



WEST HANTS REGIONAL MUNICIPALITY
Planning & Heritage Advisory Committee (PAC/HAC) Minutes
March 13, 2025, 6:01pm – 9:02pm
Sanford Council Chambers, Zoom / YouTube Live
AMENDED MARCH 31, 2025

PRESENT: Michel Bourgeois, WHRM Representative, Vice-Chair
Abraham Zebian, Mayor
Kayla Leary-Pinch, Councillor (District 7)
Jim Ivey, Councillor (District 11)
Guido Furlani, Windsor Representative
Jane Davis, Hantsport Representative
KJ Conyers-Steede, WHRM Representative
Mark Kehoe, WHRM Representative

STAFF: Kari Fougere, Acting Director of Planning and Development
Alex Dunphy, Senior Planner
Will Hong, Planner
Vanessa Lake, Planning Assistant

GALLERY: There were 4 people present in the gallery.

REGRETS: Paul Beazley, Windsor Representative
Tim Carr, Hantsport Representative, Chair

1.0 Call to Order and Attendance

Vice-Chair Bourgeois called the meeting to order at 6:00pm. Vanessa Lake took attendance. Paul Beazley and Tim Carr had sent regrets. 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. The Committee and members of the audience were reminded of the proper behaviour expected of them from the Municipal Code of Conduct.

Mark let everyone know that the Upper Vaughan Community hall will hold a dance party on Saturday, March 15, 2025, from 6:00-8:00pm, for children in grades primary to five. It is free entry and treat bags will be given out.

3.0 Approval of Agenda and Additions

Jane requested an addition under Section 8.0, Committee Question & Answer.

Guido requested adding three discussion items to the agenda following Jane's request; changing the name of the Committee, cell towers and their effects, and a request that the meeting be adjourned at 9pm. Mayor Zebian asked if this was a request to change the Terms of Reference or just a discussion. Guido explained it was only a discussion for now.

Jim noted that the agenda listed items 8.6 and 8.7 differently than they are listed within the File Updates. On the agenda, item 8.6 is File #24-01 and 8.7 is File #23-33. Within the Updates, 8.6 is File #23-33 and there is no item 8.7. Staff will correct this within the agenda package.

Moved by Councillor Leary-Pinch and seconded by Mark Kehoe that the agenda be approved as amended. Motion carried with Mayor Zebian opposed.

4.0 Declaration of Conflict of Interest

No conflicts were declared.

5.0 Approval of Minutes (January 9, 2025)

Moved by Mayor Zebian and seconded by Councillor Leary-Pinch that the minutes from January 9, 2025, be approved as circulated. Motion carried unanimously.

6.0 New Business

6.1 File #24-25 Rezoning: 33 Lakewood Drive, Brooklyn, PID 45017183 (Will Hong)

This is an application to rezone 33 Lakewood Drive, Brooklyn, PID 45017183, from the split zoning of Highway Commercial (HC) and Two-Unit Residential (R-2) to entirely Two-unit Residential (R-2). The intent is to subdivide into three separate residential lots after rezoning. The Public Information Meeting was held on January 15, 2025, and the comment period was open until January 29, 2025. Staff did not receive any comments during the comment period. A comment was received prior to the comment period about safe roadway access from a potential new driveway on Highway 215. The Nova Scotia Department of Public Works (NSDPW) confirmed that there would be safe driveway access from both Highway 215 and Lakewood Drive.

Moved by Councillor Leary-Pinch and seconded by Councillor 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 45017183 at 33 Lakewood Drive in Brooklyn from the split zone of Two Unit Residential (R-2) and Highway Commercial (GC) zone to the Two Unit Residential (R-2) zone entirely as shown in the report #24-25 to the Planning and Heritage Advisory Committee dated March 13, 2025. Motion carried unanimously.

6.2 File #25-01 Rezoning and WHLUB Amendments: PID 45405784, College Rd, Windsor (Will Hong)

This is an application to rezone PID 45405784 on College Rd, Windsor, from Single Unit Residential (R-1) to Institutional (I) and amend the Windsor Land Use By-law (WLUB) to allow agrivoltaics systems as an accessory use in the Institutional (I) Zone. A definition for “agrivoltaics” will also be added to the WLUB. Agrivoltaics refers to the dual use of solar energy production and agriculture uses. The system will be utilized by Kings-Edgehill school - the landowner. The Public

Information meeting was held on February 5, 2025, and the comment period was open until February 29, 2025. No comments were received.

