



**West Hants**  
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY**  
**Planning and Heritage Advisory Committee (PAC/HAC) Agenda**  
**June 13, 2024 – 6:00pm**  
**Sanford Council Chambers and Zoom / Facebook Live**

- 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 (May 9, 2024)**
- 6.0 New Business**
  - 6.1 File #23-02B WMPS and WLUB Amendments: 368 Nesbitt Street, PID 45056447 (Sara Poirier) - Pg. 2
  - 6.2 File #23-33 Development Agreement: Windsor Back Road, PID 45402831 (Alex Dunphy) - **Pg. 52**
- 7.0 Business Arising from the Public Information Meetings (June 6, 2024)**
  - 7.1 File #24-12 4859 Hwy, Three Mile Plains – Rezoning (Alex Dunphy)
- 8.0 Business Arising from the Minutes (File Updates) - Pg. 105**
- 9.0 Building and Development Activity Reports (May 2024) - Pg. 110**
- 10.0 Notices from Adjacent Municipal Units**
  - 10.1 Municipality of Chester – Public Hearing Notice – Bear Lake Development Agreement - Pg. 111
  - 10.2 Municipality of Chester – Public Hearing Notice – MPS/LUB Amendments for Telecommunication Towers - Pg. 112
- 11.0 Questions and Comments from the Public**
- 12.0 Next Meeting Date (July 11, 2024) / Adjournment**



**WEST HANTS REGIONAL MUNICIPALITY REPORT**

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

**Submitted by:** \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

**Date:** 2024-06-13

**Subject:** WMPS and WLUB Amendments: 368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road; File #23-02B

**LEGISLATIVE AUTHORITY**

Section 230 of the Municipal Government Act

**RECOMMENDATION**

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text and the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use (MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of eight storeys in height by development agreement in the Nesbitt Island designation in a manner substantively the same as the draft set out in Attachment A of the Planning and Heritage Advisory Committee report #23-02B dated June 13, 2024.

...that PAC/HAC recommends that Council give First Reading and hold Public Hearing to consider amending the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to include PID 45227279 in the Nesbitt Island designation and the Mixed Use (MU) zone

in a manner substantively the same as the draft set out in Figure 7 and 8 of the Planning Advisory Committee report #23-02B dated June 13, 2024.

**BACKGROUND**

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

Staff provided an information report to the PAC/HAC on May 11, 2023 to discuss the proposal, the current planning documents and options for WMPS and WLUB amendments to allow Council to consider this proposal. The discussion at PAC/HAC helped guide staff on the general direction for these proposed amendments.

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

1. An amendment to the text and the maps of the WMPS and WLUB to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use (MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of eight storeys in height and specialized roof and ground signs by development agreement in the Nesbitt Island designation; and
2. If the WMPS and WLUB amendments are approved by Council, consider the proposed uses by development agreement as per the new policies of the WMPS.

This report corresponds with the first part of the application.

## **DISCUSSION**

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 subject lot in 2007 that permitted commercial and residential redevelopment, but these aspects were not completed by previous owners. The existing development agreement registered on the subject lot 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. The building has sat vacant since then. This development agreement will need to be discharged through the overall application process for the subject lot.

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 (GFLUM) 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 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 requested Council consider WMPS and WLUB amendments to create a site-specific policy for the subject lot 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.

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. As noted previously, staff recommend processing this application in two parts. First to amend the WMPS and WLUB to change the designation and concurrently the zoning of the subject lot which then indicates to staff, the property owner and the public that Council has changed its overall intent for the subject lot from industrial to mixed-use. Secondly, to consider the full extent of the application by development agreement. The background statements and policy option outlined in Section 9.0 of the WMPS show that Council had previously intended to consider redevelopment of this lot through the development agreement process. A development agreement process will provide more certainty to staff, the property owner and the public of the full extent of what is expected to be developed on the site. This report only corresponds with the WMPS and WLUB amendments. A future report will be provided to consider a development agreement for the proposed uses.

Section 219 (1) of the *Municipal Government Act* states that where a council adopts a municipal planning strategy amendment that contains policies about regulating land use and development, the council shall, at the same time, adopt a land-use by-law amendment that shall enable the policies to be carried out. This allows both the amendment to the text and the maps of the Municipal Planning Strategy and the Land Use By-law to happen concurrently.

**Municipal Property (PID 45227279)**

There is a Municipally owned property to the east of the former textile mill site known as PID 45227279. This lot is approximately 1.50 acres in size and is currently only occupied with an underground stormwater main and manhole on site. The lot is designated Residential on the GFLUM of the WMPS (Figure 1). The lot is zoned Highway Commercial (HC) on the Zoning Map of the WLUB (Figure 3) and is within the Environmental Constraints area (Figure 4).

The applicant has shown interest in this lot to provide extra land to assist with stormwater management for their overall development of the former textile mill site. Should Council wish, there is a second motion in this recommendation report to change the designation of the Municipally owned lot from Residential to Nesbitt Island and zoning from Highway Commercial (HC) to Mixed Use (MU).

### **Windsor Municipal Planning Strategy**

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.”* The former textile mill has sat vacant since 2005. This proposal would be considered a major change in the development environment for the subject lot and would be consistent with Policy 16.1.1 (c) for when Council would consider amendments to the WMPS.

#### Proposed Amendments

The proposal includes a mixed-use, multi-unit apartment building, separate restaurant and a variety of commercial and outdoor recreation uses. This is not consistent with the current Industrial designation of the lot, therefore an amendment to the GFLUM of the WMPS is proposed to change the designation of the lot from Industrial to Nesbitt Island.

Amendments are proposed to the text of the WMPS to update existing policies to allow more than one main building on the subject lot, to allow roof signs, and remove reference to the textile mill from the Industrial section of the document. The amendments also include the creation of new policies to establish the Nesbitt Island designation and Mixed Use (MU) zone and to permit a variety of commercial, residential, institutional and recreation uses. A policy is proposed to allow Council to consider rezoning properties north of Highway 101 if there are requests to expand the Mixed Use (MU) zone in the future. Additional policies specify that Council can consider mixed use, multiple unit residential developments in excess of eight storeys in height by development agreement. The draft Policy 9.3.5. outlines the criteria to be considered by Council when reviewing the overall proposal for the subject lot.

Proposed amendments to the GFLUM of the WMPS are shown in Figure 5 and amendments to the text of the WMPS can be found in Attachment A.

#### **Windsor Land Use By-law**

##### Proposed Amendments

To align with the proposed designation change for the subject lot the Zoning map of the WLUB will be amended to change the zoning of the lot from Light Industrial (LI-1) to Mixed Use (MU).

A Mixed Use (MU) zone section has been added to the WLUB. This zone permits a variety of commercial, residential, institutional and recreation uses and has specific requirements for buffering, landscaping, parking and pedestrian access.

Section 6.0 of the WLUB outlines all the developments Council may consider by development agreement. This section is also amended to align with the proposed WMPS policies.

The proposed amendments to the Zoning Map of the WLUB are shown in Figure 6 and amendments to the text of the WLUB are in Attachment A.

## **WMPS General Criteria**

These map and text amendments apply to the subject lot and the adjacent Municipal lot specifically; therefore, staff have reviewed the general criteria for amendments set out in Policy 16.3.1. In summary the criteria are met since:

- the Public Works Engineering division have confirmed adequate sewer and water service can be provided to the site;
- the Manager of Building and Fire Inspection Services and local Fire Chief (2023 and 2024) have no concerns with regard to the adequacy of fire protection;
- the applicant has provided a Traffic Impact Study to the Municipal Traffic Authority and Provincial Department of Public Works. Staff will require final comments from both traffic authorities either at development permit stage or at the development agreement stage;
- no municipal costs related to the proposal are anticipated.

## **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 PID 45056447 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.

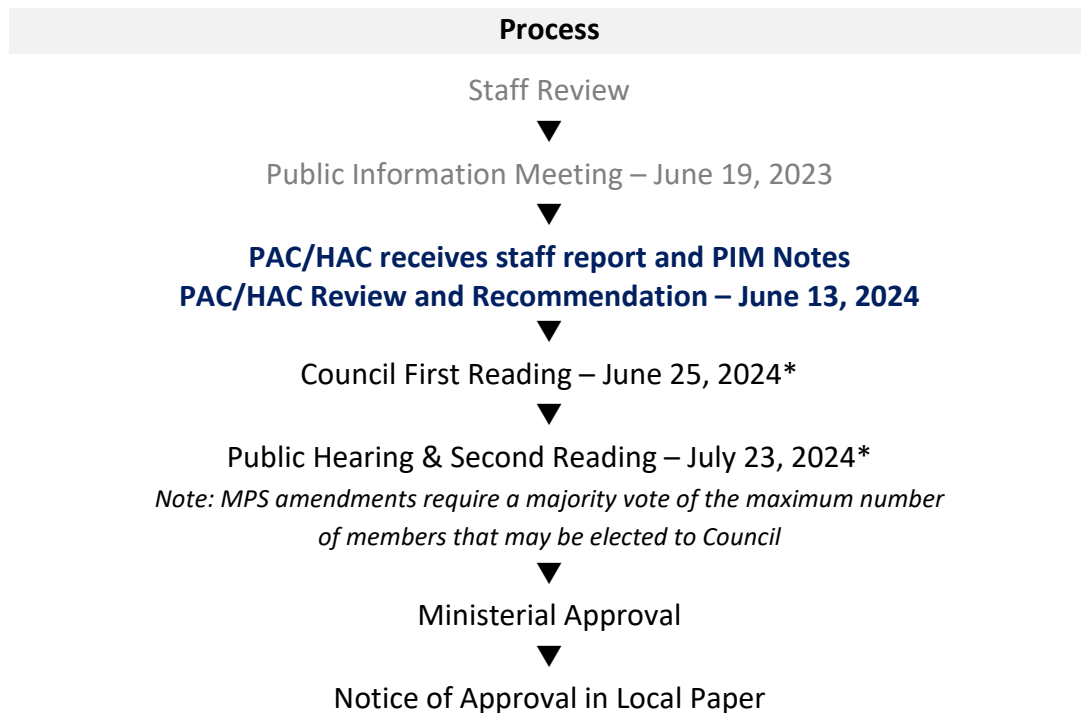
PID 45227279 is within the Environmental Constraints area and is identified as marshland within the Tregothic Marsh. This lot is not exempt from the Agricultural Marshland

Conservation Act (2001) therefore any future development would have to comply with both the Provincial and Municipal regulations.

## NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS and are consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to amend the text and the maps of the WMPS and the WLUB to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use (MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of eight storeys in height by development agreement in the Nesbitt Island designation.

It would also be reasonable for Council to amend the maps of the WMPS and WLUB to include the Municipally owned PID 45227279 in the Nesbitt Island designation and the Mixed Use (MU) zone.



\*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 WMPS and WLUB text amendments as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction such as requesting further information on a specific topic.

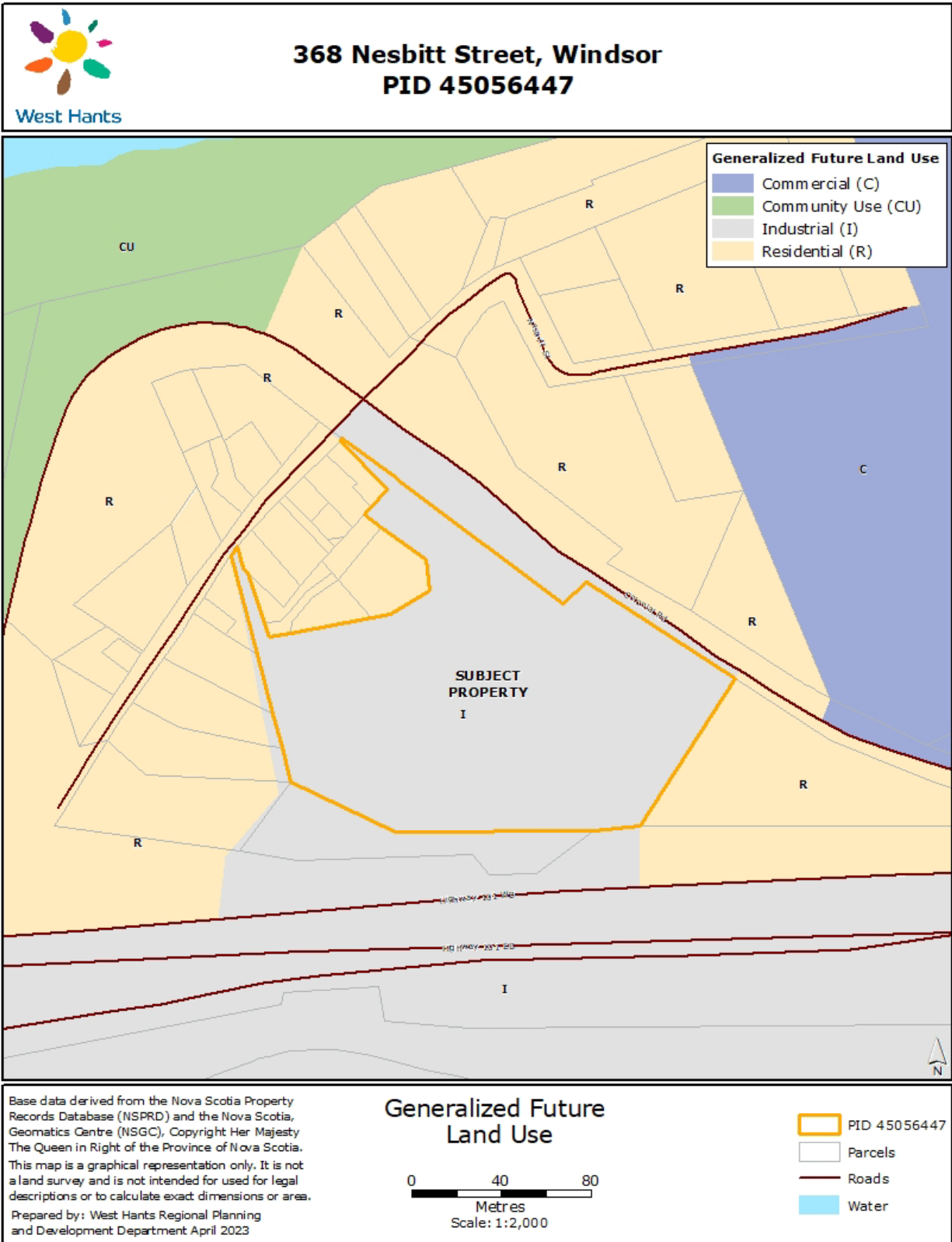
**ATTACHMENTS**

Figure 1	GFLUM Extract
Figure 2	Commercial Development District Extract
Figure 3	Zoning Map Extract
Figure 4	Environmental Constraints Extract
Figure 5	Proposed GFLUM Extract – PID 45056447
Figure 6	Proposed Zoning Map Extract – PID 45056447
Figure 7	Proposed GFLUM Extract – PID 45227279
Figure 8	Proposed Zoning Map Extract – PID 45227279
Attachment A	Draft WMPS and WLUB Amendments
Attachment B	General Criteria for Amendments
Attachment C	Public Information Meeting Notes

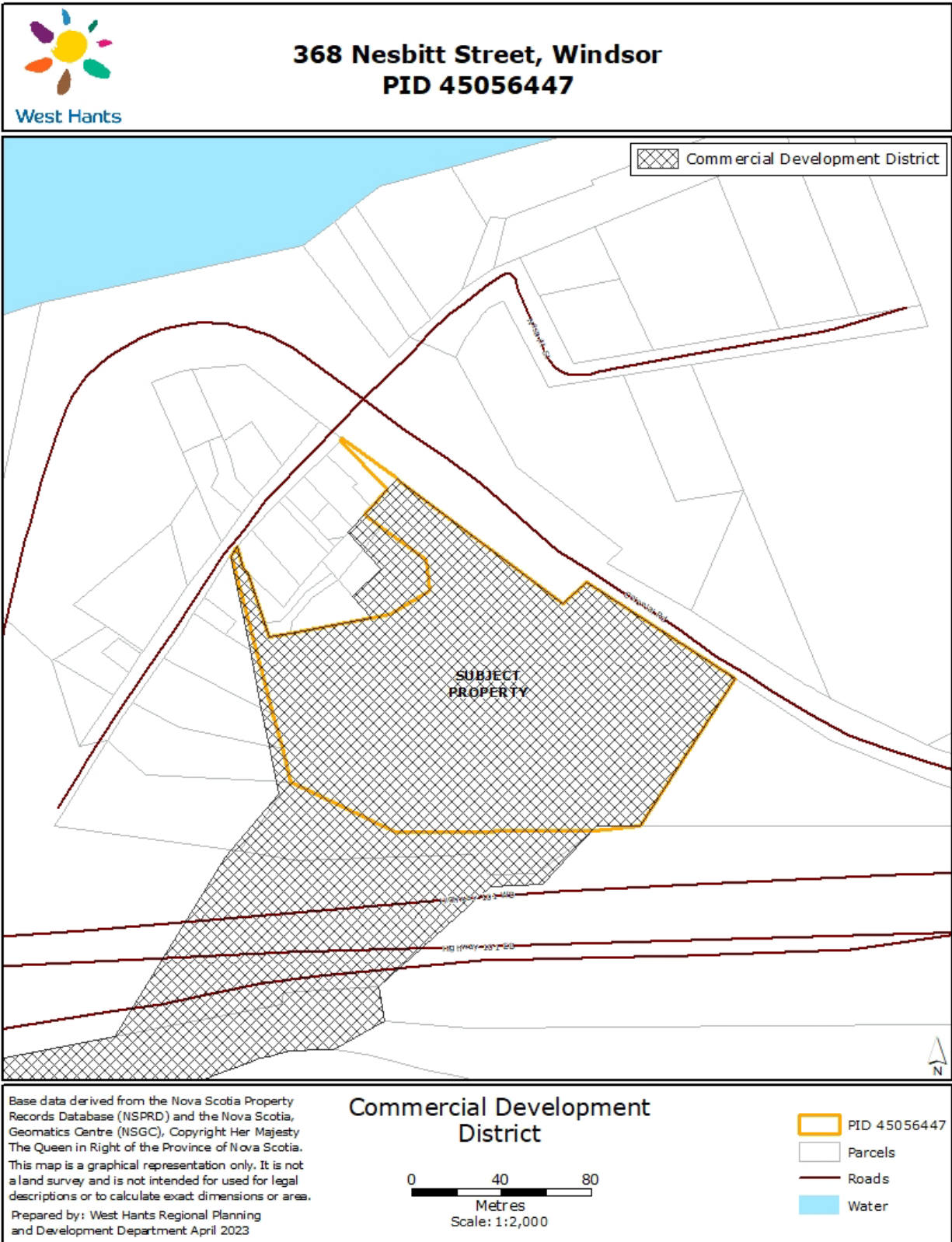
Report Prepared by: \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

