



WEST HANTS REGIONAL MUNICIPALITY
Planning & Heritage Advisory Committee (PAC/HAC)
February 8, 2024 – 6:00pm
Sanford Council Chambers, Zoom / Facebook Live

PRESENT: Tim Carr, Chair (Hantsport Representative)
Mayor Abraham Zebian
Councillor Laurie Murley (District 10)
Councillor Jim Ivey (District 11)
Jane Davis, Hantsport Representative
Paul Beazley, Windsor Representative
Jennifer Nicholls, WHRM Representative (Cheverie)
Tasha Rogers, WHRM Representative (Newport)

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

GUESTS: Noel Taiani, Applicant for File #23-04

REGRETS: Lisa Bland, WHRM Representative (Three Mile Plains)
Stefan Palios, Windsor Representative

Call to Order and Attendance

Chair Carr called the meeting to order at 6:01pm. Vanessa took attendance. Lisa Bland and Stefan Palios had sent regrets. All other members of the Committee were present.

Announcements

Chair Carr acknowledged that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People and that this land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality recognizes that we are all treaty people and have responsibilities to this land and each other. West Hants Regional Municipality also recognizes African Nova Scotians are a distinct people whose history, legacies, and contributions have enriched that part of Mi'kma'ki known as Nova Scotia for over 400 years. February is also African Heritage Month. This year's Nova Scotia Heritage Day honouree is William Hall, a Black Victoria Cross recipient and lifelong Hantsport resident. Chair Carr encouraged others to visit his monument in Hantsport to learn more of his accomplishments.

Approval of Agenda and Additions

Sara requested the addition of Item 10.1, a notice from East Hants. Moved by Laurie Murley and seconded by Jim Ivey that the agenda be approved as amended. Motion carried unanimously.

Declaration of Conflicts of Interest

Mayor Zebian declared conflict with item 9.1, File #23-04, and will not participate in the discussion. He is the owner of the lands in question. Jennifer Nicholls declared conflict with item 7.8, File #23-07, and will not participate in the discussion.

Approval of Minutes (January 11, 2024)

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

Business Arising From the Public Information Meetings (February 6, 2024)

File #24-01 WHLUB Amendment: PID 45045879 Willow St, Hantsport (Alex Dunphy)

This is an application to rezone PID 45045879 Willow Street, Hantsport, from Single-Unit Residential (R-1) to Multiple-Unit Residential (R-3) to permit a 15-unit apartment building. The Public Information Meeting was held on February 6, 2024 with 9 members of the public attending. The comment period is open until February 20, 2024. Jane asked for clarification on the developer's name, and Alex replied it is Tom Lavers. Chair Carr asked about the property being listed as Infill on the GFLUM. Alex's excerpt does not include this designation, so he will investigate it and get back to the Committee.

File #23-42 WHLUB Amendment: 4236 Hwy 14, Windsor Forks (Mark Fredericks)

This is an application to rezone 4236 Highway 14, Windsor Forks (PID 45329851) from Rural Commercial (RC) to General Resource (GR). The Public Information Meeting was held on February 6, 2024 and no members of the public were present. The comment period is open until February 20, 2024. Staff hope to bring this item to the next PAC/HAC meeting.

Business Arising From the Minutes

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

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

Update: File #23-16 Affordable Housing Policies (Sara Poirier)

At the October 12, 2023, PAC/HAC meeting Sara provided an information report regarding potential amendments to the planning documents to enable more affordable housing developments within the Municipality. The Committee made a recommendation requesting staff consider amendments to the planning documents in advance of the plan review. Sara is working on these amendments and will bring them back to a future PAC/HAC meeting for recommendation.

Update: Industrial Lands (Sara Poirier)

The Valley REN sent staff a copy of two industrial land studies from their old RDA files. The first is a Phase 1 Final Report for Demand for Commercial/Industrial Land in the Annapolis Valley from 2011, and the second a Phase II Final Report for Assessment of Supply and Demand for Planned Industrial and Commercial Land in Kings County from 2011. A link to the reports was provided to the Committee with the agenda package for any further discussion. Paul noted that these were not the studies he was referring to; it was a study done for both Windsor and West Hants Councils at the time. Jim commented that the former director of the Valley REN, Claude O'Hara, is still in the community and perhaps could be contacted.

Update: Municipal Surplus Lands Rezoning (Mark Fredericks)

These surplus land properties were applied for by the CAO on behalf of Council. The request was to rezone the select properties that were identified in the Parks and Open Space Plan to permit residential development if the properties were sold in the future. Some of these files have had Public Information Meetings and First Readings, while others have yet to come before the PAC/HAC Committee. Council considered the input received from the public and this Committee and decided on January 23, 2024, to stop the rezoning process except for the file for Armstrong Lake East road, which is proceeding to Public Hearing on February 27, 2024. In response to a question Mark F. explained that Council intends not to rezone the other properties at this time, but he could not speak to the future sale of the properties. Mayor Zebian added the future of these properties remains to be determined by Council.

