



West Hants
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY
Planning & Heritage Advisory Committee (PAC/HAC)
April 14, 2022 – 6:00pm
Sandford Council Chambers / Zoom**

- PRESENT:** Councillor Jim Ivey (District 11, Chair)
Councillor Rupert Jannasch (District 1)
Councillor Debbie Francis (District 5)
Councillor Ed Sherman (District 7)
Councillor John Smith (District 9)
Bill Preston (Hantsport Representative)
Jane Davis (Hantsport Representative)
Jamie O’Hanlon (Windsor Representative)
Shelley Bibby (Windsor Representative)
Lisa Bland (WHRM Representative)
Jennifer Nicholls (WHRM Representative)
Tasha Rogers (WHRM Representative)
- STAFF:** Madelyn LeMay (Director of Planning and Development)
Sara Poirier (Senior Planner)
Vanessa Lake (Meeting Secretary)
- PUBLIC:** No members of the public were present.

REGRETS: Councillor Mark McLean (District 3)

Call to Order and Attendance

Chair Ivey called the meeting to order at 6:01pm. Madelyn LeMay took attendance, with all committee members present except Mark McLean, who had sent regrets.

Announcements

Chair Ivey read the land acknowledgements. There were no further announcements.

Approval of Agenda and Additions

Moved by Debbie Francis and seconded by Lisa Bland that the agenda be approved as circulated. Motion carried.

Conflict of Interest

Ed Sherman declared a conflict with item 8.1 and will not participate in this discussion. There were no further conflicts.

Approval of Minutes

John Smith asked if there had been a vote during the infrastructure discussion in the last meeting. Madelyn clarified that there had not been a vote, rather gathering a consensus on where the committee stood on the material.

Moved by Rupert Jannasch and seconded by Debbie Francis that the minutes be approved as circulated. Motion carried.

Business Arising from the Minutes

Update: File #21-15 65 Fort Edward Street, Windsor (Madelyn LeMay for Alex Dunphy)

The postponed Public Hearing took place on March 22. Staff recommended that Council adjourn the Public Hearing to June 28 to pursue a Phase 2 Archeological Research Impact Assessment. Council agreed with staff's recommendation and passed the motion.

Update: Mobile Canteen Vending By-law Amendment and Land Use By-law Amendment (Community Centres) (Madelyn LeMay for Alex Dunphy)

The First Reading took place on March 22. Staff recommended that Council move forward with the Public Hearing and Second Reading. Council agreed with staff's recommendation and passed the motion. The Public Hearing and Second Reading is set for April 26.

Heritage Plaques (Madelyn LeMay)

Madelyn had nothing to report yet but will continue to try to find a source for the plaques.

Update: File #21-18 Benjamins Mill Wind Project (Madelyn LeMay for Alex Dunphy)

The Minister of Environment and Climate Change deemed the applicant's Environmental Assessment submission insufficient and required more information to consider the Environmental Assessment further. Staff met with the applicant to discuss steps moving forward. During the meeting, staff determined that the concerns outlined in the Environmental Assessment would need to be addressed before continuing with the development agreement process. The applicant agreed with staff and had stated that they expect to complete the required studies for the Environmental Assessment and resubmit later this summer.

Update: File #22-01 Windsor Municipal Planning Strategy Text Amendment: Wentworth Road Gateway District (Sara Poirier)

The application to amend the text of the Windsor Municipal Planning Strategy and Land Use By-law to permit Council to consider group dwellings within the Wentworth Road Gateway District by development agreement had First Reading on March 22, and a Public Hearing is scheduled for April 26.

Building and Development Activity Report (March)

There were no questions or comments.

New Business

File #21-20 College Road Development Agreement (Sara Poirier)

Sara reviewed a presentation on the application for a proposed development agreement at PID 45336203 on College Road to permit a long-term care facility with 128 rooms, up to 10 units for residents with disabilities, up to 28 independent living units, and up to 88 residential units. The original application from Dykeland Lodge was received on September 23, 2021. Following feedback from the public and a virtual open house held by the applicant, the application was revised on March 1, 2022.

Sara read the various questions and concerns received from the public regarding this development, and the Committee also discussed these topics at length. Access and egress, traffic and the impact on College Road were primary concerns.