Report Reviewed by: \_\_\_\_\_  
Alex Dunphy, Planner

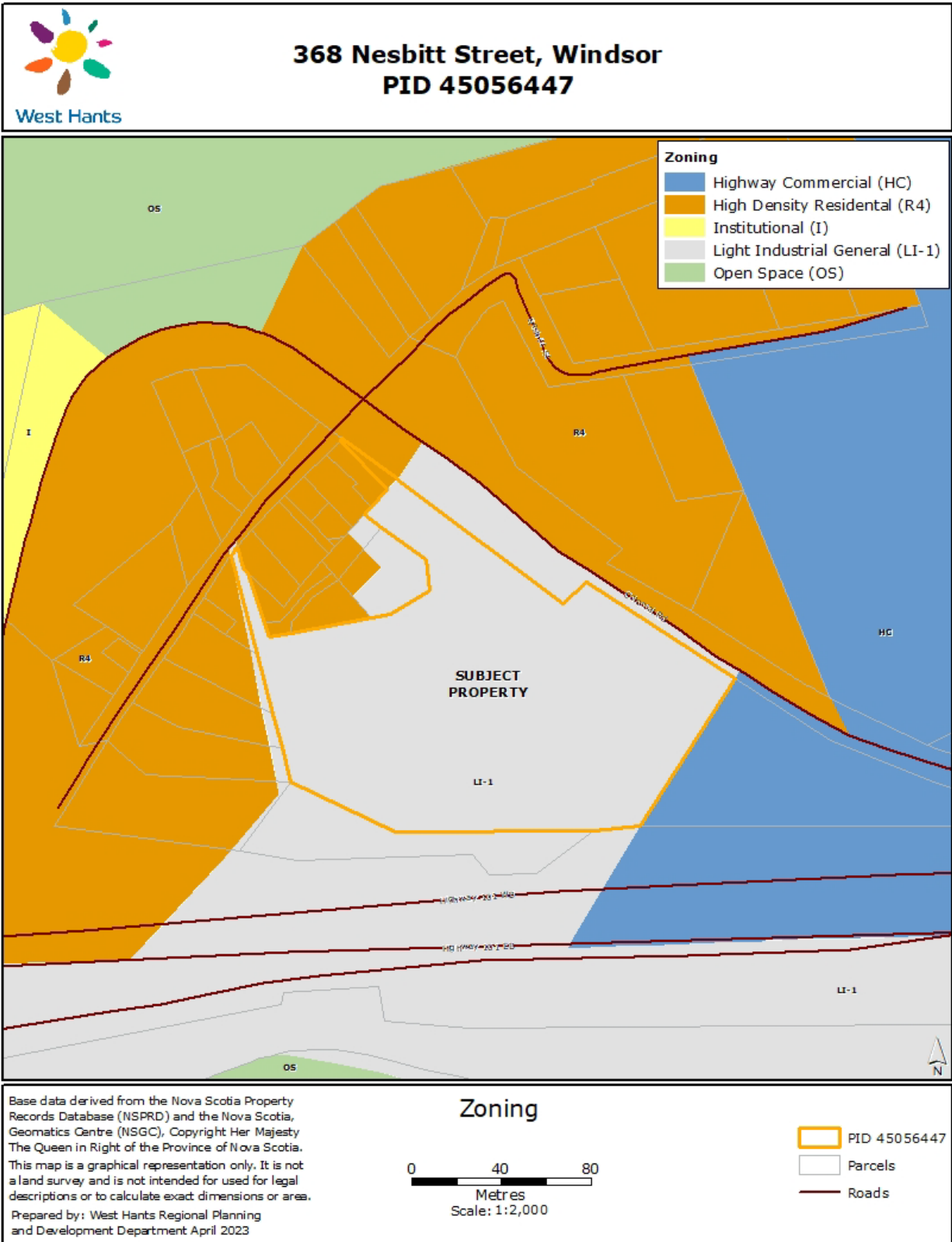
Figure 1  
GFLUM Extract



**Figure 2**  
**Commercial Development District Extract**



**Figure 3**  
**Zoning Map Extract**



**Figure 4**  
**Environmental Constraints Extract**

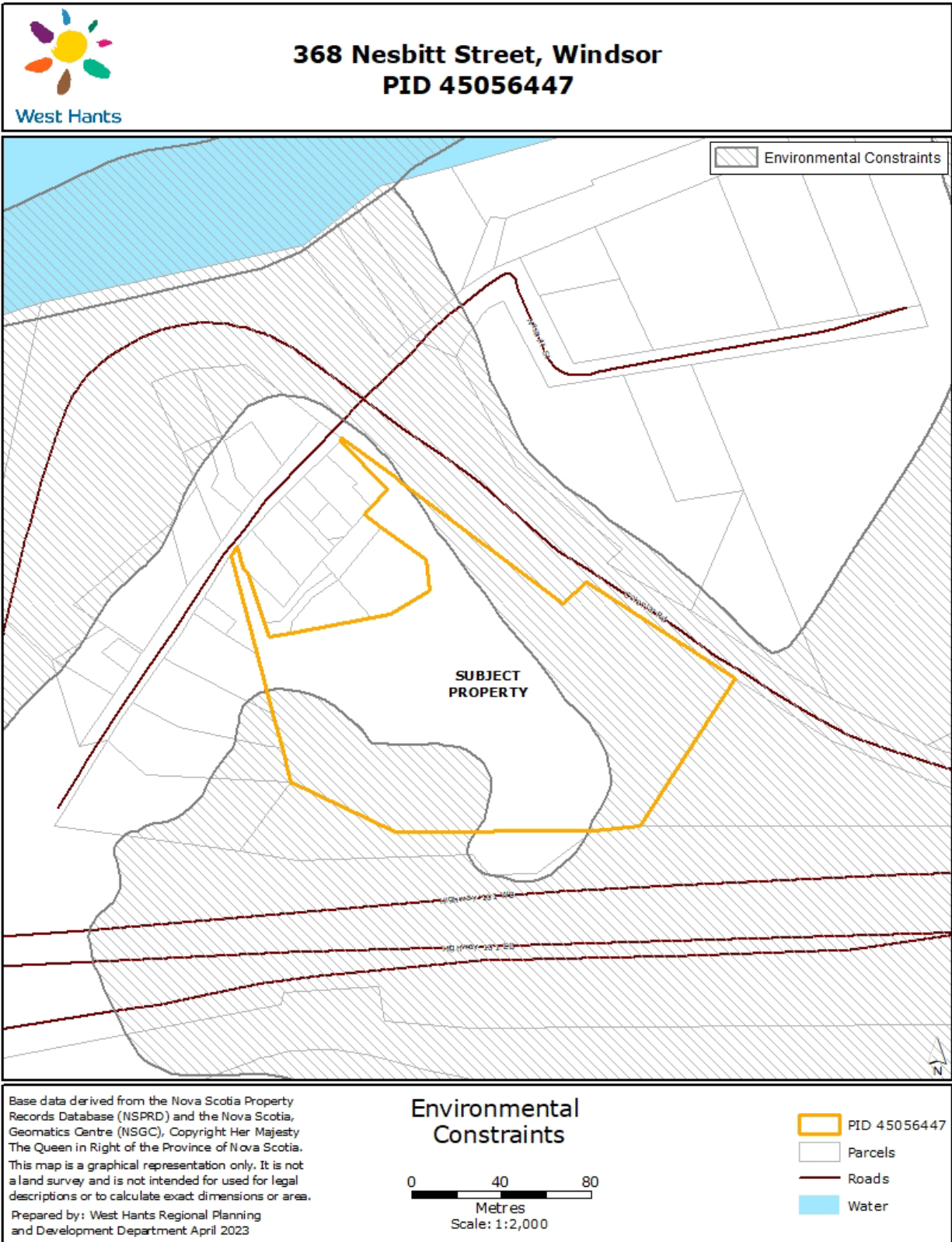
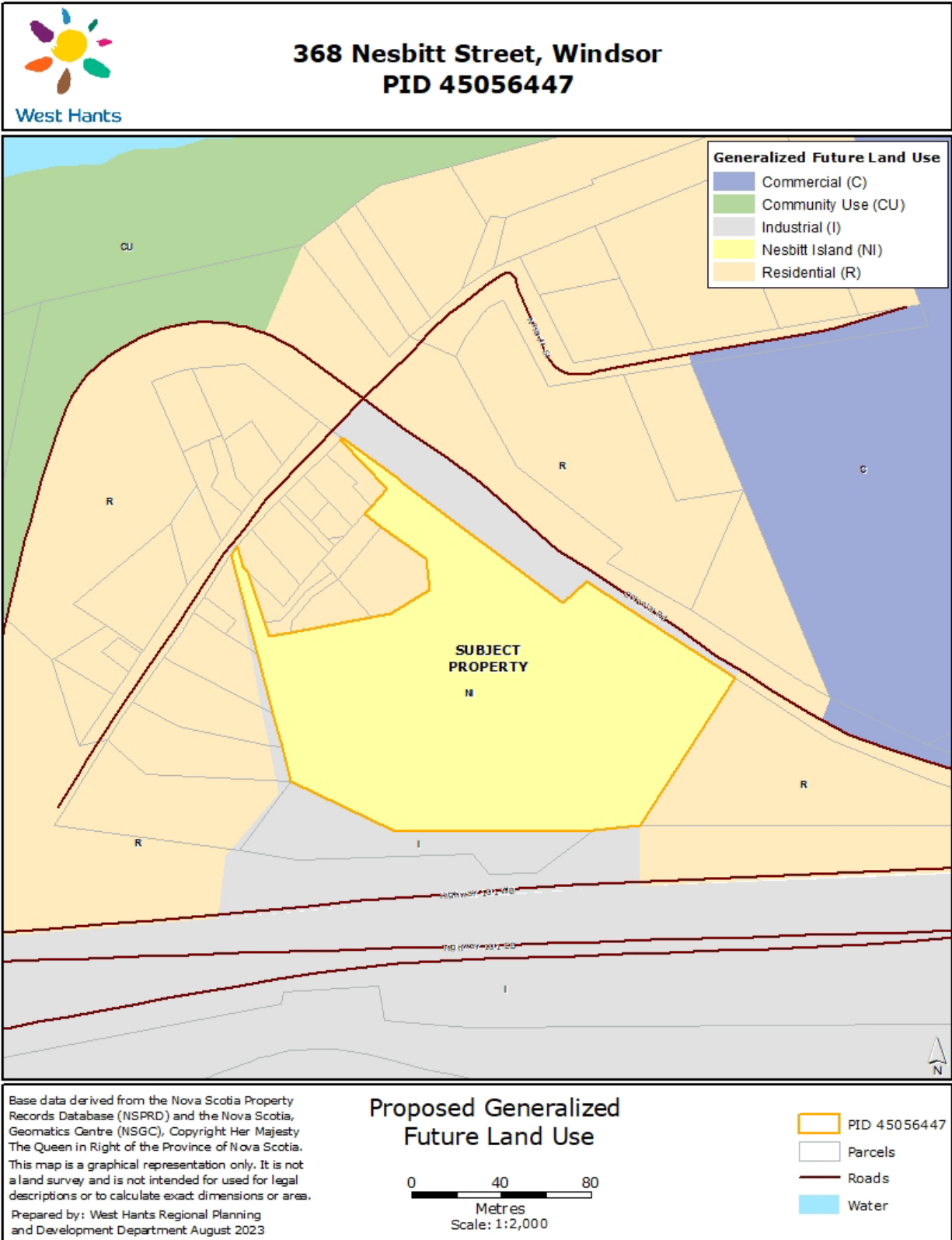
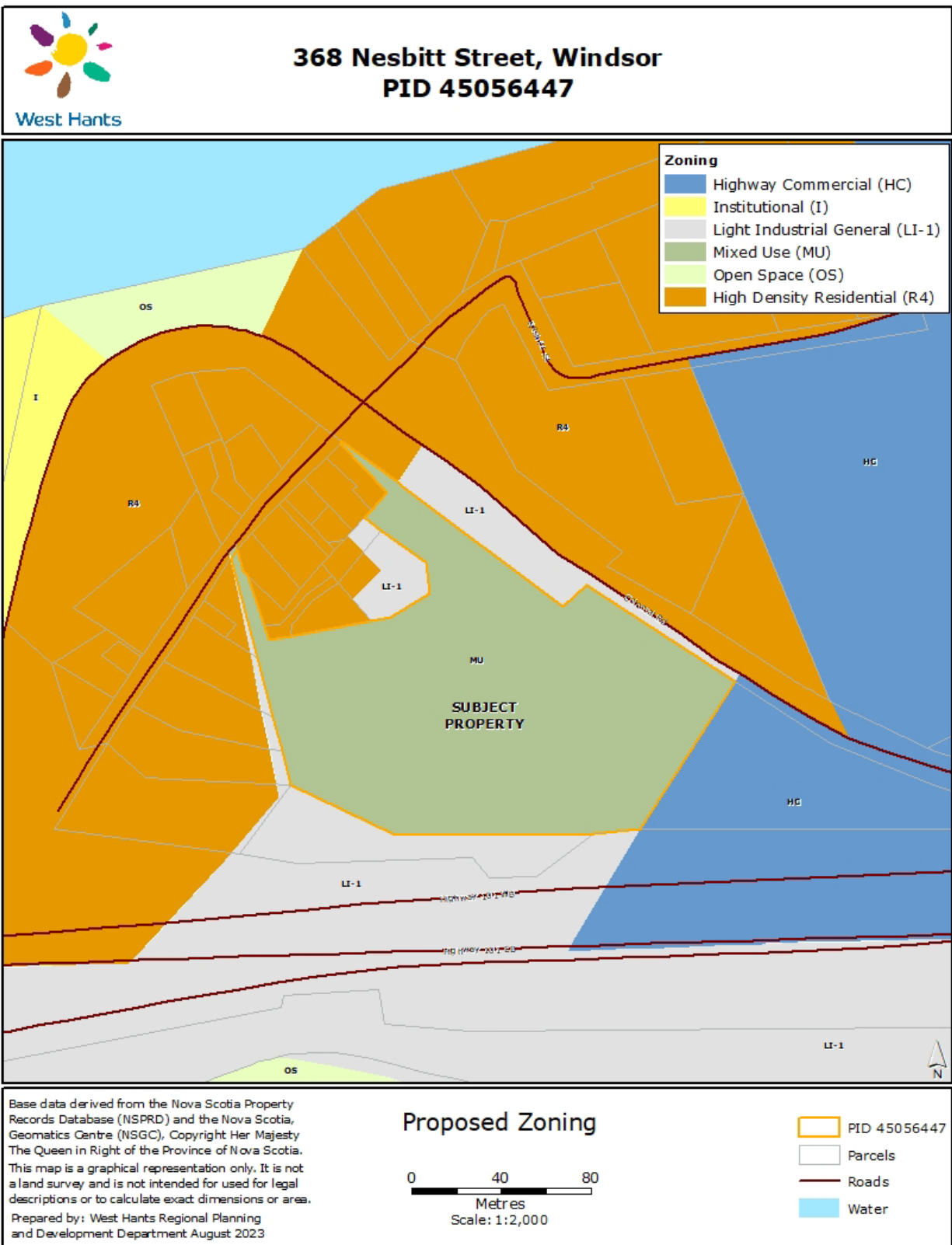


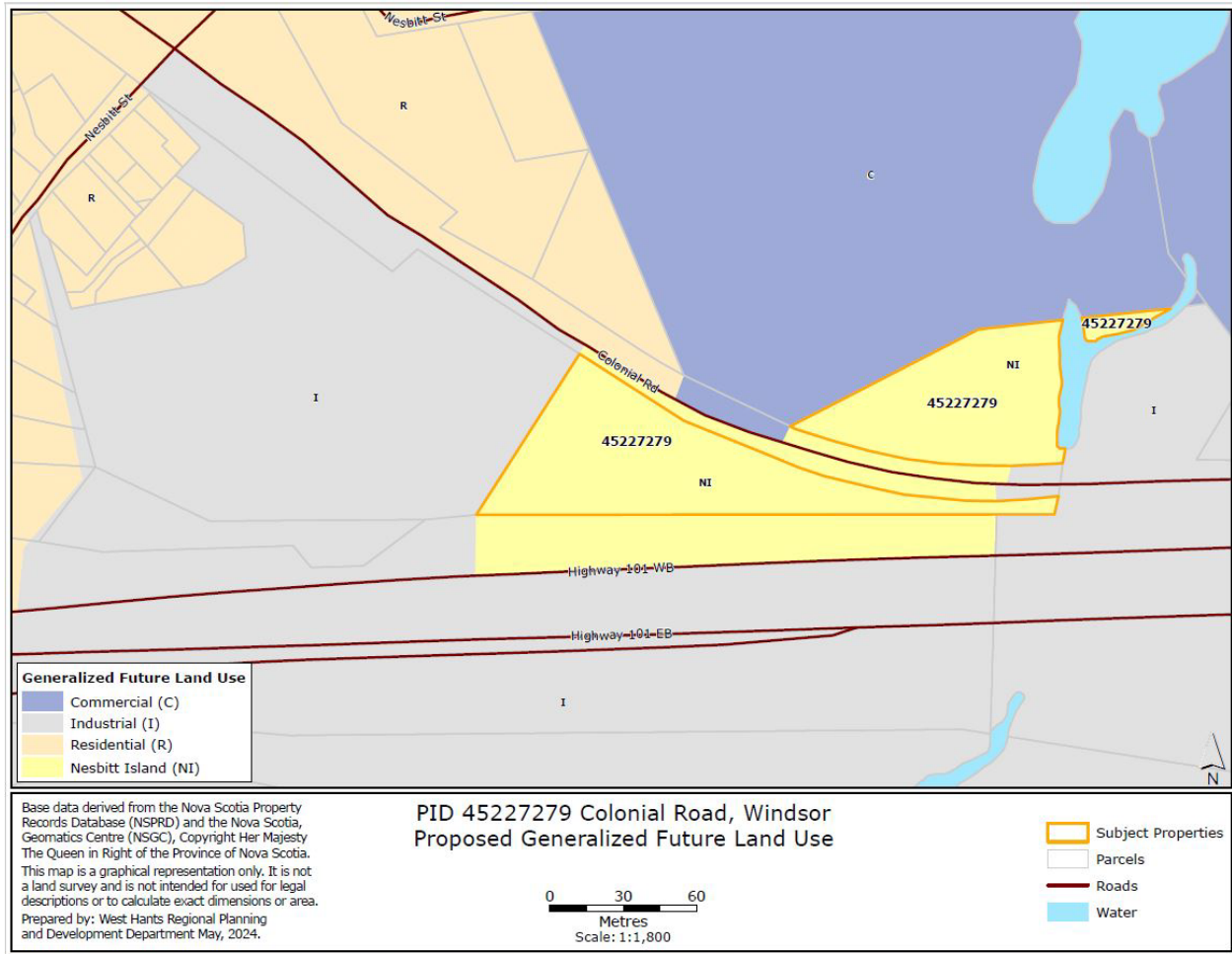
Figure 5  
Proposed GFLUM Extract – PID 45056447



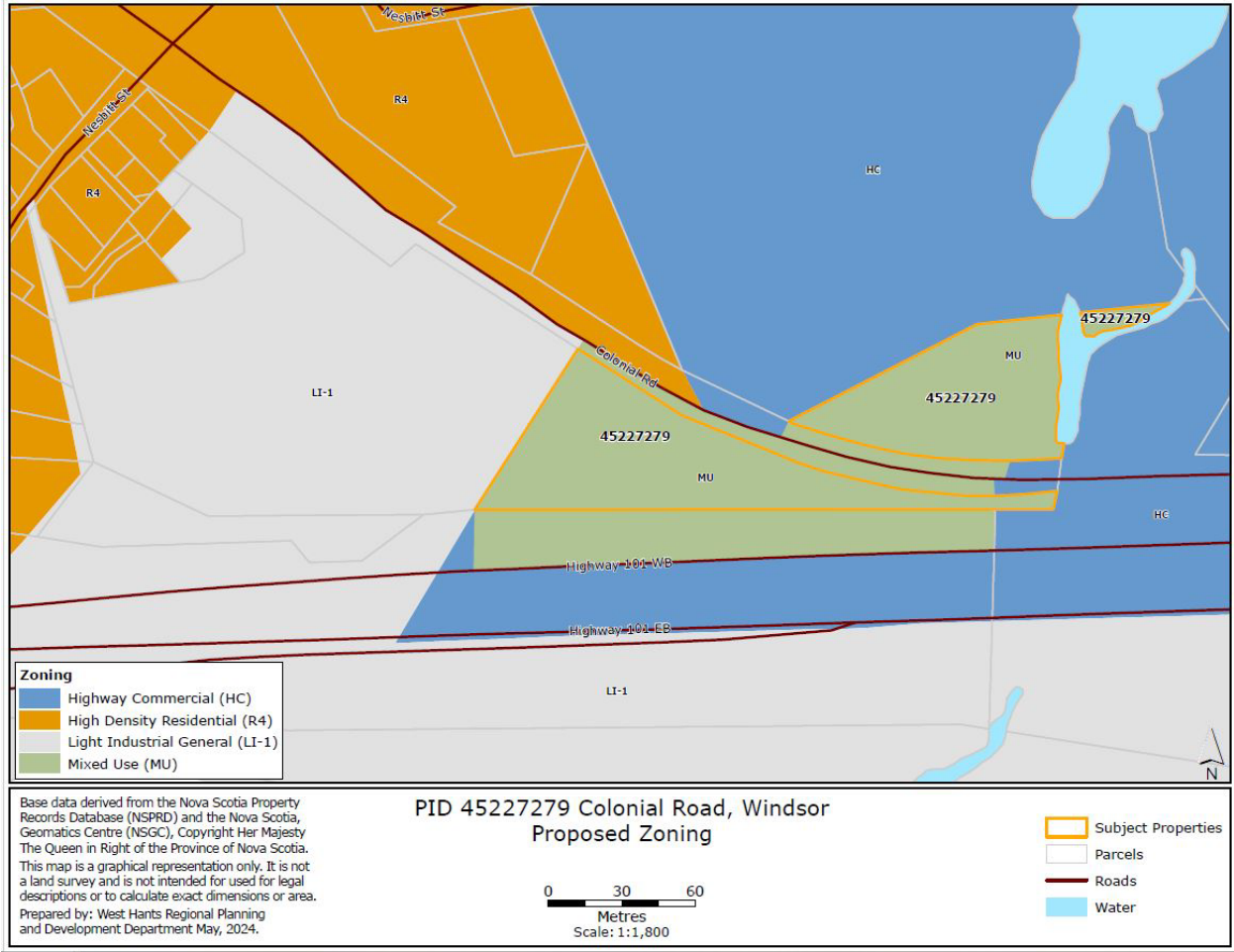
**Figure 6**  
**Proposed Zoning Map Extract – PID 45056447**



**Figure 7**  
**Proposed GFLUM Extract – PID 45227279**



**Figure 8**  
**Proposed Zoning Map Extract – PID 45227279**



**Attachment A**  
**Draft WMPS and WLUB Amendments**

*Note: purple text indicates a change from the present WMPS or WLUB and is provided only for the convenience of PAC/HAC and Council.*

Text amendments to the Windsor Municipal Planning Strategy to create a new designation and zone for the former Nova Scotia Textiles mill site to allow a variety of land uses including but not limited to commercial, residential, institutional and recreation uses.

