



**WEST HANTS REGIONAL MUNICIPALITY**  
**Planning & Heritage Advisory Committee (PAC/HAC) Minutes**  
**June 13, 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  
John Bregante, Windsor Representative  
Mark Kehoe, WHRM Representative  
Michel Bourgeois, WHRM Representative  
Tasha Rogers, WHRM Representative

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

**PUBLIC:** There were 2 representatives for File 23-02, Jenifer Tsang and Jacob Ritchie, and one member of the public present.

**REGRETS:** Paul Beazley, Windsor Representative

### **1.0 Call to Order and Attendance**

Chair Carr called the meeting to order at 6:00pm. Paul Beazley had sent regrets. All other members of the Committee were present.

### **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 acknowledged it was Men's Health Awareness Month and encouraged the men in attendance and watching at home to take care of themselves, mentally and physically. June is also Pride Month, celebrating the 2SLGBTQIA+ community. Chair Carr praised the Municipality for raising the Pride flag on May 30 and its commitment to diversity and inclusion.

The Committee welcomed Michel Bourgeois and Mark Kehoe as new resident members representing WHRM. The Planning Department introduced Will Hong, Planner, to the Committee. Will is working for the Municipality for the next two years, starting with the Housing Accelerator Fund action items.

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

Moved by Mayor Zebian and seconded by John Bregante that the agenda be approved as circulated. Motion carried unanimously.

### **4.0 Declaration of Conflict of Interest**

Mayor Zebian would be in conflict if certain files in the updates are discussed. He will not participate in the discussion if they are.

## **5.0 Approval of Minutes (May 9, 2024)**

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

## **6.0 New Business**

### **6.1 File #23-02B WMPS and WLUB Amendments: 368 Nesbitt Street, PID 45056447 (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. The Public Information Meeting was held on June 19, 2023, and the staff report was circulated with the agenda package. To enable the proposed development, a new designation (Nesbitt Island) and zone (Mixed Use) would be created. Sara gave an overview of the drafted policies and requirements. Sara noted that there is an abutting Municipal property that can also be included in this designation and zone.

Tasha asked if the community space on the Municipal lot could be relocated after the lot was rezoned. Sara replied that any Municipally owned property can be used as a park/community space as-of-right. Whether the lot is deemed surplus is yet to be determined by Council. Mark K. asked about the comments about firefighting from the Public Information Meeting. The Windsor Fire Chief in 2023 requested as much access as possible for aerial trucks and deemed it acceptable. High-rise training would be needed. The new Windsor Fire Chief in 2024 also deemed it acceptable. The Emergency Management Coordinator told Sara that the Fire Chiefs are establishing policies, procedures, and training to address the increase in development over 5 stories. Between Windsor, Brooklyn and Hantsport, and back-up within 25 minutes, there are sufficient tower ladders. Other comments included pedestrian access, permeable parking, Fort Edward sightlines, and water/sewer capacity. It was noted in the staff report that the developer would pay for the installation of a PVR chamber.

The Committee discussed the proposed policies and requirements for the new zone as provided in the staff report. Rezoning to the Mixed Use (MU) zone was viewed favourably but many were concerned with 8 storeys being allowed as-of-right. The current height limits throughout Windsor were discussed. 4 storeys were determined acceptable to most of the Committee.

Moved by Jim Ivey and seconded by Laurie Murley that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text and the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use (MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of four storeys in height by development agreement in the Nesbitt Island designation in a manner substantively the same as the draft set out in Attachment A of the Planning and Heritage Advisory Committee report #23-02B dated June 13, 2024, taking into consideration the discussion of the Planning Advisory Committee of the same date, June 13, 2024. Motion passed with John Bregante, Mayor Zebian and Chair Carr opposed.

Moved by Jim Ivey and seconded by Jane Davis that PAC/HAC recommends that Council give First Reading and hold Public Hearing to consider amending the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to include PID 45227279 in the Nesbitt Island designation and the Mixed Use (MU) zone in a manner substantively the same as the draft set out in Figure 7 and 8 of the Planning Advisory Committee report #23-02B dated June 13, 2024. Motion carried unanimously.

## **6.2 File #23-33 Development Agreement: Windsor Back Road, PID 45402831 (Alex Dunphy)**

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 the staff report was circulated with the agenda package. Alex gave a presentation outlining the application. He noted that the Development Officers identified a watercourse on the mapping for the subject lot. This would normally require a 50ft setback, however, the Applicant submitted a Watercourse Assessment and Species at Risk Screening letter. The letter outlined mitigation options for potential impacts on wildlife and a professional opinion that the drainage ditch on the subject lot did not meet the Provincial requirements of a watercourse. Staff then contacted the Nova Scotia Department of Environment and Climate Change (NSECC) to confirm. NSECC conducted a site visit and verbally confirmed their findings to staff. After months of waiting, written confirmation was never received, and the applicant requested staff move forward. Staff determined that the letter

submitted from a qualified person and the NSECC's verbal confirmation was deemed as sufficient evidence to proceed.

