



West Hants

something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY
Planning & Heritage Advisory Committee (PAC/HAC)
April 13, 2023 – 6:00pm
Sanford Council Chambers / Zoom**

**NOTE: Two Public Information Meetings (PIMs) were held at 6:00pm.
PAC/HAC began immediately following the close of the PIMs.**

PRESENT: Jennifer Nicholls, WHRM Representative (Cheverie), Chair
Mayor Abraham Zebian
Councillor Laurie Murley (District 10)
Councillor Jim Ivey (District 11)
Jane Davis, Hantsport Representative
Stefan Palios, Windsor Representative
Greg Pace, Hantsport Representative
Tasha Rogers, WHRM Representative (Newport)
Lisa Bland, WHRM Representative (Three Mile Plains)

STAFF: Sara Poirier, Director of Planning and Development
Alex Dunphy, Planner
Vanessa Lake, Planning Assistant
Mark Phillips, CAO

GUESTS: Darren Shupe (Applicant)
Shawn Foote (Applicant)

Bill Clarke (Applicant)

PUBLIC: 26 members of the public were present

REGRETS: Jamie O’Hanlon, Windsor Representative

Public Information Meeting

Chair Nicholls called the Public Information Meetings to order at 6:02pm. The meetings concluded at 7:18pm and the applicants and 19 members of the public that were present left the meeting at this time.

Call to Order and Attendance

Chair Nicholls called the PAC/HAC Meeting to order at 7:18pm. Vanessa took attendance. Regrets had been received from 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

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

Conflict of Interest

There were no conflicts declared.

Approval of Minutes (March 9, 2023)

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

Business Arising from the PIMs

File #23-01 Rezoning: 997 Highway 14, Upper Vaughan, PID 45041902 (Alex Dunphy)

This is an application to rezone 997 Highway 14, Upper Vaughan, to the Resource Industrial (M-1) zone to allow for commercial storage and distribution.

The Committee requested confirmation that this was a corrective zoning request to accommodate a use already occurring on the lot. Staff confirmed it was and will investigate what the original permit was for. There was a lot of discussion about the process behind this kind of action. The Planning Department relies on complaints, as they are not able to monitor the proper use of every single permit issued. Staff explained how when a complaint is received, the Development Officer will investigate which may result in them asking Planning staff to see if the use could be considered through an application for rezoning or development agreement. If it is a life safety issue, the use will be shut down immediately. If the use can be considered through a rezoning or development agreement application, staff will take that option as a potential corrective measure and bring it to Council for consideration. The Committee discussed why a permit could not be repealed or revoked if the owner is not following the intended use. Staff are not aware of this option, but they will bring back more information to the Committee.

File #23-05 Development Agreement: Cole Drive, Windsor, PID 45411808 (Alex Dunphy) This is a development agreement application to permit one (1) four-story mixed-used apartment building containing 42 units on PID 45411808, Cole Drive, Windsor.

This development was brought back to the Committee as the application first had to go through a MPS and LUB amendment, to allow Council to then consider the uses by development agreement. The Committee noted that the flat roof of the development would be a good location for solar panels and asked about promoting environmentally friendly and sustainable practices, or if Council had any incentive to do so. There are currently not any criteria for such things, but the option is always available to a developer.

Business Arising from the Minutes

Update: File #22-23 Development Agreement: PID 45006947 and 45415668, MacLeod Court, Three Mile Plains (Sara Poirier)

This application was for a development agreement to permit two (2) apartment buildings on the properties. The Public Information Meeting was held on March 9, 2023. There were numerous public comments received during the comment period. The developer has decided to change the concept for the property. This revised concept has yet to be submitted to staff.

Another PIM may be required if the submitted changes are substantial.

Update: File #22-25 Development Agreement Amendment: College Road, PID 45336203 (Sara Poirier)

This application is for an amendment to the development agreement for Dykeland Lodge on College Road to increase the maximum number of beds permitted in the home for special care. Council held first reading for this application on March 28. A public hearing is scheduled for April 25.

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

This application was for a development agreement to permit a four storey multi-unit mixed-use building on the property currently occupied by the Gold House Chinese restaurant in Three Mile Plains. The Public Hearing and Second Reading was held on February 28, 2023. The notice of approval was placed in the paper on March 7, 2023, initiating the 14-day appeal period. No appeals were received. This item can be removed from the agenda.

