

**WEST HANTS REGIONAL MUNICIPALITY**  
**Council Meeting Agenda **AMENDED****  
**November 22, 2022 - 5:00 p.m.**  
**Virtual via Zoom (also FB Livestream)**



1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
  - a) Dashboard Action Items – Information Log
  - b) Dashboard Action Items – Dangerous and Unsightly Premises
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
  - a) 2022-10-25 Council Meeting Minutes
  - b) 2022-10-25 Public Hearing Meeting Minutes, 65 Fort Edward Street, PID 45059797
  - c) 2022-10-25 Public Hearing Meeting Minutes, Property Assessed Clean Energy (PACE ) By-Law RP-001
7. Presentations
8. Public Hearings
  - i. Hantsport, West Hants and Windsor MPS and LUB Amendments: Secondary Suites in Accessory Buildings (three reports, one presentation, three motions) – Planner Poirier
  - ii. WHLUB Amendments: Wentworth Road PID 45190386 and Cole Drive PID 45366457 (one report, one motion) – Planner Poirier
  - iii. 697 Greenhill Road, Greenhill, PID 45026010, WHLUB Map Amendment (one report, one motion) - Planner Dunphy
  - iv. 4245 Hwy 14, PID 45038361, WHLUB Amendment (one report, one motion) - Planner Dunphy
  - v. 4701 Hwy 1, Three Mile Plains, Development Agreement (one report, two motions) – Planner Poirier
  - vi. Hantsport, West Hants, Windsor MPS and LUB Amendments: Small Options Housing (three reports, three motions) - Director LeMay
  - vii. Outdoor Fires By-Law RO-001 (one report, one motion) – Supervisor Thornton
9. Second Readings

- i. Hantsport, West Hants and Windsor MPS and LUB Amendments: Secondary Suites in Accessory Buildings (three reports, one presentation, three motions) – Planner Poirier
- ii. WHLUB Amendments: Wentworth Road PID 45190386 and Cole Drive PID 45366457 (one report, one motion) – Planner Poirier
- iii. 697 Greenhill Road, Greenhill, PID 45026010, WHLUB Map Amendment (one report, one motion) - Planner Dunphy
- iv. 4245 Hwy 14, PID 45038361, WHLUB Amendment (one report, one motion) - Planner Dunphy
- v. 4701 Hwy 1, Three Mile Plains, Development Agreement (one report, two motions) – Planner Poirier
- vi. Hantsport, West Hants, Windsor MPS and LUB Amendments: Small Options Housing (three reports, three motions) - Director LeMay
- viii. Outdoor Fires By-Law RO-001 (one report, one motion) – Supervisor Thornton

- 10. Unfinished Business/Postponed Motions
  - a) Debt Reconciliation Information Report -Director Gibson

~~11. Mayor's Report~~

- 12. Committee(s) of Council Excerpts/Recommendations
  - a) Committee of the Whole Excerpts (November 8, 2022)
    - i. December Meeting Dates
    - ii. Falmouth Family Dog Park
    - iii. REMO Mutual Aid Agreement
    - iv. Security Camera
    - v. Streetlights in the Crossing
    - vi. Thermal Imaging Camera Capital Purchase
    - vii. Updating the 2022-23 Tax Resolution
  - b) Planning and Heritage Recommendations (November 10<sup>th</sup>, 2022) (First Readings)
    - i. Cole Drive, PID 45366432 West Hants and Windsor MPS and LUB Amendments (two reports, two motions) - Planner Dunphy
    - ii. 394 Greenhill Road, Greenhill, PID 45118502 Development Agreement (one report, two motions) - Planner Dunphy
    - iii. Hantsport Coastal Protection and Flood Planning Policy (one report, one motion) – Planner Dunphy
    - iv. West Hants Coastal Protection and Flood Planning Policy (one report, one motion) – Planner Dunphy
    - v. Windsor Coastal Protection and Flood Planning Policy (one report, one motion) – Planner Dunphy

