



WEST HANTS REGIONAL MUNICIPALITY
Planning & Heritage Advisory Committee (PAC/HAC)
January 12, 2023 – 6:00pm
Sanford Council Chambers / Zoom
NOTE: A Public Information Meeting (PIM) was held at 6:00pm.
PAC/HAC began immediately following the close of the PIM.

- PRESENT:** Mayor Abraham Zebian
Councillor Jim Ivey (District 11)
Jane Davis, Hantsport Representative
Jennifer Nicholls, WHRM Representative (Cheverie)
Stefan Palios, Windsor Representative
Lisa Bland, WHRM Representative (Three Mile Plains)
Greg Pace, Hantsport Representative
- STAFF:** Madelyn LeMay, Director of Planning and Development
Sara Poirier, Senior Planner
Alex Dunphy, Planner
Vanessa Lake, Planning Assistant
- GUESTS:** Krista Beeler (Dykeland Lodge)
Donna Hoar (Dykeland Lodge)
Mark Higgins (Burgess Crescent)
Floran Lambie (Burgess Crescent)
Tom Emodi (Burgess Crescent)

PUBLIC: Two (2) members of the public were present.

REGRETS: Jamie O’Hanlon, Windsor Representative
Tasha Rogers, WHRM Representative (Newport)
Councillor Laurie Murley (District 10)

Public Information Meeting

A Public Information Meeting (PIM) was held prior to the PAC/HAC meeting. Chair Nicholls called the PIM to order at 6:01pm. This meeting concluded at 6:10pm and the applicants for this file and members of the public that were present left the meeting.

Call to Order and Attendance / Introduction

Chair Nicholls called the PAC/HAC meeting to order at 6:10pm. Vanessa Lake took attendance. Regrets had been received from Laurie Murley, Tasha Rogers, and Jamie O’Hanlon, who is on leave until May 2023. All other committee members were present.

Announcements

Chair Nicholls read the Land Acknowledgements. There were no further announcements.

Approval of Agenda and Additions

Alex Dunphy informed the committee that the applicants for Burgess Crescent, item 9.4, requested their item be moved further up the agenda as those attending are not able to stay past 7:30pm. It was moved to the top of the New Business section.

Moved by Lisa Bland and seconded by Mayor Zebian that the agenda be approved as amended. Motion carried.

Conflict of Interest

There were no conflicts declared.

Approval of Minutes

Greg Pace had a question about file #22-24, regarding both the agrologist report and unsuitable land mentioned, as well as the unintended consequences of the rezoning. Madelyn LeMay noted that there is a section about this specific file later in the agenda, and this conversation will be continued then.

Moved by Jim Ivey and seconded by Mayor Zebian that the minutes be approved as circulated. Motion carried.

New Member Introduction

New resident member Greg Pace introduced himself to the PAC/HAC committee.

Business Arising from the PIM

File #22-35 Development Agreement Amendment: College Road, PID 45336203 (Sara Poirier)

This Public Information Meeting is for an amendment to the Development Agreement for Dykeland Lodge at PID 45336203, College Road, to increase the number of beds in their Home for Special Care from 128 to 160. Sara Poirier asked if the committee had any questions or comments on this file. Lisa Bland asked if the change in the number of beds would change the overall vision for the project, and whether it would affect the space for each resident. Sara replied that there is not a lot of changes proposed to the building footprint to accommodate these additional units, and the applicants will be following Provincial guidelines. Stefan Palios asked for more information about this increase. The application is for a larger increase than requested by the Province and questioned the reasoning behind it. Sara said there was no concrete information given by the applicants however the applicant is requesting an increase to a maximum of 160-beds in case there are any future increases either funded or required by the Province. Stefan asked if it would increase the square footage of the building and Sara said yes, it would increase the building footprint, but not by a large margin. The general vision for the project would remain the same. Jim Ivey asked about amendments to development agreements and what that does to the agreement already in place. Sara replied that when an amendment application is received, staff look for improvements they can make to the existing

agreement. Where this development agreement is so new, there are fewer changes to be made.

Business Arising from the Minutes

Update: File #22-05/22-11 Cole Drive West Hants and Windsor MPS and LUB Amendments (Alex Dunphy)

This application is to include PIDs 45366432 and 45366457 in the Residential designation and rezone both PIDs to the Two-Unit Residential Zone for the Windsor portion of both lots. The application also includes both PIDs in the Three Mile Plains Growth Centre and Residential designation, and rezone PID 45366432 to the Multiple Unit Residential (R-3) zone for the West Hants portion of both lots. Council gave First Reading on November 22, 2022. The Public Hearing for this file was advertised in the paper will be held on the January 24, 2023 Council Meeting.

