



WEST HANTS REGIONAL MUNICIPALITY
Planning & Heritage Advisory Committee (PAC/HAC) Minutes
September 12, 2024, 6:00pm
Sanford Council Chambers, Zoom / Facebook Live

PRESENT: Tim Carr, Chair, Hantsport Representative
Mayor Abraham Zebian
Councillor Jim Ivey, District 11
Jane Davis, Hantsport Representative
John Bregante, Windsor Representative
Paul Beazley, Windsor Representative
Mark Kehoe, WHRM Representative
Michel Bourgeois, WHRM Representative

STAFF: Sara Poirier, Director of Planning and Development
Kari Fougere, Manager of Planning
Alex Dunphy, Senior Planner
Vanessa Lake, Planning Assistant

PUBLIC: 7 members of the public were present.

REGRETS: Tasha Rogers, WHRM Representative
Councillor Laurie Murley, District 10

1.0 Call to Order and Attendance

Chair Carr called the meeting to order at 6:00pm. Regrets had been received from Tasha Rogers and Councillor Murley. 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 acknowledged that September is Volunteer Appreciation Month, and that WHRM will be recognizing some of the Municipality's wonderful volunteers at the Brooklyn Civic Centre later this month. He expressed his appreciation for all volunteers. The Hantsport town-wide yard sale, Windsor Garlic Festival, and Hants County Exhibition will be taking place this weekend (Sept. 13-15). It is also Election season, and Chair Carr encouraged everyone to look up all relevant information on the Municipality's website and to please vote if they are eligible.

Sara introduced Kari Fougere, new Manager of Planning for the Municipality. Kari will take over some of Sara's workload and continue to attend PAC/HAC meetings. The Housing Accelerator Fund had its first Open House on September 11, with another scheduled for September 19 from 6:00-7:30pm at the Churchill House in Hantsport. An online survey is also available to collect feedback until September 30. The Home Flood Protection Program was launched on September 3, and applications can be submitted to WHRM's Climate Action Coordinator, John Ogilvie, until October 11 at 4:00pm. Sara thanked the resident members for their time and participation during this term. The last meeting of the current PAC/HAC will be in October. Members are encouraged to re-offer if they are interested. The Municipal Clerk will be in touch with application packages and more information, and advertisements will be posted on the website, social media, and in the local paper for all of those interested in any of the Municipality's committees.

3.0 Approval of Agenda and Additions

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

4.0 Declaration of Conflict of Interest

Mayor Zebian declared conflict with items 8.5 and 8.8 as he is a landowner and will not participate in those discussions.

5.0 Approval of Minutes (July 11, 2024)

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

6.0 New Business

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

This application is for a development agreement to permit a take-out café within the existing dwelling on 1809 Highway 1 in Falmouth (PID 45026820). The Public Information Meeting was held on July 16, 2024. No comments were received. Alex noted that the term “restaurant” is used in the draft development agreement and staff report, as that is the definition within the in the Land Use By-law.

Michel Bourgeois asked for clarification on seating and how customers will acquire their food. Alex explained that the restaurant will be take-out style and that there will be an outdoor seating area provided where customers can enjoy their food. Michel noted that there are accessibility criteria that must be met to receive a food service permit. Alex noted that the Manager of Building and Fire Inspection Services has spoken to the owner about accessibility requirements.

Moved by Mayor Zebian and seconded by John Bregante that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a restaurant within a portion of the existing residential dwelling on PID 45026820 at 1809 Highway 1 in Falmouth which is substantively the same as the draft set out in Attachment B of the report File #24-17 to the Planning and Heritage Advisory Committee dated September 12, 2024. Motion carried unanimously.

Moved by Mayor Zebian and seconded by Councillor Ivey that PAC/HAC recommends that Council require that the development agreement with Alma Crnalic which permits a restaurant within a portion of the existing residential dwelling on PID 45026820 at 1809 Highway 1 in Falmouth 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.

6.2 File #21-16 Development Agreement: Ellershouse 3 Wind Project (Alex Dunphy)

This application is for a development agreement to expand the Ellershouse Wind Farm with an additional twelve 5.9 megawatt turbines. All turbines will be located on privately owned forestry lands. Environmental Assessment approval was issued in July 2023 and the development agreement contains extensive decommissioning fund details. The Public Information Meeting was held on May 7, 2024, with 12 members of the public in attendance. Several comments supporting the project were received.

Jane Davis asked about the height of the turbines. Alex replied that they would be 205 metres tall. Mark Kehoe asked about the decommissioning fund and if there was any risk to the Municipality. Alex replied that there have been extensive negotiations on the decommissioning requirements and the final wording was approved by the Municipal Solicitor to reduce Municipal liability. Mark asked if the Municipality would take ownership if the project were abandoned. Sara explained there are multiple layers of responsibility with the decommissioning fund between a property owner, leasee, and sub-leasee. Councillor Ivey asked about the two different setback distances noted in the presentation and report. Alex confirmed that there are two setback requirements for this application. The 1000m minimum setback is from turbine to dwelling, hotel, motel or apartment hotel.

