

**WEST HANTS REGIONAL MUNICIPALITY**  
**Special Council Meeting Agenda **AMENDED August 22, 2023****  
**August 21, 2023 – 6 p.m.**  
**In-person Sanford Council Chambers, 76 Morison Dr, Windsor, NS**  
**Virtual via Zoom (also FB Livestream)**

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1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda
5. Declaration(s) of Conflict of Interest
6. Public Hearings
  - b) Benjamins Mill Wind Project Development – Planner Dunphy
  - a) 997 Highway 14 Upper Vaughan (PID 45041902) WHLUB Amendment – Planner Dunphy
7. Second Readings
  - b) Benjamins Mill Wind Project Development Agreement – Planner Dunphy
  - a) 997 Highway 14 Upper Vaughan (PID 45041902) WHLUB Amendment – Planner Dunphy
8. New Business
  - a) July 22, 2023, Flood Event, Emergency Management Office (EMO) Recap
  - b) Update on the Motion Re: Cellular Service – Councillor S. McLean
9. In-Camera
  - a) MGA 22(2)(a) Personnel Matter
10. Next Meeting Date / Adjournment

**WEST HANTS REGIONAL MUNICIPALITY**

**Public Hearing Minutes – 997 Highway 14 Upper Vaughan PID 45041902**

Monday, August 21, 2023 – 6:50 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 6:50 pm.

**2. Council:**

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Mark McLean, Councillor, District 3

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor, District 5

Paul Morton, Deputy Mayor, District 8

Bob Morton Councillor District 6

Ed Sherman, Councillor, District 7

John A. Smith, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Staff and Guests:

Mark Phillips, CAO

Shelleena Thornton, Municipal Ops. Supervisor

Sara Poirier, Dir. Planning & Development

Alex Dunphy, Planner

Deanna Snair, Municipal Clerk

Carlee Rochon, Dir. Financial Services

Regrets:

Todd Richard, Dir. Public Works

Kathy Kehoe, Dir. Community Development

Presenters & Guests:

Twenty-five (25) residents including presenters.

Meg Morris and Jessica Pittman, Benjamins Mill

Bill Clarke and Jessica Tsang, 997 Hwy 14

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

**997 Highway 14 Upper Vaughan PID 45041902 WHJLUB Amendment**

Planner Dunphy reviewed the report highlighting that the Planning and Development Department received a complaint regarding the property and current uses which led to the applicant applying to rezone the property.

On March 8, 2023, a completed application was received from Mr. Clarke to rezone the property to Resource Industrial (M-1) to permit commercial storage and distribution. The property currently houses a personal storage building, shipping containers and heavy equipment vehicles and abuts residential homes, the Upper Vaughan Community Hall and neighbouring Pisiquid Canoe Club.

The current designation was Resources and the zoning was General resource (GR).

A development permit for a personal storage building was issued on September 10, 2020. On October 28, 2022, a complaint was received that an industrial distribution and storage facility was located on the property. An investigation was completed and confirmed there were industrial uses on the property, but the storage building was being used for personal storage. This application was only dealing with industrial uses (which were in violation of the WHLUB). The personal storage building was not part of the process.

Planner Dunphy reviewed the enabling and general criteria policies: Policy 9.1.6 (allows Council to consider rezoning to permit commercial or industrial uses permitted in Resource Industrial (M-1). Policy 16.3.1 states the general criteria for amendments to the Land Use By-Law. Planner Dunphy advised that the proposal did not meet the criteria due to potential insufficient response time for the Fire Department, the property not meeting NS Department of Public Works stopping site distances, the potential development negatively impacting surrounding residential uses and access to the property not meeting NS Department of Public Works requirements.

Two (2) Public Information Meetings (PIMs) were held on April 13<sup>th</sup> and 14<sup>th</sup>, 2023, and broadcasted live on the Municipal Facebook page. A total of twenty-nine (29) members of the public attended both meetings.

Deadline for comments was April 28, 2023 with one (1) phone call, one (1) letter and fifteen (15) emails received. Planner Dumphy reviewed all the comments/concerns received (included within the presentation) and responses that were provided.

Planner Dunphy reviewed the process.

Jennifer Tsang, a representative for Mr. Clarke, spoke of the negative response received from the community advising that Mr. Clark felt the uses were permitted and was unaware these uses were a violation of the Land Use By-Law.

The business had been sold and the new company was renting the use of the storage containers from Mr. Clarke (this was a violation as containers are permitted in West Hants).

Rezoning the property to M-1 was the only option to permit the current uses, and Ms. Tsang advised that Mr. Clark had no interest in using the property for the other permitted M-1 uses.

Discussions were on-going with the Provincial Department of Public Works to determine a commercial driveway location. Mr. Clark was willing to leave West Hants but required additional time to phase out the self-storage use.

On behalf of Mr. Clark, Ms. Tsang addressed comments provided at the PIM.

- The catch basin located on Mr. Clarks property that collects and directs stormwater away from the property.
- Mr. Clark has voluntarily provided snow plowing, lawn mowing and other ground maintenance services for the neighbouring Heritage property. He has not used the property for his equipment.
- Addressed fuel leaking concerns and reminded that cranes were not regulated by the LUB. Mr. Clark's machinery was in top operating condition and was not regularly used

on the property. Fuel contamination was regulated by other levels of government and applied to all (including personal vehicles).

- The accessory building was permitted and exceeded the required setbacks from the property line.
- The property has approximately four (4) visits per month, all visits are during daytime hours. No vehicles utilize backup beepers and there are no lights shining on adjacent/neighbouring properties.
- Landowners purchase or own land for their own usage or business, most do not have the ability to donate their lands to communities.
- Mr. Clark received no complaints from the community prior to the sale of the land to the Canoe Club.
- Ms. Tsang spoke of Mr. Clark's connection, involvement and contributions to the community and West Hants and his request to phase out the container self-storage use by approving the rezoning application for a temporary period (this would bring the business into compliance) and provide time to remove the business items and then the property could be rezoned back to GR.

Mr. Clark addressed Council and voiced he felt there were a select few who were not happy with the sale of his former property to the Canoe Club resulting in what he felt was the community "picking on him". Mr. Clark stated the property was clean, quiet and tidy and he advised that his intent was not to harm West Hants or submit an application for rezoning; he was advised by West Hants to submit an application.

Mayor Zebian opened the floor up for discussion.

Emma Waples, a resident and neighbouring property, inquired about Mr. Clark's timeframe on phasing out should he be permitted temporary rezoning. It was anticipated the timeframe would be 3-5 years. Storage within an enclosed building was a use listed in the Resource Industrial zone.

Mark Kehoe, a resident and neighbouring property owner spoke about his family having been long-term residents of Zwicker Lake since 1972 and were not in favour of the rezoning. Mr. Kehoe spoke about the last rain event where the storm runoff ended up in the lake; having an Industrial facility (with fertilized or fuel storage) on the property was not good for the community.

Kevin Smith, who spoke on behalf of his parents (Ronald and Madeline Smith) who had purchased their property with the intention that the property was a quiet lakefront retirement home. Mr. Smith spoke of learning to adjust to the lake no longer being a quiet area, however he voiced his parents could not live with the rezoning of the neighbouring property. If the property was rezoned there was no assurance that a temporary rezoning would not lead to a permanent rezoning to M-1 and that was unacceptable. Mr. Smith had no issues with finding a way for Mr. Clark to minimize his financial losses unless it was attached to a rezoning.

Anrea Lynn inquired who suggested rezoning the property to M-1. The Planning department review and provide comments on all applications received. With the awareness of the existing

non-conforming use of the land, options were explored for a resolution. The only option available was to rezone to M-1 to bring the property into compliance. Mr. Clarke stated he was advised to apply for rezoning, so he submitted the application despite a lot of the potential uses not appealing to him. Anrea Lynn clarified she was the person who suggested the Municipality explore an exchange with Mr. Clark and provide him with a property in an Industrial Park and the current property may be more appropriate to be an addition to the neighbouring Heritage property.

Andrew Hardman, a resident of Vaughan advised that it had been ten (10) months since the first complaint was sent and inquired on the compliance process should the application not be approved, or would extensions be provided. CAO Phillips responded that enforcement was rooted in public safety and health related. The Municipality tries to give property owners options that would allow them to be in compliance. Without knowing how the public or Council were feeling on the matter an extended enforcement period was provided during the application process. Moving forward CAO Phillips advised the approach would be of compliance vs leniency.

No further comments were received.

The Public Hearing was advertised in the local paper on July 4<sup>th</sup> and 11<sup>th</sup>. Letters were sent to property owners within 500ft of the property, in addition to a sign being placed on site. The deadline for comments was July 21, 2023, resulting in no written correspondence received.

#### 4. Adjournment

Mayor Zebian declared the Public Hearing concluded at 7:27 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 X	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:** August 21, 2023

**Subject:** WHLUB Amendment: 997 Highway 14, Upper Vaughan (PID 45041902); File # 23-01B

**LEGISLATIVE AUTHORITY**

Municipal Government Act Section 210

**RECOMMENDATION**

Staff do not recommend in favour of the application because the criteria 9.1.6 (c) safe and efficient roadway access, (e) (i) traffic safety, and (f) being considered obnoxious, as well as Policy 16.3.1 (a) (iii) adequacy of fire protection, (c) suitability of movement, (e) pattern of development, and (g) provincial requirements are not met.

If Council wishes to approve the amendment 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 to rezone 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) 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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The Planning and Development Department was first made aware of the existing use of the property due to a complaint which led to the owner applying for a rezoning. A completed application was received from William (Bill) Clarke on March 8, 2023. The application is to allow for commercial storage and distribution by rezoning the subject lot to the Resource Industrial (M-1) zone.

## **DISCUSSION**

Two Public Information Meetings were held on April 13 and April 14, 2023. A total of 10 members of the public spoke between both meetings. The public comment period ended on April 28, 2023, with staff receiving 1 phone call, 1 letter, and 15 emails. The full comments from the public can be found in Appendix A.

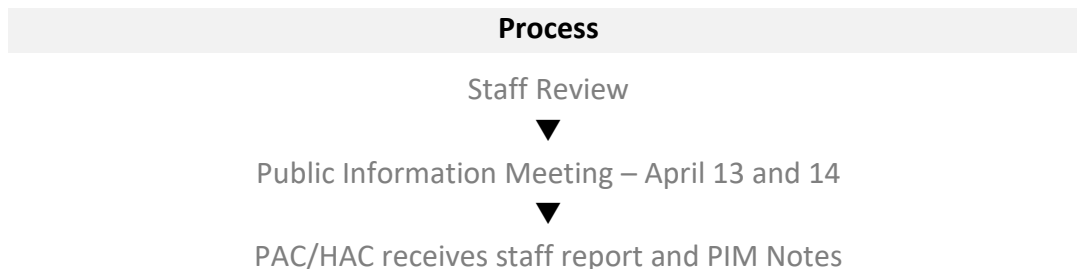
On May 11, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC). During the May 11 meeting, PAC/HAC unanimously recommended against the proposed rezoning.

On May 23, 2023, staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A). Staff recommended that the application be brought to Public Hearing to continue with the public process and then Council could make final decision on the application at Second Reading. Council recommended the application move forward to Public Hearing.

On July 11, 2023, correspondence from Jenifer Tsang on behalf of the owner of the subject lot was circulated as correspondence to Committee of the Whole (Appendix B). If Council were to decide to follow the process outlined in the correspondence from Jenifer Tsang, the existing application would have to be withdrawn and a new application would be started. This process would require a Municipal Planning Strategy amendment to create the policy necessary to enable Council to consider a development agreement for the use, then a development agreement application process. This process would likely take over a year to complete.

## **NEXT STEPS**

The process for this application is as follows.



PAC/HAC Review and Recommendation – May 11



Regional Council First Reading – May 23



**Public Hearing & Second Reading – August 21**



Notice of Approval in Local Paper



14-Day Appeal Period

## APPENDICIES


- Appendix A            2023-05-23 PAC/HAC Report to Council - WHLUB Amendment: 997  
Highway 14, Upper Vaughan (PID 45041902); File # 23-01A
- Appendix B            2023-07-11 Letter from Jenifer Tsang to Committee of the Whole

## CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the staff position on this matter recognizing there is a non-compliant use of the lands by the landowner and the application is not in keeping with the desired use of the lands as noted by staff as per existing policy. Further, enforcement on the non-compliant land use has been respectful to the applicant due to the current application pending the position of Council. Heightened enforcement and immediate compliance should be applied if Council aligns with staff's position.