KJ asked if the Planning department has looked at scaling for this type of development. Will replied that it is currently only specific to the Institutional (I) zone, but it can be expanded into other zones and regulations incorporated into the Plan Review. Due to the deer problem in the area, Mark suggested the use of deer fencing or other forms of protection for the project.

Moved by Mayor Zebian and seconded by Councillor Leary-Pinch that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Zoning Map of the Windsor Land Use By-law to rezone PID 45405784 on College Road in Windsor from Single Unit Residential (R-1) to the Institutional (I) zone as shown in the report #25-01 to the Planning and Heritage Advisory Committee dated March 13, 2025. Motion carried unanimously.

Moved by Mayor Zebian and seconded by Councillor Leary-Pinch that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Land Use By-law to allow agrivoltaics systems as an accessory use in the Institutional zone as shown in the report #25-01 to the Planning and Heritage Advisory Committee dated March 13, 2025. Motion carried unanimously.

6.3 File #24-26 Rezoning: 1177 King St, Windsor, PID 45053816 (Alex Dunphy)

This application is for a request to rezone the subject lot from the Single Unit Residential (R-1) zone to the Two Unit Residential (R-2) zone to permit converting the existing dwelling into a two-unit structure as well as subdividing the lot for an additional two-unit structure. All requirements and policies are considered met. Alex noted that a restrictive covenant was registered on the property in 1954 which only permits single-unit dwellings and restricted subdivision. The Municipal Solicitor confirmed that covenants are private law, and staff cannot consider the covenant in their recommendation and council cannot consider covenants in their decision making on this application either. The property owner is seeking to remove the covenant. The Public Information Meeting was held on January 15, 2025. The comment period ended on January 29, 2025, and staff received 3 phone calls and 9 pieces of written correspondence. Alex gave an overview of the concerns expressed and staff responses. It was noted that a lot grading plan would be required as part of the future subdivision of the lot as well as confirmation that the stormwater flow would not increase, stamped and signed by a professional engineer.

The Committee was concerned about the covenant, but the Municipality is unable to interact with or consider it as part of the application. The Municipality deals in public law, and a covenant is private law. A covenant can be enforced civilly by its neighbours. The lot size was also a concern. It was asked if each two-unit dwelling would then be able to build a secondary suite. Alex replied that it would be restricted by lot size and other requirements. It was asked if the applicant can subdivide the lot under the current Single-Unit (R-1) zoning. The development officers did not indicate if this was a possibility, as the intent of the application was for Two-Unit Residential (R-2) subdivision. The requirements would likely be similar.

Moved by Councillor Ivey and seconded by Councillor Leary-Pinch that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the Windsor Land Use By-law to rezone PID 45053816 at 1177 King Street in Windsor from the Single Unit Residential (R-1) to Two Unit Residential (R-2) as shown in the report File #24-26 to the Planning and Heritage Advisory Committee dated March 13, 2025.

The Committee was uncomfortable voting on this application with the information currently available to them. The Committee's decision would depend on the size of the lot and the location of the second structure. Rezoning do not require a site plan, however this information can be requested, as well as the setbacks required to build any secondary suites. Alex noted that a separate subdivision process would be required to meet the intent of the application, with its own requirements. This application is only for rezoning the lot to Two-Unit Residential (R-2).

Moved by Mayor Zebian and seconded by Councillor Leary-Pinch that this item be deferred until the next meeting so staff may gather more information. Motion carried unanimously.

6.4 File #25-13 Development Agreement: Bear Lake Wind Farm (Kari Fougere)

This is an application to permit eleven 5.9-megawatt wind turbines on PIDs 45060068, 45399540, 45399573, 45399532, 45060076, 45060092, 45061694, 45062957, 45399557, 45399581, 45401833, 45401841, 45401858, 45042660, and 45042694 in the Upper Vaughan area. This application was originally submitted as File #24-03. The applicants withdrew their application and resubmitted after the amendments to the West Hants Municipal Planning Strategy (WHMPS) wind farm criteria was approved by and further amended by the Department of Municipal Affairs. The application is the same as the one submitted for File #24-03. The only difference is the criteria

it will be evaluated by. The original Public Information Meeting for this application was held on April 8, 2024, and it was originally considered by the PAC/HAC on October 10, 2024.