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

Staff prepared and presented an information report on March 28 to provide clarification on the zoning change and former town boundary. During Second Reading, Council voted in favour of the rezoning and designation change. A notice of approval was placed in the paper on April 11, 2023, initiating the 14-day appeal period for the Hantsport portion of the subject lot, and a letter was sent to the Province for ministerial review for the West Hants portion of the subject lot.

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

A notice of approval was placed in the paper on March 7, 2023, initiating the 14-day appeal period. No appeals were received. Staff have received signatures and are currently processing this development agreement.

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

A notice of approval was placed in the paper on March 7, 2023, initiating the 14-day appeal period. No appeals were received. Staff have received signatures and are currently processing this development agreement.

Update: Public Participation Program Policy Amendments (Sara Poirier)

At the March PAC/HAC meeting, the Committee recommended that Council ask staff to explore amending the Public Participation Program Policy to include strengthened public notice of information meetings. Council made the motion on March 28. Sara is hoping to bring an information report back to the May PAC/HAC meeting.

Building and Development Activity Report (March 2023)

The report was circulated with the agenda package. There were no questions or comments.

Break

Chair Nicholls called a small break for the Committee around 7:45pm. The meeting resumed around 7:50pm.

New Business

File #21-18 Development Agreement: Benjamins Mill Wind Project (Alex Dunphy)

Alex gave a presentation outlining the application, which is to permit a 24-unit wind turbine project on the subject properties. The application from Natural Forces was received on January 13, 2022, and the initial PIMs were held in February 2022. On February 12, 2023, the Minister granted Environmental Assessment Approval, subject to a list of conditions shared in Alex's report. The proposal consists of 15 PIDs and measures approximately 29,500 acres in total area.

The turbines are clustered in the eastern portion of the project area, and the nearest home to a proposed wind turbine is 1.6km away. Alex listed the specific requirements of the development agreement and outlined the concerns the public had shared during the PIMs and comment period.

The Committee discussed the noise setbacks, and whether they were adequate, and whether the length of the mainland moose monitoring program outlined in the Environmental Assessment Approval could be increased from 2 years to 5 years. Staff noted that the setbacks and monitoring program were set and deemed appropriate by the Province.

There was also concern about properties zoned Water Supply (W) being included in the development agreement site plan. Staff explained that while the land was leased in its entirety, the turbine locations are far away from the portion zoned Water Supply (W) and must be built to the specifications of the site plan.

Moved by Mayor Zebian and seconded by Laurie Murley that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a Wind Farm on PIDs 45390960, 45406659, 45406667, 45406675, 45406683, 45406709, 45061926, 45406691, 45406717, 45390952, 45407921, 45391018, 45407913, 45060449, and 45060548 which is substantively the same as the draft set out in Attachment B of the report File #21-18 to the Planning and Heritage Advisory Committee dated April 13, 2023. Motion carried.

Moved by Mayor Zebian and seconded by Laurie Murley that PAC/HAC recommends that Council require that the development agreement with Natural Forces Lands GP Ltd and Atlantic Star Forestry Ltd. for PIDs 45390960, 45406659, 45406667, 45406675, 45406683, 45406709, 45061926, 45406691, 45406717, 45390952, 45407921, 45391018, 45407913, 45060449, and 45060548 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.

File #22-28 Development Agreement: PID 45276441 and PID 45366986, Payzant Dr., Windsor (Sara Poirier)

Sara gave a presentation outlining the application, which is to permit one (1) 8-storey, 90-unit apartment building on portions of PIDs 45276441 and 45366986, Payzant Drive, Windsor. A request to include consideration for commercial space on the ground floor was received on February 14, 2023. Sara outlined the policies which would allow Council to consider this development agreement and the specific requirements of the development agreement. Staff clarified the side yards are required at 15ft or one-half of the height of the building. If the building were 80ft tall, the side yards would be required to be a minimum of 40ft. The Committee had considerable concern about stormwater management. The developer's engineer was required to provide a letter to the Municipal Public Works Department to confirm how stormwater would be managed. Public Works was satisfied with the engineer's responses. The developer would also have to meet the standard set out in the Municipal Specifications Manual for their development. Public Works does consider the cumulative impact of all development in the area and was confident the stormwater management pond located on Payzant Drive would be sufficient.

Moved by Mayor Zebian and seconded by Laurie Murley that PAC/HAC recommends that Council give First Reading to consider entering into a development agreement to permit an apartment building with up to 90 apartment units and up to 10,000 sq. ft. of commercial space on a portion of PID 452766441 and 45366986 on Payzant Drive in Windsor in a manner substantively the same as the draft set out in Attachment C of the report to the Planning and Heritage Advisory Committee #22-28 dated April 13, 2023. Motion carried with Jim Ivey opposed.

