



**Planning & Heritage Advisory Committee (PAC/HAC) Minutes
May 9, 2024 – 6:00pm
Sanford Council Chambers, Zoom / Facebook Live**

PRESENT: Tim Carr, Chair, Hantsport Representative
Mayor Abraham Zebian (Arrived 6:22pm)
Councillor Laurie Murley, District 10
Councillor Jim Ivey, District 11
Jane Davis, Hantsport Representative
Paul Beazley, Windsor Representative
John Bregante, Windsor Representative
Tasha Rogers, WHRM Representative

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

PUBLIC: 3 members of the public and 5 representatives from the Bear Lake Wind Farm were present.

GUESTS: Greg Bender, WSP
Erin Sauve, WSP

1.0 Call to Order and Attendance

Chair Carr called the meeting to order at 6:00pm. Vanessa took attendance. All members of the Committee were present. The Mayor was running late and arrived at the meeting at 6:22pm.

2.0 Announcements

West Hants Regional Municipality acknowledges 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. Chair Carr also noted that May is Asian Heritage Month.

Chair Carr thanked Jennifer Nicholls for her commitment and contributions to the Committee over the past few years. The Committee also welcomed John Bregante as a new Windsor representative.

3.0 Approval of Agenda and Additions

Sara added agenda item 10.2, a second notice from the Municipality of Chester. Moved by Jim Ivey and seconded by Paul Beazley that the agenda be approved as amended. Motion carried unanimously. Jane commented that the page numbers in the agenda package were appreciated.

4.0 Declaration of Conflict of Interest

No conflicts were declared.

5.0 Approval of Minutes (April 11, 2024)

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

6.0 New Business

6.1 Plan Review Update (Greg Bender and Erin Sauve, WSP)

Greg and Erin of WSP presented to the Committee on their progress on the Plan Review. Greg explained that they are currently on Phase 2 of 4 in the process, which includes data collection, background review, and visioning. Directions have been put forward in their report which address issues identified by the public. Nine key focus areas were identified: residential development, extreme weather protection, coastal protection, economic development, renewable energy, agricultural land stewardship, culturally & historically significant places, protection & access to freshwater resources, and transportation. Erin outlined some of the key responses received from the Plan Review survey which was open to submissions in April as well as from the stakeholder engagement events. The top three concerns identified were housing, the Region's rural character, and agriculture.

Mayor Zebian joined the meeting at 6:22pm.

Chair Carr thanked Greg and Erin for their presentation and expressed how well he felt the conversations have been during the engagement sessions. He opened the floor to any questions or comments. Jim asked how many public sessions were held so far. Erin replied that one was held in Falmouth, and the recording was uploaded to Facebook. A stakeholder session was also held. She added that there is a project email that people can contact at any time, and they will have more community sessions in the future. Jim suggested opening the survey for a longer period, and to utilize different social media platforms other than Facebook. He also noted that he felt the survey was focused mostly on residential development. Paul asked if industrial commercial space was discussed. Greg replied that it fell under the economic development category. Erin said most conversation around this topic came from stakeholders. She can share this information with Sara, who will pass it on to the Committee.

Greg and Erin left the meeting at 6:36pm. Everyone thanked them for their time and the information provided.

6.2 File #23-13 Non-Substantive Development Agreement Amendment: Wagners Court (Alex Dunphy)

Alex gave a presentation to outline this application. It is for a non-substantive amendment to the existing development agreement on Wagners Court to allow for the reconfiguration of the unit

style of the grouped dwellings. This amendment was requested following a discussion with the Canada Mortgage and Housing Corporation where the applicant was informed that only housing projects with a minimum of 5 units would be eligible for funding. A connection, referred to as a “breezeway service roof” on the plans will be constructed between the buildings. The development will have the same number of dwelling units, parking spaces, and setbacks, so this was considered a non-substantive amendment.

Laurie asked for clarification on the breezeway. Alex explained that it will be a small platform with a roof that covers the service connectors. All wires and/or pipes will be hidden from view.

Moved by Paul Beazley and seconded by Jim Ivey that PAC/HAC recommends that Council approve the non-substantive development agreement amendment for the lots located on Wagners Court in Windsor, now identified as PIDs 45058310 and 45058344 and after consolidation of the lots by their joint successor PID, in a manner substantively the same as the draft set out in Attachment B of the report File #24-13 to the Planning and Heritage Advisory Committee dated May 9, 2023. Motion carried unanimously.

