



**West Hants**  
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY  
Planning & Heritage Advisory Committee (PAC/HAC) Minutes  
July 11, 2024, 6:00pm – 8:08pm  
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  
Mark Kehoe, WHRM Representative  
Michel Bourgeois, WHRM Representative  
Tasha Rogers, WHRM Representative

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

**PUBLIC:** Ben Croll, Applicant for File #24-12

**REGRETS:** John Bregante, Windsor Representative

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

Chair Carr called the meeting to order at 6:00pm. The Planning Assistant took attendance. Regrets had been received from John Bregante. All other Committee members 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 congratulated the volunteers of HMCC on their wonderful Canada Day celebrations. He also announced that Municipal elections are upcoming, and WHRM will be hosting four information sessions for prospective candidates over the summer. Chair Carr reminded everyone that there will be no meeting in August. Avon River Days will be held in August, and all are welcome!

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

Moved by Laurie Murley and seconded by Jane Davis that the agenda be approved as circulated. Motion carried unanimously.

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

Mayor Zebian declared conflict with items 6.2, 8.7, and 8.8 as he is a landowner and adjacent landowner for those properties. He will not participate in those discussions.

### **5.0 Approval of Minutes (June 13, 2024)**

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

## **6.0 New Business**

### **6.1 File #24-12 WHMPS Amendments: 4859 Highway 1, Three Mile Plains (Alex Dunphy)**

This application is to rezone the subject property from Two Unit Residential (R-2) to Multiple Unit Residential (R-3). Alex gave a presentation to review the application. 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 was open until June 20, 2024. There were concerns about Municipal infrastructure, traffic, lot egress, and ditching. Alex clarified that the NSDPW site visit findings were received the same day the report was submitted thus was not reflected in the report. His presentation contained updated information from NSDPW.

Michel asked if the property had access/egress on both Highway 1 and Old Halifax Road. Alex replied that NSDPW confirmed the lot could have frontage on either side, with necessary upgrades required for the driveway permits. Mark asked why this proposal required a rezoning rather than a development agreement and had concerns about as-of-right development. Alex replied that it is dictated by what the applicable policy allows for within the planning documents. Sara added that any development would be subject to specific parameters such as lot size to accommodate the building, required parking, required recreation space. The Development Officers take this into consideration when reviewing a file. Mark also asked about the water and sewer concerns which were brought up during the Public Information Meeting (PIM). A resident at the PIM, neighbour to the subject property, had his basement flood. In correspondence with both NSDPW and Municipal Public Works, Alex received confirmation that the system is in adequate condition and has additional capacity for the proposal.

Moved by Laurie Murley 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 PID 45016763 at 4859 Highway 1 in Three Mile Plains from the Two Unit Residential (R-2) zone to the Multiple Unit Residential (R-3) zone as shown in the report #24-12 to the Planning and Heritage Advisory Committee dated July 11, 2024. Motion carried with Mark Kehoe opposed.

Ben Croll left the meeting at 6:23pm.

## **6.2 File #24-15 Development Agreement: Irven Drive Extension (Sara Poirier)**

Mayor Zebian moved to the gallery at 6:24pm.

This application is for a development agreement to permit 23 four-unit dwellings, for a total of 92 dwelling units, on the future extension of Irven Drive in The Crossing. Sara gave a presentation to review the proposed development. The developer has purposefully designed this application for four-unit dwellings to submit the project for both Provincial and Federal funding for purpose-built rental units. Based on the information staff had at the time of drafting the report, staff do not recommend in favour of the application until more information can be provided from other departments. The main concerns from staff are the length of the proposed cul-de-sac and the Future Street Map of the Subdivision By-law. The Traffic Impact Study (TIS) provided by the developer is not acceptable to the Municipal Traffic Authority therefore the Municipality has engaged a consultant to provide an updated study. The applicant has requested this application be brought forward for further direction.

The developer had provided three options for the end of Irven Drive. The Committee discussed them at length. The first option is Irven Drive ending in a cul-de-sac with a 25ft wide access easement in favour of the Municipality, which is the least appealing to staff, citing traffic concerns and the Future Street Map identifying a connection between the Crossing and Payzant Drive. The second option ends in a cul-de-sac with a road reserve angled towards the abutting private property to the north-west. This would require permission from the abutting landowner, who has expressed they would not support it. Option three ends in a cul-de-sac with a road reserve provided on the applicant's property, which would reduce the number of four-unit buildings to 21 and the number of dwelling units to 84. This option is the most appealing to staff but the least appealing to the developer. Based on the concerns of staff and the information still pending, the Committee was hesitant to move forward.