13. Councillor Municipal Business/Activity Reports
  - a) Councillor Ivey, District 11 Activity Report
  
14. Correspondence
  - a) Information
    1. Avon Causeway Activity Log as of November 17, 2022- No new correspondence
  
    2. Correspondence Received Activity Log as of November 17, 2022
      - i. 2022-11-06 Andrea Parker Re Road repair work needed
      - ii. 2022-11-07 WAEFA Recipient Confirmation - 2022 (Awards sponsored by the West Hants Regional Municipality)
      - iii. 2022-11-10 CAO Letter - Comfort Centre Designation - Garden of Eden Community Centre
      - iv. 2022-11-10 David Old, President Hantsport Seniors and Elders Club re Community Generator Program
      - v. 2022-11-12 Juanita Wilcox re Expression of Thanks
      - vi. 2022-11-14 Emily McNeil re Renewal of the Operating Approval for the Avon Hydro System
      - vii. 2022-11-16 Paul Beazley re Boundary Review Questions
  
    3. Fort Edward Activity Log as of November 17, 2022
  
    4. Storm Wastewater Activity Log as of November 17, 2022 - No new correspondence
  - b) Requests – None
  - c) Outgoing Correspondence Log as of November 17, 2022
  
15. New Business
  
16. In-Camera
  
17. Next Meeting Date / Adjournment

**WEST HANTS REGIONAL MUNICIPALITY**

**Public Hearing Minutes – 2022-11-22 PH Meeting, 4245 Hwy 14, PID 45038361, WHLUB Amendment**

Tuesday, November 22, 2022 – 5:04 pm

In-person Sanford Council Chambers and virtually via ZOOM  
(also Facebook Livestreamed)



**1. Call to Order**

The Public Hearing was called to order at 5:04 pm.

**2. Council:**

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Mark McLean, Councillor, District 3

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor, Dist. 5

Paul Morton, Deputy Mayor, District 8

Bob Morton, Councillor District 6

John A. Smith, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Regrets:

Abraham Zebian, Mayor

Ed Sherman, Councillor, District 7

Staff and Guests:

Mark Phillips, CAO

Shelleena Thornton, Mun. Ops Supervisor

Kathy Kehoe, Director Community Development

Diana Gibson, Acting Dir. Financial Services

Madelyn LeMay, Dir. Planning & Development

Deanna Snair Municipal Clerk

Todd Richard, Dir. Public Works

Sara Poirier, Senior Planner

Alex Dunphy, Planner

Five (5) Residents in the Gallery

Chrystal Fuller, Planner, Brighter

Planning

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

**Hantsport, West Hants and Windsor MPS and LUB Amendments - Secondary Suites**

Planner Dunphy reviewed the report highlighting that a completed application by Julien Payne was received on July 7th, 2022, to change the zoning of 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone to permit the conversion of the existing building from a commercial use with a residential unit to a two-unit residential building.

The current designation under the GFLUM was Agricultural and the current zoning was Rural (RC) Commercial.

The proposed zoning for the property was General Resource (GR).

Within the West Hants MPS, Policy 16.1.3 allows Council to consider a Land Use By-Law amendment to any zone immediately adjacent to a given land use designation on the GFLUM

to zone a permitted in the adjacent designation without requiring a Strategy amendment. The subject lot is located immediately adjacent to the Resource designation and may be rezoned General Resource (GR) zone.

Under Policy 16.3.1 the general criteria were considered met. The District Manager from the Nova Scotia Public Works confirmed the subject lot would require a defined access point to meet access management guidelines. This work would be required prior to a development permit being issued.

A virtual Public Information Meeting was held on September 8, 2022 and broadcasted live on the Municipal Facebook page. The deadline for comments was September 23 with no comments received.

The Public Hearing was advertised in the local paper on November 1<sup>st</sup> and 8<sup>th</sup>. Letters were sent to property owners within 500' of the subject lot and a sign was placed on site. The deadline for comments was November 18, 2022, with no comments received.

The presentation ended at 5:45 p.m.

#### 4. Adjournment

Deputy Mayor P. Morton declared the Public Hearing closed at 6:02 p.m.