**Windsor Municipal Planning Strategy**

- 1. Amend Section 4.9 in the Windsor Municipal Planning Strategy to allow more than one building on a lot in the Mixed Use (MU) zone, so that Policy 4.9.1 reads as follows:**

**4.0 GENERAL LAND USE POLICIES**

**4.9 One Main Building on a Lot**

The general intent of the Municipal Planning Strategy is to allow one main building on a lot with accessory buildings and structures. In certain instances, however, more than one main building may be necessary to accommodate certain types of development. For example, industrial and agricultural uses may require several main buildings. The Fairground zone also supports a number of buildings on one lot. Grouped dwellings, by their very nature, involve several main buildings on a lot.

**Policy 4.9.1** It shall be the policy of Council to allow only one main building on a lot with accessory buildings and structures except for the following zones or uses:

- (a) Industrial zones, except the Joint Industrial Type Three (LI-3) zone;
- (b) Fairground zone;
- (c) Shopping Centre zone;
- (d) Pesaquid CDD;
- (e) College Road CDD;
- (f) Agriculture zone;
- (g) mixed use development permitted under Policies 9.1.1 and 9.2.1;
- (h) grouped dwellings;
- (i) Wentworth Road Commercial Zone; and (WMPS 12-01 effective August 23, 2012)
- (j) in the Mixed Use (MU) zone.*

**2. Amend Section 4.13 in the Windsor Municipal Planning Strategy to permit roof signs within the Mixed Use (MU) zone, so that Policy 4.13.5 reads as follows:**

**4.13 Signage**

Signage is regulated in the Land Use By-law to address structural and traffic safety and to encourage advertising to be compatible with neighbouring land uses and with the community as a whole.

- Policy 4.13.1** It shall be the policy of Council to regulate size, location and placement of signage to avoid potential hazards for pedestrian and traffic movement and to encourage attractive and compatible signage.
- Policy 4.13.2** It shall be the policy of Council to prohibit from all land use zones certain types of signs which are considered to pose potential public safety hazards, or negatively affect traffic flow, or which are to be affixed to natural features.
- Policy 4.13.3** It shall be the policy of Council to regulate height of ground signs. Certain areas in Town, including the land adjacent to the St. Croix River, will require a lower height to preserve view planes.
- Policy 4.13.4** It shall be the policy of Council to control new ground signs in the Town Centre (TC) zone and the Pesaquid Comprehensive Development District (Pesaquid CDD).  
(Amendment WMPS 17-01 effective March 6, 2018)
- Policy 4.13.5** It shall be the policy of Council to permit roof signs within industrial, ~~and~~ fairground ~~and~~ the Mixed Use (MU) zones only. It shall be the policy of Council to regulate the size of roof signs to address potential public safety hazards and structural damage.
- Policy 4.13.6** It shall be the policy of Council to particularly regulate the size and location of signs associated with local commercial uses to preserve the small-scale nature of these land uses.
- Policy 4.13.7** It shall be the policy of Council to prohibit the erection of signs on public property by non-governmental bodies unless specifically permitted by Council.

**3. Amend Section 9.0 in the Windsor Municipal Planning Strategy to remove reference to the textile mill site from the preamble, so that Section 9.0 reads as follows:**

**9.0 MIXED USE DEVELOPMENT**

(Amendment WMPS 06-01 Effective September 7, 2006)

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.~~

Council will consider mixed use developments by development agreement in the Residential, Commercial and Industrial designations outside the industrial parks. Where the proposed development is to be located in the Residential designation, the size, type and location of commercial uses will be carefully controlled to ensure the development is compatible with a residential area. Likewise, where a mixed use development is proposed for the Commercial or Industrial designation, Council wishes to ensure that the residential use will not compromise the commercial or industrial integrity of the area. Council feels, however, that within the commercial and industrial designation, provided the development is carefully planned, it may encompass a broader range of uses, including commercial, light industrial, institutional, recreational and residential.

### **9.1 Mixed Use in the Residential Designation**

**Policy 9.1.1** It shall be the intention of Council to consider mixed use residential/commercial developments with two or more dwelling units by development agreement in areas designated Residential subject to the following:

- (a) the density, scale and architectural design of the development are compatible with the surrounding area;
- (b) the development is reasonably consistent with the provisions of the Architectural Design Manual, if it is located in an Architectural Design Control District;
- (c) the development is reasonably consistent with the yard standards of the underlying zone;
- (d) the proposed development does not compromise the residential integrity of the area;
- (e) the commercial use is permitted in the General Commercial (GC) zone;
- (f) the commercial use is located at the street level and does not exceed one-third of the total floor area of the development;
- (g) adequate landscaping, open space and natural or artificial buffering is provided;

### **9.2 Mixed Use in the Commercial and Industrial Designations**

(Amendment WMPS 06-01 Effective September 7, 2006)

**Policy 9.2.1** It shall be the intention of Council to consider mixed use development by development agreement in the Commercial designation or the Industrial designation outside the industrial parks, subject to the following:

- (a) the proposed development consists of a combination of uses which may include commercial, light industrial, recreational, institutional and residential;
- (b) the architectural design of the development is sensitive to the existing built form and character of the surrounding area, and in particular:
  - (i) where the proposal involves the redevelopment of an existing building, the heritage of the building is taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s) are retained; and
  - (ii) if the proposed development is located in an Architectural Control District, the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual;
- (c) the density and scale of the development are compatible with the surrounding area;
- (d) the location of the proposed development does not adversely affect the existing pattern of development in the surrounding area, or restrict existing commercial and/or industrial development patterns;
- (e) where a light industrial use is proposed, it is not considered obnoxious or incompatible with the proposed residential or commercial components nor with adjacent land uses;
- (f) adequate landscaping, open space and natural or artificial buffering is provided;
- (g) adequate parking and safe pedestrian and vehicular access to the site is provided;
- (h) adequate parking and safe pedestrian and vehicular access to the site is provided;
- (i) adequate provision is made to minimize conflict with existing residential dwellings with respect to access, parking, noise and hours of operation;
- (j) no outdoor storage is permitted;
- (k) any other matter which may be addressed by development agreement; and
- (l) the provisions of Policy 16.3.1.

**4. Create Section 9.3 in the Windsor Municipal Planning Strategy to specifically describe the former textile mill site and create Policy 9.3.1, 9.3.2 and 9.3.3 which establish the Nesbitt Island designation and Mixed Use (MU) zone, so that Section 9.3 reads as follows:**

### 9.3 Nesbitt Island

The Nova Scotia Textiles 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 within the existing building, but these aspects were not completed by previous owners. The building 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.

Due to the visibility and location of the property adjacent to Highway 101, the potential for repurposing of the remainder of the former textile mill building, and resulting developer interest in the site, Council feels this property may have potential for redevelopment including a broad range of commercial, residential and recreational uses.

Built in 1884, the mill was an excellent example of a late 19th century industrial building and its highly visible location adjacent to Highway 101 made it a landmark. Where possible, any redevelopment or expansion of the Nova Scotia Textiles mill building should retain the architectural elements of the remainder of the building which contribute to the public façades on both Nesbitt Street and Colonial Road, as well as to the view from Highway 101. These elements include the brick façade and the shape of windows.

It shall be the policy of Council to:

- Policy 9.3.1** establish a Nesbitt Island designation as shown on the Generalized Future Land Use Map (Map 1) which will apply to the former Nova Scotia Textile's mill site and the Municipally owned lot abutting the former textile mill site where mixed-use development is to be encouraged.
- Policy 9.3.2** establish a Mixed Use (MU) zone in the Nesbitt Island designation which will apply to the former Nova Scotia Textile's mill site and the Municipally owned lot abutting the former textile mill site.
- Policy 9.3.3** permit in the Mixed Use (MU) zone a variety of land uses including but not limited to commercial, residential, institutional and recreation uses.

- 5. Create Policy 9.3.4 which allows Council to consider expanding the Mixed Use (MU) zone subject to specific criteria including the geographic location of properties that, a geotechnical assessment, as well as traffic generation and architectural design and scale of the proposal, so that Policy 9.3.4 reads as follows:**

#### Amendments

- Policy 9.3.4** consider amending areas to the Mixed Use (MU) zone only when the property:
  - (a) has frontage on Nesbitt Street or Colonial Road; and
  - (b) is located on the north side of Highway 101.In considering such amendments, Council shall have regard to the following:

- (a) a geotechnical assessment prepared by a professional Engineer stating that the site is suitable for the proposed development. If within the Environmental Constraints area the study should follow the requirements outlined in Section 12.0;
- (b) the proposed use is compatible with the character of the area regarding items including but not limited to traffic generation and architectural design and scale;
- (c) adequate landscaping, open space and natural or artificial buffering can be provided;
- (d) adequate parking and safe pedestrian and vehicular access to the site can be provided;
- (e) the provisions of Policy 16.3.1 are met.

**6. Create Policy 9.3.5 which allows Council to consider mixed use, multiple unit residential developments in excess of eight storeys in height in the Nesbitt Island designation by development agreement, subject to specific criteria, so that Policy 9.3.5 reads as follows:**

**Development Agreements**

**Policy 9.3.5** consider only by development agreement within the Nesbitt Island designation mixed use, multiple unit residential developments in excess of eight storeys in height. In considering such development agreements Council shall be satisfied that:

- (a) the proposed development consists of a combination of uses which are permitted in the Mixed Use (MU) zone;
- (b) the building will in no instance exceed 210 ft. (64 m.) in height;
- (c) the architectural design of the development is sensitive to the existing built form and character of the surrounding area, and in particular, where the proposal involves the redevelopment of the former textile mill building or the construction of a new building on the former textile mill site, the heritage of the building is taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s) including the brick construction and shape of windows are imitated on the first three storeys of the new building.
- (d) signage exceeding the Land Use By-law regulations may be considered where:
  - (i) the application is accompanied by an engineered design of the proposed signs, specifically detailing the method to secure the signs, if the signage exceeds the height requirements; and
  - (ii) illumination of the sign follows Section 5.18 of the Land Use By-law.
- (e) adequate landscaping, open space and natural or artificial buffering is provided;

- (f) adequate parking, safe and convenient pedestrian access, and vehicular access to the site is provided;
- (g) adequate provision is made to minimize conflict with existing residential dwellings with respect to hours of operation of commercial, institutional and recreation uses;
- (h) the application is accompanied by:
  - (i) a site plan drawn to scale showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;
  - (ii) a shadow study evaluating the shadow impact of the proposed development including building footprints, siting, massing, orientation and form, for various times during the day of four separate days quarterly within a calendar year;
  - (iii) a Traffic Impact Study (TIS) prepared by a qualified traffic or transportation Engineer and approved by the authority having jurisdiction, showing the adequacy of the existing and proposed road network to accommodate the proposed development. The TIS must also provide recommendations concerning the mitigation of any traffic-related issues which may be caused by the development;
  - (iv) a drainage and storm water management plan prepared by a professional Engineer and approved by the Municipal Engineer, demonstrating the impact the proposal will have on adjacent lands or existing storm water management systems and outlining how pre- and post-construction flows will be balanced;
  - (v) a geotechnical assessment is prepared by a professional Engineer stating that the site is suitable for the proposed development. If within the Environmental Constraints area, the study should follow the requirements outlined in Section 12.0;
  - (vi) other supporting maps showing the topography of the lot including contours at appropriate intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation;
  - (vii) photo examples, plans or elevation drawings showing the exterior design of the proposed buildings; and
  - (viii) 3D renderings showing the impact of the proposed development on the views from Fort Edward Historical Site.
- (i) any other matter which may be addressed by development agreement; and
- (j) the provisions of Policy 16.3.1.

7. Amend Section 10.1 in the Windsor Municipal Planning Strategy to remove reference to the textile mill site from the preamble and Policy 10.1.1, so that Section 10.1 reads as follows:

## 10.0 INDUSTRIAL

### 10.1 Light Industrial

The Windsor Industrial Park is mostly developed. In 2003, there were 16 businesses operating in the Park employing over 90 people. Most of the businesses currently located in the Park are considered light industrial uses, although there are several businesses, such as a bowling alley and car wash that are classified as commercial uses. There is a growing trend toward “business” parks, rather than parks devoted solely to industrial uses, and in recent years, the Town has received requests to allow various commercial uses in the Park. Provided such uses will not adversely affect the Town Centre, Council believes it may be appropriate to provide for some additional commercial uses in the Windsor Industrial Park. The additional uses may include certain highway commercial or other uses that would be less likely to locate in the downtown area because of their need for a large floor area or storage space.

There are several properties in Windsor used for industrial purposes which are not located within the two Industrial Parks including [Nova Scotia Textiles](#), the former Irving Oil bulk plant and the Windsor and Hantsport Railway yards.

**Policy 10.1.1** It shall be the policy of Council to establish an Industrial designation which shall apply to the Windsor Industrial Park and light industrial uses outside the park such as [Nova Scotia Textiles](#) and the railway yards, as shown on the Generalized Future Land Use Map (Map 1).

**Policy 10.1.2** It is the intention of Council to establish the Light Industrial (LI-1) zone in which permitted uses shall include light industrial uses, certain highway commercial uses and limited automotive uses.

**Policy 10.1.3** It shall be the intention of Council to consider the development of new light industrial uses outside of the designated industrial parks by development agreement, subject to the following criteria:

- (a) the proposed use is permitted in the Light Industrial (LI-1) zone;
- (b) the proposed use has direct access to an arterial road;
- (c) the proposed use is not considered obnoxious by virtue of noise, odours, dust or fumes;
- (d) the proposed use will not conflict with adjacent uses; (e) adequate parking and loading can be provided;
- (f) traffic flow and traffic and pedestrian safety are not adversely affected;

- (g) adequate landscaping and buffering are provided where the use abuts a residential or institutional use;
- (h) any other matter which may be addressed in a Land Use By-law; and
- (i) the provisions of Policy 16.3.1.

## Windsor Land Use By-law

Text amendments to the Windsor Land Use By-law to create a Mixed Use (MU) zone which allows a variety of land uses including but not limited to commercial, residential, institutional and recreation uses.

- 1. Amend Section 5.24 in the Windsor Land Use By-law to allow more than one building on a lot in the Mixed Use (MU) zone, so that Section 5.24 reads as follows:**

### 5.0 GENERAL PROVISIONS FOR ALL ZONES

#### One Main Building on a Lot

5.24 No person shall erect more than one main building on a lot except:

- (a) in the Light Industrial (LI-1) zone;
- (b) in the Joint Industrial Type Two (LI-2) zone;
- (c) in the Shopping Centre (SC) zone;
- (d) in the Fairground (FG) zone;
- (e) agricultural uses in the Agriculture (AG) zone;
- (f) grouped dwellings in the High Density Residential (R-4) zone;
- (g) in the Wentworth Road Commercial Zone; (amendment effective August 23, 2012)
- (h) in the Mixed Use (MU) zone.

- 2. Amend Section 6.1 in the Windsor Land Use By-law to allow Council to consider mixed use, multiple unit residential developments in excess of eight storeys in height in the Nesbitt Island designation by development agreement, so that Section 6.1 reads as follows:**

### 6.0 DEVELOPMENT AGREEMENTS

#### Developments to be considered by Development Agreement

6.1 The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:

- (t) mixed use, multiple unit residential developments in excess of eight storeys in the Nesbitt Island designation in accordance with Policy 9.3.5 of the Municipal Planning Strategy.

3. Amend Section 7.10 and 7.17 in the Windsor Land Use By-law to allow one ground sign for each business on the same lot and to allow the Mixed Use (MU) zone to follow the same sign requirements as the Fairground (FG) and Light Industrial (LI-1, LI-2 and LI-3) zones due to the proximity of the former textile mill site to Highway 101, so that Section 7.0 reads as follows:

## 7.0 SIGNS

### Ground Signs

- 7.9 Ground signs shall be set back a minimum of 5 ft. (1.52 m) from any street line, common lot boundary, driveway, aisle or parking area, with the exception of 40 Water Street where a ground sign footing that existed prior to 2005 may be used (Amendment WLUB 17-01 Effective March 6, 2018).
- 7.10 Where a property in the Shopping Centre (SC), Highway Commercial (HC), Wentworth Road Commercial (WR-C), Fairground (FG) or Light Industrial (LI-1, LI-2 and LI-3), or Mixed Use (MU) zone is occupied by more than one business, one ground sign permitted under Section 7.18 advertising the different businesses located on the property may exceed the maximum sign area requirements up to a maximum sign area of 125 ft<sup>2</sup> (11.61 m<sup>2</sup>). (Amendment WLUB 07-02 Effective September 21, 2007 and WLUB 09-02 Effective September 3, 2009))

...

### Sign Restrictions by Zone

- 7.17 No development permit shall be issued except in conformity with the following:

	(i) TC and Pesaquid CDD	(ii) LC	(iii) GC, WR-C, HC and SC	(iv) FG, LI-1, LI-2, LI-3 and MU	(v) I and OS
(a) <b>Maximum Number/Area of Signs</b>	total of 2 signs per business premises with additional by development agreement, excepting businesses with no street frontage at 40 Water Street which are permitted to share a single ground sign (Amendment WLUB 17-01 Effective March 6, 2018)	1 non-illuminated facial wall sign or 1 projecting sign per business premises	Combined area of all signs shall not exceed 3 ft <sup>2</sup> (0.28 m <sup>2</sup> ) for every 1 ft (0.30 m) of lot frontage	Combined area of all signs shall not exceed 3 ft <sup>2</sup> (0.28 m <sup>2</sup> ) for every 1 ft (0.30 m) of lot frontage	1 identification sign not more than 3 ft <sup>2</sup> (0.28 m <sup>2</sup> ) in area; 1 other sign; and unlimited interpretive signage. On any sign, commercial advertising or sponsorship shall not exceed 1 ft <sup>2</sup> (0.09 m <sup>2</sup> ).
<b>Facial Wall Signs</b>					
(b) <b>Maximum Number</b>	1 sign per business premises	See (a)(ii) above	See (a)(iii) above	See (a)(iv) above	See (a)(v) above
(c) <b>Maximum Sign Area</b>	15% of the area of the wall to which it is attached	15% of the area of the wall to which it is attached up to 20ft <sup>2</sup> (1.86 m <sup>2</sup> )	15% of the area of the wall to which it is attached	15% of the area of the wall to which it is attached	20 ft <sup>2</sup> (1.86 m <sup>2</sup> ), excluding interpretive signage
<b>Roof Signs</b>					
(d) <b>Maximum</b>	N/A	N/A	N/A	1 sign per business	N/A

<b>Number</b>				premises	
<b>(e) Maximum Sign Area</b>	N/A	N/A	N/A	1 ft2 (0.09 m2) for every 1 ft 90.3 m) of roof length up to 100 ft2 (9.29 m2)	N/A
<b>Projecting Signs</b>					
<b>(f) Maximum Number</b>	1 sign per business	See (a)(ii) above	See (a)(iii) above	See (a)(iv) above	See (a)(v) above
<b>(g) Maximum Sign Area</b>	30 ft2 (2.79m2)	20 ft2 (1.89 m2)	30 ft2 (2.79 m2)	30 ft2 (2.79 m2)	30 ft2 (2.79 m2)
<b>Ground Signs</b>					
<b>(h) Maximum Number</b>	A single ground sign for businesses without street frontage at 40 Water Street. Additional ground signs may be considered by development agreement as per section 6.1 (e) or (g) (Amendment WLUB 17-01 Effective March 6, 2018)	N/A	1 sign for every 50 ft (15.24m) of road frontage up to 3 signs	1 sign for every 50 ft (15.24 m) of road frontage up to 3 signs	See above
<b>(i) Maximum Height</b>	17 ft (5.18m) for businesses without street frontage at 40 Water Street	N/A	35 ft (10.67 m)	35 ft (10.67 m)	10 ft (3.05 m)
<b>(j) Maximum Sign Area</b>	40 ft2 (3,70m2) for businesses without street frontage at 40 Water Street (Amendment WLUB 17-01 Effective March 6, 2018)	N/A	50 ft2 (4.64 m2)	50 ft2 (4.64 m2)	25 ft2 (2.32 m2), excluding interpretive signage

**4. Create Section 31.0, *Mixed Use (MU) Zone*, in the Windsor Land Use By-law which outlines the permitted uses and zone requirements of the Mixed Use (MU) zone, so that Section 31.0 reads as follows:**

### **31.0 MIXED USE (MU) ZONE**

#### **Permitted Uses**

31.1 The following uses shall be permitted in the Mixed Use (MU) zone:

- Arts and crafts studios including photography
- Banks and financial institutions
- Clinic
- Clubs and community organizations
- Commercial brewery

- Commercial schools
- Commercial winery
- Convenience store
- Country inns
- Day care centres, licensed and non-licensed
- Dry cleaning and laundry establishments
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farm markets
- Garden and nursery sales and supplies
- Grouped dwellings
- Hotels and motels
- Institutional uses
- Licensed liquor establishments
- Microbrewery
- Microdistillery
- Mixed use, multiple unit developments containing any of the permitted commercial uses listed in this zone
- Museums
- Offices
- Parking structures
- Postal Outlet
- Recreation Uses, Indoor and Outdoor
- Repair and rental establishments
- Residential uses (not on the ground floor of a mixed-use building)
- Restaurants, excluding drive-through restaurants
- Retail stores
- Service and personal service shops
- Support service
- Taxi, train and bus stations
- Veterinary clinics and animal hospitals
- Winery

**Mixed Use (MU) Zone General Requirements**

31.2 In the Mixed Use (MU) zone, no development permit shall be issued except in conformity with the following:

	<b>Commercial Uses</b>	<b>Mixed Use, Multiple Unit Residential</b>	<b>Grouped Dwellings</b>
Minimum lot area	10,000 sq. ft. (929.00 sq. m.)	1 acre (43,560 sq. ft.)	1 acre (43,560 sq. ft.)
Minimum lot frontage	100 ft. (30.48 m.)		