Report Prepared by: \_\_\_\_\_  
Alex Dunphy, Planner

Report Approved by: \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

Report Approved by:  \_\_\_\_\_  
Mark Phillips, Chief Administrative Officer

**Appendix A – 2023-05-23 PAC/HAC Report to Council - WHLUB Amendment: 997 Highway 14,  
Upper Vaughan (PID 45041902); File # 23-01A**



**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:** Mayor Zebian and Members of West Hants Regional Municipality Council

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

**Date:** May 23, 2023

**Subject:** WHLUB Amendment: 997 Highway 14, Upper Vaughan (PID 45041902); File # 23-01A

**LEGISLATIVE AUTHORITY**

Municipal Government Act Section 210

**RECOMMENDATION**

Staff do not recommend in favour of the application because the criteria 9.1.6 (c) safe and efficient roadway access, (e) (i) traffic safety, and (f) being considered obnoxious, as well as Policy 16.3.1 (a) (iii) adequacy of fire protection, (c) suitability of movement, (e) pattern of development, and (g) provincial requirements are not met.

If Council wishes to proceed to a Public Hearing the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) 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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The Planning and Development Department was first made aware of the existing use of the property due to a complaint which led to the owner applying for a rezoning. A completed application was received from William (Bill) Clarke on March 8, 2023. The application is to allow for commercial storage and distribution by rezoning the subject lot to the Resource Industrial (M-1) zone.

**DISCUSSION**

Two Public Information Meetings were held on April 13 and April 14, 2023. A total of 10 members of the public spoke between both meetings. The public comment period ended on April 28, 2023, with staff receiving 1 phone call, 1 letter, and 15 emails. The full comments from the public can be found in Appendix A. To summarize, the comments and concerns from the public included: existing uses not being suitable for the property, erosion of adjacent properties, ineffective drainage, concrete wall placement, the nearby heritage property, unsightliness of uses, guardrail installation, use of adjacent lots for equipment storage, dangerous access points, building proximity to the road, potential for more intensive industrial use, an alternate lot being provided in the industrial park, no industrial uses outside of the industrial parks, potential environmental issues, noise pollution, negative affect on community aesthetic, light pollution, safety of those travelling to the canoe club, why the use hadn't been stopped, when the initial complaint was filed, public opposition to the rezoning, why the rezoning process was used instead of a development agreement, information regarding the initial development permit that was issued, industrial development not being appropriate in this area, community disruption, a potential judicial review for environmental concerns, proximity of the subject lot to a heritage property, incorrect date listed on notice, violation of the Land Use By-law, property values, property ownership, impacted resident use of the lake, proximity of subject lot to the lake, and information regarding Community Accountability and Transparency Councils.

On May 11, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). During the May 11 meeting, PAC/HAC unanimously recommended against the proposed rezoning.

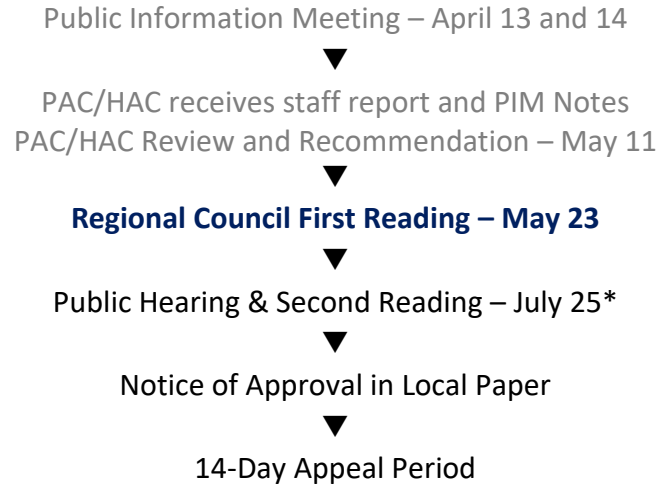
**NEXT STEPS**

The process for this application is as follows. The applicant has requested the Public Hearing be held in July to ensure they are able to attend the meeting in-person.

**Process**

Staff Review





\*anticipated dates; final dates set by Council

## **FINANCIAL IMPLICATIONS**

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

## **ALTERNATIVES**

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council;
- hold First Reading and authorize a Public Hearing to refuse the amendments 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                      2023-05-11 Staff Report - WHLUB Amendment: 997 Highway 14, Upper Vaughan (PID 45041902); File # 23-01

## **CHIEF ADMINISTRATIVE OFFICER REVIEW**

As noted in the report the application to rezone 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) zone essentially was brought forward because of non-compliance by the property owner. The current use of the lands has deviated from the use indicated on the original permit and approval. This non-

compliance has triggered complaints by the community, an inspection by the WHRM and the resulting application by the owner to see if compliance of the current use can be achieved through a rezoning. This option has been made available to the property owner. As indicated in the report, and all rezoning applications, staff will comment on their evaluation of existing language in relation to the application. In this case staff were not prepared to recommend the rezoning. The PAC/HAC shared the same view. The matter is now before Council for their consideration. Council has the authority to agree or disagree with staff and PAC/HAC recommendations.

Due to the interest and feedback from the community regarding this property throughout the public feedback process, it is important to note to the public and Council that should Council agree with the staff / PAC/HAC position and not rezone the property, the property owner will not be permitted to continue with the non-compliant use. This may or may not require property site modifications in order to comply with what are the allowable uses in a General Resource (GR) zone. This will be determined by the development officer and instruction provided to the property owner from an enforcement perspective to achieve compliance.

I support the staff and PAC/HAC position regarding this matter.

Report Prepared by: \_\_\_\_\_  
Alex Dunphy, Planner

Report Approved by: \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

Report Approved by:  \_\_\_\_\_  
Mark Phillips, Chief Administrative Officer

**Appendix A – 2023-05-11 Staff Report - WHLUB Amendment: 997 Highway 14, Upper  
Vaughan (PID 45041902); File # 23-01**



## 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:** May 11, 2023

**Subject:** WHLUB Amendment: 997 Highway 14, Upper Vaughan (PID 45041902); File # 23-01

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### LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

### RECOMMENDATION

Staff do not recommend in favour of the application because the criteria 9.1.6 (c) safe and efficient roadway access, (e) (i) traffic safety, and (f) being considered obnoxious, as well as Policy 16.3.1 (a) (iii) adequacy of fire protection, (c) suitability of movement, (e) pattern of development, and (g) provincial requirements are not met.

If the PAC/HAC would like to recommend in favour of the proposal the following motion would be in order:

...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 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) 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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The Planning and Development Department was first made aware of the existing use of the property due to a complaint which led to the owner applying for a rezoning. A completed application was received from William (Bill) Clarke on March 8, 2023. The application is to allow for commercial storage and distribution by rezoning the subject lot to the Resource Industrial (M-1) zone.

**DISCUSSION**

The subject lot is currently designated Resource on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). The subject lot is zoned General Resource (GR) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2).

***Surrounding Context***

All properties surrounding the subject lot are designated Resource and zoned General Resource (GR). Nearby uses include single unit residences, the Upper Vaughan Community Hall heritage property, and the Pisiquid Canoe Club.

***Municipal Planning Strategy Document Review***

Policy 9.1.6 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning to allow for industrial uses permitted in the Resource Industrial (M-1) zone. The Policy also includes criteria which must be considered in relation to the proposal. The full list of criteria is included with this report in Attachment A. In summary, the proposal does not meet the criteria since:

- neither the primary or secondary access meets the stopping site distance requirements and the secondary access does not meet the current access criteria for the NS Department of Public Works;
- slow-moving vehicles accessing the subject lot may impede traffic safety as commented by the NS Department of Public Works;
- there is potential for conflict with the hours of operation between the established residential uses and some of the permitted uses listed in the Resource Industrial (M-1) zone;
- certain uses permitted in the Resource Industrial (M-1) zone could potentially be obnoxious in nature; and

- the current use does not meet the setback criteria for the Resource Industrial (M-1) zone and further development of the subject lot could reduce buffering from adjacent existing uses.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the West Hants Land Use By-law. The full list of criteria is included with this report in Attachment A. In summary, the proposal does not meet the criteria as:

- the local Fire Chief has stated that there are a number of uses in the Resource Industrial (M-1) zone that would be concerning due to potentially insufficient response time;
- due to the subject lot not meeting stopping site distances, it is possible that slow-moving vehicles accessing the subject lot may impede the movement of traffic passing the subject lot as commented by the NS Department of Public Works;
- uses permitted in the Resource Industrial (M-1) zone would constitute a major change from the pattern of development currently existing in the area and the potential development of additional Resource Industrial uses would negatively affect surrounding residential uses; and
- access to the property does not meet the requirements of the NS Department of Public Works.

### ***Existing Development Permit***

This rezoning application is only pertaining to the use of the subject lot for industrial purposes which is in violation of the West Hants Land Use By-law. This does not include the existing personal storage building which was issued a development permit on September 10, 2020 (Attachment B).

A development permit was issued for a garage as a storage building to be used for personal storage only as per section 5.1 (d) of the West Hants Land Use By-law (WHLUB). Section 5.1 (d) of the WHLUB states:

*(d) No accessory building or structure shall be constructed:*

*(i) prior to construction of a main building, unless development and building permits have been issued for the main building, except that a boat house, dock or storage shed may be built prior to construction of a seasonal dwelling only on a lot located in the General Resource (GR) zone; or*

*(ii) prior to the establishment of the main use of the land where no main building is to be built.*

As a follow up to a complaint that was received in November 2022, the Development Officers inspected the subject lot and use of storage building. The Development Officers confirmed that the building is being used for personal storage of items (household items, personal vehicles,

etc.). Therefore, the current use of the building does conform to the development permit that was issued.

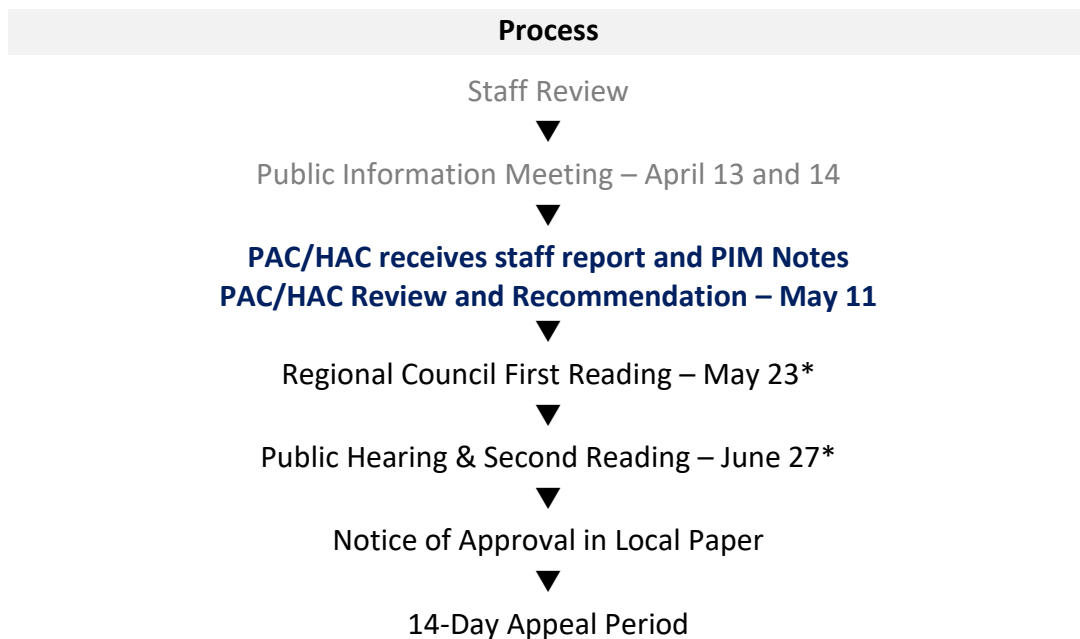
### **MUNICIPAL CLIMATE CHANGE ACTION PLAN**

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

### **NEXT STEPS**

Discussion from PAC will be incorporated into the report and presentation to Council.



