on April 28, 2020. Revisions to the policy were approved by Council on January 24, 2023 (Attachment A). The policy requires the following as a minimum for any development agreement, amendments to a development agreement, and adoption of revised documents or amendments to the West Hants, Hantsport and Windsor planning documents or Land Use By-laws:

- Holding one or more public meetings, usually held prior to a Planning and Heritage Advisory Committee meeting, prior to First Reading.
- Advertising any Public Information Meeting by placing a notice in a newspaper circulating in the local area and notifying by mail the owners of all lots within 300 ft. of

the site of both the Public Information Meeting and any Public Hearing. Within a Land Use by-law Council may specify a greater distance for notification.

- Notices for Public Information Meetings shall be placed in the newspaper and sent to abutting property owners at least seven (7) days prior to any Public Information Meeting. Notices for Public Hearings shall follow the MGA notification requirements.
- In addition, in accordance with MGA 206 (5), when a notice of Public Hearing is published, the clerk shall send a copy of the notice to the clerk of every municipality that abuts an area affected by the proposal.

The WHRM Public Participation Program Policy currently meets all of the requirements of Section 204 and 204A of the MGA.

In accordance with the Public Participation Program Policy, Planning staff use the following notification process to advertise a Public Information Meeting for any site specific Land Use By-law amendment or development agreement:

- Send letters to property owners within 300 ft. (Windsor and Hantsport) or 500 ft. of the subject lot (West Hants) at least 7 days prior to the meeting;
- Place an advertisement in the local newspaper at least 7 days prior the meeting;
- Post notification on WHRM website and social media accounts;
- Notify Councillors when advertisement appears in the newspaper;
- Post an approximately 22 in. x 17 in. sign on the site at least 7 days prior to the meeting;
- Host the Public Information Meeting in-person with an option to attend via Zoom. The meeting is also live streamed on the Municipal Facebook page.

Following the meeting, the presentation is posted on the Municipal website. The Public Information Meeting comment period remains open for two weeks following the Public Information Meeting to allow residents that may not have been able to attend the meeting to have the opportunity to provide comments to planning staff.

Other Jurisdictions

Staff investigated the public participation policies from other Municipalities in Nova Scotia. The chart in Attachment B shows a summary of the requirements in the policies which were available on the corresponding municipal websites. The requirements outlined in the chart would be in addition to the Public Hearing requirements outlined in Section 206 of the MGA.

Public participation policies are unique across the Province. Most policies enable one or more public meetings to be held by staff for each application. However, some policies do not require Public Information Meetings as part of an application process. Some municipalities host public meetings immediately before a regularly scheduled planning advisory committee meeting

whereas others host them in the community where the application has been received, at a local community hall or similar venue.

Notification distances for letter mail varies from 100 ft. (30.48 m.) to 1000ft. (304.8 m.), with HRM mailing letters to property owners within 2000 ft. (609.6 m.) in certain circumstances. Similarly, the timeline for notification varies from the notice needing to be sent only 3 days prior to the meeting in some cases and up to 14 days prior to the meeting in other cases. A few policies note that the notice should be placed in the municipal office in addition to the newspaper and website.

A few policies establish time limits for comments from individual members of the public. These time limits range between 5 minutes to 15 minutes per speaker.

Only the Halifax Regional Municipality and East Hants processes mention signage to be posted on site.

The review of the public participation program policies from other jurisdictions shows that it is really at the discretion of each municipality to set a public participation policy that fits their context.

Current Fees

The WHRM Public Participation Program Policy states that “Any fees related to any action required by the Public Participation Program Policy will be established by policy of Council.” The WHRM Fees Policy outlines the cost for any Land Use By-law or development agreement application. The fees are currently set at \$1,600 per application which includes a \$500.00 processing fee and \$1100.00 deposit for direct costs such as notices and advertisements. Application fees are charged up front with the excess of the deposit for direct costs being refunded following completion of the application process.