Minimum front yard	25 ft. (7.62 m.)	
Minimum rear and side yard	20 ft. (6.096 m.)	
Maximum stories in main building	3 storeys	8 storeys
Maximum height of main building	40 ft. (12.19 m.)	85 ft. (25.91 m.)
Maximum height of accessory building	15 ft. (4.57 m.)	30 ft. (9.14 m.)

**Access**

31.3 Entrance to and exit from properties zoned Mixed Use (MU) shall be restricted to one (1) driveway on every street or road for every 100 ft. (30.48 m.) of lot frontage. On a corner lot, access shall be restricted to not more than three driveways to the lot.

**Buffering**

31.4

- (a) A development on a property zoned Mixed Use (MU) shall provide a buffer strip along any lot line abutting a Residential or Institutional use.
- (b) The buffer required in (a) shall contain:
  - (i) a mix of local species of coniferous trees a minimum of 20 ft. wide. At planting, each tree shall have a diameter of at least 2 in. measured at 4.5 ft. above the surrounding grade and a minimum height of 5 ft.; or
  - (ii) a hedge of a variety of coniferous shrubs a minimum of 20 ft. wide, each of which will reach over 6 ft. in height at maturity; or
  - (iii) a berm which is a minimum of 6 ft. in height to buffer the abutting property; or
  - (iv) a wall or an opaque fence which is a minimum of 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.
- (c) No buffer strip shall be required along the street frontage of any lot.
- (d) Walkways or permitted driveways are permitted to cross buffer strips.

**Landscaping**

31.5

- (a) There shall be a landscaped area that runs the length of and directly abuts the front lot line along Colonial Road, excluding driveway openings and walkways.
- (b) The landscaped area shall be grassed, or other appropriate vegetative ground cover used, and trees shall be planted at intervals no greater than 50 ft. (15.24 m.) on centre. New trees shall have a minimum caliper of 2 in. (5.08 cm.) and a minimum height of 5 ft. (1.52 m.). Shrubs with a minimum

height of 1.5 ft. (0.46 m.) shall be planted in clusters of three plants or more at a minimum rate of one cluster per 50 ft. (15.24 m.) of frontage. Where possible, existing trees and shrubs may be retained and included in the calculation of plantings required.

- (c) For groups of parking spaces containing 24 or more spaces, landscaped islands with a minimum permeable surface area of 100 sq. ft. (9.29 sq. m.) shall be provided within the parking lot at a rate of one island per 20 parking spaces. Islands may be located at the end of banks of parking stalls or separating banks of parking stalls. Landscaped islands may include shrubs, perennials, annuals or ground cover and shall include at least one tree, having a minimum caliper of 2 in. (5.08 cm.) and a minimum height of 5 ft. (1.52 m.), per island. These requirements do not apply to covered or enclosed parking areas.

### **Open Storage**

31.6 No open storage shall be permitted in the Mixed Use (MU) zone.

### **Parking**

31.7

- (a) Notwithstanding the parking requirements in Section 5.25 of the Land Use By-law, parking in the Mixed Use (MU) zone is required at one parking space per dwelling unit. All other parking requirements shall follow the requirements in Section 5.25 of the Land Use By-law.
- (b) Required parking may be provided on a lot other than the lot on which the use is located by development agreement subject to Policy 4.11.3 of the Municipal Planning Strategy.

### **Pedestrian Access**

31.8 An unobstructed pedestrian walkway, having a minimum width of 5 ft. (1.52 m.), and constructed of concrete, asphalt, brick or other hard surface paver, shall be provided between the street and the building entrance. When pedestrian walkways cross parking areas or internal vehicle lanes, a marked crosswalk shall be required.

### **Recreational Space**

31.9 Recreational space shall be provided as required in Section 10.5.

### **Architectural Design**

31.10 The architectural design of the development shall be sensitive to the existing built form and character of the surrounding area, and in particular, where the proposal involves the redevelopment of the former textile mill building or the construction of a new building on the former textile mill site, the heritage of the building shall be taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s) including the brick construction and shape of windows shall be imitated on the first three storeys of the new building.

**Attachment B**  
**General Criteria for Amendments**

**Windsor Municipal Planning Strategy**

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

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	<p>Given the size and scale of the proposed development on the former textile mill site, the Public Works Engineering division required the applicant to engage CBCL to evaluate water and sewer capacity. In response to the completed studies, the Public Works Engineering division provided the following comment: <i>“The evaluation showed there is current capacity for both water and sewer servicing. As explained in the water analysis a PVR chamber will be required to be installed by the developer and meet our Municipal Specifications.”</i></p> <p>In response to a question from Planning staff about the required PVR chamber, the Public Works Engineering division added that <i>“the PRV chamber is required for fire flows resulting from the proposed development. Currently we have a low-pressure zone that includes the Nesbitt St area, there are two water mains that service this area, one main that crosses the 101 Hwy at Exit 6 and one near Exit 5a. The 5a watermain has a closed valve to allow the low-pressure zone to operate correctly. With the proposed development the water must be able to flow from two directions and therefore the closed valve must be replaced with a PRV chamber (Pressure Regulating Valve). The PRV will allow the low-pressure zone to operate along</i></p>

	<p><i>with provide fire flows if / when needed as the PRV will automatically open.</i></p> <p><i>The PRV chamber would need to be located on Municipal property or along Colonial Drive. Another option would be to install the chamber near the Works Garage on by Park Drive (recommended), the PRV chamber would need to be designed and constructed / installed at the developer's expense and then turned over to the utility to be owned and operated."</i> The applicant is aware of this requirement.</p>
<p>(ii) the adequacy of school facilities;</p>	<p>The Director of Operations for the Annapolis Valley Regional Centre for Education stated <i>"The proposed development of 164 residential units at 368 Nesbit Street may impact the enrollment at schools within the respective catchment(s). These schools include Windsor Elementary School (WES), West Hants Middle School (WHMS) and Avon View High School (AVHS). Projected student enrollment data through 2027 indicates sufficient capacity for additional enrollment at all three (3) schools. This includes school capacity as well as supporting student transportation."</i></p>
<p>(iii) the adequacy of fire protection;</p>	<p>In response to an inquiry, the Manager of Building and Fire Inspection Services noted that they <i>"need comments from Fire Chief on being able to fight a fire in a high-rise building"</i> and that they will <i>"do a full plan review when submitted."</i> Additionally, they <i>"need comments from Public Works on adequate water supply for sprinkler and consumption, also adequate sewer for large development."</i> Otherwise <i>"good to go on my end if everything else is met."</i></p>

	<p>The Public Works related comments are answered in 16.3.1 (a)(i).</p> <p>The local Fire Chief (2023) noted that they would like <i>“as much access as possible across that front pavilion for the aerial trucks. The other sides look fairly accessible with exception of page 8, leftmost side I'd like more access (wider laneway) if possible, to give us setback for the bigger aerals.”</i> They noted <i>“this is one of these places that high-rise training will come into play.”</i></p> <p>The Municipal Operations Supervisor / Emergency Management Coordinator commented stated that the Fire Chiefs plan to establish <i>“policy and procedures (and training) to address the increase in proposed developments and more specifically, high-rises (anything over five storeys) in a regional fire services approach.”</i> The local Fire Chief (2023) added that between Windsor, Brooklyn and Hantsport Fire Departments towers, aerals and quints, and <i>“with available backup of 3 more tower ladders within 25-minute eta (Kentville, New Minas and Wolfville) we should be good for ladder units.”</i></p> <p>As there was a new local Fire Chief for Windsor appointed in 2024, Planning staff requested comment from the new local Fire Chief in relation to this proposal. The local Fire Chief (2024) stated <i>“Having a look at the drawings. I don't have any issues with this project. Seems to be plenty of access for responding units. I can sign off on this with the information presented.”</i></p>
<p>(iv) the adequacy of road networks adjacent to, or leading to the development; and</p>	<p>Colonial Road is designated a local road on the Transportation Map of the WMPS and an arterial road where Colonial Road connects</p>

	<p>at the Highway 101 on ramps. Nesbitt Street designated as a local road. Highway 101 is a regional roadway.</p> <p>In response to questions from Planning staff on whether the existing and proposed streets are adequate to support the development and whether existing streets will require major infrastructure improvements as a result of this development, the Municipal Traffic Authority stated that Colonial Road is currently adequate to support the proposed development and is under construction by the Province. They added that <i>“The portion of the street from Nesbitt to the proposed development is gravel. It should be paved to the standard of the WHRM Specifications.”</i></p> <p>A Traffic Impact Study was requested from the applicant by the Provincial Department of Public Works (NSDPW). The NSDPW stated that this Traffic Impact Study will determine the adequacy of existing infrastructure to support the proposed development and impacts on traffic generation and traffic safety. The Provincial Department of Public Works noted that <i>“major infrastructure upgrades may be required as a result of the development”</i> however, they are still reviewing the Traffic Impact Study.</p> <p>In relation to this proposal, staff will require final comments from both traffic authorities either at development permit stage if the applicant chooses to develop as-of-right, or at the development agreement stage if the applicant continues to pursue the full 19-storey, mixed-use proposal.</p>
<p>(v) the financial capacity of the Town to absorb any costs relating to the development.</p>	<p>There are no anticipated costs to the Municipality regarding these amendments.</p>

<p>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</p>	<p>Policy 16.3.1 (a) (iv) outline the specific comments from the Provincial and Municipal Department of Public Works in relation to vehicular traffic.</p> <p>The draft amendments to the WLUB require an unobstructed pedestrian walkway, having a minimum width of 5 ft. (1.52 m.) to be provided between the street and the building entrance. Additionally, the amendments specify that when pedestrian walkways cross parking areas or internal vehicle lanes, a marked crosswalk will be required.</p> <p>There is no active rail line in the vicinity.</p>
<p>(c) the adequacy of the dimensions and shape of the lot for the intended use;</p>	<p>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. The lot is sufficient to accommodate as-of-right uses that would be permitted through the proposed WMPS and WLUB amendments.</p> <p>Further evaluation on the full 19-storey, mixed-use proposal would be conducted in the report for the development agreement.</p>
<p>(d) the pattern of development which the proposal might create;</p>	<p>The proposed WMPS and WLUB amendments change the designation of former textile mill site from “Industrial” to “Nesbitt Island” and changes the zoning from Light Industrial (LI-1) to the Mixed Use (MU) zone. This new designation and zone will allow a variety of land uses as-of-right including but not limited to commercial, residential, institutional and recreation uses. It also allows Council to consider mixed use, multiple unit residential developments in excess of eight storeys in height by development agreement, subject to specific criteria. The new designation and zone is a</p>

	<p>change for the mill island area of Windsor, and the full 19-storey, mixed-use proposal will be a one-of-a-kind proposal for the Municipality. However, the new designation and zone are only proposed to apply to the former Nova Scotia Textile’s mill site and the Municipally owned lot abutting the former textile mill site. This will limit the pattern of development these amendments may create. Additionally, staff created Policy 9.3.4 which allows Council to consider amending the zoning of other properties to the Mixed Use (MU) zone, however, the criteria that need to be met are very specific including the geographic location of properties that may be considered, a geotechnical assessment that is required, as well as traffic generation and architectural design and scale of the proposal.</p>
<p>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</p>	<p>The subject lot is relatively flat, and no watercourses are present.</p> <p>The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. 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 PID 45056447 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.</p>

	<p>Any new construction on site would have to meet the requirements of Section 27.0 of the WLUB and any other requirements of the Municipality.</p> <p>PID 45227279 is within the Environmental Constraints area and is identified as marshland within the Tregothic Marsh. This lot is not exempt from the Agricultural Marshland Conservation Act (2001) therefore any future development would have to comply with both the Provincial and Municipal regulations.</p> <p>It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.</p>
<p>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</p>	<p>All Municipal, Provincial and Federal regulations will have to be met.</p>
<p>(g) any other matter required by relevant policies of this Strategy.</p>	<p>Based on the existing designation and zoning of the former textile mill site, Policy 9.2.1 could be used to consider mixed use development by development agreement subject to specific criteria. However, as the former textile mill site has been underutilized since 2005 and the proposal for this site is a major change in the development environment, Council can consider amending the WMPS and WLUB using Policy 16.1.1. If the amendments are approved, the designation and zoning of the lot would change, and Policy 9.2.1 would no longer apply to this lot.</p> <p>There are no other relevant policies of this Strategy.</p>

**Attachment C**  
**Public Information Meeting Notes**  
**June 19 – July 3, 2023**  
**File 23-02**  
**PID 45056447, 368 Nesbitt Street**

<p><b>Meeting date and time</b></p>	<p>A Public Information Meeting was held on June 19, 2023, beginning at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.</p>
<p><b>Attending</b></p>	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> <li>• Councillor Murley (Chair)</li> </ul> <p>Three (3) members of staff:</p> <ul style="list-style-type: none"> <li>• Director Poirier</li> <li>• Meeting Secretary Lake</li> <li>• CAO Phillips</li> </ul> <p>Applicants:</p> <ul style="list-style-type: none"> <li>• Jenifer Tsang, Jacob Ritchie and 4 other members of the United Gulf team.</li> </ul> <p>PAC/HAC members:</p> <ul style="list-style-type: none"> <li>• Councillor Ivey</li> <li>• Tasha Rogers</li> <li>• Mayor Zebian</li> </ul> <p>8 members of the public attended the meeting in-person.</p>
<p><b>Applicant</b>  Jenifer Tsang of Sunrose Land Use Consulting on behalf of the property owner 3321153 NOVA SCOTIA LIMITED / United Gulf Developments Ltd.</p> <p><b>Subject Lot</b>  368 Nesbitt Street, PID 45056447</p>	<p>Planner Poirier outlined the to permit:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• commercial uses to include: offices, museum, general retail and services, and café;</li> <li>• restaurant in a separate building;</li> <li>• outdoor commercial recreation space; and</li> <li>• specific considerations for: signage and illumination, parking requirements, size and design of building, and buffering.</li> </ul> <p>The applicants made a formal presentation.</p>

<p><b>Comments</b></p>	<p>Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between June 19 – July 3, 2023. An additional submission received by staff on August 2, 2023, is attached.</p> <p>1 member of the public spoke at the Public Information Meeting. 3 comments or questions were received via mail, email or phone. The comments or questions from the public are summarized below. Email responses are attached. Staff and applicant responses are included in purple.</p> <p>At the Public Information Meeting the following comments were made:</p> <ul style="list-style-type: none"> <li>• Scott Burgess noted that he is not against the development as the site needs to be redeveloped, however he is concerned with the 19 storey building. He noted that any redevelopment of the site should keep the textile mill history. He is concerned about the site lines from Fort Edward as he doesn't want the development to disturb the view of the Avon / St. Croix river connection. He is also concerned about the large hockey stick being illuminated at night, disturbing surrounding residences.</li> </ul> <p>Based on Scott's experience and qualifications as a building and fire inspector he is extremely concerned with the ability for the WHRM fire departments to fight a fire in a 19-storey building. He understands that sprinklers will be required in the building code, however if a fire was to overwhelm the sprinkler systems the fire fighters would have to carry the hoses up the stairs in the 19-storey building. He believes the WHRM fire fighting services are not set up at this time to fight a high-rise fire and is against the 19-storey proposal. He suggested the developers construct two 10-storey buildings on one podium instead.</p> <p>Telephone conversations included the following: June 22<sup>nd</sup>, 2023</p> <ul style="list-style-type: none"> <li>• Wayne Sanford, a resident living on Nesbitt St., called to discuss his concerns with the proposed development which included the following: <ul style="list-style-type: none"> <li>• Mill Lake water supply;</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>• Stormwater management for the proposed development, as the development is adding more impermeable surfaces to an area that already experiences water in the ditches if the tide is high;</li> <li>• Increase in property taxes in Windsor which will make it more expensive to live here. Worried that the young people that have moved here or are trying to move here won't be able to afford living in Windsor anymore;</li> <li>• Believes the winter shadow study shown by the developer is inaccurate with reference to his property and that the shadows could impact his ability to invest in solar on his property;</li> <li>• Unsure if there is enough parking to accommodate the different uses proposed;</li> <li>• Already has traffic concerns with trucks speeding down the road and causing major dust issues and shaking items off the walls in the house. Concerned this will increase with development on this site;</li> <li>• This development will change Nesbitt St. They currently enjoy the benefits of Windsor but are on a dead-end street outside of the busy areas of Windsor.</li> </ul>
<b>Adjournment</b>	The meeting was adjourned at 6:34 p.m.

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

**From: Denise Forand**

**Date: June 20, 2023**

**To: Sara Poirier**

Dear Sara, Planner

In regards to the high 19 story mixed uses apartment building proposal, I am not in favour of the municipality going from 4 stories maximum to 19.

I question the load factors on that specific land for a giant high tower.

Will Colonial Way connect to the exit 5 to have two access routes?

I would love a recreation of the leaning tower of Windsor. It truly was a landmark where as Hockey is still always a debate.

Just my thoughts and concerns of direction for our future.

Thank You, Denise

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**From: Sara Poirier**

**Date: June 23, 2023**

**To: Denise Forand**

Hi Denise,

Thank you for your comments. I will ensure they are passed along to the Planning and Heritage Advisory Committee and Council when considering this proposal.

There is no indication from the Nova Scotia Department of Public Works for an additional highway connection to this site.

All the best,  
Sara

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**From: Shawn Foley**

**Date: June 21, 2023**

**To: Mayor Zebian**

Good day Abe,

I am reaching out to you today because of a Concept drawing you posted on Facebook of the Windsor Textiles Mill Location. After close examination it looks as if you removed some existing residential houses. I do have an interest in this development whereas my parent's home would be removed.

Would you be so kind as to email me a formal development plan. I would like to see the property outlines to see if I need be concerned.

Kind Regards,

Shawn Foley

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**From: Mayor Zebian**

**Date: June 21, 2023**

**To: Shawn Foley**

Hi Shawn. Thanks for the email.

The picture was provided by the developer of the former Windsor Wear Textile site.

The following link will take you to the staff and developer presentation that was held on Monday evening:

<https://www.westhants.ca/staff-reports.html> You will find this particular file under the Nesbit Street proposal.

You can also view the presentation on the West Hants Regional Municipality Facebook page.

If I recall correctly from the presentation, they have measured the closest side yard to be 26' to the closest property and up to over 100' to others.

I hope this helps.

Abraham Zebian

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**From: Shawn Foley**

**Date: June 21, 2023**

**To: Mayor Zebian**

Abe,

Thank you for the quick response, I will have a look and get some solid information. I'm sure all is well, but Mom and Dad are not getting any younger and I just want to make sure they are looked after.

Thank you again.

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**From: Shawn Foley**

**Date: June 21, 2023**

**To: Mayor Zebian**

I have reviewed the concept and in the proposed drawings it appears that [REDACTED] Nesbitt would lose accesses to Nesbitt St.

PowerPoint Presentation slide 7 of 21

<https://www.westhants.ca/planning/staff-reports/2023-staff-reports/4526-2023-06-19-pim-presentation-pdf/file.html>

Can you confirm this?

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**From: Mayor Zebian**

**Date: June 21, 2023**

**To: Shawn Foley and Sara Poirier**

Hi Shawn. I believe the question was posed to the developer and they stated they will ensure access remains as is. Director Poirier may be better to confirm this with confirmation with the developer (if the proposal is to be approved by council).

Abraham Zebian

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**From: Shawn Foley**

**Date: June 21, 2023**

**To: Mayor Zebian and Sara Poirier**

Thank you kindly,

If, I can have this confirmed, That the property in question, [REDACTED] Nesbitt St will still have the same vehicle access to Nesbitt St as prior, in an email before July 03, 2023 that would be great.

Thank you again.

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**From: Sara Poirier**

**Date: June 22, 2023**

**To: Shawn Foley and Mayor Zebian**

Good morning, Shawn,

Thank you for your email. I believe the access for [REDACTED] Nesbit St (PID [REDACTED]) to Nesbit St is written into the deed of the property (i.e., access to Nesbit St for those properties would have to be maintained). I have reached out to the developer for confirmation that the access to [REDACTED] Nesbit St will not change in relation to this proposal. I will get back to you as soon as I have that confirmation.