\*anticipated dates; final dates set by Council

### **FINANCIAL IMPLICATIONS**

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

### **ALTERNATIVES**

In response to this application, the PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of PAC/HAC;
- hold First Reading and authorize a Public Hearing to refuse the amendments as drafted or as specifically revised by direction of PAC/HAC; or
- provide alternative direction, such as requesting further information on a specific topic.

## **ATTACHMENTS**

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	West Hants Proposed Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Development Permit
Attachment C	Public Information Meeting Notes

Report Prepared by: \_\_\_\_\_  
Alex Dunphy, Planner

Report Approved by: \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

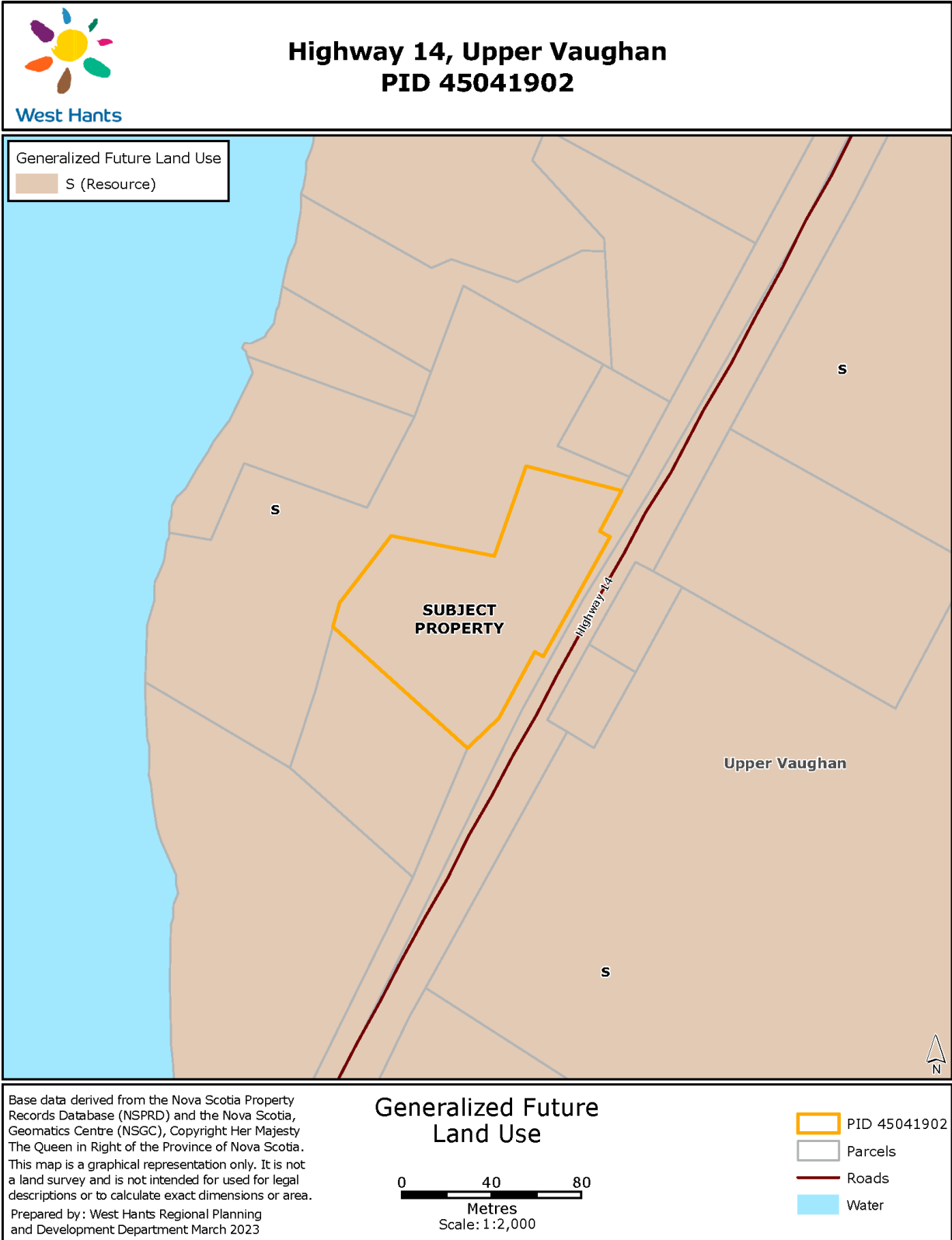
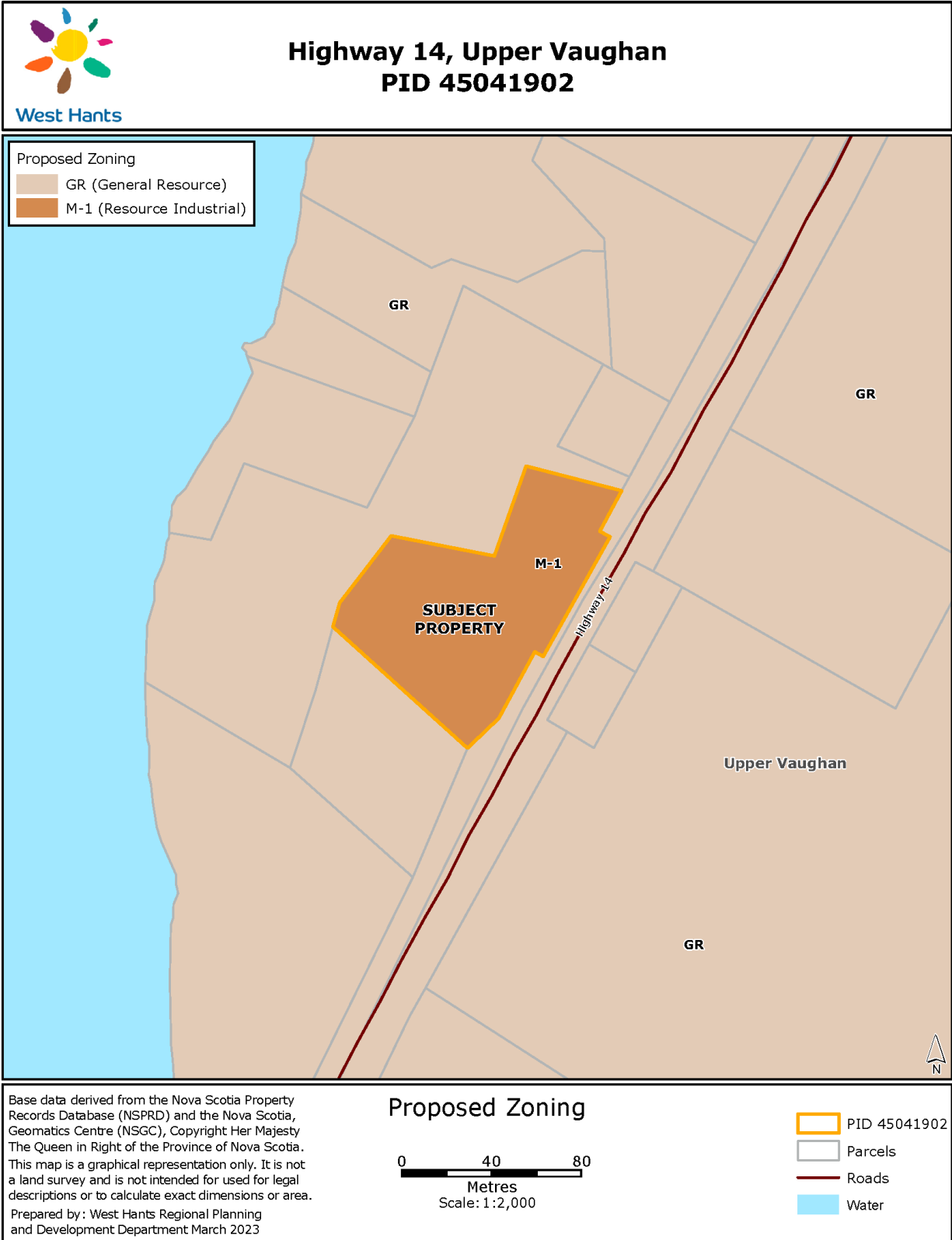


Figure 2 – West Hants Zoning Map Extract



Figure 3 – West Hants Proposed Zoning Map Extract



**Attachment A – Policy Summary for Development Agreement**

<p><b>Policy 9.1.6</b>  <i>It shall be the intention of Council to consider rezoning land zoned General Resource (GR) to allow for commercial or industrial uses permitted in the Rural Commercial (RC) or Resource Industrial (M-1) zones subject to the following: (Amendment WHMPS 14-01 Effective January 22, 2015)</i></p>	
<p><i>(a) the use will not adversely affect existing resource uses in the area;</i></p>	<p>There are no existing resource uses in the area surrounding the subject lot.</p>
<p><i>(b) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;</i></p>	<p>The Development Officer commented that uses permitted in the Resource Industrial zone are most appropriate in the Industrial Park or Resource designation. The subject lot is designated Resource, which meets this criterion.</p>
<p><i>(c) safe and efficient roadway access is provided;</i></p>	<p>The Acting Area Manager of the NS Department of Public Works stated that neither the primary or secondary access points meet current stopping site distance requirements and that the secondary access also does not meet current access requirements. Staff do not consider this criterion to be met.</p>
<p><i>(d) adequate on site parking is provided;</i></p>	<p>The Development Officer commented that they had no concerns regarding accommodating on-site parking.</p>
<p><i>(e) the development is compatible with adjacent land uses with respect to:</i></p>	
<p><i>(i) traffic generation and traffic safety;</i></p>	<p>In a follow-up discussion with the NS Department of Public Works it was stated that due to the subject lot not meeting stopping site distances, slow-moving vehicles accessing the subject lot may impede traffic. Due to these</p>

	<p>traffic safety concerns, staff do not consider this criterion to be met.</p>
<p><i>(ii) hours of operation;</i></p>	<p>There is potential for conflict with the hours of operation between the established residential uses in the area and some of the permitted uses listed in the Resource Industrial (M-1) zone including abattoirs, manufacturing, processing, and industrial operations, saw mills, as well as wood processing and manufacturing establishments.</p>
<p><i>(iii) size and design of building(s);</i></p>	<p>The commercial storage and distribution of industrial materials would be the main use for the proposed rezoning. This use would be contained within shipping containers. These units would not be considered out of the ordinary for the Resource designation.</p>
<p><i>(iv) signage; and</i></p>	<p>Any signage would be required to meet the standards of the WHLUB.</p>
<p><i>(v) pedestrian circulation and safety;</i></p>	<p>There are no sidewalks in the area leading to the subject lot, however it is not anticipated that anyone would be walking to the potential uses of a Resource Industrial (M-1) lot. In addition, the Acting Area Manager of the NS Department of Public Works stated that they had no comments regarding pedestrian circulation and safety.</p>
<p><i>(f) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;</i></p>	<p>The Development Officer commented that certain uses permitted in the Resource Industrial (M-1) zone would cause concern for being obnoxious in</p>

	nature, including saw mills, abattoirs, and wood manufacturing and processing establishments. Therefore, staff do not consider this criterion met as the potential industrial uses could be considered obnoxious by virtue of potential noise, odours, dust, fumes, or other emissions.
<i>(g) adequate buffering or screening, setbacks and yards are provided, and open storage is controlled;</i>	The Development Officer commented that it would be possible for the proposed industrial storage use to meet the required setbacks; however it does not currently meet those setbacks. Other uses permitted in the Resource Industrial (M-1) zone may not be able to meet the required setbacks and the forested portion of the subject lot would need to be cleared to provide enough space for those setbacks. Any clearing of the subject lot would serve to further reduce the buffering existing on the subject lot from surrounding uses.
<i>(h) any other matter which may be addressed in a Land Use By law; and</i>	All relevant matters have been addressed in this report.
<i>(i) Policy 16.3.1.</i>	See below.