The fees cover all advertising in the newspaper for Public Information Meetings, Public Hearings and the notice of approval, and any postage to mail meeting notification letters to nearby property owners. If the application is a for a development agreement, the fee also covers the recording fee charged by the Land Registry Office. Where possible, staff combine newspaper advertisements to reduce fees to applicants.

Any change in notification procedure such as increased signage, a wider notification area or additional newspaper advertisements would impact the cost being charged to applicants.

Considerations for Policy Amendments

Staff request feedback from the PAC/HAC on potential amendments to the Public Participation Program Policy based on the information provided in this report. Items that staff bring forward for specific consideration are outlined below.

- Increasing notification:
 - What would the Committee consider an appropriate distance for mail notifications?
 - How far in advance should the letters be mailed, newspaper advertisement appear and sign be posted on site?
- Increasing signage size:
 - What types of applications should have increased signage?
 - What size of signage would be appropriate?
- Hosting meetings in communities where the application is received:
 - If there is no community hall/meeting space in the community of the application, where should the meeting be held?
 - If the community hall/meeting space within the community is not accessible, where should the meeting be held?
 - If the community hall/meeting space within the community does not have the technical ability to share the meeting on Facebook live, what remedies should be taken?
- General:
 - What if increasing the signage size requirements and notification distance makes the application process cost prohibitive for applicants?
 - What if increasing the requirements for a Public Information Meeting to be held in the community where the application is received or increasing signage requirements increases the timeline for applications to be considered?
 - Are there certain application types, or map amendments of a certain size that could be processed without a Public Information Meeting?

NEXT STEPS

Based on feedback from the Committee, staff will draft amendments to the Public Participation Program Policy for review and seek recommendation from the Committee to Council.

FINANCIAL IMPLICATIONS

There are no financial implications in association with the filing of this report.

ALTERNATIVES

In response to the report, the PAC/HAC may:

- allow staff to draft the revisions to the Public Participation Program Policy based on the feedback received from the Committee; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A Public Participation Program Policy

Attachment B Examples of Public Participation Policies from Other Municipalities

Report Prepared by: _____

Sara Poirier, Director of Planning and Development

Report Reviewed by: _____

Mark Fredericks, Senior Planner



1. PURPOSE

- 1.1 Section 204 of the *Municipal Government Act* (MGA) requires Council to adopt a public participation program before undertaking the preparation or amendment of development agreements or planning documents.
- 1.2 The *Engagement Programs Content Regulations* made under Section 204A of the MGA require the public participation program to contain specific content.

2. DEFINITIONS

- 2.1 The terms used in this Policy have the same meaning as those found in the MGA.

3. DEVELOPMENT AGREEMENTS and AMENDMENTS to DEVELOPMENT AGREEMENTS; ADOPTION OF REVISED PLANNING DOCUMENTS, AMENDMENTS to PLANNING DOCUMENTS and AMENDMENTS to the LAND-USE BY-LAW

- 3.1 Council resolves to seek the views of the public and encourage public participation regarding development agreements, amendments to development agreements, and adoption of revised documents or amendments to the West Hants, Hantsport and Windsor Planning Documents or Land Use By-laws by, at a minimum:
 - holding one or more public meetings, usually held prior to a Planning and Heritage Advisory Committee meeting, prior to First Reading of any proposed development agreement or amendment;
 - advertising any public participation or information meeting regarding any proposed development agreement or site-specific amendment by: (1) placing a notice in a newspaper circulating in the local area and (2) notifying by mail the owners of all lots within 300' of the site of both the public information meeting and any public hearing. Within a Land Use By-law Council may specify a greater distance for notification.

Notices for public participation or information meetings shall be placed in the paper and sent to abutting property owners at least seven (7) days prior to any public participation or public information meeting. Notices for public hearings shall follow the MGA notification requirements.

- 3.2 In addition, during any comprehensive review of any planning document, Council resolves to seek the views of the public and encourage public participation by developing and implementing a public engagement plan to inform the public and

receive comments from the public. The contents are at the discretion of Council but may involve committees, meetings, open houses, surveys, questionnaires, and publications.