All the best,

Sara

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**From: Sara Poirier**

**Date: June 30, 2023**

**To: Shawn Foley and Mayor Zebian**

Good morning, Shawn,

I received a response from the developer related to the access to [REDACTED] Nesbit St (PID [REDACTED]) below.

“Please share with the neighbour that we have no intention to change the use of that portion of the property or affect the access to [REDACTED] Nesbit Street.”

All the best,

Sara

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**From: Marty Butler**

**Date: August 2, 2023**

**To: Sara Poirier**

Hello Sarah,

My name is Marty and I am a resident and business owner in Windsor, NS. I have recently had the chance to review the materials available on the Windsor West Hants website about the development proposal at 368 Nesbit Street and I would like to express my thoughts about the project in a manner that will ensure my voice is heard in the correct channels.

Preamble: I have grown up in a very rural, agricultural based community and have had the opportunity to live in small city (Guelph, ON) and a large city (Toronto, ON), as well as the privilege of travelling to many communities throughout Canada, the USA, and Europe. Urban development and city planning has always been something of a hobby of mine and I have been

conscious of the growth in the communities I have lived in. I am understand the value of dense, liveable, and accessible communities and hope that Windsor can achieve this as it grows.

Elements of the project that I support:

1) I love the concept of rehabilitating the old textile building. It will help maintain some of the character of the town and allow future generations to remember the industrial heritage of the community.

2) Mixed use developments are an excellent way to create walkable, livable communities. I support the town's goal to encourage a mixed use development on this site.

Elements of the project that I have concerns about:

3) The tower proposed on this site is 19 stories tall (81m). This will make is a monolith in the community and will not provide a graceful transition between the tower and the surrounding community. An easy comparison to an existing structure is the student residential building at Acadia university, it towers over the surrounding community, blocks the sun from its neighbours, and is generally an eye-sore. Furthermore, Windsor does not have an ultra dense downtown core like Toronto that would facilitate the need for tall residential towers and there are no tall buildings that this development will abut to visually ground it within the geographical area. During this decade, I do not think Windsor should allow developments taller than 8 stories unless there is a clear way to leverage more stories with affordable housing to a maximum of 10-12 stories.

4) Additionally, the amount of single layer, ground level parking and other low density commercial applications around the site will make entire project unbalanced. It hearkens back to the outdated "tower in a park" concept that has fallen out of favour amongst urban planners. This proposed 19 story tower surrounded by acres of parking lot will not look welcoming, modern, or attractive. It will give the impression of a suburban, car dependent, commercial region off the highway e.g. Bayers lake, New Minas etc.

5) I will preface the following comment by acknowledging that it is my personal opinion. The giant back-lit hockey stick and puck themed restaurant is, in my opinion, gimmicky, ugly, and will cheapen the existence of this town to nothing more than gaudy roadside attraction. Windsor needs to focus on creating an aesthetically beautiful streetscapes with a focus of plentiful and accessible housing and thriving commercial interests and industry. The hockey stick concept gives the impression of Las Vegas, or Niagara Falls which are well known tourist destinations that are notorious for their glossy veneers and bright lights being used to hid very ugly and impractical designs for locals.

6) How much of the proposed recreational spaces will be publicly accessible and free for town residents? Is the museum going to be part of the Nova Scotia Museum collection or is it going to be privately run? I understand that Windsor has a rich historical connection to ice hockey and there is already a small hockey museum within the Haliburton House Museum. Do you know if the developers of this new hockey museum are collaborating with the operators of the existing museum?

Broader Concerns about Windsor:

7) Is there any control the community can have on forcing the developer to build a certain percentage of 2 and 3 bedroom units? There is a common problem across all new developments in Canada in communities of all sizes: new condo buildings contain too high of a percentage of bachelor and one-bedroom units. This creates demographic problems because young families are forced to move out of the region, or at the very least out of the area they currently call home, due to lack of supply of multi-bedroom units. It also reduces the ability for residents to subsidize their rent or mortgage by taking on roommates.

8) How accessible will this development on Nesbitt Street be for cyclists and pedestrians travelling from the Windsor downtown? Is there going to be a comfortably-wide sidewalk across the new highway bridge or have some other plans been established? If Windsor plans to develop that side of the highway it will need to create safe sidewalks, pedestrian bridges, and intersections for pedestrians and cyclists. Communities like New Minas and Sackville, already show how isolated certain areas of a town can become when pedestrian mobility is not prioritized.

9) Does the community have any mechanism for encouraging developers to build affordable housing? It should develop one if it does not already.

10) Does Windsor and West Hants have a larger "Master Plan" for community development and infrastructure that encompasses a theme and direction for all future development plans? Many changes will happen across the province and Windsor would be wise to have a cohesive strategy to deal with global warming, disaster preparedness (flooding/fires/pandemics), affordable housing, aesthetics, accessibility, and inclusivity. I have a particular interest in understanding how Windsor/West Hants is advocating for public transit through the JRTA. Is there a good location for a regional rail stop within the town limits? Will this be close to the Nesbit Street development or the downtown? Issues like these are not the purview of the developer, but of Council. As a resident, I do not want to see random development popping up with zero cohesion -- it will decimate the good parts of Windsor and give way to useless urban sprawl, which studies routinely show does NOT increase affordability.

11) Many developers talk about the need for supply -- it's certainly a buzzword in Nova Scotia housing. However, it's come to my attention that development agreements with West Hants give developers 10 years to break ground. This town will be wildly different in 10 years -- and we need housing solutions to start now. Further to my comment about needing a master plan, the county also needs to hold developers to account; the start timeline should be 3 years maximum. If a developer is not ready to break ground within 3 years, they should not be submitting planning applications. Even the most conservative lenders and builders can gather enough to start a project within 3 years of getting planning permission. This is doubly true since the process of getting permission can take up 3-6 months -- adding extra time to that 3 year horizon.

Thank you for taking the time to read my input,

Sincerely,

Marty Butler

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**From: Sara Poirier**

**Date: August 9, 2023**

**To: Marty Butler**

Hello Marty,

Thank you for submitting your comments on the proposal. I will pass them along to the developer and to the Planning and Heritage Advisory Committee (PAC/HAC) at the September meeting.

A few notes in response to your comments below:

- The developer has been communicating with the existing Windsor Hockey Heritage Society to have them potentially relocate to this building.
- The planning documents can only enable certain types of overall developments, they cannot require a certain type of unit structure (i.e., ration of 1, 2 and 3 bedroom units). However, this could be negotiated with the developer through the development agreement process if Council considers this a priority.
- The planning documents do not have any requirement for affordable housing. This is something staff are in the process of reviewing by direction from the PAC/HAC on June 27, 2023.
- WHRM has documents (planning, climate change action, active transportation, etc.) which are considered when development applications are received. There are also a

variety of active Committees (PAC/HAC, MCCAP, AT, etc.) that influence planning decisions.

- I sit on the JRTA as the WHRM representative to discuss local transportation challenges/opportunities and learn more about the development of the provincial transportation plan.

All the best,

Sara



**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:** June 13, 2024

**Subject:** Development Agreement: Windsor Back Road, Three Mile Plains PID 45402831; File #22-33

**LEGISLATIVE AUTHORITY**

Section 230 of the Municipal Government Act.

**RECOMMENDATION**

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow grouped multi-unit buildings on PID 45402831 in Three Mile Plains which is substantively the same as the draft set out in Attachment C of the report File #22-33 to the Planning and Heritage Advisory Committee dated June 13, 2024.

...that PAC/HAC recommends that Council require that the development agreement with Jeff Marchand of Marchand Developments Ltd. for PID 45402831 in Three Mile Plains 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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A complete application was received on October 4, 2023, from Chrystal Fuller of Brighter Community Planning & Consulting on behalf of the property owner Marchand Developments Ltd. The application seeks approval for a grouped dwelling arrangement with 3 buildings, each containing 29 units and including underground and surface parking. The units would be a mixture of one-, two- and three-bedroom units. The development would total 87 units and the buildings would not exceed three storeys in height. The application describes a central open space and landscape buffering surround the buildings to help separate the buildings from existing lower density development in the area.

## **DISCUSSION**

The subject lot PID 45402831 is approximately 3.9 acres (15,874 sq. m.) in size and arranged in a flag lot shape, with approximately 21.5 m. (70.5 ft.) of road frontage. The subject lot is designated Residential on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). The subject lot is zoned Two-Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2) and is located within the Three Mile Plains Growth Centre where central sewer and water services are provided.

Grouped dwellings are not permitted as-of-right in the Two-Unit Residential (R-2) zone but can be considered by development agreement in accordance with Policy 5.3.10.

Part 5.3 of the WHMPS contains the overall intention for properties designated Residential in the Three Mile Plains Growth Centre. This community is intended to accommodate a variety of residential developments with multiple housing types.

The subject lot directly abuts other properties designated Residential and zoned Two Unit Residential (R-2). These properties are all within the Three Mile Plains Growth Centre and include existing residential uses, forested land, and some agricultural uses.

### **Development Agreement**

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

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

## **Proposed Development Agreement**

During the inquiry process of the proposal, the Development Officers indicated that there was a watercourse present on the mapping for the subject lot. Under normal circumstances, this would require a 50 ft. setback from any identified watercourse. In response to this concern, the applicant submitted a Watercourse Assessment and Species at Risk Screening letter (Attachment D) to staff. This document outlined recommendations to the developer to avoid potential impacts on wildlife and a professional opinion that the drainage ditch located on the subject lot does not meet the requirements of a watercourse. Following receiving this letter, staff contacted the Nova Scotia Department of Environment and Climate Change (NSECC) for confirmation of the finding within the letter provided. A representative of NSECC responded and conducted a site visit to the subject property. The NSECC representative confirmed the findings of the Watercourse Assessment and Species at Risk Screening letter and provided a verbal report to staff. After waiting for written confirmation from NSECC for a number of months with no reply, the applicant requested that staff move forward with the application based on the submitted Watercourse Assessment and Species at Risk Screening letter prepared by a qualified person. After discussing internally, staff determined that the submitted letter and a verbal confirmation from the NSECC was sufficient evidence to proceed with the application and conclude that there is no watercourse present on the subject lot.

## **West Hants Land Use By-law**

Section 6.1 of the WHLUB, Development Agreements, states that “The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:

- (c) grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre in accordance with Policy 5.3.10 of the Municipal Planning Strategy;*

## **West Hants Municipal Planning Strategy**

Part 5.0 of the WHMPS contains the overall intention for Growth Centres in West Hants; Section 5.3 outlines the residential policies for the Three Mile Plains Growth Centre. Policy 5.3.10 establishes Council’s intention to consider “*development of grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre by development agreement*” and the specific criteria to be considered by Council, which are examined in detail in Attachment A.

In summary, the criteria are met since:

- road frontage on a public street is required in the development agreement;
- buildings are grouped and located to conserve the existing natural features of the site;
- the development is reasonably compatible with the character of the area with respect to building scale and traffic generation; and

- clauses (b) to (h) of Policy 5.3.7 are considered met.

**WHMPS General Criteria**

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

- the proposal is not premature or inappropriate for the area, provided the new public street is built to municipal specifications, which is a requirement of the development agreement;
- 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 Provincial Department of Public Works have no concerns which have not been addressed in the development agreement.

**Municipal Climate Change Action Plan**

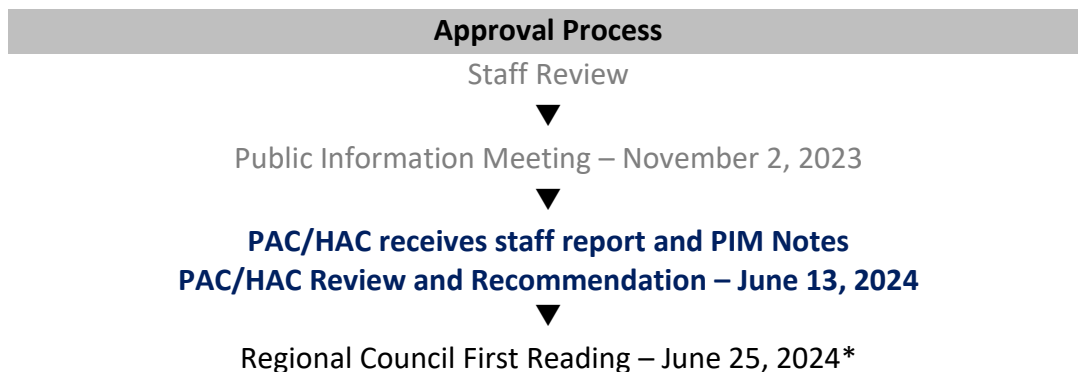
The subject lot is pictured on the Municipal Climate Change Action Plan (MCCAP) Inland Flooding map as having a small portion within both the 0-0.10m and 0.11-0.50m Depth to Water Table metrics. Due to this, a stormwater management plan was requested to provide assurance that the pre- and post-development flows of surface water would be maintained at neutral or better.

The MCCAP Coastal Flooding map did not show any risks of coastal flooding on the property.

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

**NEXT STEPS**

As noted above, the proposed development agreement has been considered within the context of both the specific and general policies of the WHMPS and is consistent with the intent, objectives and policies of the WHMPS. As a result, it is reasonable to consider permitting the proposed grouped multi-unit buildings on Windsor Back Road.



▼  
Public Hearing & Second Reading – July 23, 2024\*

▼  
Notice of Approval in Local Paper

▼  
14-Day Appeal Period

### **FINANCIAL IMPLICATIONS**

The Public Works Engineering Division commented that they would cover the cost of the SCADA panel upgrade, as this upgrade would benefit not only the proposed development, but also surrounding properties which utilize municipal services. This panel upgrade is necessary to support the monitoring and control of the systems which provide municipal services. The developer would be responsible for any other required upgrades.

### **ALTERNATIVES**

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

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

### **ATTACHMENTS**

Figure 1	GFLUM Extract
Figure 2	Zoning Map Extract
Attachment A	Specific Criteria for Development Agreement
Attachment B	General Criteria for Development Agreement
Attachment C	Draft Development Agreement
Attachment D	Watercourse Assessment and Species at Risk Screening Letter
Attachment E	Public Information Meeting Notes

Report Prepared by: \_\_\_\_\_  
Alex Dunphy, Planner

Report Reviewed by: \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

Figure 1  
GFLUM Extract

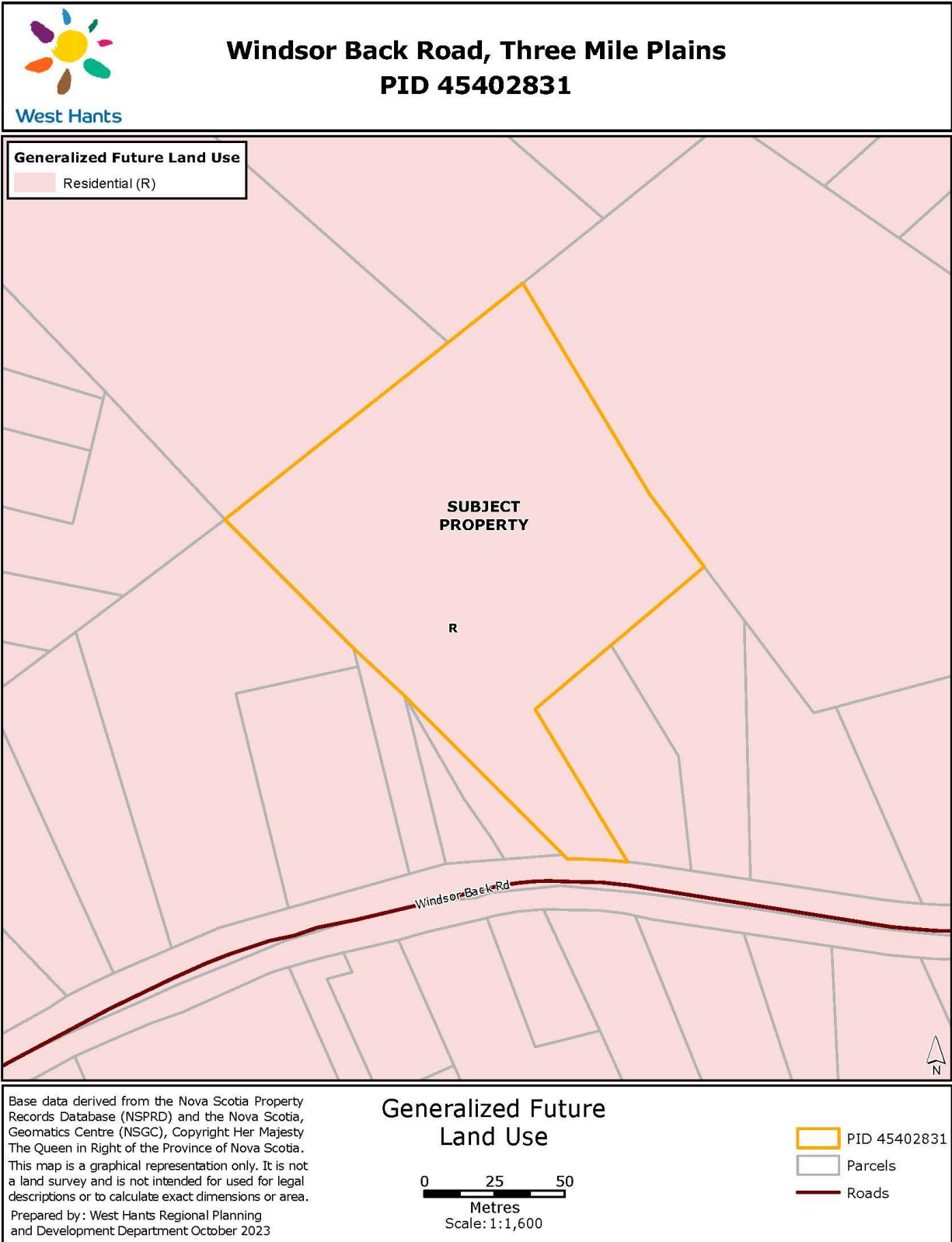
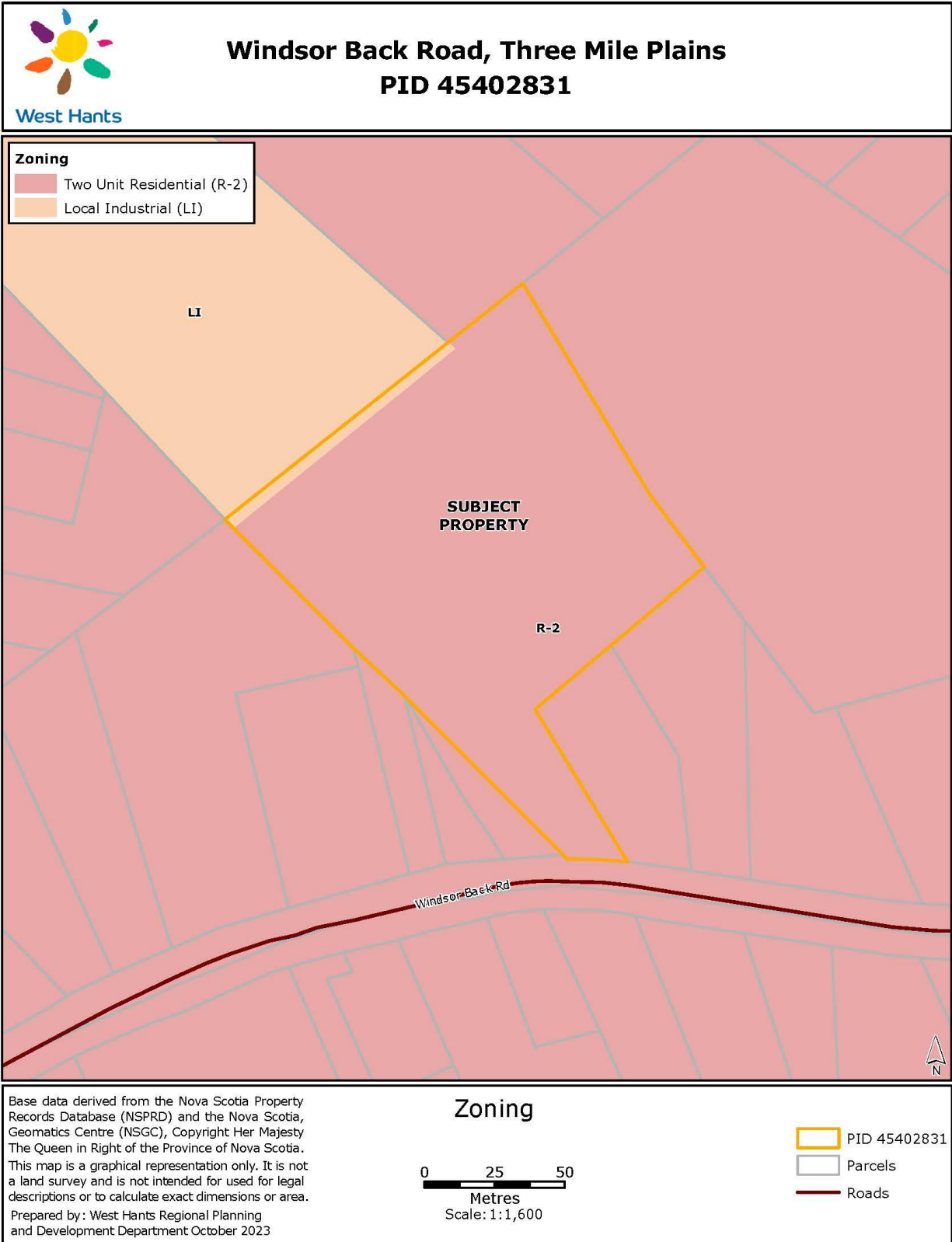


Figure 2  
Zoning Map Extract



**Attachment A**  
**Specific Criteria for Development Agreement**

**West Hants Municipal Planning Strategy**

**Policy 5.3.10** It shall be the policy of Council to consider development of grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre by development agreement subject to the following:

CRITERIA	COMMENT
(a) the development has frontage on:	
(i) a public street; or	The proposed development will have frontage on the Windsor Back Road which is a public street.
(ii) a right-of-way clearly granted by deed or easement, unrestricted	Not applicable as the development will have frontage on a public street.
(b) where access to the development is by a right-of-way as specified in clause (a)(ii), the street along such right-of-way shall be designed by a professional engineer, who is a member in good standing of the Association of Professional Engineers of Nova Scotia and who carries appropriate professional liability insurance, who will certify that the design and construction of the street are adequate to accommodate the traffic generated by the development and access by emergency protection vehicles. Street design and construction plans shall be subject to review by the Municipal Engineer;	Not applicable as the development will have frontage on a public street.
(c) building clusters are located so as to conserve existing natural features of the site;	The proposed buildings are located in a ring around the centre of the lot, which allows the majority of the perimeter of the subject lot and the central garden to be landscaped. Approximately 46% of the subject lot would be provided as green space.
(d) the specific requirements for multiple unit development set out in clauses (b) to (h) of Policy 5.3.7;	See below for review of criteria (b) to (h) of Policy 5.3.7.