Tasha asked if there was a timeline or deadline to build all three buildings. Alex replied that this is not a phased development and the only deadline given in the draft development agreement is the commencement date, when they receive a building permit. These deadlines are determined on a case-by-case basis. Jim asked about lot servicing. Alex replied that as-is, services would be inadequate, but Public Works has agreed to upgrade the SCADA panel system and required the developer to install a new generator within an existing pumphouse, and this would then be sufficient. Jim asked about the fire apparatus maneuvering study. Alex said that staff have not heard back from the Fire Chiefs yet, but staff implemented the usual fire safety measures. Jim also asked why staff never received a written reply from NSECC. Alex was not the original planner assigned to this file, but the correspondence log showed a lot of outgoing messages to NSECC from staff. Mark K. commented that this is another case of agricultural land being used for non-agricultural use. He expected there to be an impact on wildlife as this is an encroachment area, where wildlife and human population intersect. Michel expressed concern about pedestrian movement in this area. He acknowledged that it is a Provincial road, and there should be an effort to get the Province involved in development discussions. Chair Carr encouraged residents to get involved and be proactive about any issues in their areas. He felt that those living in Growth Centres may not be aware of being in a Growth Centre, and these applications are a surprise to them. Jane commented that the Committee had requested a larger notification distance, but Council had turned it down.

Moved by Jane Davis and seconded by Jim Ivey that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow grouped multi-unit buildings on PID 45402831 in Three Mile Plains which is substantively the same as the draft set out in Attachment C of the report File #22-33 to the Planning and Heritage Advisory Committee dated June 13, 2024. Motion passed with Mayor Zebian and Jim Ivey opposed.

Moved by Jane Davis and seconded by Laurie Murley that PAC/HAC recommends that Council require that the development agreement with Jeff Marchand of Marchand Developments Ltd.

for PID 45402831 in Three Mile Plains 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.

## **7.0 Business Arising from the Public Information Meetings (June 6, 2024)**

### **7.1 File #24-12 4859 Hwy, Three Mile Plains – Rezoning (Alex Dunphy)**

This application is to rezone the subject property from Two Unit Residential (R-2) to Multiple Unit Residential (R-3). A site visit was held on June 4, 2024 at 2:00pm for staff, Council and PAC/HAC members. The Public Information Meeting was held on June 6, 2024, with 9 members of the public present. Several comments were received at the meeting. The comment period remains open until June 20, 2024, at noon. There were no questions or comments from the Committee at this time.

## **8.0 Business Arising from the Minutes (File Updates)**

The file updates were circulated with the agenda package.

The Mayor asked about the sewer and stormwater capacity being insufficient for the Gray St proposal as mentioned in item 8.2. Alex replied that, following a discussion with Public Works, it was determined that the sewer system in the area cannot handle a development of this scale. Upgrades to the system would be necessary. Jane commented that in 2021, this location was being considered for a parking lot and an as-of-right “twin” to the existing apartment building on the abutting lot. At the time, capacity was not a concern. Alex replied that the capacity is determined by the Municipal Public Works Department based on a log for proposed projects.

The Mayor asked if Sara could explain the requested changes to the development agreement for item 8.5, the Bear Lake Wind Project. Sara replied that it involved additional wording regarding land leases and requires legal review before it can be brought to the Committee.

Jim asked about item 8.1, the Minas Basin Flood Study. Sara said the final report and data has yet to be sent to the Municipality by the Province. When received, Jim asked if a presentation could be given to the Committee and/or the public. Staff will reach out to the Province regarding the possibility.

## **9.0 Building and Development Activity Report (May 2024)**

The report was circulated with the agenda package. Jim asked when the Year to Date totals are calculated. Sara will check with her team and get back to the Committee but feels it should be January-December. Jim asked if the activity reports were available on the website outside of the PAC/HAC packages. The Planning Assistant replied that they can be found on the Municipal website ([www.westhants.ca](http://www.westhants.ca)) under Departments > Planning and Development > Reports: Building and Development.

## **10.0 Notices from Adjacent Municipal Units**

### **10.1 Municipality of Chester – Public Hearing Notice – Bear Lake Development Agreement**

This notice was received on May 30, 2024, and was circulated with the agenda package. It is regarding a Public Hearing for a portion of the Bear Lake Wind Farm in the Municipality of Chester on June 27, 2024. This is of interest to staff who will watch for the results on this Hearing.

### **10.2 Municipality of Chester – Public Hearing Notice – MPS/LUB Amendments for Telecommunication Towers**

This notice was received on May 30, 2024, and was circulated with the agenda package. It is regarding a Public Hearing for “amendments to the Chester Municipal Planning Strategy and Land Use By-law to consider revising policy/regulation ... for proposals for new radiocommunications facilities” in the Municipality of Chester on June 27, 2024. This is of interest to staff who will watch for the results of this Hearing.

## **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. There was one (1) member of the public present at this time.

Guido Guide Furlani shared his comments about the Nesbitt Street proposal. Mr. Furlani sits on WHRM’s Police Advisory Board. He appreciated the Committee’s position on deciding on four storeys as the maximum height in the new zone. He feels the existing environment is being respected, and appreciated how the historic aspect of the building will be maintained. He felt that hyperbolic language may have been used with 19 storeys, so that anything under that height sounds “normal” in comparison. He also had concerns about the proposed development location being so close to the water.

## **12.0 Next Meeting Date / Adjournment**

The next meeting date is scheduled for July 11, 2024, at 6:00pm. The Committee and the public will be notified of any changes. Chair Carr wished everyone a Happy Father's Day. Moved by John Bregante and seconded by Jim Ivey that the meeting be adjourned at 8:10pm.