

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda

September 26, 2023 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

Virtual via Zoom (also FB Livestream)

Agenda is subject to change due to additions that may not be able to be reflected until after the meeting.



West Hants
something inspiring awaits

1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
 - b) Dashboard Action Items – Dangerous or Unsightly Premises
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2023-07-31 Special Council Meeting Minutes
 - b) 2023-08-21 Special Council Meeting Minutes
 - c) 2023-08-21 Public Hearing Minutes - Benjamins Mill Wind Project Development
 - d) 2023-08-21 Public Hearing Minutes - 997 Highway 14 Upper Vaughan (PID 45041902) WHLUB Amendment
7. Public Hearings
 - a) Pemberton Ave, Garlands Crossing PID 45003563 – Planner Dunphy
 - b) 35 William St, Hantsport PID 45044419 – Planner Dunphy
8. Second Readings
 - a) Pemberton Ave, Garlands Crossing PID 45003563 – Planner Dunphy
 - b) 35 William St, Hantsport PID 45044419 – Planner Dunphy
9. Unfinished Business/Postponed Motions
 - a) Fresh Water Resources – Councillor Ivey
 - b) Capital Report Supplementary Information Report – Director Rochon
 - c) Financial Update – Director Rochon
 - d) Updated Fundraising Information Report – Director Rochon
 - e) WHRM Capital Equipment Plow Truck - /Recommendation Report Additional Information – Director Richard

f) Service Exchange Renegotiation & Municipal Government Act Review (SERMGAR)
Revisit Discussion– CAO Phillips

10. Mayor's Report

11. Committee(s) of Council Excerpts/Recommendations

a) Committee of the Whole Excerpts (September 12th, 2023)

- i. 2023-2029 RCMP Multi-year Financial Plan
- ii. Combined Sewer Overflow (CSO) Overland and into Water Courses
- iii. Mariner's Drive, Hantsport (Municipal Surplus Lands PID 45275278)
- iv. Municipal Encroachment
- v. Municipal Fees Policy
- vi. Newport and District Rink Commission
- vii. Noise By-Law
- viii. Payzant Drive Extension Conceptual Design
- ix. Planning and Heritage Advisory Committee Member Appointment
- x. POSSE - Public Outreach Position Referral to the Police Advisory Board
- xi. Tax Collection Policy
- xii. Tremain Crescent Flood Issues
- xiii. West Hants Uniacke Community Health Board Re Request for a Letter of Support for Feasibility Study
- xiv. Windsor/Falmouth Watercourse Interconnection Design
- xv. Municipal Finance Corporation (MFC) 2023 Fall Debenture

b) Planning and Heritage Advisory Excerpts (September 14th, 2023)

- i. Cole Drive, Windsor PID 45366432 (Part 2) – Planner Dunphy
- ii. 8 Upper Water Street, Windsor – Planner Dunphy
- iii. 187 Payzant Drive, Windsor – Senior Planner Fredericks
- iv. Heritage Signage (2 Motions) – Director Poirier
- v. Public Participation Policy – Director Poirier

12. Councillor Municipal Business/Activity Reports

a) Councillor Ivey, District 11 Activity Report

13. Correspondence

a) Information

1. Avon Causeway Activity Log
2. Correspondence Received Activity Log
 - i. Jean Sanford Re New Chairs
 - ii. Keith Aucoin Re Impact of Hurricane Lee
 - iii. Luke Garagan Re Transportation for West Hants

- iv. Responses (2) received from Maria Medioli Exec. Dir DSP Re King's Meadow (WHRM copied)
- v. Peter Moore Re Another unprecedented weather event and Preparedness (2 emails)
- vi. Jennifer Moore Re Preparedness
- vii. Steve Turner Re Windsor Hantsport Railroad Tracks (WHRM copied)
- viii. Laura Moore Re Abuse of Emergency Management Act Causing Harm to the Avon River (WHRM copied)
- ix. Kings County Re Notice of Public Hearing
- x. Hants Learning Network Re Thank You
- xi. Daniel Steeves Re Short Term Rentals
- xii. Colleen Rogers Re Transportation in West Hants
- xiii. Selling Scotia Re Discussions around banning STRs
- xiv. Darren Porter Re Safety Concern/ Water Test

3. Fort Edward Activity Log – None

b) Requests - None

c) Outgoing Correspondence Log - None

14. New Business

a) Main Street Hantsport Sidewalk Construction Recommendation Report WHPW23-08–
Manager Carrigan