(e) the application is accompanied by:	
(i) a site plan drawn to scale showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;	A site plan was submitted and was deemed acceptable to staff. This site plan is included as Schedule A in the draft development agreement.
(ii) other supporting maps showing the topography of the lot including contours at five meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and	A topographic map was submitted and was deemed acceptable to staff.
(iii) photo examples, plans or drawings showing the exterior design of the proposed buildings;	Elevation drawings were submitted and were deemed acceptable to staff.
(f) any other matter which may be addressed in a development agreement; and	All other relevant matters are addressed elsewhere in this report.
(g) Policy 16.3.1.	Please see Attachment B for further details

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

CRITERIA	COMMENT
(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)	The Public Works Engineering Division stated that the lot is capable of being served with Municipal sewer and water. However, the sewer infrastructure will require two upgrades including a generator hook up for a lift station to be able to operate both pumps with full backup power and an upgrade to the existing SCADA panel to allow for a number of system monitoring functions (ie. generator run status, power source status, and level transmitter). These upgrades have been included as a requirement of the draft development

	<p>agreement. The developer will be required to cover the cost of the generator hookup and the Municipality will cover the cost of the SCADA panel upgrade.</p>
<p>(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;</p>	<p>The proposed development is similar in scale to the area, as it is within a designated Growth Centre and the proposal is similar in height to the allowable permitted height in the underlying Two Unit Residential (R-2) zone. The density and style of housing is different than the existing single- and two-unit dwellings in the area.</p> <p>However, the Growth Centre designation shows Council’s intent for increased residential development in the area.</p> <p>A Traffic Impact Study (TIS) was submitted to the Municipality and the Provincial Public Works Department (NSDPW). Comments received from the NSDPW indicated that they had no concerns regarding traffic generation based on the submitted TIS.</p>
<p>(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;</p>	<p>NSDPW indicated that the existing streets would be adequate to support the proposal and they have no concerns regarding major infrastructure upgrades. The traffic impact study submitted by the developer was deemed acceptable to the Provincial Public Works Department.</p>
<p>(e) adequate open space or recreational space is provided;</p>	<p>The Development Officer commented that there is adequate open space being provided. This is a requirement in the draft development agreement.</p>
<p>(f) adequate on-site parking is provided;</p>	<p>The Development Officer commented that there is adequate parking being provided. The draft development agreement sets out a requirement of 1.3 parking spaces per dwelling unit.</p>

(g) any other matter which may be addressed in a Land Use By-law; and	All other matters are addressed elsewhere in this report.
(h) Policy 16.3.1.	Please see Attachment B for further details.

**Attachment B**  
**General Criteria for Development Agreement**

**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:

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	See Policy Criteria 5.3.7 (b) above.
(ii) the adequacy of school facilities;	The Director of Operations for the Annapolis Valley Regional Centre for Education commented that the proposal may impact enrollment within the Avon View school catchment area. However, the projected student enrollment data through 2034 indicates sufficient capacity for additional enrollment at all schools in the catchment area. There was also an announcement for a new pre-primary to grade 5 school to consolidate the Three Mile Plains District School and the Windsor Forks District School. Opening is expected in 2029 and the proposal would be within the catchment area of that new school.
(iii) the adequacy of fire protection and other emergency services;	The Manager of Building and Fire Inspection Services commented that the buildings will be required to have a sprinkler system and that they had no concerns for the proposal regarding the National Building Code of Canada at this time. The local Fire Chief commented that they would prefer not to have electric vehicle parking in the underground parking area, if any was proposed and that the developer take into consideration the Fire Smart Canada program when planning the landscape plants and garden types. Staff have relayed this information to the developer. The local Fire

	<p>Chief also commented that they would need to review the driveway and parking area to analyze fire apparatus maneuvering. Staff have included all of the regular fire safety requirements in the draft development agreement, including the location and design of fire hydrants requiring consultation with the Fire Chief, that the curbs be designed to be mountable by emergency vehicles, and access routes being kept clear of overhead obstructions.</p>
<p>(iv) the adequacy of road networks adjacent to, or leading to the development; and</p>	<p>The Provincial Public Works Department indicated that the road network would be adequate to support the proposal. A traffic impact study was deemed acceptable to the Provincial Public Works Department.</p>
<p>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</p>	<p>The Public Works Engineering Division commented that they would cover the cost of the SCADA panel upgrade, as this upgrade would benefit not only the proposed development, but also surrounding properties which utilize municipal services. This panel upgrade is necessary to support the monitoring and control of the systems which provide municipal services. The developer would be responsible for any other required upgrades.</p>
<p>(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;</p>	<p>The Public Works Engineering Division stated that the lot is capable of being served with Municipal sewer and water, provided the previously mentioned upgrades are made.</p>
<p>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</p>	<p>The Nova Scotia Department of Public Works has stated that they had no concerns regarding the suitability of movement for the proposal.</p> <p>There are no active rail lines in the area. The former rail line represents an opportunity for</p>

	<p>future active transportation connections to better serve the community of Three Mile Plains with surrounding communities.</p> <p>Windsor Back Road does not have sidewalks, and pedestrian traffic was a concern raised by many of the existing residents.</p> <p>Construction of sidewalks on the road network would be under the jurisdiction of the Nova Scotia Department of Public Works.</p>
(d) the adequacy of the dimensions and shape of the lot for the intended use;	<p>The Development Officer commented that they did not have any concern regarding the adequacy of the dimensions or the shape of the lot for the intended use.</p>
(e) the pattern of development which the proposal might create;	<p>The Development Officer commented that they did not have any concern regarding the pattern of development which the proposal might create. The proposal is within the Three Mile Plains Growth Centre designation, in which higher density residential development is promoted.</p>
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;	<p>The subject lot appears relatively flat. The developer has submitted a Watercourse Assessment and Species at Risk Screening report prepared by McCallum Environmental Ltd. This report was prepared in response to concerns from the public regarding the drainage ditch on the property and the potential for species at risk to be present on the subject lot. The report determined that the drainage ditch on the subject lot does not constitute a watercourse, based on the parameters used to identify watercourses by the Nova Scotia Department of Environment and Climate Change. This was confirmed by a staff member through a phone call with the Province. The developer plans to adhere to the recommendations of the report regarding mitigating potential impacts on</p>

	species at risk. A stormwater management plan will be required at the permitting phase of the development.
(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	All Municipal, Provincial and Federal regulations will have to be met.
(h) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

**Attachment C**  
**Draft Development Agreement**



## DEVELOPMENT AGREEMENT

**THIS AGREEMENT** made this                    day of                    , 2024.

### **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 -

**Marchand Developments Ltd.** a body corporate, with a head office at 149 McCabe Lake Drive, Middle Sackville, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

**WHEREAS** the Owner is the registered owner of a parcel of land located in Three Mile Plains (PID 45402831) hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

**WHEREAS** the Property is designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (the “Municipal Planning Strategy”) and zoned Two-Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law (the “Land Use By-law”) and is within the Three Mile Plains Growth Centre; and

**WHEREAS** the Owner has requested that the Municipality enter into a development agreement to permit 87 residential units within three buildings grouped on the Property (the “Development”); and

**WHEREAS** Policy 5.3.10 of the Municipal Planning Strategy and Section 6.1 (c) of the Land Use By-law enable Council to consider entering into a development agreement to allow grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre; and

**WHEREAS** the Council of the Municipality, at a meeting held on **Month Date, 2024** approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto and the other conditions herein;

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

## **PART 1 AGREEMENT CONTEXT**

### **1.1 Definitions**

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

- (a) “Qualified site professionals” includes professional engineers, architects, water course delineators and/or hazardous materials professionals.

### **1.2 Schedules**

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

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

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

## **PART 2 DEVELOPMENT REQUIREMENTS**

### **2.1 Use**

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

- (i) those uses permitted by the underlying zoning in the Land Use By-law; or
- (ii) three (3) grouped multi-unit buildings, not to exceed 29 units in each building.

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

### **2.2 Development Location and Design**

- (a) The Development location and design shall be generally consistent with the Site Plan shown in Schedule B.
- (b) The Development Officer may approve in writing minor changes to the location of the Buildings or other aspects of the Site Plan provided the side yards are not decreased.

### **2.3 Site Requirements**

- (a) The buildings shall conform to the following requirements:

Minimum Road Frontage for the grouped dwellings development	70 ft. (21.33 m.)
Minimum Front, Rear and Side Yard	25 ft. (7.62 m.)
Maximum Storey of Main Building	3 storeys
Maximum Building Height	38 ft. (11.58 m.)
Maximum Height of Accessory Buildings	15 ft. (4.57 m.)

- (b) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.
- (c) The Owner shall keep all undeveloped areas of the Properties landscaped to provide recreation space or vegetative buffer between the development and the existing abutting uses as described in Section 2.7.

### **2.4 Access and Egress**

- (a) The Owner shall develop, construct, and maintain the driveway in the Development in general conformance with the driveway shown on Schedule B.
- (b) The Owner may provide shared driveway access to the neighboring properties if required by the Provincial Department of Public Works. The Site Plan may be

changed with written consent of the Development Officer without amendment to this Agreement to accommodate the requirements of this paragraph.

- (b) The driveway shown on Schedule B shall provide a minimum paved surface width of 25 ft. (7.62 m.), except to any extent varied by the Provincial Department of Public Works in respect of its connection to the public road. The vehicular entrance and exit shall be clearly demarcated.

## **2.5 Parking**

- (a) All parking spaces for vehicles using the Properties shall be located on the lot and shall be generally located as shown on Schedule B.
- (b) The Owner shall provide a minimum of 1.3 parking spaces per dwelling unit on the Properties.
- (c) Parking aisles and spaces shall be constructed to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention.
- (d) Each parking space shall be a minimum of 10 ft. by 20 ft. (3.05 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m.) wide.
- (e) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

## **2.6 Fire Safety**

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

## **2.7 Recreational Space and landscaping**

- (a) A minimum of 1.5 acres or 65,340 sq. ft. (6,070 sq. m.) of open space shall be provided on the Property. This area shall contain benches, and other outdoor

amenities in three or more locations, to be used by the residents of the development.

- (b) A landscaping plan shall provide buffering along the side and rear lot lines. These buffers shall be comprised of native trees, grasses, and shrubs and/or other vegetation. A detailed landscaping plan shall be provided at the time of permitting.

## **2.8 Site Drainage**

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

## **2.9 Servicing**

### **(a) Waste Collection**

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

### **(b) Water and Sewer Services**

- (i) The Buildings shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be

in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.

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

(iii) Except as may be varied by the Municipal Engineer in writing:

- a) The Owner shall Install a generator hookup at the LS407 lift station and provide the Municipality with a fixed on-site generator. The electrical transfer panel must be a permanently dedicated (not portable) emergency generator and will need to be a turn-key package. This system must meet Municipal specifications for full backup power to operate both pumps at full capacity. Installation will include a concrete pad for the generator and control wiring. The generator must be capable of automatically starting during a power interruption and must be connected into the Municipal Supervisory Control and Data Acquisition (SCADA) system. Specifications and shop drawings shall be approved by WHRM before approval.
- b) The Owner shall upgrade the current SCADA panel to allow for additional input and output control including generator run status (on/off), fault indication, status of power source. The level transmitter must be permanently installed in wet well and connected to the Municipal SCADA system. The Department of Public Works will require confirmation of a SCADA connection and availability to connect and communicate with the Municipal system.
- c) All costs of the generator hook up will be the responsibility of the owner. The cost of purchasing the new SCADA panel will be the responsibility of the Municipality. All installation costs associated with these requirements will be the responsibility of the Owner.

**(c) Snow Plowing**

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

**2.10 Maintenance**

- (a) The Owner shall keep the Properties and Buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

- (b) The Owner shall maintain the driveway to a standard adequate to allow for access by emergency services vehicles.

### **2.11 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 control lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

### **2.12 Subdivision**

- (a) Subdivision of the Property that reduces its lot area shall not be permitted.
- (b) No additional parkland or parkland fees shall be required if consolidation occurs to increase the lot area of the Property.

### **2.13 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 2.3 (a) of this Agreement;
- (ii) number of parking spaces required;
- (iii) floor area occupied by a home-based business; and
- (iv) height and area of a sign.

## **PART 3 CHANGES AND DISCHARGE**

- 3.1** The Owner shall not vary or change the use of the Properties from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this Agreement is amended.
- 3.2** Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this Agreement.
- 3.3** The following matters are substantive matters:
  - (a) the uses permitted on the Properties as listed in Section 2.1, *Use*;

- (b) subject to Section 2.13, the minimum side yard requirements and maximum building height as listed in Section 2.3 (a);
- (c) the fire safety requirements as listed in Section 2.6, *Fire Safety*;
- (d) the stormwater management plan requirements as listed in Section 2.8, *Site Drainage*; and
- (e) the water and sewer servicing infrastructure as listed in Section 2.9 (b) (iii), *Water and Sewer Services*.

**3.4** Upon conveyance of land by the Owner to either:

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

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

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

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

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

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

**PART 4 IMPLEMENTATION**

#### **4.1 Commencement of Development**

- (a) The Owner may not commence any construction or use on the Properties until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.
- (b) Development as provided in Part 2 of this Agreement shall commence not later than 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 Owners. Upon the written request of the Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.
- (c) If the Owners are bona fide delayed from commencing the development for reasons which are beyond the Owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owners is excused for the period of the delay and the time period for the Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.
- (d) The Development may occur in phases or be completed at one time. The requirement of 4.1(b) shall be deemed satisfied if one phase for at least one multi-unit building is commenced.

#### **4.2 Material to be Provided**

- (a) The Owner shall provide record drawings to the Development Officer for any portion of the Development for which an engineered design is required prior to the issuance of an occupancy permit.
- (b) The Owner shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

### **PART 5 ADMINISTRATION and COMPLIANCE**

#### **5.1 Compliance with other By-laws and Regulations**

- (a) Nothing in this Agreement shall exempt the Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining

any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.

- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Properties (other than the Land Use By-law or Subdivision Bylaw to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.
- (c) Enforcement of this agreement shall be the responsibility of the Municipality. The agreement shall be administered by the Development Officer for the Municipality.

## **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 by-laws shall be deemed to be references to any successor legislation and by-laws even if the content has been amended, unless the context otherwise requires.

## **5.4 Municipal Responsibility**

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

## **5.5 Breach of Terms or Conditions**

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

#### **5.6 Costs**

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

#### **5.7 Development Agreement Bound to Land**

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

#### **5.8 Assignment of Agreement**

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

#### **5.9 Written Notice**

- (a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Jeff Marchand, Marchand Developments Ltd., 149 McCabe Lake Drive, Middle Sackville, NS B0N 1Z0 or at any other address provided in writing by the Owner.
- (b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner.

### 5.10 Full Agreement

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

DRAFT

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

**SIGNED, SEALED AND DELIVERED**

In the presence of:

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

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

\_\_\_\_\_  
Witness

) Abraham Zebian, Mayor

)

)

)

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

\_\_\_\_\_  
Witness

) Deanna Snair, Municipal Clerk

)

)

)

) **MARCHAND DEVELOPMENTS LTD.**

)

)

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

\_\_\_\_\_  
Witness

) Jeff Marchand, President

**PROVINCE OF NOVA SCOTIA  
COUNTY OF HANTS**

**ON THIS**            day of            , A.D. 2024, 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. 2024, 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.

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A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA  
COUNTY OF HANTS**

**ON THIS**            day of            , A.D. 2024, 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, **Jeff Marchand**, 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 \_\_\_\_\_, 2024  
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, Jeff Marchand, Nova Scotia, make oath and say that:

1. I Jeff Marchand of Marchand Development Ltd. 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 \_\_\_\_\_, 2024  
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

\_\_\_\_\_  
Jeff Marchand, President

**Schedule A  
Legal Description**

**PID 45402831**

Registration County: HANTS COUNTY

Street/Place Name: WINDSOR BACK ROAD /THREE MILE PLAINS

Title of Plan: PLAN OF S/D A SURVEY OF LOT 2A LOT 2B LOT 2C & LOT 2D A S/D OF LOT 2 LANDS  
CONVEYED TO KEITH CURTIS COFFILL & TANYA E MORRISON WINDSOR BACK RD THREE MILES  
PLAINS

Designation of Parcel on Plan: LOT 2A

Registration Number of Plan: 122840078

Registration Date of Plan: 2023-08-01 11:40:58

Together with an easement/right of way as described in a Deed recorded at the Hants County  
Land Registration Office on September 20, 2023 under document no. 123094436.

Together with an easement/right of way as described in a Deed recorded at the Hants County  
Land Registration Office on September 28, 2023 under document no. 123137094.

Subject to an easement in favour of PID 45430378 as described in a Deed recorded at the  
Halifax County Land Registration Office on September 28, 2023 under document no.  
123137094.

\*\*\* 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: 122840078

## Schedule B Site Plan



**Attachment D**  
**Watercourse Assessment and Species at Risk Screening Letter**



29 November 2023

**Trevor Adams**

Project Manager, Land Development  
Marchand Homes

Via email: trevoradams@marchandhomes.ca

**Re: Watercourse Assessment and Species at Risk Screening: PID45402831**

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McCallum Environmental Ltd. (MEL) was retained by Marchand Homes to complete a watercourse determination and species at risk (SAR) screening in support of the proposed development at PID45402831 (herein referred to as the “Property”). MEL biologist Amber Stoffer completed a site visit on November 15, 2023, to assess an existing drain line along the edge of the property and available habitat to support particular SAR. The methods and results of each survey are provided below, and representative photos are attached.

**Watercourse Assessment**

A drainage ditch (shown on topographic mapping as a watercourse line) runs adjacent to the eastern Property boundary. The mapped line starts approximately 30 m north of the Property then extends approximately 250 m south to the Windsor Back Road (see Figure 1). The topographic line continues south of this road through a residential property and farm/horse paddock. A watercourse assessment was completed to determine whether this drainage ditch meets the definitions of a watercourse based on provincial regulatory standards.



*Figure 1. Provincial topographic watercourse line displayed in blue flowing south along eastern property boundary in pink (property boundary is outdated and has since been subdivided - displayed for locational purposes only).*



The Nova Scotia Environment Act (1994-95, c.1, s.1) defines watercourses as the following:

*The bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, within the jurisdiction of the Province, whether it contains water or not, and all groundwater.*

Additional guidance on identifying watercourses is provided from NSECC (2015), which outlines the following parameters used to identify watercourses:

- Presence of a mineral soil channel;
- Presence of sand, gravel and/or cobbles evident in a continuous pattern over a continuous length with little to no vegetation;
- Indication that water has flowed in a path or channel for a length of time and rate sufficient to erode a channel or pathway;
- Presence of pools, riffles or rapids;
- Presence of aquatic animals, insects or fish; and,
- Presence of aquatic plants.

According to the guidance provided by NSECC, any surface feature that meets two of the criteria above meets the definition of a regulated watercourse.