- 3.3 In accordance with the requirements of the MGA, where:
- (a) a revised Municipal Planning Strategy is considered; or
 - (b) where an amendment to the Municipal Planning Strategy affects policy regarding:
 - drinking water;
 - flood risk areas;
 - agricultural land;
 - infrastructure; or
 - housing,

Council shall seek input from all abutting municipalities; and

- (c) where an amendment to the Municipal Planning Strategy is specific to land that lies within 2 km of an adjacent municipality, Council shall seek input from the abutting municipality.

In each case, Council shall seek input by:

- notifying abutting municipalities of the proposal. The notice shall include the date by which a response must be received in order to be considered by Council;
- ensuring that there is sufficient opportunity for a response to be received so that it may be considered before First Reading of the proposal by Council.

- 3.4 In addition, in accordance with MGA 206 (5), when a notice of public hearing is published, the clerk shall send a copy of the notice to the clerk of every municipality that abuts an area affected by the proposal.

4. GENERAL

- 4.1 Councillors shall receive no new information regarding a planning matter once a public hearing is complete.
- 4.2 Any fees related to any action required by the Public Participation Program Policy will be established by policy of Council.



5. REPEAL

5.1 The Public Participation Program Policy COPL-001.00, dated April 28, 2020, of West Hants Regional Municipality is hereby repealed.

6. RELATED LEGISLATION, POLICIES and PROCEDURES

6.1 Municipal Government Act

I, Deanna Snair, Municipal Clerk of West Hants Regional Municipality, Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of West Hants Regional Municipality at a meeting duly called and held on the 24th day of January, 2023.

Deanna Snair
Municipal Clerk

Adoption	
Notice to Council:	January 13, 2023
Approval:	January 24, 2023
Description: Initial Approval of the Public Participation Policy RCOPL-006.00	

Appendix B

Examples of Public Participation Policies from Other Municipalities

Staff investigated the public participation policies from other Municipalities in Nova Scotia. The chart below shows a summary of the requirements in the policies which were available on the corresponding municipal websites. The requirements outlined in this chart would be in addition to the Public Hearing requirements outlined in Section 206 of the Municipal Government Act.

In this chart the following acronyms have the following meanings:

LUB = Land Use By-law

MPS = Municipal Planning Strategy

PAC = Planning Advisory Committee

SUB = Subdivision By-law

Town / Municipality	Policy Name	Requirements
Town of Amherst	Public Participation and Notification Policy	<ul style="list-style-type: none"> • A public participation session prior to making a recommendation to Council • A summary of the session to be provided to all members of the PAC and Council prior to First Reading
Municipality of the County of Annapolis	Public Participation Policy	<ul style="list-style-type: none"> • Post notice on social media and website • Public participation meeting held at PAC • Newspaper notice for Public Hearings only • Notification to property owners within 30 m. (98 ft.) of subject property and Public Hearing for most applications
Town of Annapolis Royal	Public Participation Policy	<ul style="list-style-type: none"> • One advertisement in the local newspaper • Notification to landowners within 200 ft. (60.96 m.) of the property by personal service or mail • Public meeting held
Municipality of the County of Antigonish	Public Participation Policy	<ul style="list-style-type: none"> • No Public Information Meeting or advertising • Only opportunity to speak is at Public Hearing via petition
Town of Antigonish	Public Participation Program Policy	<ul style="list-style-type: none"> • One or more public participation meetings hosted by the PAC • Notice to be published in a local newspaper at least 6 days prior to the meeting and posted in municipal office