Moved by Paul Beazley and seconded by Jane Davis that PAC/HAC recommends that Council require that the development agreement amendment with Edward Edelstein 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.

6.3 File #24-10 WHMPS Amendments: Wind Farm Setback Review (Sara Poirier)

An application received in November 2023 requesting amendments to Section 4.24 of the WHMPS to further evaluate wind farm development proposals began a staff investigation and Council discussions on appropriate setbacks for large-scale wind turbines. Following those discussions, Council approved a motion on February 27, 2024 to direct staff to *“follow the planning process to amend the planning documents to include a 4 km setback.”* Sara explained the current policies, shared comments received from the public, and outlined the proposed amendments. She advised the Committee that staff do not recommend in favour of the 4km setback distance, and instead suggest: a 2km setback for large-scale turbines to dwelling units if the intent is to address visual impact, and a setback of at least 1.1 times the height of the turbine from abutting property lines not included in the project site.

The Committee discussed these amendments at length. Many felt more information and deeper discussions should be held and asked if there could be a pause on any new wind farm applications at this time. Sara said that the Municipal solicitor had explained as wind farms are allowed to be considered by development agreement within the current planning documents, that Council could not act inconsistently with their planning documents by not accepting applications. Several members agreed with the public about measuring setbacks from property lines. Others felt a 4km setback was far too restrictive. It was noted that the proposed Wind Turbine Overlay may not even be in areas with optimal wind conditions or transmission connections. Laurie asked if wind farms could still be considered by development agreement within the Overlay; Sara said yes, the policy could be amended to say wind farms would only be considered within the Overlay by development agreement. The Committee wished to pass this along to Council for their review but were not sure of the 4km distance.

Moved by Jane Davis and seconded by Tasha Rogers that the Planning and Heritage Advisory Committee 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 to increase the required minimum setback for large-scale wind turbines to dwelling units to 4 km in a manner substantively the same as Attachment A of the report #24-10 to the Planning and Heritage Advisory Committee dated May 9, 2024. Motion defeated with Paul Beazley, John Bregante, Jim Ivey, Laurie Murley, Mayor Zebian, and Chair Carr opposed. In favour: Jane Davis and Tasha Rogers.

6.4 File #24-09 WMPS Amendment: Irven Drive (PID 45162005 and 45408374) (Mark Fredericks)

This application is ultimately seeking a development agreement to permit 88 fourplex units (22 buildings) on an extension of Irven Drive in Windsor. It includes multiple phases; the rezoning of 1781 King Street, which came to the PAC/HAC in April, the WMPS amendments being considered tonight, and the development agreement for the 88 units to be considered in the future. The WMPS amendments would apply to all of Windsor and would change the development agreement criteria for multiple-unit developments or grouped dwellings on local roads within the Residential designation. Currently, up to 12 units can be considered by development agreement on local roads. The amendments would allow more than 12 units to be considered if

a Traffic Impact Study shows minimal impact and an emergency access is provided on dead-end streets, such as Irven Drive.

Jim asked what road classification Payzant Drive is. Mark F. explained that the front portion is considered collector, and the rear portion (near Irven Drive) is considered local. Following the planned Payzant Drive to King Street connection, all of Payzant will likely be re-classified to collector or arterial. Chair Carr asked if the development site in this proposal was within Windsor or Three Mile Plains. Mark F. replied that it is contained mostly within Windsor with a small portion in Three Mile Plains. Laurie asked if the flood-prone areas were considered. Mark F. replied that they were not, but that may disqualify a location. Mayor Zebian asked about the “one way in, one way out” reference to Irven Drive in the staff report. Mark F. said this depends on municipal specifications and engineering standards and is something being discussed with the applicant. A Traffic Engineer with the Municipality’s consultant, WSP, has determined that the Irven Drive cul-de-sac begins at Merriweather Crescent which establishes the one way in/out.

Moved by Mayor Zebian and seconded by Jim Ivey that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the Windsor Municipal Planning Strategy Policy 5.4.6 as shown in Attachment A of the report #24-09 to the Planning and Heritage Advisory Committee dated May 9, 2024. Motion carried unanimously.

Break

Chair Carr called for a short break at 8:08pm. The meeting resumed at 8:21pm.

