



WEST HANTS REGIONAL MUNICIPALITY
Planning & Heritage Advisory Committee (PAC/HAC)
September 14, 2023 – 6:00pm
Sanford Council Chambers / Zoom

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

STAFF: Sara Poirier, Director of Planning and Development
Alex Dunphy, Planner
Mark Fredericks, Senior Planner

GUESTS: John Wilson

REGRETS: There were no regrets.

Call to Order and Attendance

Chair Murley called the meeting to order at 6:00pm. Sara Poirier took attendance. All members of the Committee were present except the Mayor who was approximately 15 minutes late to the meeting.

Announcements

Chair Murley read the Land Acknowledgements. Sara informed the Committee that Greg Pace had resigned from the Committee due to personal reasons. A new resident member, Tim Carr, is in the process of being appointed to the Committee and should be joining in October.

Approval of Agenda and Additions

Sara added item 10.3, a letter from the Municipality of Chester regarding Small Options Homes to the agenda. Moved by Stefan Palios and seconded by Jim Ivey that the agenda be approved as amended. Motion carried unanimously.

Declaration of Conflicts of Interest

Jennifer Nicholls declared conflict with item 9.2, File #23-07 PID 45180635 Hwy 215 in Summerville and will not participate in this discussion.

Approval of Minutes (June 6, 2023)

Moved by Lisa Bland and seconded by Jim Ivey that the minutes be approved as circulated. Motion carried unanimously.

Business Arising from the Public Information Meetings

File #22-23 PID 45006947 and 45415668, MacLeod Court, Three Mile Plains (Mark Fredericks)

This application was a revised request for a development agreement to permit 27 townhouse units on a new road that would connect to MacLeod Court in Three Mile Plains. A Public Information Meeting was held on September 7th, 2023. There were 7 members of the public in attendance at the meeting. Some concerns expressed at the meeting included the amount of traffic, lack of sidewalks and the quiet nature of the area being disrupted by the proposed

development. Staff hope to bring a recommendation report and draft development agreement to the Committee within the next month or two.

The Committee asked about the area/square footage of the proposed homes and their backyards. This information will be established in the development agreement.

File #23-19 411 King Street, Windsor (Alex Dunphy)

This application was for a development agreement for an 18-unit townhouse development at 411 King Street in Windsor. The Public Information Meeting was held on September 7, with 11 members of the public in attendance. The public comment period is open until September 21. The Committee questioned whether the use of the term “townhouse” was correct for this development, or if “apartment” was more appropriate. Though the policy would be the same, it was considered a marketing concern. This will be clarified within the staff report. It was also noted that only Phase 1 of the overall proposal for the site is being considered at this time.

Business Arising From the Minutes

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

This application was 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. An information report was presented for discussion at the May 11 PAC/HAC meeting. A Public Information Meeting was held on June 19, 2023. There were 8 members of the public in attendance at the meeting. Sara is waiting for responses from inquiries before she can bring a recommendation forward to the Committee.

Update: File #23-04 Payzant Drive, Windsor (Alex Dunphy)

This application was for a development agreement to permit a multi-phase residential development on Payzant Drive. The developer is working with the Public Works department to develop a site design for the road and turning circle within the development, and the development agreement is still being drafted. Alex clarified that the extension of Payzant Drive would begin at the corner of Payzant Drive, where the driveway turns towards Avon View High School.

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

This application was for rezoning to permit an existing industrial storage facility in Upper Vaughan. The Public Hearing and Second Reading was held on August 21, 2023. Council did not approve the application. A Notice of Decision was published in the paper on August 29, 2023 and the applicant had 14 days to appeal, which they did not. Enforcement is now underway. This item can be removed from the agenda.

Update: File #23-05 Cole Drive, Garlands Crossing, PID 45366432 (Alex Dunphy)

This application was for a development agreement to permit a 4-storey mixed-use apartment building on Cole Drive. Council approved the application at the Public Hearing and Second Reading held on June 27, 2023. A Notice of Approval was published in the paper on July 4, 2023 to initiate the 14-day appeal period. No appeals were filed. This item can be removed from the agenda.

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

This application was for a development agreement to permit a 24-turbine windfarm in Benjamins Mill. The Public Hearing and Second Reading was held on August 21, 2023. Council approved the application on this date. A Notice of Approval was published in the paper on August 29, 2023 initiating the 14-day appeal period. No appeals were filed. This item can be removed from the agenda.