Municipality of the District of Barrington	Public Participation Program Policy	<ul style="list-style-type: none"> • One or more public participation meetings hosted by the PAC prior to recommendation to Council • Notice to be published in a local newspaper, in municipal office, on the website and social media prior to the meeting
Town of Bridgewater	Public Participation Meeting Procedures Policy	<ul style="list-style-type: none"> • Outlines standards for public participation meetings when more than six (6) members of the public are in attendance • No member of the public can speak more than twice and no more than five (5) minutes at one time
Cape Breton Regional Municipality	Public Participation Program Policy	<ul style="list-style-type: none"> • Only applies to MPS or SUB amendments • Format to use any of the following suggestions depending on the specifics of the proposed amendment: <ul style="list-style-type: none"> • Public meeting: notice shall be an ad in the local newspaper, notice mailed to surrounding land owners, or notice on the CBRM website or other social media. • Open house: notice places in local newspaper, mailed to surrounding land owners, or notice on website or other social media. • Notification requesting input: notice mailed to land owners within the vicinity. • Surveys: should be considered when the jurisdiction of the proposed amendment is too large for public notification by mail. <p>Note: in each case where letters are mailed to land owners within the vicinity, the area to mail the letters is determined by planning staff based on the geography affected by the proposed planning documents.</p>
Municipality of the County of Colchester	Public Participation Program Policy	<ul style="list-style-type: none"> • A minimum of three public meetings to be held in the affected community for the adoption of any MPS and LUB • The PAC to hold at least one public meeting in the affected community for amendments to the existing MPS with or without LUB amendments • Any public meeting to be advertised at least once in the local newspaper, at least 3 days in advance of the meeting

Municipality of the County of Cumberland	Public Participation Policy	<ul style="list-style-type: none"> • A minimum of one public meeting advertised in the local newspaper and other media as deemed necessary • Planning staff to determine location, time and date of meeting • The meetings may include a staff presentation, open house or a workshop style gathering • Presentations from the public not to exceed 15 mins
Town of Digby	Public Participation Program Resolution	<ul style="list-style-type: none"> • The PAC is responsible for identifying the appropriate process for seeking public input. It must include at least one public meeting • Notice of any meeting to be posted in the Town office and published at least once in the local newspaper at least one week before the meeting • When deemed appropriate by the PAC they are to seek input from identifiable community stakeholder groups
Municipality of the District of East Hants		Staff could not find a formal policy on East Hants website however the website did outline the process chart attached at the end of this document for a development agreement or rezoning application
Municipality of the District of Guysborough	Policy on Public Participation Program	<ul style="list-style-type: none"> • MPS and LUB adoption requires a minimum of one informal meeting and one formal Public Hearing • Amendments to the MPS and LUB requires one or more public meetings • Notice of public participation meetings to be published in local newspaper and notice on municipal building • Notices to be posted a minimum of 14 days prior to the meeting
Halifax Regional Municipality		<p>HRM is currently in the process to adopt a formal public participation program. A staff report on this topic can be found here https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/230425rc1513.pdf</p> <p>Staff contacted an HRM Planner III to receive insights into their current process. The existing public participation process has been determined on</p>

		<p>a case-by-case basis for each application, requiring separate Council policy, but typically includes:</p> <p>For discretionary approvals not requiring a plan amendment (rezoning or DA):</p> <ul style="list-style-type: none">• A public meeting is not held. However, at a planning manager’s discretion where a proposal is expected to be contentious, one meeting can be held.• Webpage is created and posted.• No newspaper advertisement for any planning notices since the HRM Charter was amended to replace newspaper with websites.• Direct mail for landowners and tenants living in vicinity: minimum of 250 ft. (76 m.) for urban areas and 500 ft. (152 m.) for rural areas. This can go up to 2000 ft. (609 m.) depending on the context. Mail outs sent 14 days before a public meeting.• If there is no public meeting, 30 days is provided as a public engagement period from the date the application is deemed to be received. Only after the elapse of that period, can staff complete a staff report or a negotiation with an application about a proposed development agreement may begin.• Sign is posted and planner is responsible for providing the design.• A courtesy email to a local councillor after mails notifications are sent, typically asking them to attend the meeting if they are free. <p>For discretionary approvals requiring a plan amendment (MPS amendment):</p> <ul style="list-style-type: none">• A public meeting is mandatory before first reading, unless a planner thinks it is not necessary due to the amendment being site-specific and minor. If so, a separate Council policy to exempt a public meeting must be passed at the Council initiation stage.
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		<ul style="list-style-type: none"> • A presentation is posted after the meeting and a summary of the public meeting is posted online. • The rest of the process is the same as above (i.e., webpage, no newspaper, direct mails, signage.) <p>In terms of signage for the subject lot, HRM has signage guidelines. In summary it includes:</p> <ul style="list-style-type: none"> • Large 1930 × 1219mm (76 × 48”) - intended for large urban sites, and for most sites outside urban areas, where the sign should be visible (if not legible) from a distance. The large size sign may include 2 portrait-oriented images, 1 landscape-oriented image, or no images at all. • Medium 1422 × 1219mm (56 × 48”) - intended for smaller sites in suburban or urban areas. • Small 914 × 610mm (24 × 36”) – a small, portrait-oriented sign should be used only in urban areas, where a sidewalk or trail is within a few metres of the sign. It may be applied to hoardings or to the face of an existing building. This sign does not have any options for including images. <p>The HRM Planner III noted that planners typically require a medium sized sign in rural areas. The cost of the sign is paid by the applicant on top of an application fee and advertising deposit. Planners send the applicant a pdf file, and then the applicant takes that pdf file to a printing company and pays for the full expense. The applicant must submit a few photos once the sign is installed, and only then, a planner may start working on booking a venue for a public meeting.</p>
Town of Kentville	Public Participation Policy (Planning)	<ul style="list-style-type: none"> • Any new MPS and concurrent LUB, SUB or amendments to any of those need one public participation meeting prior to Public Hearing • Advertised in local newspaper once per week for two weeks, with first ad appearing at least 14 days prior and at Town hall