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Abraham Zebian, Mayor

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Deanna Snair, Executive Assistant/Clerk



## WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Mayor Zebian and Members of West Hants Regional Municipality Council

**Submitted by:** \_\_\_\_\_  
Alex Dunphy, Planner

**Date:** November 22<sup>nd</sup>, 2022

**Subject:** File# 22-04B 4245 Highway 14, Windsor Forks PID 45038361 - Rezoning

### LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

### RECOMMENDATION

If Council wishes to approve the rezoning following the Public Hearing, the following motion would be in order:

... that Council gives Second Reading and approves amending Schedule A of the West Hants Land Use By-law by rezoning 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone.

### BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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### *Application*

The completed application was submitted by Julien Payne on July 7<sup>th</sup>, 2022 to change the zoning of 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone to permit the conversion of the existing building from a commercial use with a residential unit to a two-unit residential building.

### DISCUSSION

A Public Information Meeting was held on September 8<sup>th</sup>, 2022.

The public comment period ended on September 23<sup>rd</sup> and no comments from the public were received regarding the application.

On October 13<sup>th</sup>, 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

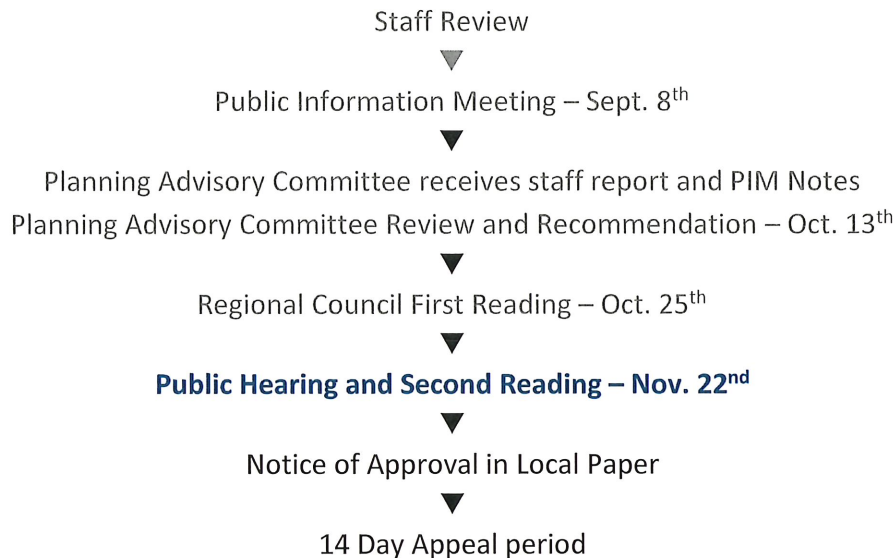
During the October 13<sup>th</sup> meeting PAC/HAC recommended in favour of the application.

On October 22<sup>nd</sup>, 2022, staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A).

### **NEXT STEPS**

The proposed amendment has been considered based on the West Hants Municipal Planning Strategy and has proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider rezoning 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone.

#### ***Process***



### **FINANCIAL IMPLICATIONS**

There are no anticipated costs to the Municipality in regard to this development.

### **ALTERNATIVES**

In response to the application, Council may decide to:

- approve the amendment as drafted or as specifically revised by direction of Council; or

- provide alternative direction such as requesting further information on a specific topic.

## **APPENDICIES**

Appendix A                      2022-10-13 Staff Report - File# 22-04 4245 Highway 14, Windsor Forks PID  
45038361 – Rezoning

## **CHIEF ADMINISTRATIVE OFFICER REVIEW**

I continue to support this amendment as it aligns with the Planning Strategy provisions. The application has been thoroughly reviewed by PAC/HAC and the public has been provided the standard process for community feedback.