<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>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Municipal Public Works Department confirmed that there are

	<p>no municipal services on the subject lot.</p> <p>Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change and would be the responsibility of the owner.</p>
<i>(ii) the adequacy of school facilities;</i>	N/A
<i>(iii) the adequacy of fire protection and other emergency services;</i>	<p>The Manager of Building and Fire Inspection Services had no issues with regard to fire protection. The local Fire Chief has stated that there are a number of uses in the Resource Industrial (M-1) zone that would be concerning due to response time, including manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building, fertilizer industries, and fuel storage depots. Due to the concerns of the local Fire Chief, staff would not consider this criterion to be met.</p>
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	<p>The Acting Area Manager for the NS Department of Public Works stated that they had no concerns regarding the road networks adjacent or leading to the development.</p>
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	<p>There are no anticipated costs to the Municipality regarding this development.</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>Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.</p>

<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>In a follow-up discussion with the NS Department of Public Works it was stated that due to the subject lot not meeting stopping site distances, it is possible that slow-moving vehicles accessing the subject lot may impede traffic. Due to these traffic safety concerns, staff do not consider this criterion to be met.</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 the proposed use should not be located closer than 40 ft from any property line. It would be possible for the proposed use to meet the required setbacks; however the current placement of the shipping containers does not currently meet those setbacks. Other uses permitted in the Resource Industrial (M-1) zone may not be able to meet the required setbacks and the forested portion of the subject lot would need to be cleared to provide enough space for those setbacks.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The Development Officer commented that uses permitted in the Resource Industrial (M-1) zone would constitute a major change from the pattern of development currently existing in the area. The potential development of additional Resource Industrial uses would negatively affect surrounding residential uses.</p>
<p><i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i></p>	<p>The District Manager of the NS Department of Environment and Climate Change stated that they were unable to comment on the suitability of</p>

	<p>the subject lot for industrial use. PID 45041902 is relatively flat. There are no waterbodies or wetlands present on the mapping for the property. There are no evident concerns in terms of steepness of grade, soil or geological conditions.</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>The Acting Area Manager of the NS Department of Public Works stated that neither access point for the subject lot meet stopping site distance requirements and the secondary access does not meet the current access criteria for the NS Department of Public Works. Due to these traffic safety concerns, staff do not consider this criterion 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 – Development Permit**



**PLANNING & DEVELOPMENT SERVICES**  
 76 Morison Drive, Windsor-West Hants Industrial Park  
 P.O. Box 3000, Windsor, Nova Scotia B0N 2T0  
 Tel: (902) 798-8391 Ext. 115 Fax: (902) 798-8553

## DEVELOPMENT AND BUILDING PERMIT

**Permit #:** C2020-371 **Issued Date:** September 10, 2020

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**Property Address:** 997 Highway 14, Upper Vaughan **PID:** 45041902 **AAN:** 00136514

**Land Use Zone(s):** GR **Lot:**

**Class of Work:** Construction **Bldg Type:** Garage/Carport/Shed **Designation:**

**Estimated Cost of Construction:** \$175,000.00

**Proposed Use:** Garage

**Use Description:** Storage building

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<b>Owner:</b> 3222228 Nova Scotia Limited	<b>Applicant:</b> William Clarke	<b>Contractor:</b>
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**Building Details:**  
**Width:** 60.00 ft **Length:** 40.00 ft **Building Area:** 2400.00 sq. ft **No. of Floors:** 1.0


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**MINIMUM SETBACKS:** **Front Yard Setback:** 25.00 ft **Rear Yard Setback:** 25.00 ft  
**Left Yard Setback:** 15.00 ft **Right Yard Setback:** 15.00 ft

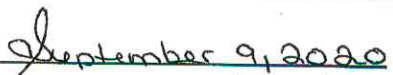
**Conditions:**  
 Development permit issued for a detached garage to be used for personal storage purposes only. As per section 5.1(d) of L.U.B. Setbacks from property lines approved as per site plan submitted with application. Height not to exceed 20 feet. This Development permit shall automatically expire 12 months from the date of issue if the development has not commenced.

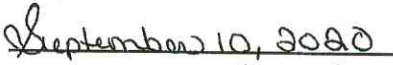
All work to comply with the Nova Scotia Building Code Act, the January 2020 Regulations and the 2015 National Building Code of Canada.

During construction of your project, periodic inspections are required to make sure work proceeds properly. You are responsible for notifying the Building Official 48 hours in advance at 798-8391 Ext. 122 at various stages of construction so that problems can be corrected before they become costly.

  
 \_\_\_\_\_  
 Development Officer

  
 \_\_\_\_\_  
 Building Official

  
 \_\_\_\_\_  
 Approval Date

  
 \_\_\_\_\_  
 Approval Date

**Attachment C – Public Information Meeting Notes**

**April 13 - April 28, 2023**

**WHLUB Amendment: 997 Highway 14 (PID 45041902); File # 23-01**

<b>Meeting date and time</b>	A Public Information Meeting was held on April 13, 2023 beginning at 6:02 p.m. A secondary Public Information Meeting was held on April 14, 2023 at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
<b>File Number</b>	23-01
<b>Attending</b>	<p>In attendance for the first meeting:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"><li>• Councillor Murley</li></ul> <p>Three (3) members of staff:</p> <ul style="list-style-type: none"><li>• Director Poirier</li><li>• Planner Dunphy</li><li>• Planning Assistant Lake</li></ul> <p>PAC/HAC Members:</p> <ul style="list-style-type: none"><li>• Jennifer Nicholls (Chair)</li><li>• Jane Davis</li><li>• Stefan Palios</li><li>• Greg Pace</li><li>• Tasha Rogers</li><li>• Lisa Bland</li></ul> <p>26 members of the public.</p> <p>In attendance for the second meeting:</p> <p>One (1) member of Council:</p> <ul style="list-style-type: none"><li>• Mayor Zebian (Chair)</li></ul> <p>Three (3) members of staff:</p> <ul style="list-style-type: none"><li>• Director Poirier</li><li>• Planner Dunphy</li><li>• Planning Assistant Lake</li></ul> <p>3 members of the public.</p>
<b>Applicant</b> Bill Clarke <b>Property</b>	<p>Planner Dunphy outlined the application to rezone the subject lot to permit a warehousing and distribution centre.</p> <p>The applicant did not provide a presentation.</p>

997 Highway 14, Upper Vaughan (PID 45041902)	
<b>Comments</b>	<p>Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between April 13 – April 28, 2022.</p> <p>Staff received 1 phone call, 1 letter, and 15 emails from the public. The email responses are attached. The phone call was from Teresa Newcomb and was regarding the subject lot being located close to the community hall and how the rezoning would negatively affect greenspace and property values.</p> <p>8 members of the public spoke during the April 13 Public Information Meeting. The following are the comments from the public. Staff and applicant responses are included in purple text.</p> <ul style="list-style-type: none"><li>• Andrew Hardman stated that the subject lot is zoned General Resource and that none of the existing uses should have been approved for this property and that it causes problems for Ron Smith.</li><li>• Ron Smith had concerns regarding the regrading of the subject lot and the shipping containers causing erosion of his driveway and onto the schoolhouse property. Ron showed a picture of the drain installed on the property that he said was ineffective. Ron also stated that the concrete wall that was placed is in the driveway of the canoe club.</li></ul> <p>Andrew reiterated that the schoolhouse is a heritage property.</p> <p>Ron had additional concerns regarding the shipping containers and potential for leakage of fuel from a crane operating on the property. Ron also commented that the garage was unsightly, questioned who built the guardrail in front of the subject lot, took issue with the irregular noise, that the property uses the schoolhouse lot for equipment, that the access points to the property are dangerous</p>

that nearby properties had lost value, and that the building was too close to the road.

- Kevin Smith stated that mitigation is not enough, the permitted use list is a concern, the rezoning would cause more damage and that the buildings should be removed.
- Andrea Lynn commented that the municipality should provide an alternate lot for the landowner in an industrial park and give this land to the community.
- Shirley Pineo commented that another Council decided that no industrial uses should be located outside of the industrial park. Shirley had concerns regarding the environmental issues that the industrial uses could cause and specifically that the water in the lake is used by everyone.
- David Cameron had concerns regarding noise pollution, the initial permit that was issued, the negative affect the subject lot has had on the aesthetic of the community, light pollution from the subject lot, safety of those traveling to the canoe club, the regulations for storage of potentially hazardous materials, and the possible endangerment of those below elevation from the subject lot.
- Andrew Hardman asked why the use hasn't been stopped yet.

Sara Poirier responded that the Development Officer investigated the use then passed the file to Planning staff to determine if there was a policy option for Council to consider the proposed uses. go through the public process as a solution.

Andrew stated that the complaint was filed 2 years ago.

A member of the public clarified that the complaint was made to the Property Valuation Services Corporation and that the complaint was not brought directly to the Planning and Development Department until later.

- Barry Maxner started a vote with the public for those opposing the development, the members of the public present showed that they are opposed to the rezoning.
- Zema White-Pose commented that the noise and view of the subject lot disturbs the peace of the community.
- Shirley Pineo asked why a rezoning was pursued instead of a development agreement.

Sara Poirier responded that the policy only provided the opportunity for a rezoning and that policy is created by Council.

- Lisa Bland commented that noise pollution contributes to stress and physical health.
- Councillor Jim Ivey asked when the permit was issued.

Andrew responded that the permit was issued for accessory personal storage to a numbered company and that the complaint was issued last September. Shirley Pineo asked if the permit could be provided.

Sara Poirier responded that the permit will be provided and attached to future reports.

2 members of the public spoke during the April 14 Public Information Meeting. The following are the comments from the public. Staff and applicant responses are included in purple text.

- Andrea Lynn was in favour of leaving the subject lot as General Resource and stated that the public opinion of this application is clear. Andrea stated that industrial development should not be located here, instead a lot in the industrial park should be provided and this lot should be given to the community. Andrea then stated that the use has caused disruption in the community.
- Chris had concerns regarding the potential affects of the proposal on the nearby watercourse and outlined a potential judicial review for the environmental concerns.

<b>Adjournment</b>	The PIM was adjourned at approximately 6:50 p.m.
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### **Public Email Responses Submitted for the Application PIM**

April 7, 2023

**From: Andrew Hardman**

To: Sara Poirier

Ms. Poirier

Please see the attached notice.

The notice was distributed on April 3rd with a date on the notice of April 4, 2023.

It says the meeting is scheduled for Thursday, April 14 @ 6:00 pm. This Thursday is April 13th.

This zoning issue is a serious matter.

Taxpayers are relying on the WHRM Planning Department to be accurate with all communications and decisions.

I suggest immediate corrective and preventative actions.

Sincerely, Andrew Hardman

**[NOTICE ATTACHED AT BOTTOM OF DOCUMENT]**

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April 9, 2023

**From: Mark Kehoe**

To: Alex Dunphy

Attn West Hants Municipality:

I'm writing to you to express my concerns regarding the application for the property rezoning at 997 Highway 14, Upper Vaughan to allow commercial storage and distribution. My name is Mark Kehoe and I reside at [REMOVED ADDRESS] ....a couple driveways down from 997.

The current property owner has already shown disregard for the community and the bylaws by operating his storage and distribution commercial business under the guise of a personal storage building permit for some time now. This blatant disregard and abuse of the bylaws creates concern of what he will do with the property if allowed to be rezoned as Resource Industrial.

Upper Vaughan is a small community with a proud history of rural living and being good stewards of the environment. The permitted uses for a property zoned Resource Industrial contrasts with our community's landscape and lifestyle. It sits directly beside our community center, which was once the schoolhouse in the early 1900's, a heritage building for our community. Its landscape should be preserved, not lost to industrial buildings and activity.

It's also concerning that the owner isn't a resident of the community, and his business brings no economic value to the area. In fact, having an industrial operation next door only decreases residential property values.

Selling the property in the future leads to more concern of what could move in beside our homes.

Our rural community has the right to the peaceful enjoyment of our properties. We have invested our lives and resources to live where we do and that shouldn't have to change. Our community is zoned General Resource and I don't wish to see our rural atmosphere and landscape changed.

