



**West Hants**  
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY  
Planning & Heritage Advisory Committee (PAC/HAC)  
May 11, 2023 – 6:00pm  
Sanford Council Chambers / Zoom**

**NOTE: Three 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  
Tasha Rogers, WHRM Representative (Newport)  
Lisa Bland, WHRM Representative (Three Mile Plains)

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

**GUESTS:** Gene “Marty” Anthony (Applicant)  
Noel Taiani (Applicant)

**PUBLIC:** 20 members of the public were present

**REGRETS:** Jamie O’Hanlon, Windsor Representative  
Greg Pace, Hantsport Representative

### **Public Information Meeting**

Chair Nicholls called the Public Information Meetings to order at 6:00pm. The meetings concluded at 6:52pm and the applicants and 18 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 6:52pm. Vanessa took attendance. Regrets had been received from Jamie O’Hanlon, who is on leave up to and including May 2023. Greg Pace was not in attendance. All other Committee members were present.

### **Announcements**

The Committee welcomed new Senior Planner, Mark Fredericks, to the team. Mark has vast experience from Kings County and the Planning and Development Department is happy to have him aboard.

### **Approval of Agenda and Additions**

Jane Davis requested the addition of agenda item 9.5, Affordable Housing Requirements. Lisa Bland requested the addition of agenda item 9.6, Heritage Plaques for Heritage Locations. Moved by Lisa Bland and seconded by Stefan Palios that the agenda be approved as amended. Motion carried.

### **Conflict of Interest**

Mayor Zebian declared conflict with item 6.2 and will not participate in the discussion.

### **Approval of Minutes (April 13, 2023)**

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

### **Business Arising from the PIMs**

#### **File # 23-03 WHLUB Amendments: Pemberton Ave, Garlands Crossing PID 45003563 (Alex Dunphy)**

This PIM was for an application to amend the West Hants Land Use By-law to rezone PID 45003563 on Pemberton Avenue, Garlands Crossing, from General Commercial (GC) to Two Unit Residential (R-2) to allow for two semi-detached residential dwellings. Alex noted that the properties on Pemberton Avenue are designated and zoned Commercial, but Pemberton Avenue has been built out as residential uses.

The Committee discussed the lot's access to Highway 1 and potential disruption to Pemberton Avenue by allowing the rezoning to Two Unit Residential (R-2). The Provincial Department of Public Works will be asked to comment on the access to Highway 1. Lisa could recall a time when there was a driveway to Highway 1 and encouraged this to be investigated and mentioned that having another access point could make the location more appealing. Mayor Zebian asked for clarification that as-of-right, a single unit dwelling could be built. Alex replied that would depend on whether the lot is under 10,000 sq. ft., as the current General Commercial (GC) zone only permits single unit dwellings or mini homes to be built on existing vacant lots under 10,000 sq. ft. in area. Mayor Zebian asked if the lot could be subdivided, and Alex replied that it would depend on the lot frontage and would need to be reviewed by a Development Officer.

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

This PIM was for a development agreement to permit a multi-unit residential development on PIDs 45053030, 45343894, 45343878, and 45234382 on Payzant Drive, Windsor.

The Committee expressed concerns about surrounding marshland, and Alex replied that the lots are not within the Environmental Constraints area. The brook running along King Street and potential flooding was also mentioned. The traffic conditions on Payzant Drive are a known issue and the Committee discussed them at length. There was an initial discussion with the Municipal Public Works Department about the potential expansion of Payzant Drive through to King Street, however the applicant is only required to provide frontage and access to the lots they are proposing to develop. Stefan expressed concern about there being no “livability” in the area, i.e., no corner stores or walkability into town. He would like livability as well as renewable energy, road issues, and respectful density be addressed in applications and more information provided to the public. He would like the Committee and the Municipality to make it known that these are issues they take seriously and want to champion. These questions could be addressed before getting to the Public Information Meeting stage to alleviate some concern and trepidation of the public.

**File # 23-06 HLUB Amendments: 35 William St, Hantsport PID 45044419 (Alex Dunphy)**

This PIM was for an application to allow a 40-unit apartment building on 35 William Street, Hantsport (PID 45044419) by amending the Hantsport Land Use By-law (HLUB).

The Committee thought a residential development near a Fire Department could cause issues with parking. Firefighters must be able to park at all hours of the day and with residents parking on the street as well, it could leave them no room. Townhouses with private driveways may be a better option. The Fire Department will be asked to comment on the proposal. Concerns about resident density was raised, with both traffic and resident well-being noted. The Committee did not want to create a “sardine can” scenario. The Committee also asked why there as no Site Plan provided. Sara replied that this is not a development agreement application, as the Hantsport documents do not recognize a development agreement as a tool to allow Council to consider particular developments. This application is to amend the text of the HLUB. To allow for development agreements to be used in particular situations in the community of Hantsport it would require a motion from the Committee and the creation of policies and regulations. This will also be reviewed during the Plan Review. The Committee did not make a motion at this time. Chair Nicholls requested information on how much and where

the Mixed Commercial/Residential (C-2) zoned areas are and to include this information in the Staff Report.