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

This application was for a development agreement to permit an 8-storey apartment building on the properties. The Public Hearing was held on May 23, 2023. Council approved the application on that date. A Notice of Approval was published in the paper on May 30, initiating the 14-day appeal period. No appeals were filed. This item can be removed from the agenda.

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

This application was originally for a yoga studio, campground with tourist accommodations and other accessory uses on the properties. The applicant reduced the application to include the yoga studio and campground with ten tent sites. The Public Hearing was held on May 23, 2023. Council approved the application on that date. A Notice of Approval was placed in the newspaper on May 30, initiating the 14-day appeal period. An appeal was filed with the Nova Scotia Utility and Review Board during the appeal period. A preliminary hearing was held on

June 27. The appeal was withdrawn by the appellants on July 5. From staff's understanding the appellants and the property owners came to an agreement on how to address their neighbour's concerns outside of the appeal process. The development agreement has now been signed by all parties and sent to the Land Registry Office for registration. This item can be removed from the agenda.

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

This application was for rezoning to the Two Unit Residential (R-2) zone on Pemberton Avenue in Garlands Crossing. The First Reading was held on June 27, 2023 and the Public Hearing and Second Reading was scheduled for September 26, 2023 due to a missed advertisement.

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

This application was for a text amendment to the Mixed Commercial/Residential (C-2) zone to permit a 5 storey, 40-unit apartment building in Hantsport. The First Reading was held on June 27, 2023 and the Public Hearing and Second Reading was scheduled for September 26, 2023 due to a missed advertisement.

Update: Plan Review Consultant

On June 27 Council passed the motion to give Planning staff the capacity to engage consultants for furthering the process of the Plan Review. A Request for Proposals document was developed and has been posted to the Provincial procurement website. The closing date is Tuesday, October 24. The hope is to have someone engaged by December and the process is projected to take approximately one year. There will be multiple engagement sessions with the Committee throughout the process.

Update: Affordable Housing Policies

On June 27, Council passed the motion to have Planning staff explore the ability to require and regulate the provision of affordable housing within developments. This will be reviewed by staff and an information report will be brought back to the Committee at a future meeting.

Update: Heritage Plaques for Heritage Locations

At the June 7, 2023 PAC/HAC meeting the Committee asked Planning Staff to collaborate with Community Development to discuss a path forward for development of historic districts, view planes, etc. within the West Hants Regional Municipality. Sara and Mark F. spoke with Kathy

Kehoe and VanEssa Roberts from the Community Development Department. They discussed the current signage at Municipal parks and in the community. More information and direction from the Committee is needed before staff can bring back an information or recommendation report. Sara provided some discussion points. What would this project look like? Would it be staff-led or community-led? What sort of things are missing, and what should be highlighted? If it were a community-led program, it would be a Council request for a budget, in a program like the Heritage Property Grant. The discussion for this topic continued after John Wilson's presentation.

Building and Development Activity Reports (June, July, and August 2023)

The reports were circulated with the agenda package. Lisa asked what the "Institutional and Government" items entail. Sara was not sure and will bring an answer back to the Committee.

New Business

Heritage Presentation by John Wilson

John thanked the Mayor for his invitation and Lisa for bringing this topic to the Committee. He gave examples of existing signage and community/government involvement in our area. He explained there are at least five levels of signage, from federal all the way down to private. He brought attention to the fact that there is no standardization or consistency to the signage, and what signs do exist are often poorly maintained. There is currently no directory or map that points out these locations.

Continuing from Sara's update, the Committee discussed how they would like to move forward. Lisa mentioned that the World Acadian Congress is coming up and signage and promotion would be beneficial not only for tourism, but to those of Acadian descent as well. Having municipal involvement with the signs would be a significant help especially for maintenance of the signs. By collaborating with community groups, their stories would be accurately shared, and save staff time by reducing the amount of research needed. Further collaboration with the Community Development Department may be beneficial within the Beautification Strategy. The Committee agreed that having maps or some form of directory would be helpful, and there is potential for collaboration with other bodies on this kind of project.

Moved by Lisa Bland and seconded by Stefan Palios that PAC/HAC request Council review budgetary process for consistent heritage signage within West Hants Regional Municipality. Motion carried unanimously.

Moved by Mayor Zebian and seconded by Lisa Bland that PAC/HAC recommends Council begin to immediately work with the West Hants Historical Society to create consistent signage to highlight historical places to visit within West Hants before celebration of World Acadian Congress in 2024. Motion carried unanimously.

File #23-07 PID 45180635 Hwy 215, Summerville (Mark Fredericks)

Jennifer left the meeting for this discussion.

