

**WEST HANTS REGIONAL MUNICIPALITY**

**Public Hearing Minutes – 2022-09-27 PH Meeting, Community Way PID 45055167, 45364775, 45421146 Development Agreement**

Tuesday, September 27, 2022 – 6:30 pm

In-person Sanford Council Chambers and virtually via ZOOM

(also Facebook Livestreamed)



**West Hants**  
something inspiring awaits

**1. Call to Order**

The Public Hearing was called to order at 6:30 pm.

**2. Council:**

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor, Dist. 5

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**Regrets:**

Mark McLean, Councillor, District 3

Laurie Murley, Councillor, District 10

Paul Morton, Deputy Mayor, District 8

Bob Morton, Councillor District 6

Ed Sherman, Councillor, District 7

John A. Smith, Councillor, District 9

Jim Ivey, Councillor, District 11

**Staff and Guests:**

Mark Phillips, CAO

Shelleena Thornton, Mun. Ops Supervisor

Deanna Snair Municipal Clerk

Diana Gibson, Acting Dir. Financial Services

Madelyn LeMay, Dir. Planning & Development

Mitch Brison, Developer via ZOOM

Todd Richard, Dir. Public Works

Sara Poirier, Senior Planner

John Ogilvie, MCCAP Coordinator

Kathy Kehoe, Dir, Community  
Development

Darren Shupe, Brighter Community  
Planning

Fourteen (14) residents in the Gallery

**3. Public Hearings – All public hearings and presentations are available on the Municipal website.**

Community Way PID 45055167, 45364775, 45421146 Development Agreement

Planner Poirier reviewed the report. A completed application was received on May 17, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of the property owner Mitch Brison of 3229190 Nova Scotia Limited to consider permitting two, 7-storey, 88-unit apartment buildings on the properties at PID 45055167 (portion of), 45364775, and 45421146 on Community Way.

A Public Information Meeting was held on June 9, 2022.

On July 14, 2022 a recommendation report was presented to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix C). PAC/HAC recommended in favour of the development agreement on July 14, 2022.

Planner Poirier received a letter on behalf of the property owner on July 21, 2022 (Appendix A) requesting two additions to the draft development agreement for clarification. This included adding a definition of “active construction” and a statement that no additional parkland fees are required if subdivision occurs. These two revisions are accommodated by adding a definition of “active construction” to Section 1.1 to state “means that the Owner has active development and building permits for the construction of Building B or C and the associated parking podium, and that construction activity including but not limited to equipment, machinery, and employees, are on-site working towards the necessary building inspections leading to an occupancy permit” and adding a clause to Section 2.13, Subdivision, to state “No additional parkland or parkland fees shall be required for subdivision or consolidation of the properties subject to this agreement”. Council approved the proposed additions when considering the development agreement at first reading on July 26, 2022.

Following review of the draft development agreement, the Municipal solicitor requested a revised site plan be attached to the development agreement which shows “Community Way” instead of “Community Court”, a clearer definition of the proposed lot lines, and shows the area subject to the Crossing development agreement in a different colour/shading. A revised site plan was received from the applicant on August 25, 2022. The draft development agreement including the requested revisions was approved by Council on July 26, 2022.

The process was reviewed, noting that all statutory requirements have been met.

Darren Shupe from Brighter Community Planning & Consulting reviewed a presentation on behalf of Mr. Brison highlighting the proposed development including project scope, area mapping, walkability, amendments and benefits, buffering options selected and green spaces.

Clerk Snair read the email correspondence received.

September 22, 2022 from Maryann & Michael Norbury, Elizabeth Avenue.

Discussion points:

- Dust concerns caused by the developer and combination of the dry weather. With no attempt to mitigate the dust there is a seriously detrimental to health. There should be a dust mitigation program in place for developers to adhere to.
- The community does not have the ability to accommodate the new growing population in Windsor, ie: lack of doctors and the inability for the hospital to handle the patients they had before the mass.
- Concerned about the roads; how much can the community do not only legally but financially.

September 20, 2022 from Dave Hacket, Edward Drive

Discussion Points:

- Concerns around street access. The proposal shows no new street connections. Without additional access routes, the people living on Underwood would see a doubling of the traffic that goes by.