15. In-Camera

a) MGA 22(2)(a) Legal Matter

b) MGA 22(2)(a) Land Matter

c) MGA 22(2)(a) Personnel Matter

16. Next Meeting Date / Adjournment – October 10th, 2023 Committee of the Whole Meeting 6 p.m.

WEST HANTS REGIONAL MUNICIPALITY

Public Hearing Minutes – Pemberton Ave, Garlands Crossing PID 45003563

Tuesday, September 26, 2023 – 6:07 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 6:07 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
Sara Poirier, Dir. Planning & Development
Todd Richard, Dir. Public Works
Troy Burgess, Manager Public Works Operations
Diana Gibson, Manager Accounting & Financial Reporting (ZOOM)

Alex Dunphy, Planner
Deanna Snair, Municipal Clerk
Carlee Rochon, Dir. Financial Services
Mark Fredericks, Senior Planner

Regrets:

Shelleena Thornton, Municipal Ops. Supervisor
Kathy Kehoe, Dir. Community Development

Presenters & Guests:

Twelve (12) residents in chambers and thirty-three residents via ZOOM.

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

Pemberton Avenue, Garlands Crossing PID 45003563

Planner Dunphy reviewed the report highlighting that on March 14, 2023 a completed application was received from Gene and Annetta Anthony to permit two duplex dwellings through rezoning to Two Unit Residential (R-2) and subdivision of the subject lot.

The properties designation is Commercial Core and zoned General Commercial; which permits a wide variety of uses; arts and crafts studios including photography, banks and financial institutions, clubs and community organizations, commercial schools, country inns, day care

centres (licensed or non-licensed), entertainment, recreation and assembly uses within a wholly enclosed building, farm markets, garden and nursery sales and supplies, licensed liquor establishments, local shopping centres containing uses permitted in the GC zone, offices, parking structures, post offices and postal outlets, repair and rental establishments, residential uses in the same building as a commercial use, restaurants, excluding drive-through restaurants, retail stores, service and personal service shops, single unit dwellings or mini homes on existing vacant lots under 10,000 ft² in area, veterinary clinics and animal hospitals and/or existing residential uses.

The application was to rezone to Two Unit Residential (R-2) zone which permits two-unit dwellings, mini homes, uses permitted in the R-1 zone subject to the R-1 zone requirements, and mobile homes in the Three Mile Plains Growth Centre

Planner Dunphy reviewed the Enabling policy: Policy 5.3.4 which provides Council with the ability to consider rezoning land within the Three Mile Plains Growth Centre to Two Unit Residential (R-2), noting that all statutory requirements had been met.

Planner Dunphy reviewed the General Criteria policy: Policy 16.3.1 which states the general criteria for amendments to the Land Use By-law, noting that all statutory requirements had been met.

The Public Information Meeting (PIM) was held on May 11th and broadcasted live on the Municipal Facebook page. Twenty (20) members of the public attended the meeting, with 3 individuals and the applicant speaking. The deadline for comments was May 25th, and no written correspondence was received during the comment period.

A question was raised about access to Highway 1 for the lot. Staff reached out the Nova Scotia Department of Public Works and the Area Manager confirmed that the subject lot would be granted a single access to Highway 1.

Mr. Anthony, the applicant, spoke of purchasing the land for his “former” business, which he has since sold, resulting in him still having ownership of the vacant property. His rational /thinking was the property was well suited for residential uses as it is surrounded mostly by residential dwellings with some commercial dwellings on the backside of the lot. Mr. Anthony advised that their intent was to have the driveway come off Pemberton Ave. vs using Highway 1 and has been working with the Department of Transportation to facilitate this.

The Public Hearing was advertised in the local paper on September 5th and 12th and letters were sent to property owners near the subject lot in addition to the signage placed on the lot. Deadline for comments was Friday, September 22, 2023.

Correspondence from Kristin Wile was read stating they were not in favour of the proposal to rezone the vacant lot. Rezoning the lot would change the dynamics of the quiet dead-end street and they were not comfortable with four units on the parcel of land. There was also concern about the added traffic and noise to the area.

Correspondence from Liza Oulton was read regarding questions around the size of the two buildings, if amendments to roadways would be required, and if more buildings could be built on the site after the developer sold the land were raised. Ms. Oulton spoke in support of

affordable housing, specifically buildings that are not costly, fixed terms (year to year) or have little potential for pets or animals. Safety was a concern as well, noting that section of the highway was quite dangerous. Ms. Oulton also inquired if an extension would be considered for the comment period.