Update: File #23-35 Development Agreement: PID 45058310 and 45058344 Wagner's Court, Windsor (Alex Dunphy)

This application is for a development agreement to permit the conversion of 5 existing single-unit dwellings on Wagner's Court to two-unit dwellings. The Public Information Meeting was held on November 2, 2023. The recommendation report was brought to PAC/HAC on December 14, 2023, and was recommended in favour of moving forward. The Public Hearing is scheduled for February 27, 2024.

Update: File #23-39 Windsor MPS/LUB Text Amendment: Pesaquid Comprehensive Development District (Alex Dunphy)

This application is for a text amendment to the Windsor Municipal Planning Strategy and Land Use By-law to allow residential units behind commercial uses on the ground floor of existing

buildings in the Pesaquid Comprehensive Development District zone. This item went to First Reading on January 23, 2024, where Council directed staff to prepare an alternative policy to allow the requested use by development agreement. Staff intend to bring the report back to the Committee at the next meeting.

Update: File #23-44 HMPS, HLUB, WHMPS and WHLUB Amendments: Bog Road Boundary Review, Hantsport/Hants Border (Alex Dunphy)

This file is for a mapping amendment to both the Hantsport and West Hants Municipal Planning Strategies and Land Use By-laws to conform to a survey plan which identified the former Town boundary line. First Reading was held on January 23, 2024 and the Public Hearing is scheduled for February 27, 2024.

Update: File #23-07 Development Agreement: PID 45180635 Hwy 215, Summerville (Mark Fredericks)

Jennifer Nicholls left the meeting for this discussion at 6:15pm.

This application is a request for a development agreement to permit an outdoor paintball facility on a portion of a property on Highway 215, Summerville. The subject property was owned by a deceased member of the applicant's family and a will is in the process of being probated, necessary to verify the legal ownership. Staff spoke with the applicant earlier in the day who said the process is nearing completion and they expect to drop some paperwork off at the Municipal office next week. Staff hope to bring the recommendation report back to the PAC/HAC at the next meeting.

Jennifer Nicholls returned to the meeting at 6:16pm.

Update: File #23-33 Development Agreement: PID 45402831 Windsor Back Road, Three Mile Plains (Mark Fredericks)

This application is for a development agreement to permit 87 residential units in 3 multi-unit buildings on a vacant property on Windsor Back Road in Three Mile Plains. The Public Information Meeting was held on November 2, 2023, and several comments from the public were received. Staff are currently working with the applicant on the draft development agreement and hope to bring this file for recommendation at a future meeting.

Update: Short Term Rentals (Mark Fredericks)

This was a project requested by the PAC/HAC and Council to investigate regulations for short term rentals. Staff held an online survey and a public meeting in late 2023. The results of the

community input were considered by PAC/HAC on January 16, 2024. On January 23, 2024, Council voted against including the STR regulations within the Plan Review project and clarified their intent was to not introduce any regulations for short term rentals in WHRM. This item can now be removed from the agenda.

Building and Development Activity Reports (January 2024)

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

New Business

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

Mayor Zebian left the meeting for this discussion at 6:19pm.

This application is for a development agreement to permit a multi-phase residential development consisting of 280 apartment units across 4 multiple-unit apartment buildings and 18 townhouse units grouped on the subject lots on Payzant Drive. The original Public Information Meeting for this application was held on May 11, 2023. Setbacks will determine the location of each building based on the generalized site plan, and the Development Officer has agreed that a reduced front and rear setbacks for the apartment buildings is appropriate. The maximum height for the apartment buildings shall be 5-storeys. The development agreement also includes the extension of Payzant Drive, where the development will have access from two shared driveways, and a road reserve for the future municipal connection between Payzant Drive and King Street.

The Committee discussed the extension of Payzant Drive at length. There were concerns about the amount of traffic on a road with only one exit, especially during an emergency. There is a clause within the development agreement that the extension of Payzant Drive be built out by 2030 to ensure that there is no barrier to the Municipality connecting Payzant Drive and King Street. Planning Staff and Public Works have discussed this extensively. There were also concerns about the watercourse on the lot for the proposed townhouses. The developer is aware, and there are mandatory setbacks from watercourses and a stormwater management

plan is required to obtain a development permit. The Traffic Impact Study will be included in the reports moving forward.

