



WEST HANTS REGIONAL MUNICIPALITY

Public Hearing Minutes – 583 Highway 236 (conclusion)

January 26, 2021 6:00 pm

Held via Zoom and Facebook Livestreamed

1. Call to Order

The Public Hearing was called to order at 6:15 pm.

Council Present:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Mark McLean, Councillor, District 3

Debbie Francis, District 5

Bob Morton, Councillor, District 6

Paul Morton, Deputy Mayor, District 8

Ed Sherman, Councillor, District 7

Richard Murphy, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Staff and Guests Present:

Mark Phillips, Chief Administrative Officer

Todd Richard, Dir. Public Works

Carlee Rochon, Dir. Financial Services

Saira Shah, Planner

Shelleena Thornton, Administrative Supervisor

Rhonda Brown, Municipal Clerk

Madelyn LeMay, Dir. Planning & Development

Sara Poirier, Planner

Regrets:

Jeff Hartt, Councillor, District 4

Members of the public watched the meeting using Facebook Live.

2. Introduction

Mayor Zebian stated Public Hearings for amendments to planning documents and development agreements are required by Part 8 of the Municipal Government Act. This virtual public hearing is hosted by Council. The Public Hearing for this application began on November 24th and resumed tonight to allow the Planner to bring forward any comments received from the public.

When the Public Hearing is complete, the Council meeting will resume, and members of Council may then ask questions and make comments. Councillors were reminded that in order to be able to vote on this matter, Councillors must have been present at both parts of the hearing – November 24th and tonight.

3. Presentation by Planner

Planner Shah reviewed the presentation (attached) summarizing the proposed development agreement permitting a licensed day care at 583 Highway 236. The Planner informed that one video comment from Gena Arthur had been received and circulated to all Council members prior to the Public Hearing for viewing due to its length. Clerk Brown then read a follow up letter from Ms. Arthur (attached), after which Planner Shah summarized and addressed the comments received.

Mayor Zebian declared the Public Hearing closed.

The meeting ended at 7:07 pm.

Abraham Zebian, Mayor

Rhonda Brown, Municipal Clerk

The logo consists of the letters 'WWH' in a bold, sans-serif font. The first 'W' is dark blue, the second 'W' is a lighter blue, and the 'H' is dark blue. The background features abstract geometric shapes in shades of blue and green on the left and right sides.

WWH

WINDSOR / WEST HANTS

TOGETHER



**583 Highway #236
Development Agreement**

January 26, 2021

Application

- ▶ On April 7th Sarah Hein applied for a development agreement to permit a licensed day care at 583 Hwy #236, Scotch Village.
- ▶ The property is approximately 2.8 acres and the day care will be confined to the existing building and 1,500 square feet of outdoor play space. There will also be a maximum of five (5) parking spaces for the day care.
- ▶ A development agreement is a legal contract between the Municipality and a property owner to permit a use that is not permitted in the underlying zone

Questions & Comments

- ▶ One (1) video comment was received
- ▶ The concerns raised in the video are related to safety concerns and stopping distance requirement for a school bus stop
- ▶ The resident states 140 m is needed in ideal conditions on an 80 km highway
- ▶ An additional 20 m is needed from a school bus
- ▶ Due to the blind crest, only 105 m is available



Graph: Min, Avg, Max Elevation: 37, 43, 50 m
Range Totals: Distance: 463 m Elev Gain/Loss: 9.73 m, -21.8 m Max Slope: 13.8%, -20.9% Avg Slope: 2.2%, -5.0%



Questions & Comments

- ▶ Policy 8.9.4 and 16.3.1 of the WHMPS do not contain specific criteria that address bus stops

Questions & Comments cont.

- ▶ Policy 8.9.4
- ▶ (f) *safe and efficient roadway access is provided*
- ▶ (h) *the development is compatible with adjacent land uses with respect to:*
 - ▶ (i) *traffic generation and traffic safety;*
 - ▶ (v) *pedestrian circulation and safety;*

Questions & Comments cont.

- ▶ Policy 16.3.1
- ▶ *(a) whether the proposal is considered premature or inappropriate in terms of:*
 - ▶ *(iv) the adequacy of road networks adjacent to, or leading to the development;*
- ▶ *(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;*

Questions & Comments cont.

- ▶ In July, DTIR confirmed the existing access is acceptable for the proposed future commercial use and a negative impact to the Provincial Road network is not anticipated
- ▶ Through conversation with the resident and the Annapolis Valley Regional Centre for Education (AVRCE) it appears the school bus stop has moved recently to a location close to the proposed day care
- ▶ The resident informed staff they have contacted AVRCE and DTIR to launch a formal complaint

Questions & Comments cont.