		<ul style="list-style-type: none"> • Meeting may include staff presentation, open house or workshop style gathering • Presentations from the public limited to 10 minutes
<p>Municipality of the County of Kings</p>	<p>Public Participation Policy</p>	<p>All amendments to the MPS and New Minas Sector Plan</p> <ul style="list-style-type: none"> • make the proposed amendments and associated staff report available to the public; • require the PAC to hold one or more public participation meetings to explain the proposed amendments and receive comments from the public; and • place a notice of the meeting in a local newspaper at least one week prior to the meeting date. • Following the meeting, the PAC may make changes to the proposed amendments before forwarding the proposed amendments onto Council, provided the purpose of the proposed amendments are not significantly altered. The PAC must repeat the process if major changes are made to the proposed amendments that fundamentally alter the purpose of the proposed amendments reviewed by the public at the public participation meeting. The decision about whether a significant alteration is made to the proposed amendments shall rest with PAC, which shall consider the goal of seeking the opinions of the public prior to forwarding the proposed amendments to Council for consideration. <p>Comprehensive Review of the MPS or New Minas Sector Plan Council</p> <ul style="list-style-type: none"> • Follow process above; • Develop and implement a public engagement plan to further inform and receive comments from the public. The contents of the public engagement plan are at the discretion of Council and may involve one or more approaches, including but not

		<p>limited to sub-committees, public meetings, open houses, focus groups, questionnaires, newsletters and interviews.</p> <p>Development Agreements and Amendments to the Kings County or New Minas Land Use Bylaw</p> <ul style="list-style-type: none"> • holding one or more public meetings to inform the public and receive comments from the public about the proposal. <p>Council has the discretion to choose to follow the processes outlined above for review of a discrete component of the MPS or New Minas Sector Plan.</p>
Municipality of the District of Lunenburg	Public Participation Strategy	<ul style="list-style-type: none"> • Gives the discretion to staff on how they should engage with the public on different subject matter (inform, consult, involve, collaborate, empower)
Town of Mahone Bay	Public Participation in Planning Policy	<ul style="list-style-type: none"> • Staff notify the public at a Council meeting of the intention to prepare or amend planning documents • Council directs staff to consider the proposed amendment and to schedule a PIM • PIM is advertised in the local newspaper, on the website and social media, and at the Town office at least 5 business days prior to the meeting • Public Hearing process follows MGA requirements
Town of Middleton	Public Participation Program	<ul style="list-style-type: none"> • For any MPS and LUB amendment a public meeting is schedule; advertised in the local newspaper and notice provided by mail to landowners within 200 ft. (60.96 m.) of the affected area • At the meeting, prior to PAC discussion, the public has the ability to ask questions and make comments • Council may choose to extend the public information process, require more advertisements for matters of major importance, such as significant amendments or revisions to the MPS • In the case of a LUB or development agreement, Council allows the CAO to refer the