### **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.

#### **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 approved the application on April 25 and a notice of approval was placed in the paper on May 2. The appeal period ends on May 16.

#### **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)**

This is a rezoning application for the designated PIDs to become residential. The Notice of Approval for the Hantsport portion was placed in the paper on April 11 initiating the 14-day appeal period. No appeals were received. Approval from the Department of Municipal Affairs and Housing was received for the West Hants portion today, May 11, and a Notice of Approval will be placed in the paper on May 23. This item can now be removed from the agenda.

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

This is a development agreement application to permit a 24-unit wind farm in Benjamins Mill. The Public Hearing for this file is scheduled for May 23, 2023. A request to change the leasing and sub-leasing agreement was received and the details are still being discussed with the Municipal solicitor.

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

This application is for a development agreement to permit one, 8-storey apartment building on the properties. The Public Hearing is scheduled for May 23, 2023.

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

This application is for a yoga studio, campground with tourist accommodations and other accessory uses on the properties. The Public Hearing is scheduled for May 23, 2023. Sara had a conversation with the applicant earlier in the day (May 11) and the applicant is considering scaling back their proposal based on comments received.

**Update: Review of Agricultural Policies (Sara Poirier)**

At the April 13, 2023 PAC/HAC meeting, PAC/HAC recommended that the Planning and Development staff bring information to the Committee to review currently existing agricultural policies within the municipality and Statements of Provincial Interest regarding agriculture. The agricultural policies and Statements of Provincial Interest will be reviewed by staff and an information report will be brought back to the PAC/HAC at a future meeting. Sara mentioned that this will tie into the Plan Review. Lisa asked if there were any considerations about rezoning back to Agriculture and Sara will include this in the report. Tasha mentioned the East Hants Agricultural Reserve Zone as a potential discussion topic.

The Committee discussed staff time and workload in relation to the Plan Review. They discussed whether there could be a different way to handle all the different projects, perhaps with a new, dedicated position, or hiring a consultant. The Committee decided this would be a good topic to include on the next agenda.

**Building and Development Activity Report (April 2023)**

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

**New Business**

**File # 23-01 Rezoning: 997 Hwy 14, Upper Vaughan (Alex Dunphy)**

This is a rezoning application for 997 Highway 14, Upper Vaughan, to change from the General Resource (GC) to the Resource Industrial (M-1) zone. In September 2020, a permit was issued for a garage to be used as a personal storage building. In October 2022, a complaint was received by the Development Officers. Upon investigation, the Development Officer found industrial uses conducted on the property which were in violation of the Land Use By-law. The property owner applied for a rezoning to adhere to the Land Use By-law. Staff conducted a thorough review of the application and property and do not recommend in favour of the application.

The Committee discussed how the current industrial use could be stopped if the application was unsuccessful. Permits are issued at the discretion of the Development Officer. The Development Officer is appointed by Council to administer the Land Use and Subdivision By-laws on behalf of Council. The Committee wondered if there was any way to add further review to the process. If the application is refused, the potential timeframe for cleaning up the site following refusal would be set by the Development Officer and would likely be 30-60 days. The personal storage on the site would not be affected, provided it remains personal. The refusal of a rezoning application can be appealed to the Nova Scotia Utility and Review Board, but staff are confident they have provided a recommendation that aligns with the intent of the Municipal Planning Strategy policies.

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 Schedule A of the West Hants Land Use By-law to rezone 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) zone. All were opposed. Motion defeated.

#### **Break**

Chair Nicholls called for a break at 8:10pm. The Committee resumed at 8:15pm.

#### **File # 23-05 Development Agreement: Cole Drive, Windsor, PID 45366432 (Alex Dunphy)**

This application is to allow a 4-storey mixed-use building by development agreement. This application has been considered by Planning staff in two parts, and this process is only concerning the West Hants portion of the second part. On May 8, the applicant requested changes to the draft development agreement. Staff do not have an issue with the changes,

except the hours of operation extending to 10pm. Staff suggest 9pm to be the same as surrounding businesses.

The Committee discussed the proposed hours of operation and decided to accept the applicant's request to extend the hours. They felt the location of the development would not interfere with nearby uses and may even be a benefit to the community.