Update: File #22-21 394 Greenhill Road, Greenhill Development Agreement (Alex Dunphy)

This application is to permit a heavy truck and equipment repair shop at 394 Greenhill Road, Greenhill. Council gave First Reading on November 22, 2022. The Public Hearing for this file was advertised in the paper will be held on the January 24, 2023 Council Meeting.

Update: File #22-04 PID 45038361, 4245 Hwy 14: WHLUB Amendment (Alex Dunphy)

This application is to permit a two-unit dwelling at 4245 Hwy 14. A Public Hearing was held on the November 22, 2022 Council meeting, and Council then gave Second Reading to approve the amendment. A notice of approval was placed in the paper on November 29, 2022, beginning the 14-day appeal period. The appeal period ended on December 13, 2022 with no appeals filed. The amendments are now in effect and this item can now be removed from the agenda.

Update: File #22-19 PID 45026010: 697 Greenhill Road, Greenhill: WHLUB Map Amendment (Alex Dunphy)

This application is to rezone 697 Greenhill Road, Greenhill to the Rural Residential (R-4) Zone. The Public Hearing was held during the November 22, 2022 Council meeting, where Council gave Second Reading to approve the amendment. The notice of approval was placed in the paper on November 29, 2022, beginning the 14-day appeal period. The appeal period ended on December 13, 2022 with no appeals filed. The amendments are now in effect and this item can now be removed from the agenda.

Update: File #20-29 West Hants; 20-30 Windsor; 20-31 Hantsport, Coastal Protection Act General Policy (Alex Dunphy)

This is a proposed amendment to the text of the Hantsport, West Hants and Windsor Municipal Planning Strategies to include a policy with the intent to comply with the regulations of Bill 106, the Coastal Protection Act. Council gave First Reading during the November 22, 2022 Council meeting. The Public Hearing was advertised in the paper and is scheduled for January 24, 2023.

Update: File #22-12 Hantsport; 22-13 West Hants; 22-14 Windsor, MPS and LUB Amendments: Secondary Suites in Accessory Buildings (Sara Poirier)

This application is to amend the planning documents to allow detached secondary suites accessory to any single- and two-unit dwelling within West Hants Regional Municipality. Council approved the application at Second Reading on November 22, 2022. The amendments have now been reviewed and approved by the Province. A notice of approval was placed in the paper on January 10, 2023 and the documents have been amended. This item can now be removed from the agenda.

Update: File #22-17 WHLUB Amendments: Wentworth Road PID 45190386 and Cole Drive PID 45366457 (Sara Poirier)

This application is for rezoning of two portions of lots on Wentworth Road and Cole Drive to allow for residential development. Council approved the application at Second Reading on November 22, 2022. The notice of approval was placed in the paper on November 29, 2022, initiating the 14-day appeal period. There were no appeals received and the documents were amended. This item can now be removed from the agenda.

Update: File #22-10 Development Agreement: 4701 Hwy 1, Three Mile Plains (Sara Poirier)

This application is for a development agreement to allow an automotive repair shop on 4701 Hwy 1 in Three Mile Plains. Council approved the application at Second Reading on November 22, 2022. The notice of approval was placed in the paper on November 29, 2022, initiating the 14-day appeal period. No appeals were received. The development agreement has been signed by the property owner, Mayor, and Clerk, and submitted to legal to register at the Land Registry Office.

Update: File #22-16 WHLUB Amendment: Housekeeping (Madelyn LeMay)

This is an amendment to correct small typographical errors in the West Hants Land Use By-law. The Public Hearing for this file will be held at the January 24 Council Meeting.

Update: File #22-06 Hantsport; 22-07 West Hants; 22-08 Windsor LUB Amendments: Small Options Housing (Madelyn LeMay)

Madelyn noted that the agenda stated “MPS amendments” and asked for this to be removed, as they are only LUB amendments. These amendments are to the text of the land Use By-laws to ensure that small options homes are permitted in the same locations and manner as any

other dwelling. Council approved this amendment on November 29, 2022, beginning the 14-day appeal period. The appeal period for this file ended on December 13, 2022 with no appeals filed. The amendments are now in effect and this item can now be removed from the agenda.

Update: Heritage Plaques (Madelyn LeMay)

At the December 8, 2022 PAC/HAC meeting, the committee recommended that the owner of newly registered heritage properties be offered the option of holding a ceremony at the designated property, or having a plaque presented during a Council meeting. This recommendation will be considered by Council on January 24, 2023.