I am currently out of province and can not attend the Public Hearing April 13th, but I want to make the municipality aware that as a neighboring resident, I strongly oppose this rezoning application. I'm sure if the municipality spoke with the community, they will discover no residents want this. Please do not approve this rezoning application.

Thanks for your time.

Mark Kehoe

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April 11, 2023

**From: Ron Smith**

To: Alex Dunphy

To whom it may concern:

We are opposed to any change in Rezoning of subject property. The owner disregards the zoning bylaws and any change will allow the property owner to further take liberties with the regulations. Unfortunately the West Hants Municipality has not enforced regulations for this property before. Violations have occurred during prior work on this property. #1. Regrading has caused rain runoff to flood areas across my driveway, causing serious erosion, this is a new problem that never occurred before. The drain created by the owner is not functional as it is at a high point also it is positioned in driveway for the PCC this forces club members to enter their property by driving across the neighbors property.

#2 Approximately twenty large shipping containers are stacked around the perimeter this is an unsightly mess and does not belong in a residential zone. #3 A guard rail has been installed along the roadway, 1 meter away from the road, who installed this system? Did the property owner do it or the municipality? Pedestrians are at risk of injury or death from passing trucks because of inadequate clearance #4 Noise is another problem caused by heavy machinery moving around. #5 Hazardous waste is not contained on this property, which may cause damage to cottage water systems Refuelling equipment that stays on this property causes spills also fuel is probably not stored to code #6 Air quality is degraded because of diesel exhaust. #7 Relocation of the access to face the neighbors property means that trucks and tractor trailers must impinge on their property. Should you require further explanation I would be happy to oblige. Respectfully Ron Smith [REMOVED ADDRESS] Upper Vaughan Sent from my iPhone

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April 13, 2023

**From: David Cameron**

To: Alex Dunphy

West Hants Council Members:

As long-term residents of Upper Vaughan and neighbours to the property in question, we have the following concerns with the proposed rezoning of that property to Industrial M1:

-the wide range of industrial activity that could move there, and the precedent that such retroactive permitting sets for the future. It is our opinion that the proponent rushed to build several years ago knowing more stringent regulation was coming and hoping his project would get "grandfathered" if already built before new rules were in place.

-the loss of the heritage property landscape for the school house/community center. All rural amenities and historically important properties struggle for survival. Their look and "feel" are important as keepers of local history and residential sense of place. Generations of Upper Vaughan residents attended the Community Centre when it was the local Waterville School. Demolition of the neighboring residence, a building of traditional vernacular design in keeping with the history of the neighbourhood, was an aesthetic disaster for the Community Centre, only to be followed by construction of the present aesthetically brutal industrial building in place of the former, humbly gracious, residence, trees and gardens.

-decreased property value for neighboring residential homes.

-human and environmental risks from industrial possibilities. what will be stored there? are there regulations, and the means to enforce them, regarding dangerous materials storage and handling? The property is adjacent and immediately above Zwicker Lake and the

Canoe Club. Any toxic spill is most likely to run down-hill. Any explosion or gas release could affect many people and the environment.

-loss of rural property and community feel.

-owner of industrial business not residing in community and thus perhaps having little care for how the business affects residents.

-greatly increased light pollution in the area at night

-greatly increased noise pollution in the neighbourhood

-significantly increased traffic/machine danger for Canoe Club participants. Thank you for your attention to these concerns.

David Cameron

Nancy Sherwood

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April 13, 2023

**From: Seamus Marriott**

To: Alex Dunphy

To whom it may concern,

As a resident of Upper Vaughan, I am adamantly opposed to the proposed rezoning of the property at 997 Highway 14, Upper Vaughan. Residents of the community have repeatedly shared their concerns with the Municipal Planning Office, about the non-compliant uses and activity of the property under the Land Use Bylaw. These concerns have been continuously set aside by the Municipal Development Officer with the same response that the facility is a personal storage building.

For the record, a portion of a letter sent to Municipal Development officer Doug MacInnes earlier this year outlines the community concern: "though you continually say the building is a personal storage shed. A land title search shows that the building is owned by a numbered company from Dartmouth. A warehouse sized building, metal gates, semi-trailers on the grounds, folk lifts and stacked multiple containers are hardly personal storage. A professional engineer assessed the facility and deemed it to be an industrial distribution center.

We are happy that Municipal Officers have finally taken action and created an active file for this property. In a letter of response to community concerns dated March 20, 2023 Municipal Officers shared: You brought to our attention the matter of an industrial use in your community. This is an open active file in the hands of our Planners who are working with the property owner to ensure compliance.

The idea of working with the property owner to ensure compliance of Municipal Land Use Bylaw is appreciated but should not provide for the property owner the opportunity to simply change the law. I recognize that the property owner has the right to make rezoning application, yet for this rezoning to be allowed would be real slap to the residents of Upper Vaughan. There is a whole host of reasons to object to this proposal from proximity to a community heritage property, to environmental concerns and possibility of contamination of Zwicker Lake, due to industrial fluids and/or other industrial activity.

The property owner appears to have little respect for current bylaws and to this point the Municipality has turned a blind eye. The idea of simply changing the zoning to allow for the industrial activity to continue is preposterous. Land Use Bylaws/Zoning are in place for a reason and should not be changed to reward the owner of a non-compliant facility at the expense of all who live in the community.

Thank you for the opportunity to share my thoughts and opposition to this rezoning proposal.

Regards,

Seamus Marriott

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April 13, 2023

**From: Duane Walker**

To: Alex Dunphy

As a property owner within the 500 ft area, I would agree that the change would affect property values in the area surrounding the property requesting rezoning. Also, the current lighting on the north and south sides is blinding to oncoming traffic. The lighting could possibly be the cause of traffic accidents. The lighting is also causing a great amount of light pollution in the area, before this construction we had extremely dark sky for watching the sky after dark, not as good as it use to be.

Duane Walker

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April 14, 2023

**From: Mark Kehoe**

To: Alex Dunphy

Hello again, I'm submitting a 2nd letter with an additional concern regarding the rezoning of 997 in Upper Vaughan to Industrial.

I really wish I could attend the meeting in person and speak, but I'm out of province working and not able to participate. I was able to watch the 1st meeting last night and it was disappointing to see so many community members in distress over this zoning application and the handling of Mr Clarke's activities. I'm proud of my community and the residents for making the time and having the courage to come and express their frustrations and concerns in a public forum.

This really does seem like an easy decision to deny this industrial rezoning application in a residential neighborhood and I'm hoping the West Hants Municipality will begin to correct the many mistakes they've made in our community the past 2 years.

Thanks

Mark Kehoe

**[LETTER ATTACHED AT BOTTOM OF DOCUMENT]**

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April 14, 2023

**From: Deborah Innes**

To: Alex Dunphy

Mr. Dunphy:

My response to the rezoning of the above property as a community member living Upper Vaughan's.

Thank you,

Deborah J. Innes

**[LETTER ATTACHED AT BOTTOM OF DOCUMENT]**

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April 15, 2023

**From: Denise Forand**

To: Alex Dunphy

To West Hants Regional Planning,

I am writing to voice my many concerns into the rezoning of our pristine Lake District to Industrial.

Industrial and commercial zones do not belong in our quiet clean country sides .

I feel heartbroken that the canoe club is such a invasive loud inconsiderate group that landed on this extremely tranquil idealistic lake.

Sincerely,

Denise Forand

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April 17, 2023

**From: Elaine Eye**

To: Alex Dunphy

Mr. Dunphy

I feel very fortunate to have shared a seasonal property on Zwicker Lake for 35 years with my spouse who was a child when her parents purchased the property, over 67 years ago. This property is situated within 500 feet of 997. The property owners request to rezone to resource industrial is cause for great concern for the community of Upper Vaughan as you heard on the evenings of April 13/14, 2023.

We personally have experienced the early morning sounds of truck traffic which are not sounds we have heard previously as traffic noises WERE a rarity from our location on the lake. This in itself may not appear a hardship but when you realize where it is coming from and the potential of what it could mean, it gives you pause. On Zwicker Lake, besides humans, live a large and diverse group of wildlife, to name a few : Blue heron, loons, ducks, American Bittern , owls, woodpeckers, and a very old snapping turtle we saw slip off a rock and swim larger than life under the kayak. All of these creatures are not able to speak for themselves so we must also think of their well being when we ourselves feel threatened.

Zwicker Lake and the residents of Upper Vaughan experienced in 2003/04 the failure of the dam on the lake and the stresses that ensued with Emera. Locals and many others worked diligently meeting, discussing and planing. They consulted biologists and geologists, who reported that it would cost NS Power more money to remediate the lake to its natural state than to build a new dam. Hence the spillway dam and fish ladder were built. It does not permit the same effect as a total return to natural habitat, but is the best compromise the committee could arrive at at the time. The natural environment and quiet was very important to the majority of the lake community and has persisted until now. It is with this same resolve and perseverance that we will meet any threat to our community.

When Pisiquid Canoe Club was given the property (using our tax dollars) behind 997 the community should have had the opportunity to voice our concerns, as you are now requesting we do regarding the rezoning of 997. It was then and even more now, very clear that they are

not just another resident on the lake as they initially claimed to be. They have taken over, making it impossible for others to swim, fish, canoe or just plain enjoy the peace and quiet to which we have become accustomed. It should never be the right of a group of individuals on one property to alter the enjoyment of many other property owners. West Hants Municipal Council has allowed and maybe even encouraged this by not requiring PCC to meet the existing bylaws ie. permits, etc. that do exist to prevent this from happening.

There are many who say that our elected officials are being forced by an entity other than themselves to allow things to happen outside of the law. If property 997 is permitted to be rezoned I too will believe this is true! Please do not allow the rezoning.

Respectfully

Elaine Eye

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April 17, 2023

**From: Doug Christie**

To: Alex Dunphy

[FORWARDED MESSAGE FROM ROBIN CHRISTIE]

Unfortunately, we were unable to attend the meeting held Thursday April 13, 2023. We have owned property on Zwicker Lake for 16 years and thoroughly enjoy our family time there.

On that note, taking into regard the parameters for M1 below and concerns expressed I would support strongly the comments of residents.

I would like to reinforce that the proximity of this property to Lake Zwicker makes it essential to ensure there is environmental compliance with the watershed.

It also appears that this industrial site was not in compliance for many years having been zoned something other than industrial and therefore operated outside the zoning bylaw. That it was not in compliance should give the municipality pause to rigorously examine this property to ensure no environmental or other general condition has been breached. One would have assumed a responsible owner of the property would have sought the correct approvals in a timely manner which did not occur.

As also highlighted by some no matter what the outcome, the zoning now must reflect what cannot be placed there in the future. The M1 designation is very broad and allows a very liberal interpretation of what might be contemplated for the future. Is a sale contemplated which would require an

industrial designation? Based on past performance by the owner the municipality should exercise extreme caution

Also to note that this property abuts lot 1A-3 while that property abuts the residential property PID:45041886 lot 1011. All of these properties were or are owned by the current owner of Lot 997. I bring this up because a transfer of ownership to Lot 1011 took place without any public consultation and is now being used as canoe club which is clearly not residential and should have been rezoned recreational prior to sale. This only reinforces my view that caution needs to be exercised as the current owner is seeking to rezone the current lot 997.

I understand that the property 1011( the current owner being the pisiquid canoe club) rezoning is also under review and legal scrutiny and it seems that this additional rezoning for lot 997 cannot be assessed fully without a conclusion with respect to the waterfront property which is being used as a canoe club and may not be in compliance with a number of environmental and transport Canada rules and restrictions. For example where is the road access point to the waterfront property and is there sufficient parking to allow for the safety of canoeists. I understand that currently the patrons of the waterfront property disembark on Lot 997 and walk to the clubhouse. I am not disputing that this is illegal although insurance providers may have a view but only to show the interconnectivity among these three properties. Also there are former horse stables/outbuildings which lie across lot 1011 and lot-1A. Leaving aside whether the previous owner had the right permit to shelter horses so close to the lake and also the fact that there could be a mitigation strategy for the outbuildings I wish to point out the complete lack of stewardship with respect to the three properties.