Moved by Laurie Murley 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 up to 280 units within grouped multi-unit apartment buildings and 18 townhouse units on PIDs 45053030, 45343878, 45343894, and 45234382 Payzant Drive in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-04 to the Planning and Heritage Advisory Committee dated February 8, 2024. Motion carried with Jane Davis opposed.

Moved by Laurie Murley and seconded by Tasha Rogers that PAC/HAC recommends that Council require that the development agreement with Abraham Zebian on behalf of 3324482 NOVA SCOTIA LIMITED for PIDs 45053030, 45343878, 45343894, and 45234382 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 Jane Davis opposed.

Mayor Zebian returned to the meeting at 6:47pm.

Noel Taiani left the meeting at 6:47pm.

File #23-45 WHMPS/WHLUB Amendments to the Hamlet Designation (Mark Fredericks)

This is an application to amend the text of the WHMPS and WHLUB to enable the repurposing of a former church at 20 Musgrave Road in Summerville, into five residential units with a shared community space. The text amendments are expected to be general and would enable similar repurposing of former churches in other communities that are within the Hamlet designation. The Public Information Meeting was held on January 16, 2024 and the comment period ended on January 30, 2024 with no comments received. Mark F. outlined the proposed amendments and gave an overview of the Hamlet designation. There are 11 Hamlets in West Hants, and seven churches total (including the applicant) which could potentially be repurposed through these amendments. Staff are not aware of the activity status of all the churches. Mark F. added that the intent is to retain the outward appearance of the church as much as possible.

The Committee discussed the possibility of reaching out to residents surrounding churches in other Hamlet designations, so they are aware of the intent of these changes.

Moved by Mayor Zebian and seconded by Paul Beazley that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Municipal Planning Strategy and West Hants Land Use By-law as shown in Attachment B of the report #23-45 to the Planning and Heritage Advisory Committee dated February 8, 2024.

Motion carried unanimously.

File #23-43 WHMPS Amendments: Wind Farm Policies (Sara Poirier)

During the PAC/HAC meeting on December 14, 2023, the Committee discussed an application to consider amendments to Section 4.24 of the West Hants Municipal Planning Strategy to further evaluate wind farm development proposals within the Municipality. The Committee discussed possible amendments at length and concluded that they would like to see maps of specific buffer distances from existing dwellings to determine whether any amendments to the wind turbine setback requirements should be considered. The recommendation from the Committee was reviewed and approved by Council on January 23, 2024.

Sara presented the staff report showing buffer distances of 1 to 4km from existing residential civic points. Sara also included information on other jurisdictions' setback requirements. She provided a list of actions that the PAC/HAC could take in response to this information.

Sara clarified that the original application requested Council amend Section 4.24 to create a policy that would restrict wind farm development for a period of two years to evaluate environmental and health impacts within a radius of 25km from existing wind farms. The maps provided at this meeting were a request from the PAC/HAC and Council for a 1-4km radius from existing residential units to show what land may be "left over" for wind farm developments.

Sara would like direction from the Committee on how to proceed.

Tasha asked about reaching out to communities, such as Ellershouse, that have had active wind farms for a few years to see how residents feel about the existing wind farms. Paul felt the distance was adequate, but a two-tier boundary could be introduced for windmills over 200m.

Jim mentioned that the map does not show the lay of the land, and that the "leftover" space may not be suitable for a wind development. The Committee discussed pausing the approval process for wind farms to gather information, implement changes, or leave the policies as status quo.

Moved by Paul Beazley and seconded by Laurie Murley that PAC/HAC recommend that Council not forward with this application or any amendments associated with this request at this time. Motion tied with Jane Davis, Paul Beazley, Laurie Murley and Tim Carr in favour, and Mayor Zebian, Tasha Rogers, Jennifer Nicholls, and Jim Ivey opposed. Motion defeated.

Notices from Adjacent Municipal Units

Notice from East Hants

West Hants Regional Municipality received a notice from East Hants. The notice was to advise Council of the initiation of the Uniacke Secondary Planning Strategy for Mount Uniacke and surrounding communities in East Hants. They anticipate the process to develop these documents will take approximately 18 months to complete. Sara will reach out to the Director of Planning and Development for East Hants to discuss the project.

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. No members of the public were present at this time.

Next Meeting Date (March 14, 2024) / Adjournment

The next meeting is scheduled for March 14, 2024, at 6:00pm. The Committee and the public will be notified of any changes. Chair Carr wished everyone a Happy Valentine's Day and a Happy Chinese New Year. Moved by Jim Ivey and seconded by Mayor Zebian that the meeting be adjourned at 7:36pm. Motion carried unanimously.