Report Prepared by: \_\_\_\_\_

Alex Dunphy, Planner

Report Reviewed by: \_\_\_\_\_

Madelyn LeMay, Director of Planning and Development

Report Approved by: \_\_\_\_\_

  
Mark Phillips, Chief Administrative Officer

**Appendix A – File# 22-04 4245 Highway 14, Windsor Forks PID 45038361 - Rezoning**



**West Hants**  
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY REPORT**

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Members of Planning and Heritage Advisory Committee (PAC/HAC)

**Submitted by:** \_\_\_\_\_  
Alex Dunphy, Planner

**Date:** October 13<sup>th</sup>, 2022

**Subject:** 4245 Highway 14, Windsor Forks PID 45038361 - Rezoning

**LEGISLATIVE AUTHORITY**

Section 210 of the Municipal Government Act.

**RECOMMENDATION**

... that PAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law by rezoning 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone.

**BACKGROUND**

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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***Application***

The completed application was submitted by Julien Payne on July 7<sup>th</sup>, 2022 to change the zoning of 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone to permit the conversion of the existing building from a commercial use with a residential unit to a two-unit residential building.

***Surrounding Context***

The subject lot is a corner lot located on the northern corner of the intersection of Sangster Bridge Road and Highway 14 in the community of Windsor Forks. Properties to the north, east, and south are all low-density residential dwellings. West of the subject lot is a commercial building with an attached residential unit.

## **DISCUSSION**

The subject lot is currently designated Agriculture on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (MPS) (Figure 1) and zoned Rural Commercial (RC) on Schedule A of the West Hants Land Use By-law (LUB) (Figure 2).

The applicant had requested to convert a commercial office unit within the mixed-use existing building on the subject lot into a residential short-term rental unit. As short-term rentals are not specifically defined in the West Hants MPS and LUB, the request was processed as a conversion to a two-unit residential dwelling. The application may be considered through a rezoning pursuant to Policy 16.1.3.

### ***Municipal Planning Strategy Document Review***

Policy 16.1.3 is the primary enabling policy to be considered for this application. This policy permits Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the GFLUM to a zone permitted in the adjacent designation without requiring a Strategy amendment. In this circumstance the subject lot is located immediately adjacent to the Resource designation and may be rezoned to the General Resource (GR) zone, which permits two-unit residential dwellings as-of-right.

Policy 16.3.1 provides the general criteria that must be considered for all LUB amendments. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria:

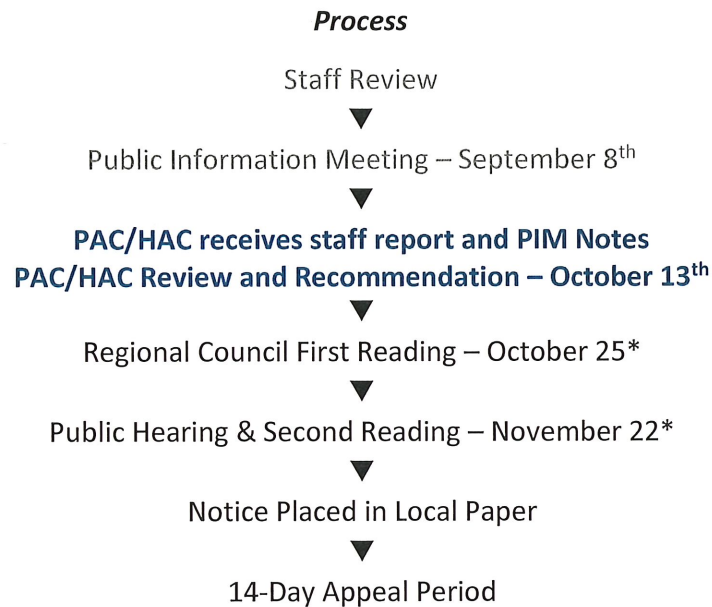
- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, District Manager of the Nova Scotia Department of Public Works, and Inspector Specialist of the Nova Scotia Department of Environment and Climate Change have no concerns which have not been addressed in this report.

### ***Comments from the Nova Scotia Department of Public Works***

A District Manager from the Nova Scotia Department of Public Works confirmed that the subject lot would require a defined access point and the current open access would need to be reconstructed to meet the access management guidelines. This work would be required to be carried out prior to any development permits being issued.