Upon assessment, the ditch was observed to be choked with cattails and other vegetation (Photo 1). There was no clear bed or bank, with water frequently dispersing into the field up to 10 m away from the mapped watercourse line (Photo 2). There was no mineral soil channel, observable flow, or any typical watercourse features (runs, riffles, pools, etc.). Furthermore, the ditch was observed to be completely infilled and dry approximately 190 m north of Windsor Back Road (Photo 3). The ditch drains through a buried culvert under Windsor Back Road. South of the road, the channel starts to pick up some more typical watercourse features such as a clear bed and bank and rocky substrate (Photo 4), but that only seems to be maintained a short while before the channel runs into a horse paddock. Based on this assessment, it is MEL's professional opinion that the ditch does not meet the requirements of a watercourse within the Property boundary.

### **SAR Assessment**

A SAR assessment was completed in response to concerns raised during a public meeting relating to the potential implication of development on four species: barn swallow, bobolink, olive-sided flycatcher, and monarch butterfly. All four species are listed under the federal Species at Risk Act (SARA) and provincial Endangered Species Act (NS ESA). During the site visit, MEL assessed the available habitat on the Property and its capacity to support these species. The SAR, their habitat requirements, and the habitat present within the Property are described below.

#### **Barn Swallow**

The barn swallow (*Hirundo rustica*; SARA: Threatened, NS ESA: Endangered) is a medium-sized bird belonging to the passerine bird group. Barn swallows are aerial insectivores, an ecological guild that is declining globally due to a variety of reasons (e.g., habitat loss and human disturbance at roosting sites) (COSEWIC, 2021).

Breeding habitat requires open areas for foraging such as fields, ponds, wetlands, forest clearings, roads, etc. Barn swallows will nest on cliffs, rock overhangs, and in caves but prefer to nest in or on human-made structures (e.g., boats, stables, barns, houses, and bridges). Barn swallows nest individually or in



colonies and require a mud source for nest building material (COSEWIC, 2021).

The Property has foraging habitat available for the barn swallow as it is composed almost entirely of open field. However, it does not contain any nesting habitat (i.e., natural or man-made structures).

#### Bobolink

The bobolink (*Dolichonyx oryzivorus*; SARA: Threatened; NS ESA: Vulnerable) is a medium-sized songbird with a thick, conical bill. Bobolinks prefer grassland habitat (prairie, peatland, and meadows or grassy margins of bogs, marshes, and riparian areas beside watercourses). Due to habitat loss, fragmentation, and alteration from agriculture and anthropogenic development, modern bobolink habitat consists of non-native grasslands including pastures, hayfields, abandoned fields with tall grasses, cropland, and other developed fields (COSEWIC, 2022). Bobolinks nest primarily in open habitat with taller grasses and sedges and are less likely to be found in agricultural lands that are heavily grazed and harvested or cropland with short vegetation. When bobolinks are observed, it is common to see them perched on a high point such as a fence, sign, branch, or tall vegetation within their habitat (COSEWIC, 2022).

The Property contains preferred bobolink habitat as it composed almost entirely of open field.

#### Olive-sided Flycatcher

The olive-sided flycatcher (*Contopus cooperi*; SARA: Special Concern; NS ESA: Threatened) is a small insectivore belonging to the “tyrant flycatchers” (Tyrannidae) family, with plumage with deep brownish olive grey above and whitish breast and throat (COSEWIC, 2018). The olive-sided flycatcher is a widespread migratory species, with 53% of its breeding range being encompassed in forested areas in Canada. Olive-sided flycatchers are often found on edges of coniferous or mixed forests with tall trees and snags, along open areas, or in burned forests with standing trees and snags (COSEWIC, 2018).

Along the northern of the property boundary, a thin treed margin provides suitable breeding (i.e., edge) habitat adjacent to the open field. This habitat is limited to approximately 75% (or approximately 90 m) of the linear property boundary and does not extend into the property.

#### Monarch Butterfly

Monarchs (*Danaus plexippus*; SARA: Special Concern; NS ESA: Endangered) are migratory butterflies, with a range occurring from Central America northward through to southern Canada. Eastern Monarchs breed from Alberta east to Nova Scotia and migrate south to overwinter in the mountains of Central Mexico (COSEWIC, 2010). Monarch larvae feed exclusively on leaves, flowers, and fruits of milkweeds (genus *Asclepias*), and therefore breeding habitat is dependent on the presence of these plants (NSDNR, 2012). Swamp milkweed and common milkweed both occur in Nova Scotia. Swamp milkweed (*Asclepias incarnata*) is a native wetland species growing habitats marshes, fens, and shorelines, whereas common milkweed (*Asclepias syriaca*) occurs in well drained soils.

No milkweed was identified within the Property, and therefore, no suitable breeding habitat is provided.

The NS ESA is the primary provincial legislative tool that can protect habitat for species at risk on non-federal lands. The NS ESA has prohibitions against the destruction of residence such as occupied nests or hibernacula, including dwellings that are anthropogenic structures. The NS ESA also provides the mechanism to protect core habitat (i.e., habitat essential for the long-term survival and recovery of endangered or threatened species) from destruction or disturbance. Core habitat may only be designated on private lands when it is determined that the core habitat on public lands is not sufficient to meet the recovery needs of the species. None of the four species of concern have designated core habitat



protections within the province.

Migratory birds have further protections under the Migratory Birds Convention Act, 1994, and Migratory Birds Regulations, 2022 (MBR). At all times, all migratory bird nests are protected when they contain a live bird or viable egg. The nests of 18 species who re-use their nests listed in Schedule 1 of the MBR 2022 are protected year-round. These 18 species do not include the three species of birds noted above.

The development is unlikely to impact monarch butterflies given the absence of milkweed within the property boundary. However, the property does contain suitable nesting habitat for both bobolink and olive-sided flycatcher.

To avoid potential impacts to nests, it is recommended that any clearing of vegetation and timber occurs outside of the bird breeding season between April 15 – August 30. If construction is required during the breeding window, a nest sweep should be completed by a biologist no more than 7 days prior to construction start and repeated as necessary prior to any disturbance.

If you have any questions, please do not hesitate to contact the undersigned with any questions you might have.

Sincerely,

Amber Stoffer  
Aquatic Specialist  
McCallum Environmental Ltd.  
amber@mccallumenvironmental.com

Meghan Milloy  
Vice President  
McCallum Environmental Ltd.  
meghan@mccallumenvironmental.com



## **References**

- Committee on the Status of Endangered Wildlife in Canada (COSEWIC). 2010. COSEWIC assessment and status report on the Monarch *Danaus plexippus* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vii + 43 pp. ([www.sararegistry.gc.ca/status/status\\_e.cfm](http://www.sararegistry.gc.ca/status/status_e.cfm)).
- COSEWIC. 2018. COSEWIC assessment and status report on the Olive-sided Flycatcher *Contopus cooperi* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. ix + 52 pp. (<http://www.registrelep-sararegistry.gc.ca/default.asp?lang=en&n=24F7211B-1>).
- COSEWIC. 2021. COSEWIC assessment and status report on the Barn Swallow *Hirundo rustica* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xii + 60 pp. (<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>).
- COSEWIC. 2022. COSEWIC assessment and status report on the Bobolink *Dolichonyx oryzivorus* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xi + 60 pp. (<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/cosewic-assessments-status-reports/bobolink-2022.html>).
- Nova Scotia Department of Natural Resources and Renewables (NSDNRR). 2021. Recovery Plan for Monarch (*Danaus plexippus*) in Nova Scotia. Nova Scotia Endangered Species Act Recovery Plan Series. 50 pp. (<https://novascotia.ca/natr/wildlife/species-at-risk/docs/MonarchRecoveryPlan.pdf>)
- Nova Scotia Environment (NSE). 2015. Guide to Altering Watercourses. Retrieved from: <https://www.novascotia.ca/nse/watercourse-alteration/>.
- Nova Scotia Environment Act. 1994-95, c.1, s.1. <https://nslegislature.ca/sites/default/files/legc/statutes/environment.pdf>



Photolog: PID45402831



**Photo 1: View of ditch looking north from Windsor Back Road.**



**Photo 2: View of ditch looking north from field showing unconfined water.**



**Photo 3: Ditch completely infills and dries approximately 190 m north of Windsor Back Road.**



**Photo 4: Channel looking south from Windsor Back Road.**

**Attachment E  
Public Information Meeting Notes  
November 2 - 16, 2023**

**File 22-33 Development Agreement – Windsor Back Road; PID 45402831**

<b>Meeting date and time</b>	A public information meeting was held on November 2, 2023 beginning at 6 p.m. in Council Chambers, 76 Morison Drive, Windsor
<b>Attending</b>	In attendance:  3 Councillors: (Jim Ivey, Mayor, Debbie Francis) CAO Mark Phillips Planner Fredericks Director of Planning, Sara Poirier Planning Administrative Assistant Vanessa Lake Approximately 30 members of the public.
<b>Chrystal Fuller / Marchand Homes, Windsor Back Road, Three Mile Plains (PID 45402831)</b>	Planner Fredericks outlined the request from Brighter Community Planning/Marchand Homes to build 3 multi-unit residential buildings on a vacant property on Windsor Back Road, Three Mile Plains.
<b>File Number</b>	23-33
<b>Comments</b>	<p>Chrystal Fuller outlined the owner’s intended development form, setbacks, parking, and other aspects of the development. Chrystal also spoke about the demand for housing in Nova Scotia and how this proposal responded to this growing need.</p> <p>Members of the public present at the meeting raised the wet characteristic of the subject property and how it has been flooded before and could impact the proposed underground parking and adjacent properties.</p> <p>Comments from the public also included the value the community gave to the previous use of this property being farmed and left as open/green space with the ability to support wildlife and native species. One member of the public who was a previous owner of the property also mentioned the site may contain certain bird and insect species of concern.</p>

	<p>Additional Discussion points included:</p> <ul style="list-style-type: none"> <li>• R2 zoning only permits 1- or two-unit dwellings and the proposed development is significantly more than the zoning would typically permit.</li> <li>• Driveway access and road safety were raised by many as the location is reportedly a blind crest and the road can have high speed traffic. The area also does not have any sidewalk infrastructure anywhere in the community, and this was an important aspect when considering increasing the residential density.</li> <li>• The site was considered by several members of the public to be inappropriate and that a location closer to the services and amenities in Windsor would be more appropriate to support higher density development.</li> <li>• Rental rate questions.</li> <li>• Property value impacts.</li> <li>• Hobby farms in the area as potential conflict with new residential development.</li> <li>• Limited community amenities nearby, no corner store or other destinations.</li> <li>• School capacity questions.</li> <li>• Low-income area not reflected in the proposed unit types.</li> <li>• Appreciation of the rural setting, dark sky and quite nature of the community as it is today.</li> </ul>
<b>Adjournment</b>	There being no further business, the meeting adjourned at 8:30 p.m.

**Public Email Responses Submitted for the Application**

**October 30, 2023**

**From** Patrick Hatton

**To** Mark Fredricks

Hi Mark,

My name is Patrick Hatton and I live at [ADDRESS REMOVED] in Three Mile Plains and I'm emailing you about the proposed development at PID 45402831.

I'm wondering if the developer has prepared any site plans or servicing reports and what reports will be required from the developer for this site by the Municipality.

If these have been prepared already, will they be available at the public meeting?

Regards,  
Patrick Hatton

**Response**

Hi Patrick, thank you for your interest. There will be documents available at the meeting with the understanding that these are draft site plans and renderings. There might be changes to building setbacks, buffering and other design aspects, but these documents will provide a general sense of the site layout. Servicing requirements will be part of the development agreement, but the final servicing plan may not be available initially. We do expect to have more information on traffic impacts in the coming weeks.

Let me know if you have any questions and hope you can attend the meeting on Thursday.

Thanks

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**October 30, 2023**

**From** Shawn Johnson

**To** Abraham Zebian **CC** Mark Fredricks

Thank you for the response and I will call you this afternoon.

Really hoping to understand the process and how this can occur as my understanding the area is zoned R-2 so wondering about if the first meeting will include discussing the rezoning of the area as well?

Thank you for your time

Shawn Johnson

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**October 30, 2023**

**From** Nicole Hubley

**To** Mark Fredricks

Hello Mark,

It was a pleasure meeting with you this evening along with our neighbours. I've attended town hall meetings in Dartmouth and let's just say there was a very big difference throughout (mostly in language used).

I've attached the comments and questions my partner and I had this evening for reference and I hope you can find time to review the CBC article I passed you this evening. A few comments attached I did not bring up as it's nothing we don't already know- we need affordable housing in Nova Scotia and I'm confident that is front of mind. No question.

Stephen and I grew up in Tantallon in HRM, just outside Halifax so we still keep a close watch on developments that happen in Halifax and choices HRM councillors put to vote. I can't tell you how many times I've said over dinner "I am so happy we live in West Hants."

I am hopeful this was an informative evening for you and the other planners and decisions will be made based on what was heard tonight. I appreciated the contrast from the comments for

EcoHomes Proposal vs. Marchand Homes- A perfect example of putting something in the right place with the right support in place can make all the difference.

A few comments I want to address that came from listening to tonight's presentation:

- I am very concerned the developers do not understand the amount of work involved to develop this land. Underground parking proposal was a shock to everyone. It will flood.
- The planner's comments about legal drainage requirements were lovely but the article I provided you this evening shows that the reality may not be so simple.
- Not involving Nova Scotia Power in this development is negligent. The grid cannot support the demand as it is on a cold day. Upgrades are needed.
- If the Province owns this street they need to be part of the discussion from start to finish. Speed limit reduction, sidewalks and street lights need to be implemented before someone is killed. Not after.

I will leave you with one last comment this evening- we have a couple of friends who had homes built by Marchand Homes... If the council approves this build I highly recommend consistent and detailed inspections throughout the process to ensure it stays on track and is done to plan.

Thanks again for your time, we'll see each other again soon.

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Nicole Hubley

### **Follow-up CC**

**From** Stephen Elliot

Hello Mark,

Thanks for your reply, I just wanted to add my two cents along with Nicole's points. First off, thank you for listening to our concerns. I trust you've listened intently and will make an informed choice regarding the development.

I wanted to express my concerns and lack of support for this project. We moved here in 2019 because of what the area is now. Quiet, calm, dark and private, with the potential to start a little hobby farm someday... I worry that having up to 250 people in such a small spot will cause issues with ours, and our neighbour's livelihood. Are we going to have to worry about these people complaining about smoke from bonfires going towards their building? What about the cow, chickens and horses in the area making noise all hours of the night? Or some of the smells? These are all things we either enjoy or tolerate knowing these people were here before us and this is the sort of community we chose to live in. (Rural)

I'll be personally contacting certain environmental branches of the government to look into the damage that could be done to the species that live there. Like Craig (the previous owner of the land) said there are quite a few endangered and yellow listed birds that live there through the summer. Along with a large number of bees, butterflies and other such critical species. This alone in my opinion is enough to not make this project happen. I would like to see proper studies done by the province (not a random third-party company) to assess the damage that

would be done to these animals and local environment. It should be done in the summer, like Craig said, as that is when most of these species are present in the area.

As someone pointed out during the meeting, a lot of the flood damage was caused down river. I have attached a photo of a rescue helicopter trying to pull people from their homes and out of trees within walking distance of our house. This was taken out of our living room window. The whole water issue and flood plain situation is another reason why I can't possibly support this. They will be taking a large area of grass, plants and soil normally there to help soak up water and slow it down, and turning it into a slab of roof, concrete, and asphalt. All that water that would normally be soaked into the ground and slowed by the foliage. But will now have a straight shot into the river. Even more so if the underground parking has to be regularly pumped out. Don't let them mess with the river. Nicole has been working in insurance for close to a decade, she's seen what happens when you mess with nature.

I agree with what others have pointed out in regards to infrastructure. There are no sidewalks, no street lights and its at the crest of a hill. Which, is a horrible spot. Despite the studies there have been accidents and near misses since we've been here. The study was over a brief period of time. This is coming from people who have lived there for years and decades. With that said, we don't want any of it. We like the dark, there is no room for sidewalks. and We don't want to see the lights from the apartment and the damage to privacy that will occur. Yes, I know they plan to put up trees and such but none of those will be grown enough to do any good for likely 15+ years. The buildings don't fit the overall aesthetic of the community as well. If any of this is to be installed then Marchand Homes should fit the bill and not us.

In the hopefully unlikely event that this is approved, frequent and stringent inspections should be done during construction. We personally know 3 people who had homes build by Marchand Homes which turned into a horrible experience. I know for that in at least of one them they buried some of construction garbage under ground on the property. The homes had plenty of issues after they were done and Marchand had horrible post-construction service. Just something to consider.

Yes, there is absolutely a need for housing. But specifically affordable housing. This will not be that. It also bothered me at the meeting that they didn't have an idea for the cost of rent. They don't have a budget for this thing? Napkin math would even be good. Max budget times however many units there are. Done. Obviously some units will be more expensive and cheaper but still. Also what about visitor parking? As someone who has lived in many apartment and have friends who still do there is never enough visitor parking. The difference though is in a city you can usually park on the street somewhere. Where are they going to park here? On a road with no shoulders on the crest of a hill?

If a "walking score" was given for this street I'm confident it would be a negative score, or a cross bone and skull symbol.

As a final note, I don't think it was too hard to see there was little love for this project in the community. Just driving around Windsor itself there are plenty of spots to be developed first. Look at how much love there was for what EcoHomes (I think is the name) was doing in town. New, dense units. Affordable controlled rent. In town where facilities already exist. Build up the

town before you come out here. This will be the start of our own urban sprawl and we shouldn't let short-sighted impulsive choices for problems we have now, become the problem of people later on.

Thanks for your time, I'm sure we'll be seeing each other again soon.

Stephen Elliot

### **Attachments Included at End**

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**November 13, 2023**

**From** Steffen Rapprich

**To** Mark Fredricks

Dear major and employees of the municipal.

I would first like to apologize for my not so good English.

My family and I bought in April 2020 in the [ADDRESS REMOVED] our new home.

We moved with our dog and horses to the very nice spot.

We are in the third generation a self Employment hardwood flooring company with a German master degree and we work over 40 years on the job sites.

We moved with all what we have from Germany to here.

We live here now over three years and we very like it. Our neighborhood are so friendly and helpful what we don't know it from Germany.

Our choice for Windsor was the country live.

Here nobody minds that the dog barks, the rooster crow's, you on Sunday cut your lawn.

We live in the direct neighborhood where the marchland development will build the multiple houses with over 90 condos.

We have been in the construction industry for over 30 years and nobody can tell me what the apartment units should cost when such a property is planned seams wired then every developer has a roughly number on those costs, if not marchlands build luxury houses near indigo shore and nobody can say how expensive are the condos. That's a joke.

We think that people here from the country cannot afford the apartments and people from the city have no understanding of the circumstances and habits of the current residents of three mile plains.

1. We are totally against this project it doesn't fit in the area.

2. The sewer pump is in the front of our house and we see the the guys from the municipal are so often on the pump station because it works not properly and it is overloaded.

Our front yard was in this time where we live here flooded why the pump station not runs.

There was even a risk that our basement would flood.

We are at the lowest point with our property and who can guarantee us that when the property is built our new home will be safe from flooding be it the ditch or the sewer pump?? ????

3. The same is with the ditch when we have a lot of rain our backyard is flooded too.

4. The site is not suitable for such a large project and it does not fit into the landscape. There is nothing wrong with normal detached houses.

5. Not to mention that at least 200-250 people, mainly from the city, will then live in a small space, which automatically causes problems.

We had the same problem in Germany, which is why we left, it was unbearable to live in the countryside with city guys City guys usually have no understanding of the habits of people in the countryside.

There are other objections raised by the residents of three mile plains that need to be considered.

We think all the people here in three mile plains and the surrounding area are against this building project and can do everything in our power to say so.

When there is a normal meeting regarding the project, we will attend in person.

It would be nice to here from you.

Thanks again.

Best regards

Steffen Rapprich and family.

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**November 14, 2023**

**From** Debbie Swinamer

**To** Mark Fredricks

#1. We are one of the property owners that are in the 500 feet from this project. I spoke at the meeting on November 2nd 2023 briefly voicing our concerns about our property flooding already, and if you build these 3 new apartments we will get more water flooding on our property.

#2. The water and sewer , electrical are all outdated.

#3. The roads are outdated and the speed limit is too high, and they are in poor condition. Blind crest where the people would be exiting.

#4. No anti idling or noise bylaw.

#5. We also feel that if there is any other issues the come up they won't get dealt with because we are already dealing with a development agreement for the last 20 years plus next door. The issues with that development agreement have never been enforced . When we were dealing with this we were told that if that property had a development agreement that the municipality would be able to control what goes on there, but it's never been dealt with and there is no control. So now we still have a junk yard next door and trucks idling for hours at a time, trucks starting up at all hours and idling. operating all hours and even on Sundays and there's supposed to be set hours of operation. We've already had the mayor and the Cao and our councilor out to our property to look at the mess and still nothing has changed. I asked the mayor if he would to live next door to this and he shook his head no.