Residents have lost faith in the lack of stewardship, transparency and process and are completely unsupportive of any change this point. Simply put there is no trust.

Robin Christie

## **17.0 RECREATION COMMERCIAL (RecC)**

### **Permitted Uses**

17.1 The following uses shall be permitted in the Recreation Commercial (RecC) zone:

- Campgrounds
- Driving ranges
- Golf courses and club houses
- Single unit dwellings
- Ski lodges and facilities
- Tennis courts and club houses

### **RecC zone General Requirements**

## **26.0 RESOURCE INDUSTRIAL (M-1)**

### **Permitted Uses**

- 26.1 The following uses shall be permitted in the Resource Industrial (M-1) zone:
- Abattoirs
  - Agricultural processing industries
  - Any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment
  - Any manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other obnoxious emission of refuse matter or water-carried waste, or by reason of unsightly open storage
  - Building supply and equipment depots
  - Bulk storage of sand and gravel
  - Commercial and office uses accessory to a main use
  - Commercial greenhouses
  - Excavation and landscaping operations
  - Farm supplies and equipment sales and service
  - Feed and fertilizer industries
  - Fruit and vegetable sorting, grading and packaging establishments
  - Fuel storage depots
  - Heavy equipment sales and service
  - Licensed Micro-Cultivation of cannabis (Amendment 18-08 effective November 26, 2019)
  - Licensed Micro-Processing of cannabis (Amendment 18-08 effective November 26, 2019)
  - Licensed Cannabis Nurseries (Amendment 18-08 effective November 26, 2019)
  - Licensed Standard Cultivation and Processing of cannabis (Amendment 18-08 effective November 26, 2019)
  - Railway uses
  - Recycling depots
  - One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
  - Saw mills
  - Service industries
  - Structures related to sand and gravel excavation and processing

## **17.0 RECREATION COMMERCIAL (RecC)**

### **Permitted Uses**

- 17.1 The following uses shall be permitted in the Recreation Commercial (RecC) zone:
- Campgrounds
  - Driving ranges
  - Golf courses and club houses
  - Single unit dwellings
  - Ski lodges and facilities
  - Tennis courts and club houses

### **RecC zone General Requirements**

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April 28, 2023

**From: Ron Smith**

To: Alex Dunphy

Mr. Dunphy

Please see attached

Andrew Hardman

**[LETTER ATTACHED BELOW]**

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April 27, 2023

**From: Traci Curry**

To: Alex Dunphy

Good afternoon Alex,

I am writing to you about my concern regarding the proposal to change 997 Highway #14 to Resource Commercial. I own a home in close proximity to the proposed rezoning @ 1077 Highway 14. I am not in favour of a rezoning and believe the current buildings/structures are in non compliance of the existing General Resource designation.

I was a citizen member on PAC for 3 terms so have some familiarity with planning and applaud the good work planning has done over the last number of years. It would seem to be that things have gotten offside at 997 Highway 14, specifically;

1. The existing development permit is for a garage. How can this be allowed when there is no house on the property? When I read the planning documents for General Resource (GR) the only buildings that are allowed are boathouse, dock or storage shed if there is a seasonal building. This unsightly complex of industrial storage units would look to be a non conforming use. Can you explain to me what part of the GR document I am missing?
2. Accessory buildings are also meant to be built behind or set back from the main dwelling ( which is absent). This array of building is very close to the busy route #14 and since it is not an agricultural building or operation would look to be a non conforming use?

3. The current listed use for this building is Commercial Storage and Distribution. Where is that listed as a conforming use in the GR zone?
4. The Permit # C2020-371 lists the Building type as Garage/Carport/Shed. This would infer a small building for homeowner use. Again. No home on the property and at last count 8 units including tractor trailers being used as storage, sea cans and converted sea cans to make a large warehouse building. This would look to be a clear violation of the original permit and casts a poor light on what has been a very good planning team.

Please let me know when the next meeting is scheduled to discuss this request so that I can attend. I also request you table my comments.

Thank you,

Traci Curry

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April 28, 2023

**From: Ron Smith**

To: Alex Dunphy

Dear Mr.Dunphy: In reference to the zoning problems at 997 Highway 14, please see attached photo of the drain that was installed in the middle of the PCC right of way. This is the photo that I presented at your public meeting and I believe it maybe of some help in your future decisions regarding the zoning. Yours respectfully, Ron Smith.



April 14, 2023

Attn Planning/Heritage Advisory Committee:

Hello again. My name is Mark Kehoe and I reside at [ADDRESS REMOVED] north of 997. Thank you for providing our community with a second opportunity to share our concerns regarding the rezoning application for 997 Hwy 14 to Industrial.

A couple quick points to make regarding the summary Mr Dunphy shared. It was stated the property abuts a community hall. It should be clearly noted the community hall is also the old schoolhouse and a rural Heritage building. Which is now in the shadow of an industrial compound.

Also, during the summary, you provided a list of activities permitted within the proposed rezoning of Resource Industrial M1 and it was only a partial list. You didn't include a lot of other permitted uses like Fuel Storage Depot, Slaughterhouses and Fertilizer Industry. All with ground leeching concerns for a property on that's on high ground and everything runs downhill to the lake.

I've already submitted a letter to the committee regarding my obvious concerns.

- the wide range of industrial activity that could move there.
- the loss of the heritage property landscape for the schoolhouse/community hall.
- no economical gain for community.
- decreased property value for neighboring residential homes.
- environmental risks from industrial possibilities
- property owner isn't a resident
- loss of rural property and community feel.
- industrial business not existing in residential communities
- and just the clear fact that industrial properties belong in industrial parks

Why are we here discussing a rezoning application?

According to your Application background, we are here because there was a complaint. This is not correct. We are here because the property applicant erected a commercial industrial compound in the middle of a residential community. Furthermore, complaints did not lead to the property owner applying for rezoning. The first complaints lead to the Municipal Development Officer replying to concerns that Mr Clarke had the necessary permits. When residents learned the permit was for an accessory building "a personal storage building" that

was an accessory to no main building and issued to a corporation, they complained again. Which led to the Development Officer visiting the site in June, where he confirmed the building and property was a personal storage shed with a permit and stated he was in compliance with the LUB. A complaint was made again in a meeting with the Planning Dept and residents urged the DO to consider revisiting the property and reviewing the LUB for the General Resource zone. After this visit it was then determined it was indeed an industrial distribution center. And this application for rezoning quickly followed.

My real concerns are with the municipality. Why was this permitted to be built in the first place? How does it go unnoticed that a property owner raised the grade of a property that causes water runoff and erosion issues for neighbors, placed 15 to 20 storage containers, erected a massive steel building among residential homes, parked tractor trailers and an industrial crane for loading and unloading cargo containers, built on the shoulder of a highway, daily industrial activity noise, light pollution to neighbors, possible hazardous materials could leech into the lake and encroaches activities on a heritage property with the same driveway? And it draws zero attention from the municipality.

What elevates concerns regarding the municipality's involvement with Mr Clarke even more is that a senior staffer within the municipal planning dept consistently drives by this compound daily with no concern. This same senior staffer that secured 1.3 million \$ of taxpayers dollars to buy the other portion of Mr Clarkes property for the Pisiquid Canoe Club, who he is the commodore of. Why is this relevant, because this property isn't zoned correctly for the PCC's planned recreational facility and day camps either. And the municipality again issued an invalid permit for activities not in compliance with the LUB for that PID. Residents have since been forced to hire legal representation and dispute the municipalities invalid permit in court. Why is this continuing to happen? I'm not saying there were any greasy handshakes, but I'm quite certain there would have been a few high fives when those cheques all cleared, and the invalid permits were issued. It's amazing to me that a neighboring property with a youth membership isn't participating in a public hearing and objecting to an illegal industrial property at the entrance of their club house. This is just another reason residents are extremely frustrated and concerned.

I understand this committee is in the process of reviewing the application and will make a recommendation to the council. My recommendation is to toss this application in the garbage where it belongs and have the property returned to its original state. I'd also make a recommendation to review the municipalities' inability to adhere to the Land Use Bylaws with this particular property and property owners.

Thanks for your time,

Mark Kehoe

**WEST HANTS REGIONAL MUNICIPALITY**

76 Morison Drive, PO Box 3000

Windsor, NS B0N 2T0

Phone 902-798-8391 Ext. 113

vlake@westhants.ca

www.westhants.ca



West Hants  
something inspiring awaits

April 4, 2023

Dear Property Owner:

**Re: Public Information Meeting  
997 Highway 14, Upper Vaughan (PID 45041902)**

You are receiving this letter because you are an owner of land within 500 feet of the above property.

You are invited to attend a Public Information Meeting hosted by the Planning and Heritage Advisory Committee. The meeting is scheduled to be held in person at 76 Morison Drive, Windsor on **Thursday, April 14 at 6:00 p.m.** If you would like to attend the meeting virtually, please contact Vanessa Lake (vlake@westhants.ca) by Tuesday, April 11, at noon. The meeting can also be viewed live on the Municipal Facebook page at [www.facebook.com/RMWindsorWestHants](http://www.facebook.com/RMWindsorWestHants).

The meeting is to explain and initiate comments on rezoning the subject lot to Resource Industrial (M-1) to allow for commercial storage and distribution. Please note this is the first step in the process and no decisions have been made yet.

Members of the public are welcome to submit comments or questions on the proposal to Alex Dunphy by noon on April 28, 2023 by:

Phone	902-798-8391 ext. 118 Please leave a message and he will return your call within 24 hours
Email	adunphy@westhants.ca
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional Office at 76 Morison Drive,

Sincerely,

Vanessa Lake  
Planning Assistant

INFORMATION SHEET

Address: 997 Highway 14, Upper Vaughan, PID 45041902

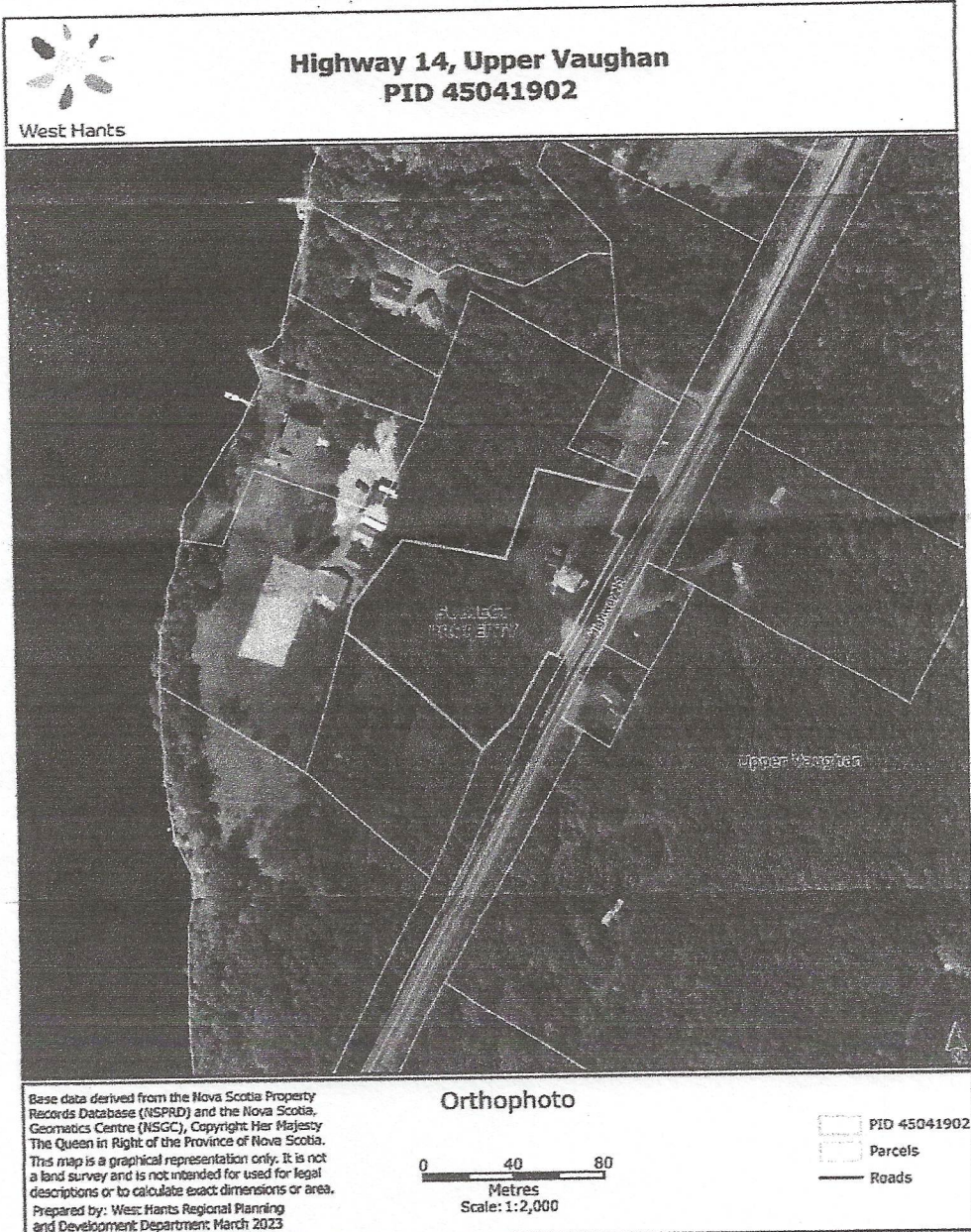
Request: Rezone to Resource Industrial (M-1)