This application is a request for a development agreement to permit an outdoor Paintball facility on a portion of a large vacant property on Highway 215 in Summerville. A Public Information Meeting was held on June 6, 2023. There were 24 members of the public in attendance at the meeting. A recommendation report and draft development agreement have been prepared, but staff have been advised by the Municipal solicitor to delay PAC/HAC consideration until the applicant can confirm the property ownership. The property was owned by a deceased member of the applicant's family, and the Will needs to be probated to verify the legal ownership.

Jennifer returned to the meeting.

File #23-09 PID 45366432 Cole Drive, Windsor (Alex Dunphy)

This application is a development agreement request to permit a 4-story mixed-use commercial/residential unit on the subject lot. The Public Information Meeting was held on June 6, 2023 and the comment period was open until June 20, 2023.

Concerns were raised about stormwater management. Staff rely on the developer's engineer to provide a stormwater management plan, and for Public Works to provide feedback. Council recently made a motion to direct Public Works to have an external consultant review water/stormwater plans for new developments.

Moved by Mayor Zebian 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 four storey, mixed-use apartment building on PID 45366432 on Cole Drive

in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-09 to the Planning and Heritage Advisory Committee dated July 13, 2023. Motion carried unanimously.

Moved by Mayor Zebian and seconded by Stefan Palios 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 45366432 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 unanimously.

File #23-13 187 Payzant Drive, Windsor (Mark Fredericks)

This application is a request for a development agreement to permit a community/recreation centre on a portion of the property currently addressed at 187 Payzant Drive in Windsor. The building currently on the lot will be repurposed. The property will be subdivided in the future and share an access from Community Way, which is currently under construction. The approved development agreement for the adjacent property was amended and this development was included within. A Public Information Meeting was held on July 5th 2023. There were 2 members of the public in attendance at the meeting. No concerns or comments were received from the public.

Mark explained that the current connection for the central water and sewer system would likely be from Payzant Drive, and future connections would likely be via Community Way. As this lot was previously residential, the developer would be required to install additional or upgraded connections that meets the Public Works Department standards, and the type of use could only be considered by a development agreement in this location.

Moved by Lisa Bland and seconded by Mayor Zebian that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to permit a Community/Recreation Centre on PIDs 45276441 and 45366986 and 45055167, Payzant Dr, Windsor, in a manner substantively the same as the draft set out in Attachment B of the report to the Planning and Heritage Advisory Committee regarding File # 23-13 dated September 14, 2023. Motion carried unanimously.

Moved by Lisa Bland and seconded by Mayor Zebian that PAC/HAC recommends that Council require that the development agreement with Mitch Brison 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 unanimously.

File #23-14 8 Upper Water Street, Windsor (Alex Dunphy)

This application was for a development agreement to permit a 6 storey, mixed-use building at 8 Upper Water Street, Windsor. A one-storey building currently exists on the lot and is proposed to be demolished. The Public Information Meeting was held on July 5, 2023. The public comment period was open until July 19, 2023. The developer has since made minor changes to the proposal, but not enough to warrant another Public Information Meeting.

Whether the units will be rental apartments or purchasable condos was not indicated, but Alex will ask the developer and inform the Committee. The allocation of commercial parking versus residential is also not confirmed. The Committee had concerns about the water supply to the proposed development. Alex noted that the “cautious approval” was a new message from the Public Works Department. The calculations are based on the developments received and that are in the queue. Not every development is built right away, so they are sitting on unused capacity. This development was given the “cautious” approval as there would be no issues as of right now, but they are unsure of when it will actually be constructed. Sara suggested asking the Public Works Department to present at the next Committee meeting to help explain servicing matters.

The Committee was also deeply concerned about flooding, especially in this area. The Municipal Climate Change Action Plan (MCCAP) Committee recently discussed flood mapping and regulations around development in flood prone areas. It is not yet known what these would look like, but this discussion would come through PAC/HAC in conjunction with MCCAP. There was discussion about the proposed height of the development in relation to the Waterfront Development District, which is nearby the subject lot.

Moved by Stefan Palios and seconded by Mayor Zebian that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development

agreement to allow a six storey, mixed-use apartment building on PID 45333291 at 8 Upper Water Street in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-14 to the Planning and Heritage Advisory Committee dated September 14, 2023. Motion carried with Jennifer Nicholls and Jim Ivey opposed.