- Consider opening all potential access roads to distribute traffic more evenly. (Underwood Road, Connecting Irven Drive to Hwy 14 (dirt road over private land right now), a new connecting road from the proposed apartments to Payzant Drive between the High School and the hospital, a new connecting road from Edward Drive to Cole Road (already in planning/construction) and open the gate at the top of Edward Drive to connect to the other end of Underwood Drive.
- Property owners were sold on the idea that these apartments would be “transitional living” apartments, similar to the Parkland. The communication to potential buyers talked about the area being “Atlantic Canada’s Premier Lifestyle Retirement Community” and how the apartments would integrate into the community.

The floor was opened for questions or comments.

Resident, Douglas Watt, Elizabeth Avenue commented.

Discussion Points:

- Property backs onto the property of building A. Concerns are privacy and lighting (Buffering strips are at the discretion of the developer) What was originally communicated to potential buyers was different compared to what is being developed.

Resident, Mike Hacklet, Edward Drive commented.

Discussion points:

- Concerns regarding not receiving notices. (Notices are published on the municipal website and social media pages. They are also posted in the Valley Journal Advertiser (replaced the Hants Journal) and 150 letters were distributed for the Public Information meeting and 75 letters were distributed for the meeting tonight.
- Felt that Community Way to Payzant encroaches on existing homes.
- Communication from the developer is conflicting.

Resident, Mike Norbury, Elizabeth Avenue commented.

Discussion Points:

- Lack of trust with the developer.
- Did not receive notice of the development.
- The developer hasn’t completed first development, finish that first. The developer needs to be “reined in.”

Resident, Rochelle Trudelle commented.

Discussion Points:

- Reiterating what has previously been stated.
- There was a lack of communication to near by property owners. Residents feel overwhelmed.
- Requesting a copy of the communication pieces sent, the slides presented by Mr. Shupe, a meeting with the developer (Mr. Brison) and for the developer to finish what was originally started in a previous development.

Resident, Beth McCarthy, Edward Drive commented.

Discussion Points:

- Poor communication from the developer.

- The traffic /safety concerns have not been addressed.

Resident, Harvey Conrad commented.

Discussion Points:

- Concerns with the infrastructure and the additional population brought in by the development.
- Concerns with the height of the 7 storey building and fire departments ability to access it safely. (Fire Chief had no concerns)
- Concerns with the ability for the RCMP to address the additional population to the area? Number of officers?

Resident, Phil Hampson, Elizabeth Avenue commented.

Discussion Points:

- Concerned with stormwater. The drainage ditch runs into a pond. Is there a plan in place and does the pond account for the additional run off? ( A stormwater management plan must be developed and approved prior to a development agreement being approved)
- What forms of buffering is used? (Buffering options are identified within the Development Agreement and the developer can chose from those options.)

Resident, Mary Ann Norbury, Elizabeth Avenue

Discussion Points:

- Concerns related to the dust. The concern is not just with the look of the dust or being dirty, it is a serious health concern. Has developed a respiratory issue since moving to the area.
- There are options for dust mitigation and would like to speak with the developer to explain what is available to use.

Other Discussion Points raised were:

- Communication was provided. The municipality will review the current process currently undertaken. There is a value in having dual communication pieces placed in both the Valley Journal Advertiser and the Chronicle Herald.
- A traffic study was required with the initial Development Agreement. Manager Burgess did not require an additional study.
- Sidewalks are not required; they are at the discretion of the developer. Within Windsor, the Municipal Specifications require one (1) sidewalk.
- New Development Agreements take precedence over former Development Agreements. The developer is responsible to communicate changes.
- The Development Agreement indicate a completion date of ten (10) years.
- Developer has stated that Community Way will be completed prior to Building B and C is done.
- There are no combined stormwater systems. Sewer and Storm are separated.
- The stormwater management plan is completed by the developer through a professional engineer. The plan measures pre-development flows and post development flows and ensures that the post development flows do not exceed pre flow values.

#### 4. Adjournment

Mayor Zebian declared the Public Hearing closed at 7:35 p.m.

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Abraham Zebian, Mayor

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Deanna Snair, Executive Assistant/Clerk