7.0 Business Arising from the Public Information Meetings (May 7, 2024)

7.1 File #21-16 Ellershouse 3 Wind Farm Expansion (Mark Fredericks)

This meeting was held at 6:00pm on May 7, 2024, with twelve members of the public were present. The development agreement is for the expansion of the Ellershouse wind farm with an additional 12 turbines. Mark F. provided an overview of the comments received. They ranged from the lifespan of the turbines, potential flood and weather challenges, wetland rehabilitation, and letters of support. The public comment period remains open until noon on May 21, 2024.

8.0 Business Arising from the Minutes (File Updates)

The file updates were circulated with the agenda package.

Jane asked about the Minas Basin flood study (item 8.1) and if it was only coastal, or if it included detailed inland flooding as well. Sara was not sure of the final product beyond flooding along the coastline and through the river systems in West Hants, but more information will be available once the Municipality receives the final study. Jane also asked if all six Public Hearings scheduled for May 28, 2024, will have the option for public participation. Sara replied that they are all open to public comment. Laurie asked for a more in-depth update for the Gray Street application (item 8.3). Alex explained that the stormwater management plan has been received and staff are reviewing it with Public Works. Following the review, staff will prepare a response to the applicant regarding the stormwater management, along with other concerns.

9.0 Building and Development Activity Report (April 2024)

The report was circulated with the agenda package.

Jane asked about the one Institutional/Government permit that had a high estimated value. Sara would have to investigate what it is. She is aware that Dykeland Lodge presented to Council recently, but she is not sure if this permit is related to that project.

10.0 Notices from Adjacent Municipal Units

10.1 Notice from the Municipality of Chester – Public Hearing Notice

This notice was received on April 25, 2024, and was circulated with the agenda package. It is regarding a Public Hearing for a 14-unit land lease in the Municipality of Chester on May 16, 2024. The notice is of no concern to staff and no action is needed from the Committee or Council.

10.2 Notice from the Municipality of Chester – MPS and LUB Amendments

This notice was received on May 9, 2024, before the meeting. It will be included with the minutes. It is regarding “amendments to the Chester Municipal Planning Strategy and Land Use By-law to consider revising policy/regulation ... for proposals for new radiocommunications facilities.” No date has been set for public engagement however staff will be keeping an eye on this matter.

11.0 Questions and Comments from the Public

Facebook comments are not followed. The public is encouraged to contact staff directly if there are any questions or comments. 8 people were in the audience at this time.

Dr. Chris Ollson, Environmental Health Consultant for both the Bear Lake and Ellershouse 3 Wind Farms, shared some comments about the proposed 4km setback distance. He acknowledged it is a very complex issue. He suggested hiring a third party consultant for guidance. He is unaware of any setback requirements for visual impacts and added that topography plays a larger role in visuals rather than distance. Systems such as LIDS (lighting intensity dimming solutions) would be a better mitigation tool. He felt that 4km would remove the opportunity for many future projects. Regarding the suggested pause, he commented that the Green Choice Program has an upcoming deadline, and this pause could disrupt applications.

Jason Hart felt that by not using property lines as the setback measurement, it would predetermine what many residents could do on their own properties. He was also confused by conflicting reports about the distance of shadow flicker impact.

Mark Stewart of the RES Group and EverWind thanked the PAC for their careful consideration of the recommendation. He also acknowledged that it is a very complex decision. He and his team are committed to working with Council, staff, and the community.

Steven Hart requested some clarity on the vote regarding the setbacks. Sara explained that, whether in favour or against, every recommendation from the PAC/HAC moves forward to Council. Steven would have liked to see the setbacks from property lines, and suggested companies could lease a part of a willing landowner's property for a project. The residents of Zwicker Lake hired a UK firm for a site assessment of Bear Lake and their findings were significantly different than that of EverWind's. Steven will provide this study to those interested. Chair Carr thanked the public for their comments and reiterated that each comment is valuable and appreciated. He also felt that, especially in rural areas, "home" refers to more than the house, but the whole property.

12.0 Next Meeting Date / Adjournment

The next meeting date is scheduled for June 13, 2024, at 6:00pm. The Committee and the public will be notified of any changes. Chair Carr wished everyone an early Happy Mother's Day. Moved by Laurie Murley and seconded by Jim Ivey that the meeting be adjourned at 8:46pm.