Update: File #22-24 Hantsport; File #22-25 West Hants, Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515, Rezoning (Alex Dunphy)

This amendment is to include PID 45366515 in the West Hants Residential designation and to amend Schedule A of the WHLUB to rezone PID 45366515 from Agriculture Priority Two (AR-2) to Two-Unit Residential (R-2). The application also includes an amendment to PIDs 45366473, 45366481, 45366499, 45366507, and a portion of 45366515 to rezone the lots from Single Unit Residential (R-1) to the Two Unit Residential (R-2) zone. First Reading is scheduled for January 24, 2023.

Alex made a correction regarding the agrologist report mentioned earlier. The report is referenced, but not attached. The agrologist report is for file #22-25, the West Hants portion. Jane Davis asked if this report can be circulated to the committee. Madelyn replied that it may not be able to be widely circulated; staff will check and send the report if able, with redactions if necessary. Greg brought his questions back to the table. He had concerns about the unintended consequences of this file. In the process of rezoning, is the committee looking at other factors which may arise after the property is rezoned? Madelyn responded that when it is a LUB amendment, staff can only be guided by the policy within the planning strategy, only look at the request that has been made, and can only look at the consequences of the intended zone. Staff can, however, consider good planning practice when amending the planning strategy.

Update: File #22-22 Hwy 215, Cheverie PID 45178944, Development Agreement (Alex Dunphy)

This is an application for a campground located on PID 45178944 Hwy 215, Cheverie. Staff presented a recommendation to PAC/HAC on December 8, 2022 which the committee recommended in favour of. First Reading is scheduled for the January 24, 2023 Council meeting.

Building and Development Activity Report (December)

The report was sent to the Committee prior to the meeting. There were no questions or comments.

New Business

File #22-20 Development Agreement: Burgess Crescent, Windsor PID 45338688 (Alex Dunphy)

Alex gave an overview of the application. This development agreement is for a multi-unit residential building, composed of eight (8) townhouses and an attached 20-unit apartment building located at PID 45338688 Burgess Crescent, Windsor. Alex provided a site plan and additional information in his presentation. The proposed lot size is smaller than what would be permitted as-of-right, but development agreements provide flexibility in development design, and the proposed building is similar to other buildings in the zone, and compatible with the surrounding buildings. He noted that the Orthophoto showed 3 separate PIDs but they have since been consolidated into one lot. A Public Information Meeting was held on the December 8, 2022 PAC/HAC meeting, and on the December 22, 2022 deadline, no comments had been received. The applicant had requested an extension to 48 months for the commencement period. The committee could agree to these terms and add them to the motion if they accepted this request. Stefan asked if such a request was unusual. Sara replied that this is a common request and 48 months is often given to larger scale projects so they can deal with financing, contractors, and other factors. Greg had a question about the front view of the site plan, which showed a significant slope. Alex replied that on his site visit, the slope did not appear as drastic as in the drawing.

Moved by Lisa Bland and seconded by Jim Ivey that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow an 8-unit townhouse and attached 20-unit apartment building with a 48 month Period of Commencement on Burgess Crescent, Windsor (PID 45338688) which is substantively the same as the draft set out in Attachment B of the report File #22-20 to the Planning and Heritage Advisory Committee dated January 12, 2023. Motion carried.

Moved by Lisa Bland and seconded by Jim Ivey that PAC/HAC recommends that Council require that the development agreement with Floran Lambie for Burgess Crescent, Windsor (PID 45338688) 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.

The applicants for this development agreement left the meeting at this time.

File #22-36 Public Participation Program Policy (Madelyn LeMay)

These are changes required by the Provincial Government. In December 2019, they enacted the *Nova Scotia Engagement Programs Content Regulations*, which list mandatory contents of an engagement policy. At the same time, Minimum Planning Requirement Regulations were adopted by the region. The program requires a Public Participation Program Policy for content regarding: engagement with abutting municipalities, how Council will consider any comments received from abutting municipalities, and Statements of Provincial Interest. The Municipal Government Act (MGA) requires each municipality to have a Public Participation Program Policy (PPPP). Hantsport, West Hants and Windsor each had a PPPP, and following consolidation, the region adopted a PPPP which reflects those of the individual units. The *Engagement Programs Content Regulations* added new topics which must be included in the PPPP. Madelyn gave a review of the content that must be added and changes to be made to the documents. The purpose will remain the same, with a new section added containing the new content. Many of the required actions already take place, and this simply puts them into policy.