- ▶ The NS School Transportation Policy outlines the steps for AVRCE to investigate the concern
 - ▶ Transportation Supervisor
 - ▶ Transportation Coordinator
 - ▶ Transportation Review Committee

Questions & Comments cont.

- ▶ DTIR have confirmed they do not consider bus stop locations when reviewing planning applications
- ▶ There is a separate review process if an agency is looking to place a bus stop along a DTIR highway

Questions & Comments cont.

- ▶ Based on the current review processes, the Transportation Review Committee and DTIR will determine if the existing bus stop location is suitable
- ▶ As there are no specific criteria related to bus stops this concern should not prevent Council from approving the proposed development agreement

Questions & Comments cont.

- ▶ Councilor McLean requested that staff consider additional parking space for the day care to improve safety
- ▶ As the property is zoned Agricultural Priority (AR-2) the intention of Council is to preserve agricultural land in this area
- ▶ Policy 8.9.4 requires an agrologist report to determine potential impact to soil and agricultural capability

Questions & Comments cont.

- ▶ Staff did not require the applicant to submit an agrologist report for this application as the applicant intends to use an existing building and only have a small outdoor play space and limited parking on an unpaved surface
- ▶ Five (5) parking spots are permitted in the draft DA
- ▶ Increasing the parking by more than half, two (2) spots, would be a significant increase and staff recommend an agrologist report be submitted in accordance with Policy 8.9.4 and that Council hold an additional Public Hearing

Questions & Comments cont.

- ▶ The resident requested Council consider increasing the size of the driveway
- ▶ Similar to parking, increasing the driveway would not be in line with the overall intention of Council to preserve agricultural land
- ▶ The driveway has a width of approximately 22 ft.
- ▶ Increasing the driveway by more than half, 11 ft, would be a significant increase and staff recommend an agrologist report be submitted in accordance with Policy 8.9.4 and that Council hold an additional Public Hearing

Process

Staff Review

Public Information Meeting Sept 23

PAC receives staff report and PIM Notes
PAC Review and Recommendation Oct 8

Regional Council First Reading Oct 27

Public Hearing held and adjourned to next
meeting of Council Nov 24

**Council completes Public Hearing and holds
Second Reading Jan 26**

Notice of Approval in Chronicle Herald

14 Day Appeal period

All statutory
requirements
have been met



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TOGETHER

Possible Motion

Should Council wish to approve the development agreement to permit a licensed day care at 583 Hwy#236, the following motion would be in order:

that Council gives Second Reading to and approves entering into a development agreement to allow a licensed day care at 583 Hwy#236, Scotch Village, which is substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated October 8, 2020.