#6. They say it will put our water bill down but if they build these 87 units then the water and sewer would have to be upgraded then that would put our water and sewer up. It's already tripled in the last few years.

#7. So we are voting against these apartments being built.

#8. Be careful what you wish for

From Reid and Debbie Swinamer

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**November 15, 2023**

**From** Adam Pearce

**To** Mark Fredricks

Dear Mr. Fredericks,

I am concerned about the proposed development at Windsor Back Road, Three Mile Plains (PID 45215290). I live on Swinamer Drive, adjacent to a municipally owned property PID 45289790. This property is a swampy area that buffers rainwater to reduce flooding. At present the property at PID 45289790 does flood, and it puts my property in danger; most recently during the 22 Jul 23 storm.

I worry that the new hard surfaces that will be installed as part of the proposed development will cause more rain water to flow to my area -- which will be at a lower elevation than the proposed property (after backfilling) -- and overwhelm the capacity of the swampy area at PID 45289790.

Furthermore, the swampy area adjacent to my property does not adequately evacuate rainwater, especially in the winter. There is a small pipe (approx. 8" in diameter) that allows excess water from this swampy area to flow to the Hwy 1 ditch through the property at PID 45289808, 4382 Hwy 1. In my opinion this pipe is much too small, because it can freeze in the winter and block water egress during heavy rainstorms that can occur in February and March. As a result, the swampy area cannot drain to the Hwy 1 ditch. In fact, this small diameter pipe getting blocked caused my basement to flood in Feb 2007. We are concerned similar flooding events are more likely to happen as a result of the new hard surfaces proposed as part of the development.

Will the developer ensure that the rate water flows off the property does not increase as a result of the development? What features will they include in the design to ensure other properties don't risk higher chance of flooding?

Sincerely,

Adam Pearce

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**November 15, 2023**

**From** Craig Comeau

**To** Mark Fredricks

Good evening,

Attached in this email is a PDF of a letter we wrote for you in regards to the planning meeting held on 2 Nov 2023 in reference to the 87 unit proposal on Windsor Back Road.

We would encourage you to take the time to watch the videos and open the hyperlinks.

Your time, thoughts and consideration are appreciated on this matter.

With Regards,

Craig and Janet Comeau

### **Attachments included at End**

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**November 15, 2023**

**From** Donna Harrie

**To** Mark Fredricks

Good Morning,

I'm sending this email in response to the meeting my husband and I had attended Nov 2/23.

We are residents of Swinamer Dr Three Mile Plains. We prev. lived in the city & searched this area to get away from the noise, traffic and apt. buildings. We've lived here now for almost 20 yrs. and very much enjoy the surroundings, wildlife, quietness and feeling safe. Enjoying the slower pace of living.

Now the Mun. is proposing to add three apt. bldgs. in our back yard. This is very disturbing to say the least. It's not only going to be an "eye sore" but our peace and quiet will be greatly diminished.

The parcel of land proposed is a "catch basin", or as some call it, a "swamp". We were told by the developers spokesperson that the developer wants in have underground parking for the tenants. Well we all know the actual plan is to have above ground parking because the developer knows darn well that there would be continuous flooding if parking were underground. So the actual bldgs. would have to be raised 50' or more and the developer would have to grade the property away from the bldgs. This in turn would avert run off to surrounding properties. No matter how the developer tries to rid the flooding, it can't be done without damaging surrounding properties. Who then pays for damaged property????

There would be an additional 300 people, give or take, and at least 130 plus additional vehicles trying to get out on the back road as there will only be one way in and out of this property. Not to mention the additional traffic on TMP Crossroad which is our only exit from Swinamer Dr.

There aren't any sidewalks on TMP Crossroad or Windsor Back Rd. There are children who have to walk to school and walk to their school bus stop on both roads. This is a safety concern.

We're very concerned about our sewer and water system. Without an upgrade, the system will never be able to handle the additional bldgs. This cost will fall on the already overtaxed residents of this area. We were told our taxes would go down once we started being billed for

sewer on our water bills. Well that hasn't happened!!!! In stead, the cost went up!!!! So we know darn well the residents will foot the bill for the developer!!!!

The spokesperson for the developer was trying to sell us a pretty picture for them. She continued to make comments on how beautiful this development will be, with no inclination of how out of place it will be, noise, crime, water damage, privacy, additional traffic and overcrowding schools more than they are now and much higher taxes. If she and the developer think this is so beautiful, build them in their backyards!!!!

There are plenty vacant lots in the Town of Windsor. These bldgs. would be more suited in the Town where there is proper drainage, sidewalks and st lights.

We will be very disappointed if the Mun. approves this development after knowing how many tax paying residents are against this.

Thank You

Donna and Wayne Harrie

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**November 15, 2023**

**From** Angie Harding

**To** Mark Fredricks

Good Evening,

I trust this message finds you well. I am writing to express my deep concerns regarding the proposed development of three buildings on Windsor Back Rd. My residence is situated on Swinamer Drive, adjacent to the proposed site, and I feel compelled to share my apprehensions regarding several aspects of this project.

Having relocated from the city 19 years ago seeking tranquility, proximity to nature, and a rural lifestyle, I fear these qualities will be compromised by the construction of the proposed buildings. One major concern is the potential impact on the water table level and drainage. The current lack of suitable drainage solutions poses a risk of flooding the existing wetlands, with the added threat of contaminating the nearby fishable river if drainage is redirected across the street.

Furthermore, the scale of the project raises apprehensions about its strain on our already aging water supply and sewer system. Given the frequent disruptions caused by broken pipes and the subsequent need for repairs, an expansion of this magnitude could exacerbate the strain, potentially leading to increased taxes to fund essential upgrades.

The proposed building height of 60', contrary to the stated 35' at the meeting, is distressing, particularly considering the impact on the scenic view of the mountain that my community currently enjoys. Having worked as a carpentry subcontractor for 25 years with reputable builders, I have encountered issues related to drainage, noise, and privacy. Once construction concludes, homeowners are left to address concerns with the municipality, often facing challenges in achieving satisfactory resolutions.

The potential strain on local resources extends beyond infrastructure. A surge in population could lead to overcrowded classrooms, worsened traffic conditions on our small loop, and the loss of wildlife habitat. With ongoing expansions like The Crossing and The Woodlands, our local facilities, including the hospital and offices, are struggling to meet existing demands.

I urge the committee to carefully consider the long-term implications of this development on our community's quality of life and environment. Perhaps, a more measured approach, such as a limited development of homes on a cul-de-sac, aligning with the current R-2 zoning, could strike a balance between economic interests and community well-being.

I appreciate your time and attention to these concerns and trust that the committee will exercise due diligence in evaluating the potential impact of this proposed development.

Sincerely,

Kenny & Angie Harding

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**November 15, 2023**

**From** Tara Warner

**To** Mark Fredricks

Dear Mr. Fredricks,

I am writing on behalf of my husband and I with concerns about the newly announced potential development at PID 45215290 on the Windsor Back Road. We live on Highway 1, with the back of our property facing the potential new development. We have observed after every heavy rain the flooding that happens on that property. It is the "low area" that water drains too.

During the July floods it looked like an ocean as there was so much water. Our property is also low, and we have dealt with water run off from other surrounding properties frequently. In fact, we had to invest a large sum of money into excavating and installing trenches and drain pipes. I fear that if these large developments are allowed to be built, we will see an increase in water flow our way. I am concerned what I have done to protect my property may not be enough, as it still isn't after a heavy rain.

Do the developers have a plan for proper water drainage as to not affect other properties? I imagine this would potentially affect many, many properties in the area.

Sincerely,

Tara Warner

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**November 16, 2023**

**From** Lorna Wood

**To** Mark Fredricks

Hello Mark,

I speak for my family and Many of the people residing on the Windsor back road and in this General vicinity. Many of were not , NOT notified of the public meeting which is very

disappointing. Anyone I have spoken with is definitely not pleased or in favour of the proposed developments for multiple family units/apartments. Also, due to the short amount of time to notify residents of this idea, there were many of us that didn't Or couldn't attend on such late notice.

Please consider this a vote for no to the proposed developments in this rural area. The infrastructure and the drain on a rural area is as you are most likely aware, hopefully completely inappropriate as I'm sure you are aware.

Issues such as Power grid, condition of roads with practically 100 new families travelling in and out every day, or two but examples of reasons why this is an appropriate and should not be Considered. With 100 new families approximately, and I never increasing unemployment rate there will be a tsunami of youngsters with nothing to do, frustrated, walking streets, potential vandalism, noise level increase, pollution from vehicles ... I could go on.

This is a BIG NO...

Lorna wood

## **8.0 Business Arising From the Minutes (File Updates)**

### ***General***

#### **8.1 Minas Basin Flood Study**

The Province, in partnership with Dillon Consulting, conducted a Minas Basin Flood Study. Planning staff received a preview of the mapping on May 21, which has also been posted to the Provincial mapping site. The Province is still vetting the data but anticipate WHRM staff will be sent the data files and final report in June. Planning staff will then determine how this information will impact planning and development in the areas identified as flood prone. This information will also be sent to WSP to incorporate into the Plan Review.

<https://gis.dillon.ca/maps/apps/webappviewer/index.html?id=fbf00dae11bc4d97b3454e5e74c185b3>

### ***Staff Review***

#### **8.2 File #24-07 Development Agreement: PID 45354065 Gray St, Windsor (Alex Dunphy)**

This application is for a development agreement to permit a 5 storey, 50-unit residential apartment building on Gray Street. The Public Information Meeting was held on April 2, with various public comments received. Based on information received from the Public Works Department, there would not be sufficient capacity for municipal sewer and stormwater services to accommodate the development at this time. If there are any updates, staff will bring those forward. This item may now be removed from the agenda for the time being.

#### **8.3 File #24-15 Development Agreement: Irven Drive (PID 45162005 and 45408374) (Sara Poirier)**

This application is for a development agreement to permit grouped dwellings on PIDs 45162005 and 45408374, on the future extension of Irven Drive in The Crossing community in Windsor/Garland's Crossing. It is part of the same application as Files #23-34 and #24-09. The Public Information Meeting was held on March 5, 2024, with 6 members of the public in attendance. The comment period was open until March 19, 2024 and several comments were received. Staff are working with the applicants on a draft development agreement and expect to bring a recommendation report back to PAC/HAC at a future meeting.

#### **8.4 File 21-16 Ellershouse 3 Wind Farm Expansion (Alex Dunphy)**

This application is for a development agreement to expand the Ellershouse Wind Farm with an additional twelve 5.9 megawatt turbines. The Public Hearing was held on May 7, 2024, with 12 members of the public in attendance. Staff are working with the developer on the draft development agreement and hope to bring a recommendation report back to PAC/HAC at the July PAC meeting.

#### **8.5 File 24-03 Bear Lake Wind Farm (Sara Poirier)**

This application is for a development agreement to permit an 11-turbine wind farm across multiple PIDs in Vaughan. The Public Information Meeting was held on April 8, 2024. The comment period was open until April 22, 2024 and several comments were received. Staff are currently reviewing the comments received and working with the developer on a draft development agreement. Changes were requested on June 6, 2024, and need to be reviewed before the recommendation report can come forward.

### ***Public Hearing and Second Reading***

#### **8.6 File #24-10 WHMPS Amendments: Wind Farm Setback Review (Sara Poirier)**

An application received in November 2023 requesting amendments to Section 4.24 of the WHMPS to further evaluate wind farm development proposals began a staff investigation and Council discussions on appropriate setbacks for large-scale wind turbines. Following those discussions, Council approved a motion on February 27, 2024 to direct staff to *“follow the planning process to amend the planning documents to include a 4 km setback.”* A recommendation report was brought to PAC/HAC on May 9, 2024, and the Committee did not vote in favour of these amendments. The amendments were taken to Council for First Reading on May 28, 2024, at which time Council directed staff to *“bring back a report to Council which identifies property lines as the designation for measurement from wind farms and that the distance be established at 2.5 km and with development agreement as part of the process.”* Staff are drafting the new amendments to bring back to Council in June.

#### **8.7 File #24-09 WMPS Amendment: Irven Drive (PID 45162005 and 45408374) (Sara Poirier)**

This application is ultimately seeking a development agreement to permit 88 fourplex units (22 buildings) on an extension of Irven Drive in Windsor. It includes multiple phases; the rezoning of 1781 King Street, File #23-34, these WMPS amendments, File #24-09, and the development agreement to be considered in the future, File #24-15. The WMPS amendments would apply to all of Windsor and would change the development agreement criteria for multiple-unit

developments or grouped dwellings on local roads within the Residential designation. First Reading was held on May 29, 2024, and Public Hearing / Second Reading is scheduled for June 25.

**8.8 File #23-04 Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382, Payzant Drive, Windsor (Alex Dunphy)**

This application is for a development agreement to permit a multi-phase residential development on Payzant Drive. Council opened the Public Hearing on March 26, then it was postponed until April 23, 2024, to ensure suitable wording in the draft development agreement regarding the construction of the Payzant Drive extension. The Public Hearing was then further postponed until May 28, 2024 to allow for time to prepare a site plan based on the updated road reserve design. This Hearing was further postponed until June 25, 2024 to allow ongoing negotiations for the draft development agreement regarding the Payzant Drive Extension.

***Notice of Approval / Minister Review***

**8.9 File #23-41 WHLUB Map Amendment: 4236 Hwy 14, Windsor Forks (Sara Poirier)**

This application is to rezone 4236 Highway 14 in Windsor Forks from Rural Commercial (RC) to General Resource (GR). Public Hearing and Second Reading were held on April 23, 2024, and Council approved the application at the time. A notice was placed in the paper, and the appeal period ended on May 15, 2024, with no appeals received. This item may now be removed from the agenda.

**8.10 File #23-13 Non-Substantive Development Agreement Amendment: Wagners Court (Alex Dunphy)**

This application is for a non-substantive amendment to the existing development agreement on Wagners Court to allow for the reconfiguration of the unit style of the grouped dwellings. This amendment was requested following a discussion with the Canada Mortgage and Housing Corporation where the applicant was informed that only housing projects with a minimum of 5 units would be eligible for funding. This item was presented to Council on May 28, 2024 and was approved at this time. A notice of approval was placed in the paper on June 4, 2024, initiating the 14-day appeal period.

**8.11 File #24-01 WHLUB Map Amendment: PID 45045879 Willow Street, Hantsport (Alex Dunphy)**

This application is for a request to rezone the subject lot from the Single Unit Residential (R-1) zone to the Multiple Unit Residential (R-3) zone to permit a 15-unit apartment building on Willow Street in Hantsport. Council held the First Reading on March 26 and scheduled the Public Hearing and Second Reading for April 23, 2024. The Public Hearing was postponed until May 28, 2024 to allow for staff to answer additional questions of Council. At this time, Council voted against the rezoning, but in favour of text amendments to the Hantsport Land Use By-law to clarify the lot frontage requirement for the Multiple Unit Residential (R-3) zone, as suggested by staff. The applicant was notified of Council's refusal of the rezoning, initiating the 14-day appeal period for their application. The notice of approval for the text amendments was placed in the paper on June 4, 2024, initiating the 14-day appeal period.

**8.12 File #23-07 Development Agreement: PID 45180635 Hwy 215, Summerville (Sara Poirier)**

This application is for a development agreement to permit an outdoor paintball facility on a portion of a property on Highway 215 in Summerville. The application was received in March 2023 and the Public Information Meeting was held on June 6, 2024. This file had been delayed because the subject property was owned by a deceased member of the applicant's family and the Will had to be probated before it could continue. Public Hearing and Second Reading for this file were scheduled for April 23, 2024, but were postponed until May 28, 2024, for Council to visit the site and conduct a noise test with paintball markers. At the May 28 Council meeting, Council approved the development agreement with amendments to include a restriction on paintball playing area in field portion of property, 100 ft. woods buffer be established from interior of field buffer, 12 ft micro-mesh fence to be installed at the interior of the 100 ft. woods buffer pending approval from Department of Natural Resources and Renewables and that the speedball court be another 100 ft. into the woods. A notice of approval was placed in the paper on June 4, 2024, initiating the 14-day appeal period.

**8.13 File #24-05 WLUB Map Amendment: 523 Albert Street, Windsor (PID 45058872) (Sara Poirier)**

This application is a request to extend the General Commercial (GC) zone to the consolidated property boundary by rezoning a portion of the lot. The land within the rezoning area is intended to provide additional amenity space for the August House. First Reading was held on April 23, 2024, and the Public Hearing and Second Reading was held on May 28, 2024. At this time, Council voted in favour of the rezoning. A notice of approval was placed in the paper on June 4, 2024, initiating the 14-day appeal period.

**8.14 File #24-04 Development Agreement: 586 O'Brien Street, Windsor (PID 45054350) (Alex Dunphy)**

This application is for a development agreement to permit a 3-storey, 6-unit apartment building on O'Brien Street. First Reading was held on April 23, 2024, and the Public Hearing was held on May 28, 2024. At this time, Council voted to approve the development agreement. A notice of approval was placed in the paper on June 4, 2024, initiating the 14-day appeal period.

**8.15 File #23-34 WLUB Map Amendment: 1781 King Street, Windsor (PID 45162005) (Sara Poirier)**

This application is a request to rezone the subject lot from Agriculture (AG) to Two Unit Residential (R-2) in preparation for future residential development. The property would be subdivided separating the existing dwelling from the land behind (development area). First Reading was held on April 23, 2024, and the Public Hearing and Second Reading were held on May 28, 2024. Council approved the rezoning at Second Reading. A notice of approval was placed in the paper on June 4, 2024, initiating the 14-day appeal period.

# ACTIVITY REPORT

For Month of May 5/31/2024

Type	May 2023			May 2024		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
Single Family	20	17	4,827,000	17	12	3,624,815
Duplex/Semi	3	5	1,204,372	0	0	0
Apartments	0	0	0	0	0	0
Other Residential	28	1	778,000	10	0	177,000
Commercial	1	0	1,000,000	0	0	0
Industrial	0	0	0	1	0	50,000
Inst & Gov	0	0	0	1	0	5,200
Agriculture	2	0	100,000	0	0	0
Other	0	0	0	0	0	0
<b>Total</b>	<b>54</b>	<b>23</b>	<b>7,909,372</b>	<b>29</b>	<b>12</b>	<b>3,857,015</b>
<b>Year To Date</b>	<b>118</b>	<b>41</b>	<b>16,257,126</b>	<b>110</b>	<b>52</b>	<b>19,372,163</b>
Demolition	0	0		4	2	
Sign Permits	5			5		
Sub Applications	8	18 (Lots Requested)		5	5 (Lots Requested)	



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Fax: (902) 275-4771  
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[f /ChesterMunicipality](#)  
[@chestermun](#)

SENT VIA EMAIL TO: [dsnair@westhants.ca](mailto:dsnair@westhants.ca)

May 30, 2024

Executive Assistant  
Deanna Snair

To Whom It May Concern,

In accordance with Section 206(5) of the Municipal Government Act, I enclose a copy of an advertisement of a Public Hearing which may be of interest to your Municipality.

The Public Hearing will be held on Thursday, June 27, 2024 beginning at 9:00 a.m. in Municipal Council Chambers (151 King Street, Chester).

The purpose of the Public Hearing is to consider a Development Agreement to permit high capacity electrical generation facility use in the form of two wind turbines with maximum generating capacity of 12 megawatts and maximum height of 207 metres on PID 60408820, Highway 14.

Following the Public Hearing Municipal Council may vote on the matter discussed.

Written submissions for consideration by Council may be submitted to Pam Myra, Municipal Clerk (PO Box 369, Chester, NS) no later than 4:30 p.m. Thursday, June 20, 2024.

If you have any questions regarding the Public Hearing, please do not hesitate to contact me at 902-275-2599.

Sincerely,

Paul Riley, BA, CPT  
Planner, Municipality of Chester



THE MUNICIPALITY OF  
**CHESTER**

SENT VIA EMAIL TO: [dsnair@westhants.ca](mailto:dsnair@westhants.ca)

May 30, 2024

Executive Assistant  
Deanna Snair

To Whom It May Concern,

In accordance with Section 206(5) of the Municipal Government Act, I enclose a copy of an advertisement of a Public Hearing (rescheduled) which may be of interest to your Municipality.

The Public Hearing will be held on Thursday, June 27, 2024 beginning at 8:45a.m. in Municipal Council Chambers (151 King Street, Chester).

The purpose of the Public Hearing is to consider general amendments to the Municipal Planning Strategy and Land Use By-law to remove reference to Canadian Radiocommunication Facility Notification Services partnership and add that process for consultation proposals for new cell towers would be by policy adopted by Council.

Following the Public Hearing Municipal Council may vote on the matter discussed.

Written submissions for consideration by Council may be submitted to Pam Myra, Municipal Clerk (PO Box 369, Chester, NS) no later than 4:30 p.m. Thursday, June 20, 2024.

If you have any questions regarding the Public Hearing, please do not hesitate to contact me at 902-275-2599.

Sincerely,

Paul Riley, BA, CPT  
Planner, Municipality of Chester