Moved by Mayor Zebian and seconded by Laurie Murley that PAC/HAC recommends that Council require that the development agreement with Mitch Brison which permits an apartment building with up to 90 apartment units and up to 10,000 sq. ft. of commercial space on a portion of PID 452766441 and 45366986 on Payzant Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end. Motion carried with Jim Ivey opposed.

File #22-29 Development Agreement: PID 45166915 Scotch Village Station Rd. (Sara Poirier)

Sara gave a presentation outlining the application, which is to permit a yoga studio and campground with tourist accommodations and other accessory uses on PIDs 45166915 and 45148608, Scotch Village Station Rd. Rural Commercial (RC) and Recreation Commercial (RecC) uses are considered in the Agriculture Priority Two (AR-2) zone by development agreement. Sara listed the permitted uses in the development agreement and the development agreement requirements. The Public Information Meeting was held on February 16 and multiple comments were received including concerns about flooding and river contamination, forest fires, access and parking, and trespassing, vandalism, and garbage.

The Committee asked for clarification on some items listed in the development agreement. The phrase “no permanent structures” meant no structures of any kind within the 50 ft buffer area. The mid-May to mid-October season applies only to the campground and private outdoor events, and the yoga studio is intended to be open year-round. The maximum number of 8 outdoor private events was reduced from the 12 requested by the developer following a discussion amongst staff. The Committee discussed the number of events. Many felt 12 would be a more viable business option and the developers should be allowed to hold more events. Moved by Greg Pace and seconded by Tasha Rogers that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a yoga studio and campground with a variety of tourist accommodations and other accessory uses on PID 45166915 and PID 45148608 on Scotch Village Station Road in a manner substantively the same as the draft set out in Attachment C of the report File #22-29 to the Planning and Heritage Advisory Committee report dated April 13, 2023, and to add that the Special Events in this Development Agreement be moved from 8 to 12 for the timeframe of mid-May to mid-October in the calendar year. Motion carried with Lisa Bland and Mayor Zebian opposed.

Moved by Stefan Palios and seconded by Lisa Bland that PAC/HAC recommends that Council require that the development agreement with Jessica and Allan Hill 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 with Mayor Zebian opposed.

A major concern and point of discussion for the Committee was the repurposing of agricultural land, particularly in regard to the Statement of Provincial Interest regarding agricultural land. The results of the agrologist report noted that the property had soil acceptable for certain crops and the Committee felt it would be a shame to develop it. The results and rationale behind these reports were questioned. The Committee requested staff investigate policies related to agricultural land.

Moved by Lisa Bland and seconded by Stefan Palios that PAC/HAC recommends that Planning and Development Staff bring information to PAC/HAC to review currently existing agricultural policies within the municipality and provincial statements of agricultural interest. 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. 7 members of the public were present at this time.

Tom Levy and Trevor Levy shared their comments with the Committee. They noted the endangered species in the area, such as the snapping turtle, the lady's slipper orchid, and the wood turtle, and wondered what is being, or could be done, to protect these species from guests and their pets. They also noted how the agrologist report rated the soil 2-3 and that the "size and shape" of the lot was the issue. They know of several farms of similar size and scope along the river that are currently in production, and even have lower-quality soil than the subject property. They were disheartened by the removal of viable agricultural land and commented that nearby agricultural uses would continue and possibly disrupt the campsite and outdoor events.

They also expressed concerns about flooding and felt the effects were being downplayed. A flood event cannot be accurately predicted and could occur at any time of the year, sometimes even because of a storm in another area. They had concerns about the sewage system, possible river contamination, and pets interfering with nearby livestock.

Chair Nicholls addressed the public and let them know that these issues are taken seriously. She reminded everyone that staff work within a system and a framework. The quality and volume of public input makes a difference, especially when an item goes forward to Council. She acknowledged the agricultural quality of the area is what makes us West Hants. She thanked the public for their time, and their questions, comments, and passion for these serious issues.

Next Meeting Date / Adjournment

The next meeting is scheduled for May 11, 2023 at 6:00pm. The Committee will be notified of any changes. Moved by Mayor Zebian and seconded by Stefan Palios that the meeting be adjourned at 9:48pm. Motion carried.

Chair's Signature