The Committee asked why this file did not go back to a Public Information Meeting. The Municipal solicitor had determined that a second Public Information Meeting was not required, as the application was the same, and all requirements were considered met. The only difference is the Municipal Planning Strategy (MPS) criteria it will be evaluated by, and the amendments to the MPS were communicated to the public. The public is also aware of the content of this application. Many on the Committee felt it would be unfair not to hold another Public Information Meeting as the public may not be aware that the application had been re-submitted. Kari confirmed that the public would be notified of the Public Hearing which is required by the MGA before a decision is made on this application. The public would be able to speak and provide feedback during the Public Hearing which would be scheduled before Second Reading. Although legal advice states a second Public Information Meeting is not required, the Committee felt it would be the best way forward. The decision of the PAC/HAC will go on to Council regardless of the outcome.

Moved by Councillor Leary-Pinch and seconded by Mark Kehoe that PAC/HAC requests that this application go back to a Public Information Meeting. Motion carried with Mayor Zebian opposed.

6.5 Wind Turbine Policy Research (Kari Fougere)

Kari's report was circulated with the agenda package.

At the January Council meeting, Council directed staff to conduct research on potential future amendments to the West Hants Municipal Planning Strategy to limit the number of wind farms in West Hants. Since that meeting, the Province has set requirements for wind farms in the Municipal Government Act (MGA) for all municipalities to follow, including separation distances and that visual impact shall not be considered when evaluating applications. West Hants is now limited in its ability to apply further restrictions on wind farms in the region. Staff feel it is unlikely that any amendments that may limit wind farm development would be approved by the Province. Councillor Ivey clarified that Council had requested information that may serve to limit the total volume of wind turbines within West Hants over time. Council wanted to know if they had some ability to control the land use in their region.

Councillor Leary-Pinch asked about the moratorium on wind farms that Kentville currently has in place. Kari replied that staff have had discussions with the municipal solicitor, and they

determined that any moratorium in place would not hold up against the amended MGA. Kentville, as well as other municipalities in Nova Scotia, will have to amend their documents to align with the MGA.

Mark asked if the municipality has pushed back against the Province on these amendments at all. To Kari's knowledge, they haven't. Municipalities are creatures of the province and must adhere to its rules. Mark also asked for some clarity on the amendments, particularly the "adequate distance from a land use." He asked what determines a land use. Kari replied that it is measured to dwellings, while Mark felt it could be interpreted as property boundaries.

KJ asked if the Nova Scotia Federation of Municipalities (NSFM) or any other body had discussed revenue sharing. Wind farms are an opportunity to diversify funding. Kari is not aware if these discussions have taken place yet. The correspondence was received last Friday (March 7, 2025) and municipalities and other organizations still need to have conversations around this.

6.6 Plan Review: Growth Centre Policies Discussion (Alex Dunphy)

Alex's report was circulated with the agenda package.

The focus of the report was the current Growth Centres and the development that is permitted in them, and the methods that development is permitted through. In the West Hants planning documents, Three Mile Plains and Falmouth are identified as Growth Centres. Separately, staff recognized Hantsport and Windsor as additional Growth Centres based on the regional approach the Plan Review is taking. Alex is looking for discussion on what is currently available as development methods, and what should be considered in Growth Centres for the plan review.

Mark noted the exponential growth in the Leminster to Upper Vaughan area and asked if it could be considered a Growth Centre. He wondered if it would be possible to preserve the Hamlet lifestyle of the area if it were to become a Growth Centre. Alex replied that a "Growth Centre" is defined by precise language. It does not just refer to areas that have seen growth. In the draft Planning documents, it refers to an overlay which allows for additional considerations, such as higher density development. It may not be a good idea to designate the area as a Growth Centre if the residents do not want the increased density and development that comes with it. Kari added that the current intent is to concentrate residential development in areas where services (municipal infrastructure and amenities) are available.

Councillor Ivey commented that there may be other factors and potential for growth outside of the serviced areas. Growth means different things to different people and West Hants has many different facets. He also commented on the ongoing flood concerns and how higher density can exacerbate the issue. The regional Municipal Climate Change Action Plan should be considered. Alex explained that stormwater is a major topic in the Plan Review, and though discussed individually, each topic will tie into one another. This discussion is to focus on Growth Centres. KJ asked if staff had a plan for sustainable, interconnected growth so not to create economic silos with little in between. Alex replied that staff are working on a structure and framework that focuses on the specific needs of communities. The Plan Review is governed by the MGA, and they must work within its guidelines.

Public engagement is a foundational piece of the Plan Review. A visionary survey, where residents could share their vision for the future of West Hants, was conducted last year. The draft documents will be brought back to the public to ensure that their comments were captured accurately. There is more public engagement planned. The feedback from the Housing Accelerator Fund will also be considered during the Plan Review. Alex will incorporate the Committee's feedback in the draft plan and Kari welcomed any additional comments via email or brought up at future meetings.