Correspondence from Jennifer McClland was read stating they were not in favour of the proposed rezoning. Ms. McClland was in favour of expansion and wanted to ensure the process was done correctly, however in her opinion, this was not the case as they saw no plans, notes on the planned development or examples of the developer's prior work. Ms. McLlland also spoke of living on a quiet street surrounded by single-family dwellings, fields and farmland and the concern related to their street being used as a thoroughfare for large trucks and the streets being in disrepair as well as their children being at risk. children as risk.

Correspondence from Kyle Poirier was read stating he was not in support of the proposed two-unit dwellings. In his opinion, it was better to rezone to permit only single unit dwellings and trailers / mini homes, if a business was not interested in building on the lot. Mr. Poirier spoke of not being pleased about hearing the ongoing construction noise from this property or seeing the increased traffic on this street from the construction crews.

Planner Dunphy responded that the applicant has building plans to share with the public, the buildings are planned to be single-storey, there is a maximum of two 2-unit buildings proposed on the lot, additional buildings would require a separate planning application and process; and the applicant prefers to avoid connecting to Highway 1, if required, the Provincial Department of Public Works has commented that there are no concerns with a single access to Highway 1.

4. Adjournment

Mayor Zebian declared the Public Hearing concluded at 6:22 p.m.

Abraham Zebian, Mayor

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: September 26, 2023

Subject: WHLUB Amendment: Pemberton Avenue, Garlands Crossing (PID 45003563);
File # 23-03B

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Should Council wish to approve the application 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 PID 45003563 on Pemberton Avenue, Garlands Crossing, from the General Commercial (GC) zone to the Two Unit Residential (R-2) zone in a manner substantively the same as Figure 3 of the staff report to the Planning and Heritage Advisory Committee report #23-03 dated June 7, 2023.

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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A completed application was received from Gene and Annetta Anthony on March 14, 2023. The application is to allow for two, two unit dwellings by rezoning the subject lot to the Two Unit Residential (R-2) zone. The property owners indicate they will then apply to subdivide the subject lot if the rezoning is approved.

DISCUSSION

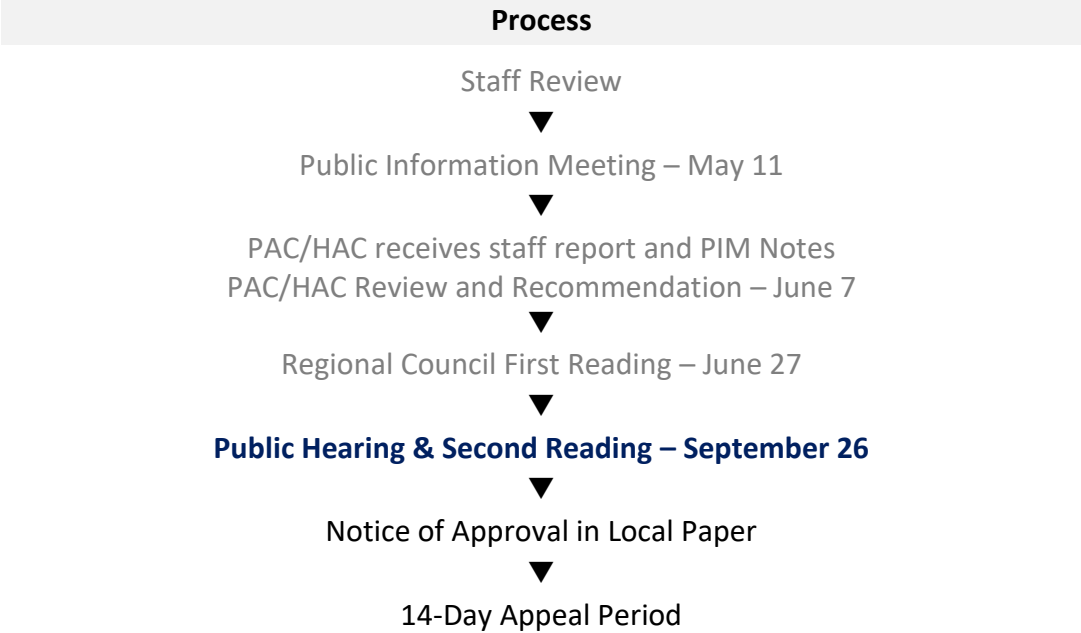
A Public Information Meeting was held on May 11, 2023.

On June 7, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). During the June 7 meeting, PAC/HAC recommended in favour of the proposed rezoning.