The second setback, equaling turbine height, is from turbine to the edge of a non-participatory property line. Based on recent discussions, staff requested this setback of 1.1 times the height of the turbine at the start of the negotiation process. Some turbines within this application do not meet this requirement due to project design, but they are abutting lands belonging to a majority project owner and the Province, so a lessened setback is deemed accepted by both of their approvals of the project. Chair Carr asked about the St. Croix reserve near the project site. Alex

replied that the Annapolis Valley First Nations have part ownership of this project, so staff deemed the lessened setback to be acceptable.

Moved by Mayor Zebian and seconded by Councillor 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 Wind Farm on PIDs 45407194, 45407202, 45407210, 45407228, 45407244, 45407251, 45407269, 45407277, 45407285, 45407178, 45407236, 45407152, 45407160, 45407186, and a portion of PIDs 45407137 and 45407145 which is substantively the same as the draft set out in Attachment B of the report File #21-16 to the Planning and Heritage Advisory Committee dated September 12, 2024. Motion carried.

Moved by Mayor Zebian and seconded by John Bregante that PAC/HAC recommends that Council require that the development agreement with Ellershouse 3 Wind Limited Partnership, Wagner Forest NS Ltd., and Atlantic Star Forestry Ltd. for PIDs 45407194, 45407202, 45407210, 45407228, 45407244, 45407251, 45407269, 45407277, 45407285, 45407178, 45407236, 45407152, 45407160, 45407186, and a portion of PIDs 45407137 and 45407145 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.

7.0 Business Arising from the Public Information Meetings (September 4, 2024)

7.1 File #24-21 Development Agreement: 439 Clifton Ave, Windsor (Alex Dunphy)

This is a development agreement application to permit converting the existing single unit dwelling and detached garage into 7 residential dwelling units and one accessory unit within the existing garage. The Public Information Meeting was held on September 4, 2024. The comment period is open until September 18, 2024.

Mayor Zebian asked about a project within a similar area of Windsor that has not moved forward due to stormwater and sewer concerns. He asked if this proposal would face the same issues. Alex replied that, during initial correspondence with Public Works, they do not foresee any issues at this time.

8.0 Business Arising from the Minutes (File Updates)

The file updates were circulated with the agenda package. Jane asked about item 8.5. Mayor Zebian moved to the gallery at 6:48pm. Jane asked why it was not returned to the PAC/HAC for review when several changes had been made to the application after it went to Council. Sara would have to check but she believes the changes are not listed as “substantive matters” within the development agreement. Jane also asked for details on item 8.8. Sara replied that an appeal can be made whether Council voted for or against an application. This application was approved by Council but appealed by Brison Developments. The information is publicly available on the NSUARB website and Sara will send out the matter number to the Committee. Mayor Zebian returned to the table at 6:52pm. Paul Beazley asked about item 8.1. He felt the map did not show a lot of information. Sara replied that the map has several different layers that need to be toggled on or off to view the information. Mark asked about item 8.2 and if there would be any changes to the application. Sara replied that the application remains the same as presented at the Public Information Meeting however that the applicant has a few minor details they want to review before bringing it forward for recommendation. She hopes this application will come forward at the October PAC/HAC meeting.

9.0 Building and Development Activity Report (July and August 2024)

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

10.0 Notices from Adjacent Municipal Units

No notices had been received.

11.0 Questions and Comments from the Public

Facebook comments are not monitored. The public is encouraged to contact staff directly or attend the meeting if they have any questions or comments. Five members of the public had comments during this period.

Julia Cushing introduced herself and her colleague Ernie Saunders as the proponents for item 6.2. She thanked the Committee for their consideration and noted that Potentia Renewables is committed to working with the community and the Municipality on this project.

Jeremy Cromwell, member of Active Transportation for West Hants and employee for the Hants SnoDusters Snowmobilers Association, asked for more information on item 8.4. Alex explained that this is a request to rezone 4859 Highway 1, Three Mile Plains, from Two-Unit Residential (R-2) to Multiple-Unit Residential (R-3). The PIM was held on June 4, it was brought to PAC for recommendation on July 11, brought to Council for First Reading on July 23, and the Public Hearing is scheduled for September 24, 2024.

Dougie Ross, also of the Hants SnoDusters, expressed his support for the Ellershouse 3 project and commented that the developers have been extremely supportive and cooperative with the community.

Dave Blanchard, President of the Ellershouse Wind Farm Society, has been involved with this project since the beginning. He felt AREA and now Potentia have been great at cooperating with the community. He believes most people in the community are in favour of the project. He commented that he can see two existing turbines from his bedroom window and has never experienced any negative effects.

Barb Wilson, also of the Community Liaison Committee, explained that their Committee sends information out to residents about the project and its benefits, including student bursaries.

12.0 Next Meeting Date / Adjournment

The next meeting date is scheduled for October 10, 2024, at 6:00pm. An announcement will be made if there are any changes. Chair Carr thanked the public for their comments and reminded everyone to attend the events happening over the weekend.

Moved by Councillor Ivey and seconded by Mayor Zebian that the meeting be adjourned at 7:09pm. Motion carried unanimously.