Break

Vice-Chair Bourgeois called for a break at 8:20pm. Two (2) members of the gallery left at this time. The meeting resumed at 8:30pm.

7.0 Business Arising from the Public Information Meetings (March 5, 2025)

7.1 PIDs 45055241, 45190386, and 45366457, Wentworth Rd, Windsor (Will Hong)

This is an application containing three requests. 1) Redesignating and rezoning PID 45055241 and the front portion of PID 45190386 to Wentworth Road Commercial (WR-C), 2) entering into a development agreement to permit large-scale retail development on PID 45055241 and the front portion of PID 45190386, and 3) rezoning a portion of PID 45364657 and the back portion of PID 45190386 to Multi-Unit Residential (R-3) for future residential development. The Public Information Meeting was held on March 5, 2025, and the comment period will be open until

noon on March 19, 2025. Jane asked if staff knew what would happen with the old Kent building. Staff did not have that information, as it was not part of the application.

8.0 File Updates and Agenda Additions

8.1 – 8.6 File Updates

The updates were circulated with the agenda package and are available on the Municipal website. Councillor Ivey again noted that items 8.6 and 8.7 on the agenda did not match up with the numbers given in the File Updates. Alex confirmed that file #24-01 is now complete and should have been removed from both the agenda and file updates. Staff will amend the agenda package. There were no further questions or comments on the updates.

8.7 Committee Q&A Segment (Jane Davis)

Jane suggested the addition of a permanent agenda item, Committee Q&A. This will give Committee members a chance to add a discussion point to the next meeting agenda and give other members and staff time to prepare. It would also be like the Council dashboard in that it can track questions posed to staff that need to come back with further information. The Committee felt this was a good idea and agreed to add it to future agendas.

8.8 Committee Name Change (Guido Furlani)

Guido felt the Committee name should better reflect what it is, a Planning *and* Heritage Advisory Committee. This is how it is referred to in several documents. He suggested the acronym PHAC instead of PAC/HAC. Mark noted that this pronunciation may be an issue. Mark suggested calling the Committee the “Planning Advisory Committee” with heritage listed under the mandate. Many already refer to the Committee as just PAC. Councillor Ivey commented that using acronyms doesn’t accurately explain what a Committee does.

Kari confirmed that this would be an amendment to the Committee’s Terms of Reference and would have to go to Council for final approval. It was noted that PAC/HAC is technically two (2) committees rolled into one, the Planning Advisory Committee and the Heritage Advisory Committee. A staff report on the Committee’s name will be brought back to the next meeting.

8.9 Cell Towers Discussion (Guido Furlani)

Guido will submit an information report regarding the effects of cell towers and radio waves on human health for the next meeting. It will be a discussion topic.

8.10 9:00pm Adjournment Time (Guido Furlani)

Guido's original 9:00pm adjournment request was specific to this meeting. It spurred a conversation about a fixed adjournment time. It does already exist within Council and Committee policy that a meeting will adjourn at 10:00pm or the Committee may vote to keep going. The Committee decided to leave it at status quo and not amend the Terms of Reference.

9.0 Building and Development Activity Report (January and February 2025)

The reports were circulated with the agenda package and are available on the Municipal website. There were no questions or comments.

10.0 Notices from Adjacent Municipal Units (None)

10.1 Municipality of Chester – Short-term Rentals

Kari explained that the Municipality of Chester is working on Municipal Planning Strategy and Land Use By-law amendments to regulate Short-term Rentals within their region. Kari explained that West Hants Council had previously directed staff to investigate Short-term Rental regulations, and following the report, Council chose not to regulate Short-term Rentals in the region. Staff will send the report out to the Committee for reference.

11.0 Public Participation

The public is encouraged to attend the meetings or contact staff directly if they have any questions or comments. Contact information is available on the municipal website. There were two (2) members of the public present at this time, and they had no comments.

12.0 Next Meeting Date / Adjournment

Jane wondered if there was a way to let the public know where completed development agreements are located. She will also provide a list of unanswered questions to staff for the next meeting. Councillor Leary-Pinch welcomed back the resident members and looked forward to working with them going forward. Vice-Chair Bourgeois thanked staff for their assistance in helping him Chair his first meeting. The Committee commended him for a job well done.

The next scheduled meeting of the PAC/HAC is April 10, 2025. A notice will be sent out if there are any changes. With no further business, the meeting adjourned at 9:02pm.