Moved by Lisa Bland 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 four storey, mixed-use apartment building on PID 45411808 on Cole Drive in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-05 to the Planning and Heritage Advisory Committee dated May 11, 2023 with the inclusion of 'banks and financial institutions', 'retail stores', and 'indoor recreation uses' within the permitted commercial uses list, commercial hours of operation extended to 10:00 p.m., and maximum building height increased to 45 ft. Motion carried.

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

**Information Report: File # 23-02 WMPS and WLUB Amendments: 368 Nesbitt Street, PID 45056447 (Sara Poirier)**

Sara presented an information report on this file to gather input from the Committee prior to hosting a Public Information Meeting as this is a one-of-a-kind proposal for Windsor. This application was received on April 13, 2023, from Jenifer Tsang of Sunrose Land Use Consulting on behalf of 3321153 NOVA SCOTIA LIMITED / United Gulf Developments Ltd. It is a request to amend the Windsor Municipal Planning Strategy and Windsor Land Use By-law to permit a mixed-use, multi-unit development and hockey themed tourist destination on the site of the former Textile Mill. The proposal includes a 19-storey mixed-used building with a hockey museum, office space and up to 164 residential units, a restaurant in the shape of a hockey

puck, a large, backlit hockey stick visible from the highway, and outdoor recreation space with artificial ice surfaces. The applicants are requesting a new designation and zone be created to allow their development as-of-right. Council has provided intention in the current planning document to allow redevelopment the lot, but a development of this size and scale were not considered at the time.

Sara provided a detailed description of their proposal and requested direction on how the Committee would like staff to proceed. Three options were presented: as-of-right by creating the new zone and designation, considering it through site plan approval, or a considering it through development agreement. The Committee was not in favor of allowing such a broad development as-of-right. They felt they could lose control of the development. Site plan approval would require the applicant to stick to the plan provided, but the process does not allow for public engagement prior to approval. The Committee considered public engagement for a project like this to be essential. Development agreements are the most restrictive and familiar to the Committee, but also have the longest process of 6-8 months. The Committee raised concerns about the proposed height of the development, the residential density, and the sightline of the river from Fort Edward. A Public Information Meeting will be scheduled by staff. Chair Nicholls requested a standalone meeting for this item due to the scale of the proposal.

**Information Report: File # 23-08 Public Participation Program Policy (Sara Poirier)**

During the PAC/HAC meeting on March 9, 2023 the Committee discussed the current process for notification of Public Information Meetings and ways this could be improved, including larger sized signage on site, notification in local community centres and/or post offices, and hosting the Public Information Meeting in the community where the property is located.

Council passed a motion on March 28, 2023 to have staff explore amending the PPPP.

Sara outlined the current notification process, the process of other jurisdictions, and the current fees associated with the current process.

The Committee raised previous public concern that 300-500 ft. was not a large enough radius for mail notices, and suggested raising it to 1000 ft., especially in rural areas. The timing of sending letters was also discussed, and the Committee suggested sending the letters 14 days prior, or as early as possible.

The size and location of signs was discussed, with the suggestion of creating a template that the developers will use to print and post the signs themselves. Posting notices at high-traffic areas, such as community post offices or corner stores, may also increase awareness.

Hosting the PIMs in the community affected was seen as a good idea. Should the local community centre not be available, the nearest available/accessible location would be suitable. If none are available, the location would revert to Council Chambers at 76 Morison Drive. A secondary or summary Zoom meeting could also be held.

Sara had mentioned that in some jurisdictions, a PIM is not required for some applications, and the Committee found this appealing. The Committee also discussed separating PIMs from the PAC/HAC to allow for longer discussion and a less intimidating atmosphere for the public to engage. Mayor Zebian would like feedback from staff brought back to the Committee.

#### **Affordable Housing and Heritage Locations**

Due to the late hour, the Committee decided to discuss these items at the next meeting. Moved by Lisa Bland and seconded by Jane Davis that these items be deferred to the June agenda. Motion carried.

Jane requested that a link to Bill 6 be provided to the Committee with the next agenda.

#### **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 questions or comments. Public comments received during the Public Information Meetings and during the comment period will be considered and included in the staff report. Two members of the public were present at this time.

They were happy to see the Committee and Municipality working to improve public engagement. Consultation with the public is extremely important to them when it comes to their own communities, and they would like to be more involved in the process.

One member of the public mentioned third party liability when it comes to Wind Farms, and how to accommodate the removal of inactive wind turbines.

**Next Meeting Date / Adjournment**

The next meeting is scheduled for June 8, 2023 at 6:00pm. The Committee will be notified of any changes. Moved by Stefan Palios and seconded by Lisa Bland that the meeting be adjourned at 10:02pm. Motion carried.

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**Chair's Signature**