Proposal Description: Commercial Storage and Distribution

Community: Upper Vaughn

Designation: Resource

Zone: General Resource



Response submitted by Deborah Innes

RE 997 Highway 14, Upper Vaughan, PID 45041902

First let me thank you for providing for this second meeting to correct an error in the letter sent out to those residents within the 500 feet of 997 Highway 14, Upper Vaughan, PID 45041902. It was very nice to see this corrective action taken by the Planning Department to ensure that all residents who wanted to air their concerns and questions have an opportunity to do so. I can only hope that the Planning Department have revised their procedure manual so in the future if it happens again, they do not have to wait for a resident of the community to advise them of their error.

What is unfortunate is that Mr. Clarke was allowed to erect this industrial building without the proper permit on land clearly zoned as General Resource. Allowing this has thrown our community into utter chaos – it is as if no one cares for those that make their homes in this community. Do we not have a voice, is no one listening – it would appear so! I listened in last night for a short time as I had another meeting and could not attend but I could loudly hear the passion in each person's voice who spoke about "our" community and how they have been affected by Mr. Clarke's building. I wonder if you will hear it and take the right steps by not allowing his request for rezoning the subject lot to Resource Industrial (M1) to allow for commercial storage and distribution.

Another unfortunate occurrence is the blind-sidedness of the Planning Officer and others that allowed this so called "storage shed" to be build in the first place on land zoned for General Resources while clearly breaking the Municipalities own by-laws. In my mind when I hear the word **law** in normal circumstances, it has consequences, I could be charged, maybe go to court and so on. I ask then why can the Municipality keep breaking their own by-laws. These by-laws were developed to protect communities and the people that reside in them.

I have been working with the Core Committee of the Zwicker Lake Property Owners and while we are not here to discuss the topic of the Pisiqid Canoe Club, again more by-laws and wrongful permits being issued. It very disheartening as a community member that those working on our behalf are funded by tax-payers money in other words we pay your salaries. Who checks to ensure that those that work for the Municipality are doing their job and adhering to the rules and by-laws set forth by the Municipality.

I was always under the impression that we elected a councillor to heed the concerns of the community he/she represents. In our case, I have not witnessed this happening. I have in the past have had nothing but respect for the work that our elected officials undertake but at a recent meeting, I along with others heard the CAO for this Municipality say he has the final say in front of all the councillors. Wow is all I could respond to this. It must have made all the Councillors feel they have no say just like we in the community that is affected by this rezoning application.

Please do the right thing – turn down this application and ensure that the property is returned to General Resources. Our Little Red School House – a heritage property – should be front and centre not this monstrosity of a building that overall does nothing for the community that we live in. Give us our community spirit back!

Thank you.

/dji – April 14, 2023

**Challenge to proposed change to Resource Industrial (M1)**

**997 Highway 14, PID 45041902**

**By: Andrew Hardman**

**This is the existing development permit #C2020-371**

**Proposed use: Garage**

<b>Permit #:</b> C2020-371	<b>Issued Date:</b> September 10, 2020	
<b>Property Address:</b> 997 Highway 14, Upper Vaughan	<b>PID:</b> 45041902 <b>AAN:</b> 00136514	
<b>Land Use Zone(s):</b> GR	<b>Lot:</b>	
<b>Class of Work:</b> Construction <b>Bldg Type:</b> Garage/Carport/Shed	<b>Designation:</b>	
<b>Estimated Cost of Construction:</b> \$175,000.00		
<b>Proposed Use:</b> Garage		
<b>Use Description:</b> Storage building		
<b>Owner:</b> 3222228 Nova Scotia Limited	<b>Applicant:</b> William Clarke	<b>Contractor:</b>

**Conditions:**

Development permit issued for a detached garage to be used for personal storage purposes only. As per section 5.1(d) of L.U.B. Setbacks from property lines approved as per site plan submitted with application. Height not to exceed 20 feet. This Development permit shall automatically expire 12 months from the date of issue if the development has not commenced.

**Important Notes:**

- 1. The Permit was issued to a corporate entity: 32222228 Nova Scotia Limited**
- 2. The permit was issued for “personal storage purposes only” – TO A CORPORATE ENTITY!**
- 3. The proposed use of this building was garage. In the GR zone, only a boathouse, dock or storage shed may be built prior to a seasonal dwelling. The intent of 5.1 (d) was to allow people to enjoy future seasonal properties by building a smaller building first. The seasonal dwelling must be on a private road (22.1)**

## 5.0 GENERAL PROVISIONS FOR ALL ZONES

### Accessory Buildings and Structures

- 5.1 (a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:
- (i) be used as a dwelling unit except where a dwelling is a permitted accessory use;
  - (ii) be built within 6 ft (1.83 m) of the main building;
  - (iii) be built closer to the street than the main building on the lot except in the Prime Agriculture (P/Ag) zone;
  - (iv) be built closer to any lot line than the minimum setback required in the zone for the main building, except that:
    - Common garages for semi-detached dwellings may be centred on a mutual side lot line;
    - Garages and storage sheds may be built a minimum of 4 ft (1.22 m) from the side and rear lot lines;
    - Boat houses and docks may be built to the lot line where the lot line corresponds to the water's edge.
- (b) Notwithstanding clauses (iii) and (iv) of Section 5.1(a), an accessory building or structure may be located in the front yard or a lot but in no case shall be less than 60 ft (18.29 m) from the front lot line.
- (c) Notwithstanding anything else in this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, memorials and fences shall be exempt from any requirement under subsection (a).
- (d) Not accessory building or structure shall be constructed:
- (i) prior to the time of construction of the main building to which it is accessory, except that a boat house, dock or storage shed may be built prior to construction of a seasonal dwelling only on a lot located in the General Resource (GR) zone; or
  - (ii) prior to the establishment of the main use of the land where no main building is to be built.

## 22.0 GENERAL RESOURCE (GR)

### Permitted Uses

- 22.1 The following uses shall be permitted in the General Resource (GR) zone:
- Agricultural support uses
  - Agricultural uses
  - Automobile service stations
  - Churches, community centres and fire halls
  - Farm equipment sales and service
  - Forestry and forestry related activities
  - Indoor storage facilities accessory to an agricultural use subject to Section 5.19 (Amendment 18-03 Effective December 25, 2018)
  - Manufactured homes
  - Personal service shops
  - Restaurants
  - Retail stores under 5,000 ft<sup>2</sup> (139.35 m<sup>2</sup>) in commercial floor area
  - Seasonal dwellings on private roads
  - Single and two unit dwellings
  - Structures associated with sand and gravel extraction operations
  - Existing automobile, truck and motorcycle sales, service and rental establishments
  - Existing commercial and institutional uses (Amendment WHLUB 14-01 Effective January 22, 2015)

**Permit C2020-371, should never have been issued. A stand-alone garage is not a permitted use in the GR Zone, unless it is an accessory building to a permitted use.**

## 997 Highway 14 - As Built/Used



- Metal garage structure that does not fit in the community
- High garage doors that are obviously installed to accommodate tractor trailers
- Tractor trailers turning in the community center parking lot
- Using the parking lot as a material staging area
- Run-off and drainage issues
- Many sea containers used for storage.
- Tractor trailers
- Material handling equipment
- Concrete jersey barriers
- Guard rail too close to roadway? Was it installed by TIR?

**The current use is a “Commercial Storage and Distribution”. It needs to be stopped immediately.**

## Proposed Zoning change to Resource Industrial (M-1).

### Definition:

#### 26.0 RESOURCE INDUSTRIAL (M-1)

##### Permitted Uses

- 26.1 The following uses shall be permitted in the Resource Industrial (M-1) zone:
- Abattoirs
  - Agricultural processing industries
  - Any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment
  - Any manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other obnoxious emission of refuse matter or water-carried waste, or by reason of unsightly open storage
  - Building supply and equipment depots
  - Bulk storage of sand and gravel
  - Commercial and office uses accessory to a main use
  - Commercial greenhouses
  - Excavation and landscaping operations
  - Farm supplies and equipment sales and service
  - Feed and fertilizer industries
  - Fruit and vegetable sorting, grading and packaging establishments
  - Fuel storage depots
  - Heavy equipment sales and service
  - Licensed Micro-Cultivation of cannabis (**Amendment 18-08 effective November 26, 2019**)
  - Licensed Micro-Processing of cannabis (**Amendment 18-08 effective November 26, 2019**)
  - Licensed Cannabis Nurseries (**Amendment 18-08 effective November 26, 2019**)
  - Licensed Standard Cultivation and Processing of cannabis (**Amendment 18-08 effective November 26, 2019**)
  - Railway uses
  - Recycling depots
  - One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
  - Saw mills
  - Service industries
  - Structures related to sand and gravel excavation and processing
  - Utility facilities
  - Wood processing and manufacturing establishments

## Issues

- The property is next to a heritage site. There is a loss of the heritage property landscape



- There is a possibility of a wide range of industrial activities that could take place on the property are not appropriate to the area
- There does not seem to be any economic gain for the community
- There are potential environmental risks
- Loss of rural/community feel
- The industrial business has no ties to the community as far as we know
- Potential to negatively affect property values
- May not have the required setback

**The building, storage containers and all the equipment needs to be removed!!**

## **West Hants Municipal Council, April 13, 2023 6 PM rezoning #997**

I am Andrea Lynn, a ratepayer, (a townie), and have been a seasonal resident at Zwicker Lake #1021 Route 14 for 68 years. My property is within 500 feet of #997, the lot now seeking rezoning.

94 years ago, October 1929 my property #1021 was acquired in a high stakes poker game. It shared a full southern boundary with the property (currently Pisiquid Canoe Club) belonging to Arthur Church. After the First War, followed by the roaring 20's, property #1021 engaged in a 25-year, illustrious and infamous history. It was a strategic location for rum-running during prohibition, vote-buying during elections and various & sundry forms of influence pedalling. That being said, now, from 2004 to 2022, that neighbouring Arthur Church property largely belonged to the current owner of lot #997 - 3 acres which now remain after the 2022 sale to the Canoe Club.

My personal concern regarding lot #997 is the potential for municipal corruption in decision making.

1. *Problems are already filed with the County* regarding questionable funding for the Pisiquid canoe club; West Hants employee conflict of interest ; bylaw violations; missing and invalid zoning controls; missing development agreements - all happened in the first season after the owner of #997 sought sale to Pisaquid Canoe Club. This does not bode well for potential future uses of #997 property if changed from General Resource to Resource Industrial (M-1).
2. Trans-World Distributing Ltd. is a company over 50 years old. It once manufactured most of its distributed industrial fasteners, but like many Canadian companies may have moved production to a Chinese factory. This does not promise local manufacturing work for the community, and creates the potential for hard industry to settle into the middle of an environmentally pristine area. The municipality does not protect ecology here.