On June 27, 2023, staff presented the PAC/HAC recommendation to Council for First Reading. During the June 27 meeting, Council recommended in favour of the application.

NEXT STEPS

The process for this application is as follows.



*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 Second Reading and approve the amendments as drafted or as specifically revised by direction of Council;
- provide alternative direction, such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2023-06-07 Staff Report - WHLUB Amendment: Pemberton Avenue, Garlands Crossing (PID 45003563); File # 23-03

CHIEF ADMINISTRATIVE OFFICER REVIEW

To approve first reading and to conduct a public hearing will promote public feedback regarding the proposal and allow Council to thoroughly review not only the components of the rezoning application but public feedback.

I support the recommendation.

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 – 2023-06-07 Staff Report - WHLUB Amendment: Pemberton Avenue, Garlands
Crossing (PID 45003563); File # 23-03**



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: June 7, 2023

Subject: WHLUB Amendment: Pemberton Avenue, Garlands Crossing (PID 45003563);
 File # 23-03

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Staff recommend that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone PID 45003563 on Pemberton Avenue, Garlands Crossing, from the General Commercial (GC) zone to the Two Unit Residential (R-2) 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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A completed application was received from Gene and Annetta Anthony on March 14, 2023. The application is to allow for two, two unit dwellings by rezoning the subject lot to the Two Unit

Residential (R-2) zone. The property owners will then apply to subdivide the subject lot if the rezoning is approved.

DISCUSSION

The subject lot is currently designated Commercial Core and included within both the Three Mile Plains Growth Centre and the Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). The subject lot is zoned General Commercial (GC) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2).

Surrounding Context

Properties surrounding the subject lot on the south side of Highway 1 are designated Commercial Core and included within both the Three Mile Plains Growth Centre and the Commercial Development District, with the properties on Pemberton Avenue being zoned General Commercial (GC) and the properties to the southeast being zoned Highway Commercial (HC). Adjacent properties on Pemberton Avenue are single unit residences, while a commercial area including restaurants, a gas station, convenience store, and personal service shops are located southwest of the subject lot.

Municipal Planning Strategy Document Review

Policy 5.3.4 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning to the Two Unit Residential (R-2) 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 meets the criteria since:

- the subject lot is capable of being serviced by municipal water and sewer; and
- the proposed use will not conflict with 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 meets the criteria as:

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

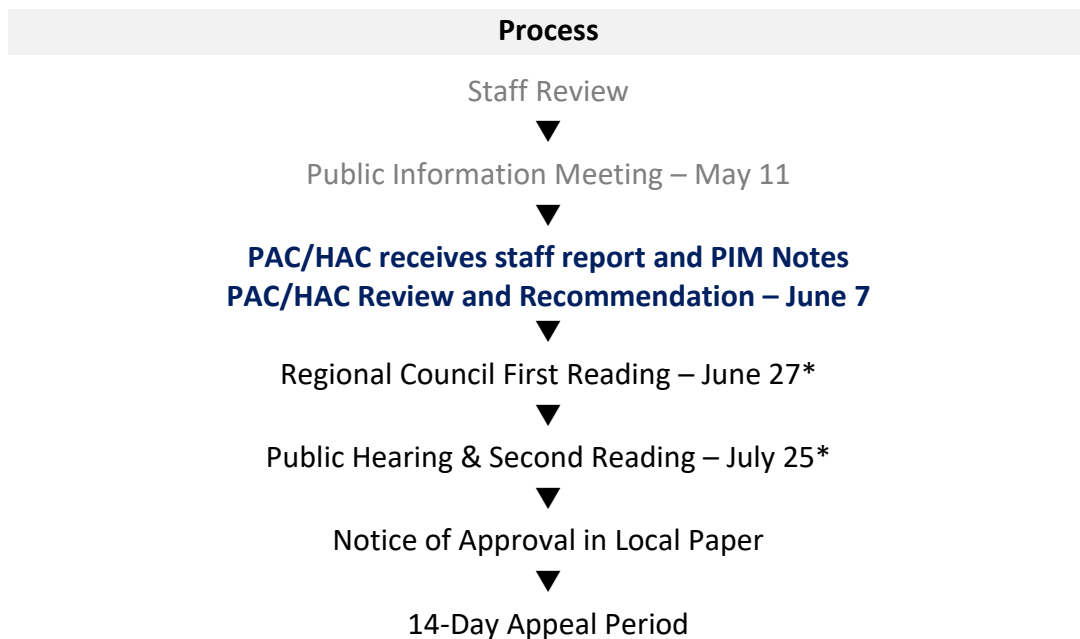
MUNICIPAL CLIMATE CHANGE ACTION PLAN

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

As noted above, the proposed amendments have been considered within the context of the general policies of the WHMPS, and is consistent with the intent, objectives, policies and criteria of the WHMPS. As a result, it is reasonable to amend the zoning of PID 45003563 to the Two Unit Residential (R-2) zone.