There were two recommendations:

Moved by John Smith and seconded by Debbie Francis that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to permit a variety of residential and institutional uses on PID 45336203 on College Road in a manner substantively the same as the draft set out in Attachment C of the report to the Planning and Heritage Advisory Committee #21-20 dated April 14, 2022. Motion carried.

Moved by Lisa Bland and seconded by Debbie Francis that PAC/HAC recommends that Council require that the development agreement with the Hants County Residence for Senior Citizens 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. Motion carried.

Plan Review

Additional Definitions, Utilities, Corner Vision, and Front Yard Requirements

Madelyn gave a PowerPoint presentation to review definitions and content to be included in the draft LUB. PAC/HAC agreed that:

- the terms the terms hotel and motel be replaced with large- and small-scale tourist accommodations
- that the terms Country Inn and Guest House be deleted
- that the definition of Bed and Breakfast be a single dwelling unit in which the resident supplies bedrooms for the temporary accommodation of the travelling public for compensation and may include bedrooms located in a separate building on the same lot
- that the term Service Industry be replaced by Service Shop and that it be defined as: a building or part of a building in which persons are employed in furnishing services to households and businesses including but not limited to personal service shops, printing establishments, plumbing shops, and sheet metal shops
- that utility structures with a floor area of more than 100 sq. ft. be regulated as suggested in the PowerPoint
- that the material regarding “Corner Vision Triangle” be included in the draft LUB
- that the material regarding Conformity with Existing Front Yards shown in the PowerPoint be included in the draft LUB

Nonconforming Uses, Structures and Nonconforming Uses in Structures

Madelyn gave a PowerPoint presentation to review definitions and content to be included in the draft MPS. PAC/HAC agreed that:

- the Background Section of the MPS be as presented, noting that the parts covering areas prone to flooding would be discussed in the future.

For non-conforming structures:

- there would be no as-of-right relaxation of the MGA requirements for residential structures
- non-residential structures would be allowed as-of-right to: enlarge, repair, renovate or reconstruct if the structure meets all zone requirements other than those which make it nonconforming
- consider only by development agreement the extension, enlargement, alteration, or reconstruction of any nonconforming structure in all zones. In considering such development agreements Council shall be satisfied that:

(i) the condition(s) that prevents the structure from being permitted as-of-right in the zone is addressed by the development agreement including but not limited to the positioning and design of buildings and structures; and

(ii) the proposal meets the general development agreement criteria set out in section xx Land Use Bylaw Amendments and Development Agreements.

For a non-conforming use of land:

- the non-conforming use of land may be recommenced as-of-right after it has been discontinued for a continuous period exceeding six months but not more than 12 months [Note: no decision was made regarding whether closure for longer than 6 months should be considered by development agreement.]
- the nonconforming use of land may be changed as-of-right to another nonconforming use which has similar or less impact than the existing nonconforming use or is more compatible with the uses permitted by the zone

For nonconforming uses in a structure:

- the nonconforming use in a structure may be recommenced as-of-right after it has been discontinued for a continuous period exceeding six months but not more than 12 months
- the building within which the nonconforming use is located may be granted minor expansions as-of-right for items such as entry ways
- the nonconforming use may be changed as-of-right to another nonconforming use which has similar or less impact than the existing nonconforming use or is more compatible with the uses permitted by the zone

Notices from Adjacent Municipal Units

Kings County: Amendments to the Municipal Planning Strategy's rezoning criteria for applications to move from the Rural Mixed Use (A2) Zone to the Rural Industrial (M3) or Rural Commercial (C4) Zone

There were no questions or comments about these notices.

Kings County: Amendments to the Planning Strategy to permit residential development on properties within the Resource (N1) Zone and/or Rural Mixed Use (A2) Zone with frontage on private roads in existence on November 21, 2019

There were no questions or comments about these notices.

Additional Update from Chester

There were no questions or comments about these notices.

Questions and Comments from the Public

All questions and comments received through social media will be addressed by the appropriate staff member as time permits. The public is encouraged to contact staff directly if there are any specific questions or comments.

Next Meeting

The next meeting is scheduled for May 12. The Committee will be updated if there are any changes to how this meeting will take place.

Adjournment

Moved by Shelley Bibby and seconded by Debbie Francis that the meeting adjourn at 8:20pm. Motion carried.