I suggest property #997 be left General Use; that the municipality acquire an Industrial M-1 designated lot of like dimensions in a West Hants Industrial Park. This would be traded with the owner of property #997. Once the owner has vacated all equipment and buildings to the industrial park, the County will generously donate the lot to the Upper Vaughans' Community Centre to rejuvenate its role. It may later be sensibly decided that the Upper Avon Canoe association and "Community Centre" property be made available to all local Vaughns-area communities (adults and children) for soft aquatic programs -

canoeing/ kayaking, swimming, diving (no racing/ no motors, no wires) with a strong emphasis on identification and protection of area wild life and fish. Later, Windsor Canoe Clubhouse, too, will be known and sought after as the place where young and old alike can learn the skills of navigating a craft on the full tidal water of a returned Avon River, and on all other Basin rivers fully flowing both ways. Skills of Birch Bark Canoe making would be taught there.

ECO Tourism is an investment fetish of current government corporations seeking rich tourist \$.

Real tourism happens when we develop amazing activities and services with by and for local people. Real Tourists will come, to marvel and take part in the varieties of what locals are doing. This is the purpose of municipalities freed to act as if there were a future, not struggling daily against a dark, shadow government.

I would like to acknowledge and thank the core committee of Zwicker Lake Property Owners for its vigilance and in-depth research regarding the summer activities of the Pisiquid Canoe Club on the Lake and documenting legal, but unlawful and immoral stances by the corporation of the District of West Hants. I believe the Lake property owners will bring the same vigilance to #997. It is nearly 100 years since the revelry in the area I described on Zwicker lake. The effect it had on local families then was no doubt also very disruptive and divisive. We are living in times now, like then, with ill effects increased 100 fold.  
**Hand-outs.**

There is a network developing across Canda (over 65 groups at last count). They work from the bottom up using a reverse engineering model and are called Citizen Accountability and Transparency Councils ( CATCs ). They operate much like the Zwicker Lake Core committee.

I apologize for myself and many citizens like me who have left our elected representatives here to struggle with a global corporation in its midst. Municipal corporate employees can outnumber councillors as much as 4 to 1. The CATCs groups are discovering that Municipal Corporations are rewriting and can legally ignore Municipal Bylaws, and that funds issued by the federal government to municipalities for projects can be traced back along a money trail to places other than our own tax dollars.

Respectfully submitted, Andrea Lynn

# Community Accountability and Transparency Councils

## CATCs

<https://www.cates.org>

### **Overview of CATCs**

Citizens and their elected representatives have a problem-we are no longer on speaking terms. Community Accountability and Transparency Councils (CATCs) will take steps to engage with all levels of government to pursue discussions on policies that affect our communities. .

Our plan is to bring into existence a national network of CATCs with the objective of providing citizen advocates with strategies and tools to successfully engage with our elected officials.

### **Mandate and Priorities of CATCs**

The CATCs network will work to engage with all channels of our public institutions including local city councils, school boards, provincial and federal members of parliament. The mandate of CATCs will be to seek accountability, transparency, review and advise on public policy and to rally the public to become involved.

### **Pillars of Priorities**

#### **First Order-Good Governance**

1. Accountability and transparency of public of institutions
2. Standards of conduct by our elected officials
3. Policy development and recommendations
4. Political interference in our governance by unelected global entities and NGOs

#### **Second Order-Societal Responsibilities**

1. Security and protection of energy, food, seniors, children, education, families.
2. Health and wellness and the integrity of our medical system.
3. Addressing transformational policies including banking, central bank digital currencies, digital ID, privacy and the role of technology in our society.
4. Emergency preparedness and support for the disenfranchised.

### **Roles and Responsibilities**

#### National CATC

1. Establish a national council with representatives from every region of the country.
2. Support the local CATCs.
3. Provide toolkits and strategies.

#### Local CATC

1. Support the mandate provided by the national CATC including code of engagement and to work with other CATCs to leverage the network.
2. Engage with political representatives to achieve the goals of better governance and transparency.

**Appendix B – 2023-07-17 Letter from Jenifer Tsang to Committee of the Whole**



July 10, 2023

Mayor Zebian and Windsor/West Hants Councilors  
Regional Municipality of Windsor/West Hants  
For Committee of the Whole meeting July 11, 2023

Dear Mayor and Councillors:

**RE: Bill Clarke property at 997 Highway 14, Upper Vaughan, WHLUB amendment File #23-01**

On behalf of my Client, Bill Clarke, this letter is to suggest a better solution to the non-compliant land use on his property than the current re-zoning application from GR to M-1. I apologize for not being able to attend Committee of the Whole in person, but I already had another commitment when this opportunity came to my attention.

Mr. Clarke have been dismayed by the outpouring of negative comments and speakers against his container self-storage land use that he has been operating on his property for several years without any complaints. He started the land use on his property in good faith, thinking that it was permitted because the container storage was for his personal business. He thought the rules were the same for it as the rules are for accessory buildings that are used for personal storage. He was completely unaware that using his personal storage containers for storage of his retail business supplies was in violation of the Land Use By-law.

The use of his storage containers for his business supplies falls between two definitions in the Land Use By-law. The first definition is "warehouse" defined as: "... means a building where wares or goods are stored but does not include a retail store. Warehouse also includes self storage operations as defined elsewhere in this Land Use By-law". The second definition is for "self storage operations" defined as: "...means a building or buildings consisting of small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies".

Neither a "warehouse" nor "self storage operation" are permitted in the GR zone, in which the property is currently zoned. The only MPS policy that would enable either of these defined land uses on Mr. Clarke's property is the M-1 zone that allows a warehousing operation in addition to a wide range of industrial land uses. Because of this, it was suggested to Mr. Clarke that he should apply for a re-zoning to M1. The staff report recommends against a re-zoning to M-1, primarily due to concerns with the wide range of industrial uses that would be permitted on the property. Mr. Clarke has no intention of using his property for industrial land uses. A re-zoning to M-1 is not the best option to address the situation.

I would like to suggest a different solution which would allow Mr. Clarke to continue his land use temporarily while it is phased out over five years. This would be a site-specific amendment to the West Hants Municipal Planning Strategy to enable a development agreement for a “container self-storage” land use on this property. A development agreement could clearly define the land use, control the hours of operation, require optimal location of driveways, and set out discharge options after a five year period.

Site specific MPS amendments are often approved in instances that are unusual or different from other similar properties. They are also often used to recognize existing non-compliant land uses that have been in operation over some time. I believe that Mr. and Mrs. Clarke’s property falls into this category. These containers have been in place since 2018 which is prior to the accessory building that received a permit in 2020.

The container self-storage land use is unusual in that it does not clearly fit into a Land Use By-law definition. It is a combination of self-storage (being small self contained units for the storage for business goods) and warehousing that includes self-storage.

The property location is different from other GR zoned properties because it is adjacent to a historical schoolhouse that is used as a community centre and, more recently, a canoe club (defined as a community use) that is on a property that was owned by Mr. and Mrs. Clarke for 19 years. The transition of the area into a wider range of community land uses makes this property different than other GR zoned lands.

If Council does not want to consider an amendment the Land Use By-law to allow container self-storage throughout the GR zone (which is also an option) and is willing to consider allowing Mr. Clarke to phase out his land use, then a site specific MPS amendment is the best planning solution.

The site specific policy would say that on this GR zoned property, in addition to the GR land uses, one additional land use (being container self-storage) is permitted via a development agreement. The development agreement would state that in addition to the GR zone uses, a container self-storage use is permitted. The development agreement would specify several criteria including a discharge option for Council at five years. This type of application is not uncommon in Municipal planning and would undergo the regular West Hants planning process with associated public consultation and staff analysis.

Mr. Clarke wants to work with the Municipality to find a solution to the situation. He is willing to leave the Municipality and he just needs some time to phase out the container self-storage land use. Mr. Clarke has been a supportive community citizen and good neighbour for over 19 years. I would like to respond to a few of the comments that were raised at the two public information (PIM) meetings. I am only responding to comments that are specific to Mr. Clarke’s container self-storage land use and not the comments that are against the M-1 re-zoning.

General comment categories from the PIM shown in italics:

*Erosion of a nearby driveway and school house (Upper Vaughan Community Hall South Waterville School est. 1868) with a photo of a catch basin that was stated to be a drain installed in the middle of highway right of way:*

This catchbasin collects and direct stormwater away from Mr. Clarke's property and into the ground. It is located on Mr. Clarke's property and is not located in the middle of the highway right-of-way. There had been a collapse of a culvert under the schoolhouse driveway that caused some stormwater drainage problems. The Community Centre paid for the repair. Mr. Clarke has paid for gravel and leveling of the schoolhouse driveway over many years.

*School house is a heritage property:*

Mr. Clarke respects the schoolhouse which is used occasionally as a community center. Mr. Clarke has paid for the snow plowing and lawn mowing of the schoolhouse property for over 19 years and done other ground maintenance as stated above. This can be confirmed by a community member.

*Potential of leaking of fuel from a crane being operated on property:*

Cranes are used to move storage containers. Cranes and other machinery are permitted on roads, highways and private properties. Machinery is not regulated by the Land Use By-law. Cranes are not used often or on a regular basis on the property. All of Mr. Clarke's vehicles and machinery are in top operating condition. Fuel leakage is possible from personal motor vehicles and large vehicles that drive on the highway, local streets and driveways if they are not in good operating condition. Fuel contamination is regulated and controlled by other levels of government and it applies to all property owners.

*Unightly garage, too close to the road:*

The accessory building is a permitted use. There are no architectural guidelines for accessory buildings in the Land Use By-law. The accessory building exceeds the required setbacks from a property line and the required setbacks from the centre line of the highway right-of-way.

*Irregular noise, back up beepers, light pollution:*

There are approximately four visits per month to deposit or retrieve items from the storage containers. All visits are during the daytime hours and no vehicles utilize back up beepers. Any back up beeper noises would be coming from another property. There are no lights shining into adjacent properties.

*Using the school house lot for equipment:*

Mr. Clarke has plowed the snow, mowed the lawn and replaced gravel on the schoolhouse driveway. He has not used the school house property for his equipment.

*Driveway locations are dangerous:*

Mr. Clarke is willing to consult with a transportation engineer review his driveway locations and recommend a relocation of the driveways if it is advisable.

*The land should be given to the community:*

Most land owners do not donate their land to the community. Generally, people buy property for their own use and rarely are in an economic position to give land away. Sometimes landowners are generous in other ways, as Mr. Clarke has been in being a steward of the adjacent school house property and assisting the canoe club during their move.

*The container storage use has caused disruption to the community:*

Mr. Clarke had not received any complaints about his storage containers prior to the sale of his land to the canoe club. Storage containers are permitted throughout West Hants, as is evidenced by the large number of property owners who have them. Mr. Clarke's storage containers are located near the highway and have not been moved along any local streets. The highway is used by many large, heavy vehicles that are more disruptive than inert storage containers. The storage containers are clean and in top working condition.

*The owner is not a resident of the community and his business brings no economic value to the area:*

Mr. and Mrs. Clarke are long time residents of the community. They have lived on these properties and Zwicker Lake for 19 years. They now reside in Falmouth and still pay property taxes to West Hants. Mr. Clarke has paid for maintenance to the schoolhouse community centre over this time and has significantly supported many local businesses by shopping at their establishments for both his personal and business needs, including company vehicle purchases and their ongoing maintenance. They also have supported the community veterinarians and local home hardware store for many years.

*Trucks and tractor trailers must impinge on adjacent property:*

Mr. Clarke does not drive any of his vehicles on adjacent properties. He is well aware of his property boundaries.

In conclusion:

Mr. Clarke is considering withdrawing his re-zoning application prior to the public hearing scheduled for July 25<sup>th</sup> which would save everyone a lot of time and effort. I respectfully request Windsor/West Hants Council to allow the time for an MPS amendment and development agreement application process to unfold prior to taking enforcement action against Mr. Clarke's land use. Of course, it is understood that this would not imply in any way what Council would ultimately decide in terms of approving or denying the MPS amendment or development agreement.

Sincerely:



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