**Upper
Burlington**

**Scotch
Village**

**SUBJECT
PROPERTY**

605

Elpine Dr

600

Highway 236

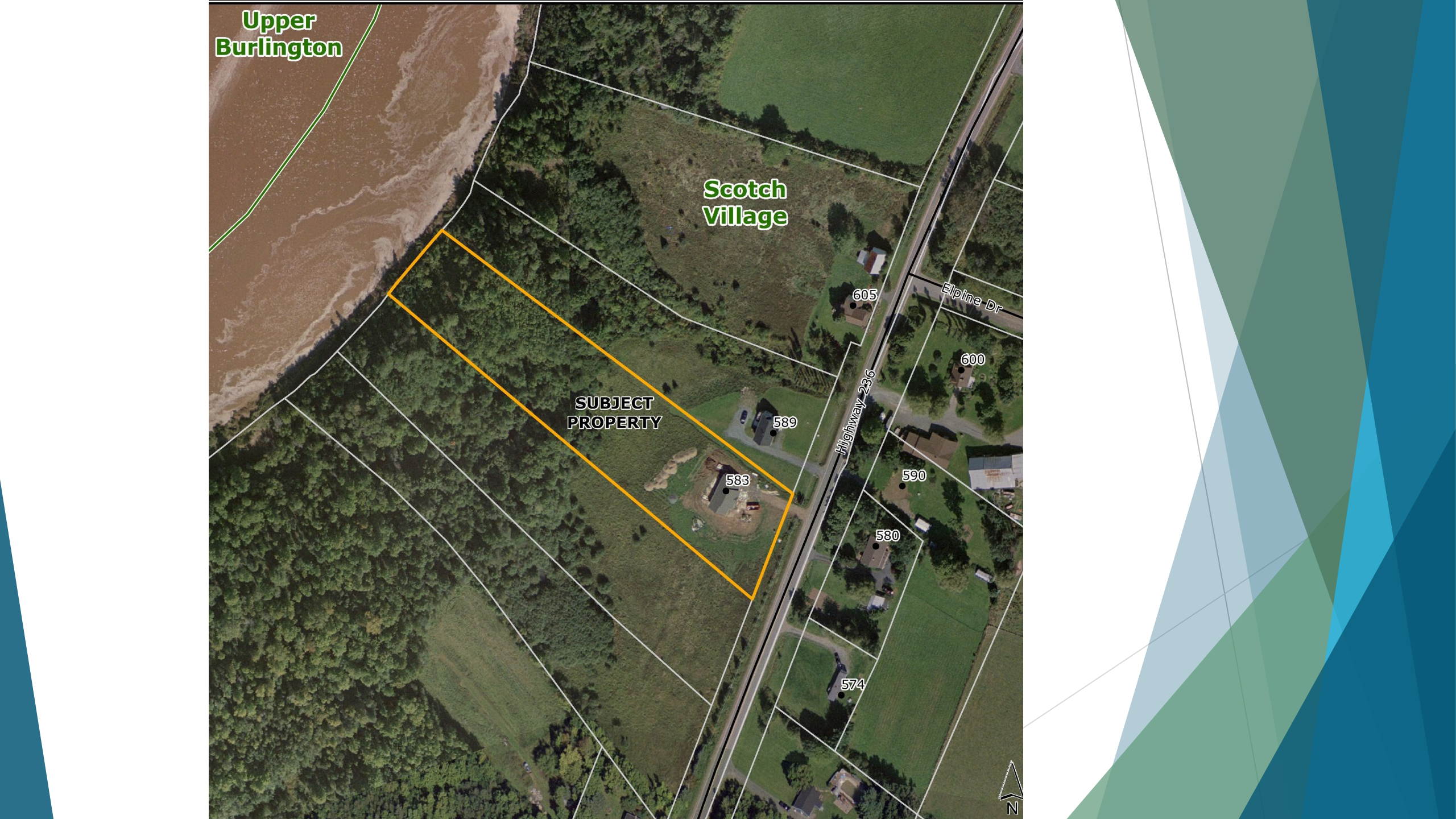
589

583

590

580

574







Rhonda Brown

Subject: FW: Objection to application for daycare unless changes are made

From: Gena Arthur [REDACTED]
Sent: Monday, January 25, 2021 9:43 AM
To: Saira Shah <SShah@westhants.ca>
Subject: Objection to application for daycare unless changes are made

Caution

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Hi Saira,

I unfortunately haven't had time to redo the video. So, please go ahead and use it as is. <https://vimeo.com/492543020>

I would also like to note the following:

- 1) In the video where I state the bus is travelling North, it is actually South. This is a minor point and does not affect the points in the video
- 2) There is a major point that I did not discuss in the video and that is the dramatic change in stopping distance in the presence of rain, snow and ice. This is a very serious additional consideration as it relates to the increased flow of traffic in and out of that single lane driveway at 583 Hwy 236, and is something I regret not talking more about. If the council needs additional information on stopping distances in those conditions I can provide additional documents
- 3) I am submitting this video, along with multiple other documents to DOT and AVRCE this week. There will be additional review on the initial approval from DOT and we allege that there were many factors that were not taken into consideration when that initial approval was made.
- 4) I forgot to include in the video, that this highway 236 is not only the major thoroughway for traffic travelling from Truro to the valley (meaning a large number of heavy trucks) but that it is the primary route for large heavy trucks travelling to and from the Municipal Waste Facility in Cogmugun.
- 5) That I have worked with another parent in the community whose child is in pre primary and it takes roughly 30-60 seconds or more for her child to board the bus and buckle in. If there are 20 children at the daycare, and even just half of them were pre primary, that bus could be stopped at the location for a significant amount of time. The bus will be stopped at this vulnerable location for a significant amount of time increasing the risk of a serious incident.
- 6) In the video I mentioned consulting with independent road/traffic engineers and that their preliminary comments were that this location is not safe for the purpose proposed based on the combination of factors including the bus stop. We are waiting for the review with AVRCE before formally engaging those engineers because the cost to complete an official report will be in the range of \$5000. If we are not able to resolve this with AVRCE and DOT directly which I feel confident that we will be able to, then we will be proceeding with that process.
- 7) I am attaching a photo off of my dash cam taken last week, that clearly shows a tractor trailer swerving to avoid the bus

8) As a solution, I would propose that the only way this situation would be safe is if the daycare were required to have a pull off, where the buss can pull off the road. And to also to increase the width of the existing driveway to accommodate vehicles entering and exiting. The pull off would be the minimum requirement to make this somewhat more safe.

As residents in the community who are directly affected by this application and are concerned for the safety of our child who we feel can no longer safely travel to and from school due to this application, object to this application being approved unless changes are made to the existing plan.

If you need any additional info please let me know.

Kind regards,
Gena Arthur
Founder & President
Pure Paint Laboratories
114 Lancaster Crescent
Debert, Nova Scotia B0M 1G0



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