Moved by Tasha Rogers 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 a total of 92 dwelling units within 23 four-unit dwellings grouped on a portion of PID 45162005 and PID 45408374 in Windsor and Garlands Crossing which is substantively the same as the draft set out in Attachment C of the report File #24-15 to the Planning and Heritage Advisory Committee dated July 11, 2024.

The Committee discussed possible amendments to the motion as presented by staff. Sara explained that the draft development agreement uses Option 1 so the motion would be in favour of Option 1. The Committee wanted to emphasize that they support Options 2 or 3. The results of the TIS would inform the decision on all three options, and Sara was hopeful that the report would be ready for the July 23, 2024 Council meeting.

Moved by Jim Ivey and seconded by Laurie Murley that the motion be amended to include, “subject to the successful resolution of all the outstanding matters in the report,” after “Garlands Crossing.” Motion carried with Jane Davis and Mark Kehoe opposed.

Moved by Laurie Murley and seconded by Jim Ivey that the motion be approved as amended: that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a total of 92 dwelling units within 23 four-unit dwellings grouped on a portion of PID 45162005 and PID 45408374 in Windsor and Garlands Crossing, subject to the successful resolution of all the outstanding matters in the report, which is substantively the same as the draft set out in Attachment C of the report File #24-15 to the Planning and Heritage Advisory Committee dated July 11, 2024. Motion carried with Jane Davis and Mark Kehoe opposed.

Moved by Laurie Murley and seconded by Tasha Rogers that PAC/HAC recommends that Council require that the development agreement with Mitch Brison for PID 45162005 and PID 45408374 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 and Mark Kehoe opposed.

Michel asked if the development agreement was between Brison Developments or Mitch Brison. Sara replied that as the president of Brison Developments, Mitch Brison would sign the development agreement.

Mayor Zebian returned to the meeting at 7:44pm.

### **6.3 File #24-14 Development Agreement: 198 Water Streer, Windsor (Alex Dunphy)**

This file is a continuation of File #23-39, the Pesaquid Comprehensive Development District Windsor Land Use By-law amendments. This is an application for a ground-floor residential dwelling unit within an existing building to be permitted behind a commercial use, which was permitted by the amendments. Alex gave a presentation to review the application.

Laurie Murley had to leave the meeting at 7:47pm.

Alex clarified that the amendments only affect existing buildings and new construction would not be permitted to have a residential unit on the ground floor in the Pesaquid Comprehensive Development District.

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 entering into a development agreement to allow a residential dwelling unit behind a commercial use on the ground floor of an existing building on PID 45056926 at 198 Water Street in Windsor which is substantively the same as the draft set out in Attachment B of the report File #24-14 to the Planning and Heritage Advisory Committee dated July 11, 2024. Motion carried unanimously.

Moved by Mayor Zebian and seconded by Michel Bourgeois that PAC/HAC recommends that Council require that the development agreement with Chad Singleton which permits a residential dwelling unit behind a commercial use on the ground floor of an existing building PID 45056926 at 198 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 unanimously.

## **7.0 Business Arising from the Public Information Meetings (July 16, 2024)**

### **7.1 Upcoming - File #24-17 Development Agreement: 1809 Hwy 1, Falmouth (Alex Dunphy)**

This PIM is scheduled for July 16, 2024, at 6:00pm. It is for a development agreement application to permit a take-out café in the existing dwelling on 1809 Highway 1, Falmouth (PID 45026820). PAC/HAC members are welcome to attend, but not required. There were no questions at this time.

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

The file updates were circulated with the agenda package.

Jim wondered if it was possible to list all the files that have updates on the agenda, so people know which files are still in process. Paul asked if the proposed wind farm setbacks would affect the two wind farm applications currently in process. Sara responded that both Bear Lake and Ellershouse 3 would be considered under the current planning documents, as they were in effect

when the applications were received. Mark asked for clarification on the proposed setbacks. Sara explained that the proposed setbacks would be a minimum of 2.5km for a large-scale wind turbine to abutting lots with frontage on a roadway, unless written permission is given by the landowner.

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

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

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

There were no notices received.

### **11.0 Questions and Comments from the Public**

Facebook comments are not followed. The public is encouraged to contact staff directly or attend the meeting if they have any questions or comments. There were no members of the public present at this time.

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

Staff reminded everyone that meetings are not held in the month of August. The next meeting date is scheduled for September 12, 2024, at 6:00pm. The Committee and the public will be notified of any changes. Chair Carr wished everyone a great summer and invited folks to attend the Avon River Days festivities and to cheer on Team Canada in the Olympics. Moved by Mayor Zebian and seconded by Michel Bourgeois that the meeting be adjourned at 8:08pm. Motion carried unanimously.