		application to PAC for recommendation and to set and advertise the date for a Public Hearing
Queens Regional Municipality	Public Participation Program	<ul style="list-style-type: none"> • Hold one or more public information meetings prior to Council • Notice published in a local newspaper at 14 days prior, posted in the appropriate district, and posted in the Municipal office
Municipality of the County of Richmond	Public Participation Program – Engagement with Abutting Municipalities	<ul style="list-style-type: none"> • No public participation program policy found online • Only applies to engagement to abutting municipalities when adopting or replacing an MPS, or amending a MPS when it affects lands that share boundaries
Municipality of the District of Shelburne	Public Participation Respecting Planning Documents	<ul style="list-style-type: none"> • Hold one or more public meetings • Staff notify the public at a Council meeting of the intention to prepare or amend planning documents, and a public information session shall be held dealing with the proposed amendments • Notice to be published in a local newspaper, on the municipal website and in the municipal courthouse
Town of Shelburne	Public Participation Program Policy	<ul style="list-style-type: none"> • MPS amendments, including all amendments of LUB and/or SUB where MPS amendment is also required, requires both a public meeting/information session and a Public Hearing • Notice of public meetings/information sessions to be published in local newspaper and on Town’s website
Municipality of the District of St. Mary’s	Public Participation Program & Engagement Policy	<ul style="list-style-type: none"> • Preparing MPS or LUB requires at least one informal public meeting and one formal Public Hearing • Amendments to MPS or LUB requires one or more public meetings • Notice for any meeting to be published in the local newspaper and municipal social media, appearing a minimum of 14 days prior • Notes engagement with abutting municipalities
Town of Stewiacke	Public Participation Program	<ul style="list-style-type: none"> • PAC to hold a minimum of one public meeting • Advertised at least once in a local newspaper, Town office and two other locations throughout the Town

		<ul style="list-style-type: none"> • Notice to be placed a minimum of at least 3 days prior to meeting • Council may direct PAC to determine if additional public participation meetings and additional advertising is required
Municipality of the County of Victoria	Public Participation Policy	<ul style="list-style-type: none"> • Council to hold one or more public participation meeting • Notice to be published in the local newspaper and on municipal website
Town of Wolfville	Public Participation Program Policy	<ul style="list-style-type: none"> • Amendments of planning documents or a development agreement: hold one or more public meetings; publish notice in the newspaper and Town website; notices by mail to properties within 328 ft. (100 m.) of the property of both public information meeting and Public Hearing • Site Plan approval: notice on the property and Town website; properties within 98 ft. (30 m.) get notices by mail and notice area may increase to 328 ft. (100 m.) under certain circumstances as determined by the Development Officer • Plan Review: developing and implementing a public engagement plan at the discretion of Council which may involve committees, meetings, open houses, surveys, questionnaires, and publications • Notes engagement with abutting municipalities
Municipality of the District of Yarmouth	Public Participation Program Policy	<ul style="list-style-type: none"> • Council to hold one or more public participation meetings • Published in the local newspaper and Municipal website and social media at least 5 business days prior to the meeting • The meeting shall be conducted by Municipal staff of the Planning and Development Department, on behalf of PAC
Town of Yarmouth	Public Participation Program Policy	<ul style="list-style-type: none"> • LUB amendments and development agreements: Property owners within 98 ft. (30 m.) of the subject property to be notified by mail prior to Public Hearing • Plan Review: develop and implement a public engagement plan at the discretion of Council

		<p>which may involve committees, meetings, open houses, and surveys</p> <ul style="list-style-type: none"> • Site Plan or Variance: The Development Officer to give notice to property owner within 98 ft. (30 m.) of the subject lot at least 7 days prior to the approval • Notes engagement with abutting municipalities
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East Hants Process Chart