## **NEXT STEPS**

Discussion by PAC/HAC will be incorporated into the report and presentation to Council.



\*anticipated dates; final dates are set by Council

### **FINANCIAL IMPLICATIONS**

There are no financial implications to the Municipality with regard to the filing of this report.

### **ALTERNATIVES**

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- provide alternative direction, such as requesting further information on a specific topic.

### **ATTACHMENTS**

Figure 1	GFLUM Extract
Figure 2	Current Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Policy Summary for Amendment to a Land Use By-law
Attachment B	Public Information Meeting Notes

Report Prepared by: \_\_\_\_\_

Alex Dunphy, Planner

Report Approved by: \_\_\_\_\_

Madelyn LeMay, Director of Planning and Development

Figure 1 – GFLUM Extract

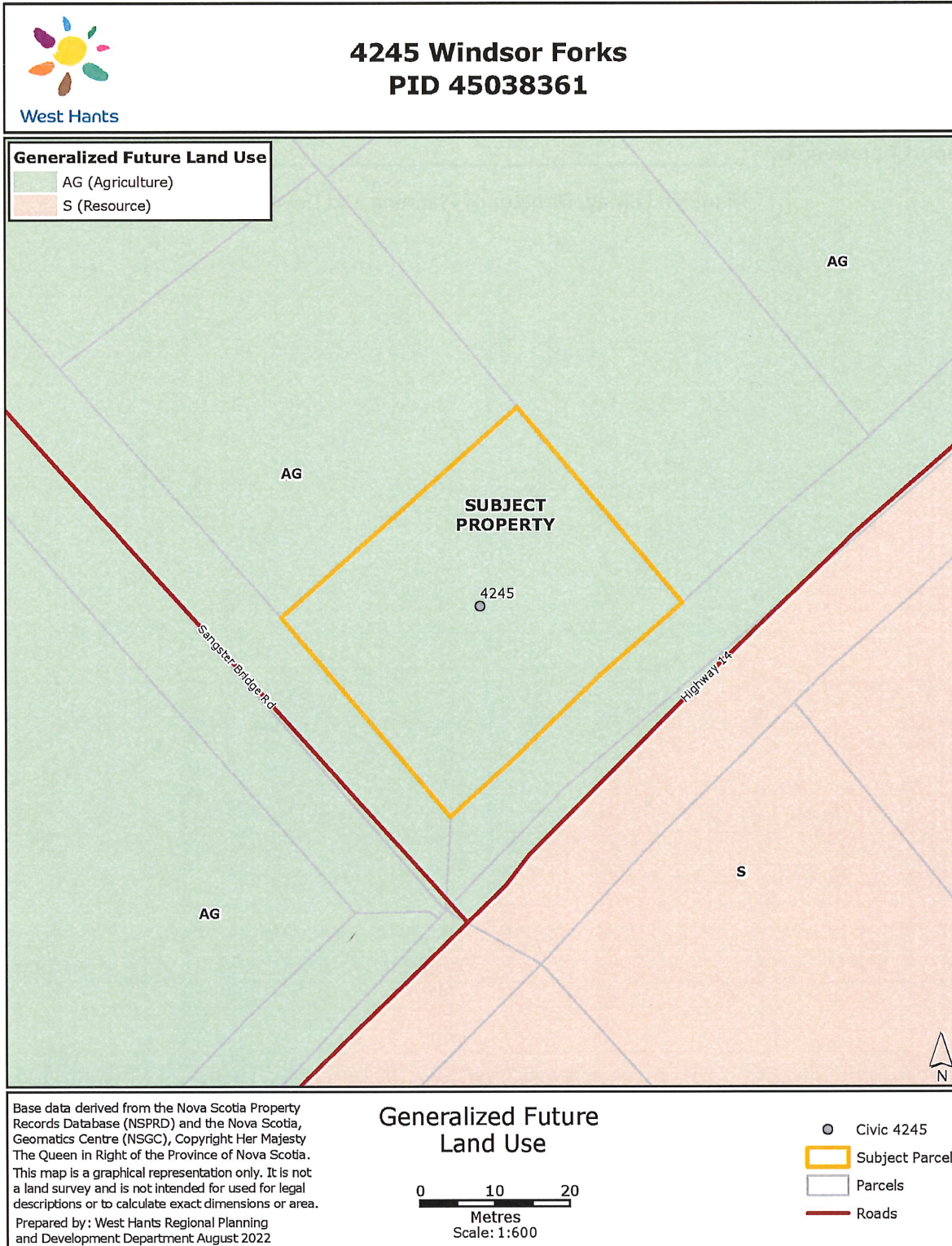


Figure 2 – Current Zoning Map Extract

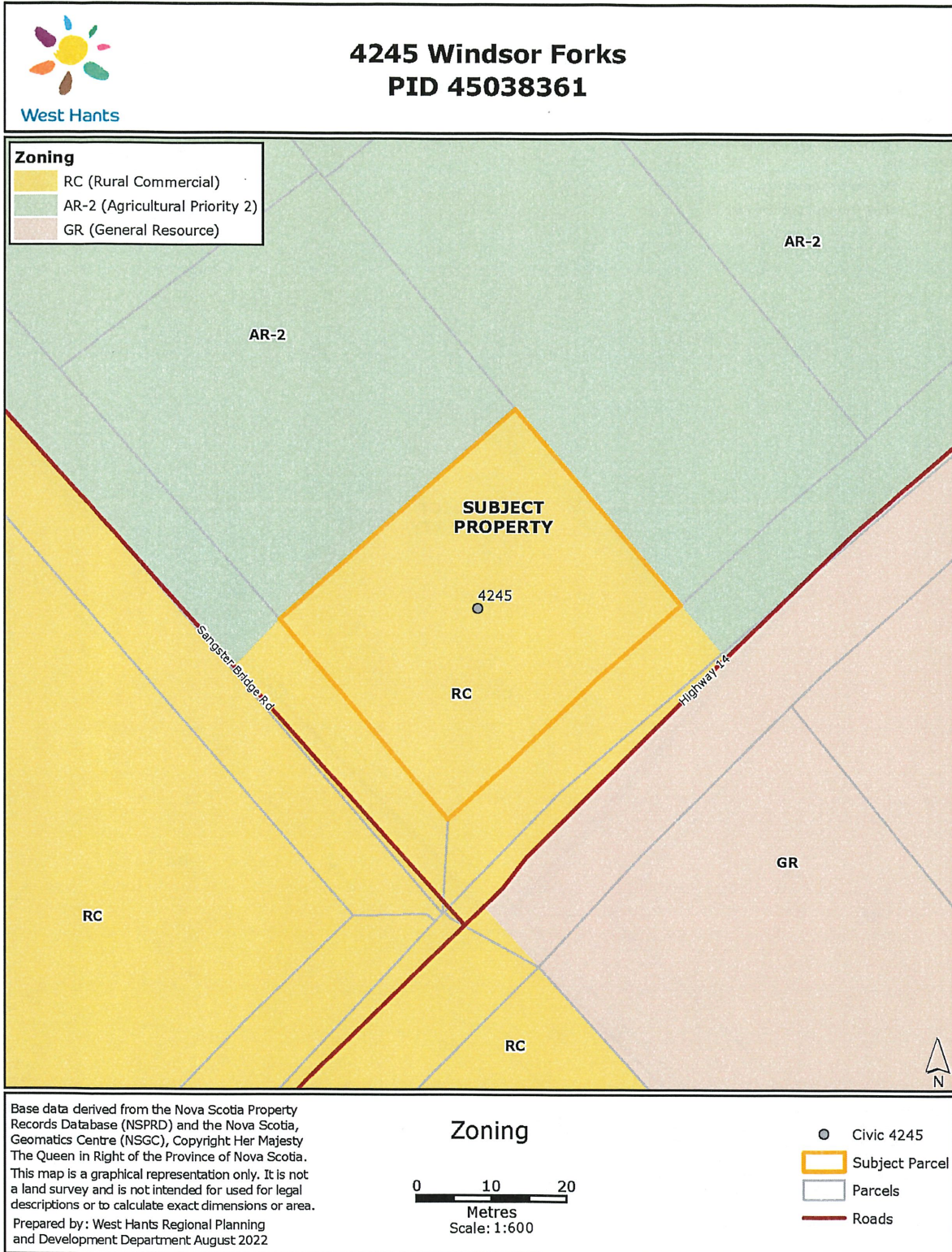
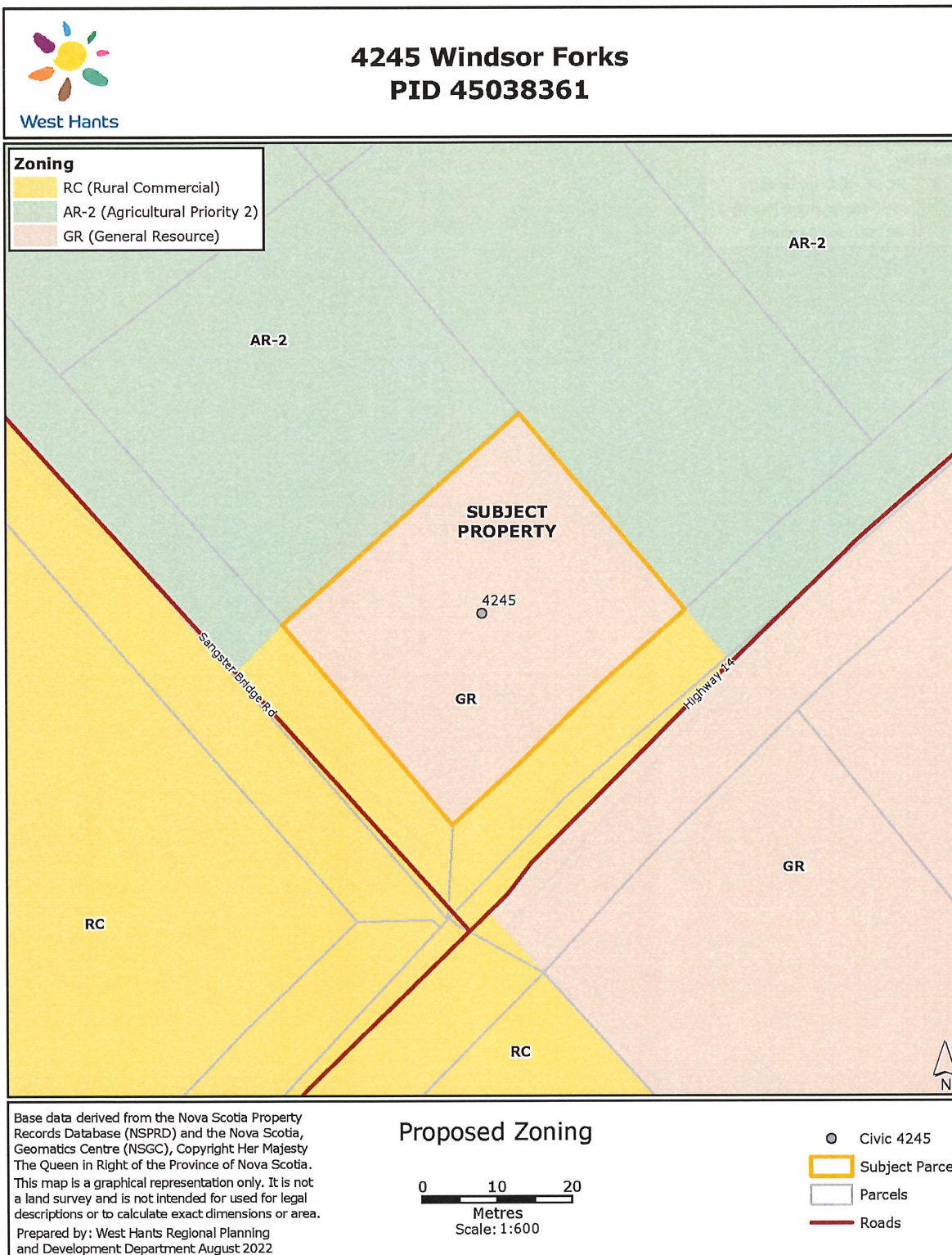