The committee had questions to clarify points. The suggested 300' notification distance was the minimum distance suggested, and to ensure that Hantsport does have a distance in writing. There were concerns about the seven (7) day mailing timeframe given. Sara replied that mail is often sent 3 days before the day staff wants the public to receive them to ensure they arrive in a timely matter. Madelyn commented that changing this might be difficult given the time constraints involved in development. Madelyn also noted that the changes to notifying adjacent units is only for changes in the planning strategy that affect policy, and not LUB amendments or development agreements.

Moved by Stefan Palios and seconded by Lisa Bland that PAC/HAC recommends that Council approve the Public Participation Program Policy in a manner substantively the same as attached as Appendix D to the January 12, 2023 report "Public Participation Program Policy Revisions" File # 22-36.

File #22-31, Hantsport, File #22-32, West Hants and File #22-33, Windsor: Linking the Public Participation Program Policy to the MPS (Madelyn LeMay)

WHRM established a Regional Public Participation Program Policy in April 2020, and amendments to this policy to align with the new regulations as mentioned above are to be considered for each document. Each document meets the requirements, save for a policy referring to Public Participation Program Policy itself. They must be added to each document. Madelyn gave an overview of the added content.

Moved by Stefan Palios and seconded by Jim Ivey that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report Minimum Planning Requirements Regulations: Hantsport, File # 22-31. Motion carried.

Moved by Stefan Palios and seconded by Jim Ivey that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the West Hants Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, in a manner substantively the same as shown in Appendix D of the January 12, 2023 report Minimum Planning Requirements Regulations: West Hants, File # 22-32. Motion carried.

Moved by Stefan Palios and seconded by Jim Ivey that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, in a manner substantively the same as shown in Appendix D of the January 12, 2023 report Minimum Planning Requirements Regulations: Windsor, File #22-33. Motion carried.

File #22-30 Development Agreement: 4190 Hwy 1, Garlands Crossing PID 45003357 (Sara Poirier)

Sara gave a presentation outlining the development agreement. The building currently on the lot is the Gold House Chinese restaurant, which must be demolished to accommodate the new development. The request is for a four-storey mixed-use apartment building containing up to 21 apartment units and up to 3000 sq. ft. of commercial space and rooftop recreation space. Sara showed the site plan and explained the municipal easement shown. A 10-inch sewer main runs from Tonge hill to Highway 1 located within the easement. Section 2.2(c) of the draft development agreement states that no building shall be located on the area of the lot identified within the easement, as well as overhanging balconies or other structures, so that Public Works may conduct maintenance as needed. Sara listed all other requirements.

A Public Information Meeting was held on December 8, 2022 and only one member of the public was present to ask for clarification. The deadline for comments was December 22, 2022 and no further comments were received.

Lisa had concerns about traffic impact, especially between the proposed development and the abutting gas station and expressed a desire to prevent such traffic. Sara said they can be more specific in their recommendation if they wish. Greg asked why a Geotechnical survey was required for this project and Sara replied that the Manager of Building and Fire Inspection Services noticed the current building appears to be sinking and needed confirmation that the ground is able to accommodate the proposed use.

Moved by Stefan Palios and seconded by Lisa Bland that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a four (4) storey apartment building containing 21 apartment units, roof top recreation space and up to 3,000 sq. ft. of commercial space on PID 45003357 in Garlands Crossing, providing no through traffic to the adjacent lots, which is substantively the same as the draft set out in Attachment C of the report File #22-30 to the Planning and Heritage Advisory Committee dated January 12, 2023. Motion carried.

Moved by Stefan Palios and seconded by Lisa Bland that PAC/HAC recommends that Council require that the development agreement with Jean Alphonse of Jovana Construction Limited for PID 45003357 in Garlands Crossing 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.

Notices from Adjacent Municipal Units

There were no notices.

Questions and Comments from the Public

Facebook comments are not followed in real time. The public is encouraged to contact staff directly if there are any urgent questions or comments. Public comments received during the Public Information Meeting and following comment period will be considered and included in the staff report.

Next Meeting Date / Adjournment

The next meeting is scheduled for February 16 at 6:00pm. This was changed from the original date of February 9, 2023, and the committee was notified by email. Should there be further changes, the committee will be similarly notified.

Chair Nicholls and the whole committee thanked Madelyn LeMay for her years of dedicated service and guidance to the committee and the Municipality.

Moved by Lisa Bland and seconded by Stefan Palios that the meeting be adjourned at 7:53pm. Motion carried.

Chair's Signature