Moved by Stefan Palios and seconded by Jim Ivey that PAC/HAC recommends that Council require that the development agreement with Justin Brown which permits a six storey, mixed-use apartment building on PID 45333291 at 8 Upper Water Street 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 Jennifer Nicholls opposed.

File #23-08 Public Participation Program Policy Amendments (Sara Poirier)

Council passed a motion on March 28, 2023 to have staff explore amending the Public Participation Program Policy. An information report was presented for discussion at the May 11 PAC/HAC meeting. A recommendation report was created using feedback from the Committee. Sara mentioned that during the Plan Review, the hope is to allow more development as-of-right, so staff won't have to review as many development agreements applications, cutting back on the number of Public Information Meetings (PIMs) needed. PIMs can take an average of 30-45 minutes depending on the topic, and the Committee discussed how many may be allowed per proposed "PIM night." No substantial change to the timeline for the developer is expected. Depending on when an application is received, the lead time for the PIM could be up to 3 weeks, or the PIM may be pushed to the next month due to advertising timelines. The Committee felt that by allowing more as-of-right for smaller, less-complex developments, it may save some applicants time and money, while the additional charges proposed would not hinder larger developments.

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 Attachment A to the July 13, 2023 report File 23-08B "Public Participation Program Policy". Motion carried with Mayor Zebian opposed.

Information Report: File #23-11 Short Term Rentals (Mark Fredericks)

On May 23, 2023, Council requested staff investigate the regulation of short-term rentals. The information report is intended to outline the approaches used by other municipalities in regulating short-term rentals as well as the provincial registry. This report explores various options for PAC to consider if there is an interest in developing controls for this type of land use within WHRM, including locations where these controls may or may not be needed. Mark outlined both the pros and cons of short-term rentals.

The Committee agreed that short-term rentals not within a primary residence would take away available units during a housing crisis. Some new builds are meant exclusively for short-term rentals, which is a disappointment to both nearby residents and those seeking a place to live long-term. The Provincial Government, through tourism, already has regulations in place that could be adapted by the Municipality and used as a framework.

Moved by Stefan Palios and seconded by Jim Ivey that PAC/HAC recommends that staff consider hosting a public information meeting style to consult with the public on their opinions on short term rentals in the background and concurrently staff look at both current provincial regulations for accommodation businesses of all sizes as well as how other towns of similar size have regulated Airbnb's or other short-term rentals. Motion carried with Mayor Zebian opposed.

Information Report: File #23-10 Review of Agricultural Policies (Sara Poirier)

Council passed a motion on April 13, 2023 to have staff review currently existing agricultural policies within the Municipality and provincial statements of interest regarding agricultural land. An information report was presented to outline the current policies in each of the planning documents, and have the Committee consider which amendments may be preferred. The Committee asked what happens when agricultural land is rezoned, and if it could be zoned back to an agricultural zone. Sara replied that the land can only be rezoned to a specific list of zones. Once rezoned, the land is still within the Agricultural designation, however there is currently no policy to rezone back to an agricultural zone. This is rarely requested but staff could determine on a case-by-case basis if there was a justification to recommend Council do so. The Committee discussed addressing these policies during the Plan Review process and what things they would like more clarification on and what new things should be considered.

The Plan Review will also engage the community, who can provide invaluable feedback. Staff have noted the Committee's points and they will be brought to the Plan Review consultant.

Notices from Adjacent Municipal Units

East Hants – Plan Review and Zoning Letter

West Hants Regional Municipality received two notices from East Hants. The first is to give notice that East Hants was hosting a public hearing and second reading for Council to consider adopting their updated planning documents. The second notice was regarding the zoning of a portion of the newly purchased rail line from Mantua to Stanley. Neither piece of correspondence is of concern to planning staff and requires any action from the Committee or Council.

Municipality of Chester – Small Options Homes

West Hants Regional Municipality received notice that there are proposed amendments to the Chester Municipal Land Use By-law to consider adding regulations/provisions to specifically permit small option homes where residential use is permitted in accordance with changes to the Statements of Provincial Interest for Housing. This notice offers an opportunity to provide comments in relation to the proposal for consideration by Council as the file progresses. This is of no concern to planning staff and does not require any action from the Committee or Council.

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. There were no questions or comments at this time.

Next Meeting Date (October 12, 2023) / Adjournment

The next meeting is scheduled for October 12, 2023 at 6:00pm. The Committee and the public will be notified of any changes. Moved by Mayor Zebian and seconded by Stefan Palios that the meeting be adjourned at 10:10pm. Motion carried unanimously.