Figure 3 – Proposed Zoning Map Extract



**Attachment A – Policy Summary for Amendment to Land Use By-law**

<p><b>Policy 16.1.3</b>  <i>It shall be the intention of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.</i></p>	<p>The subject lot is located immediately adjacent to the Resource designation, which permits the General Resource (GR) zone. Provided that all criteria of Policy 16.3.1 are met, this proposed amendment may be reasonably considered by Council.</p>
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<p><b>Policy 16.3.1</b>  <i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></p>	
<p><i>(a) whether the proposal is considered premature or inappropriate in terms of:</i></p>	
<p><i>(i) the adequacy of sewer and water services;</i></p>	<p>The Public Works Department confirmed that there are no municipal services on the subject lot.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>N/A</p>
<p><i>(iii) the adequacy of fire protection;</i></p>	<p>The local Fire Chief and Manager of Building and Fire Inspection Services have stated that there is adequate fire protection for the building and proposed change of use.</p>
<p><i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>A District Manager from the Nova Scotia Department of Public Works commented that there were no concerns regarding the road network.</p>
<p><i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<p><i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i></p>	<p>The proposed use would require the applicant to obtain approval for an on-site septic system and potable water system approved by a Qualified Person.</p>
<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>A District Manager from the Nova Scotia Department of Public Works commented that access to the property would need to be reconstructed to meet the access management guidelines and would require a defined access point.</p>

<p><i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The Development Officer commented that amending the zoning of the lot would create a non-conforming parcel of land. Non-conforming status will not affect the ability of the proposed use to be permitted. Approval from the Department of Public Works for the access and the Department of Environment and Climate Change for the on-site septic system are independent of the non-conforming status of the lot.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The proposal is not a substantial change in the pattern of development for this area, as the existing building is already being partially used as a short-term rental. The Development Officer has no concerns regarding the pattern of the development.</p>
<p><i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i></p>	<p>The lot appears to be flat and dry, there were no concerns recorded during the site visit.</p>
<p><i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p><i>(h) any other matter required by relevant policies of this Strategy.</i></p>	<p>All relevant matters have been addressed in this report.</p>

**Attachment B - Public Information Meeting Notes**  
**September 8<sup>th</sup> – 23<sup>rd</sup>, 2022**  
**File 22-04**  
**4245 Highway 14, Windsor Forks PID 45038361**

<b>Meeting date and time</b>	A virtual Public Information Meeting was held on September 8 <sup>th</sup> , 2022 beginning at 6:55 p.m. The meeting was live broadcast on the Municipal Facebook page.
<b>Attending</b>	<p>In attendance:</p> <p>Three (1) Councillor:</p> <ul style="list-style-type: none"> <li>• Councillor Ivey (Chair)</li> </ul> <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> <li>• Planner Dunphy</li> <li>• Planner Poirier</li> <li>• Director LeMay</li> <li>• Meeting Secretary Lake</li> </ul> <p>No members of the public requested an invitation to the PIM via Zoom.</p>
<p><b>Applicant</b> Julien Payne</p> <p><b>Property</b> 4245 Highway 14, Windsor Forks PID 45038361</p>	Planner Dunphy outlined the application to rezone the subject lot to permit the conversion of the commercial unit within the mixed-use building to an additional residential unit intended for short-term rental.
<b>Comments</b>	<p>Comments from the public could be submitted to Planner Dunphy by mail, e-mail and telephone between September 8<sup>th</sup> – 23<sup>rd</sup>, 2022.</p> <p>No comments were received from the public.</p>
<b>Adjournment</b>	The meeting was adjourned at 6:59 p.m.