*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;
- 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 Amendments
Attachment B	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

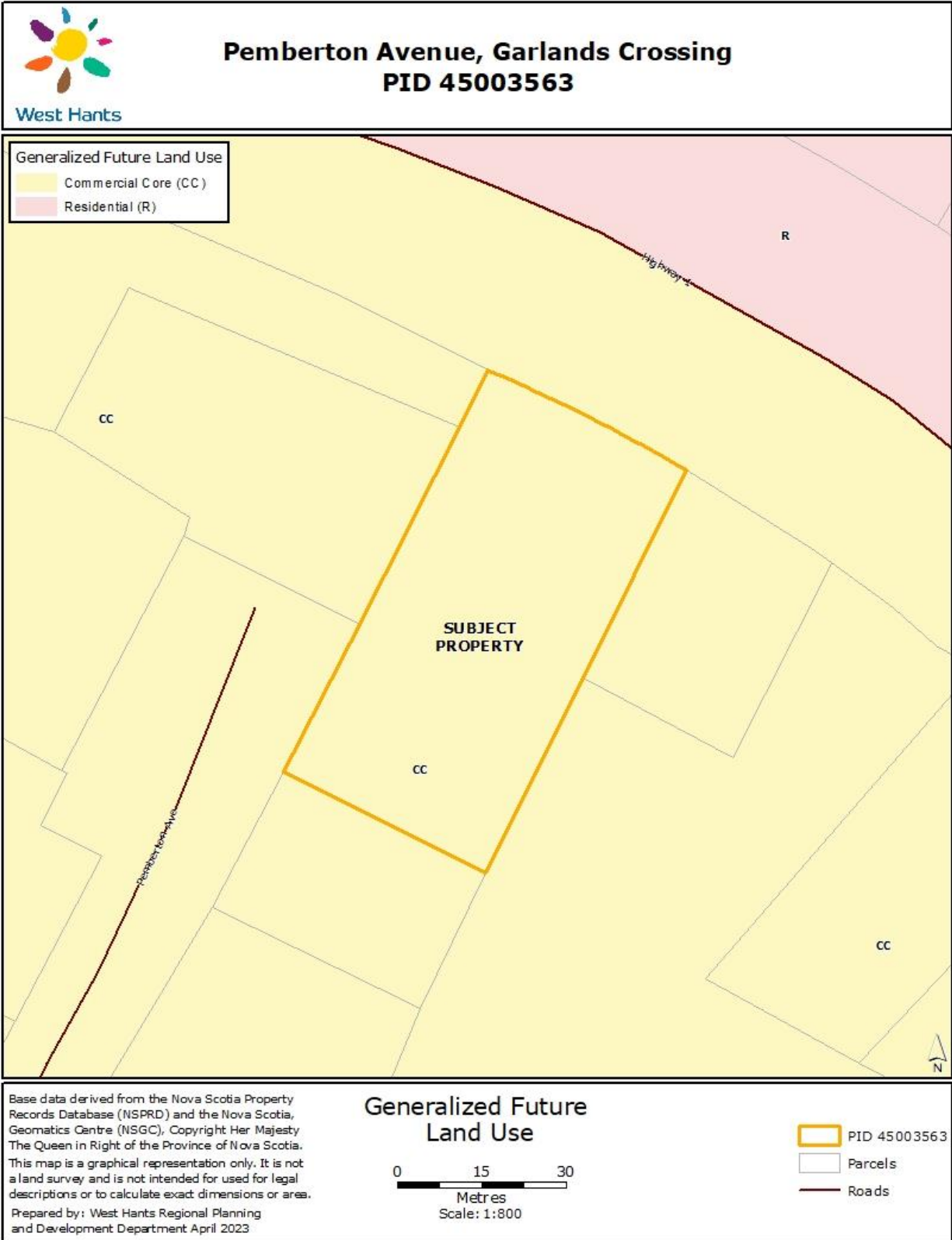


Figure 2 – West Hants Zoning Map Extract

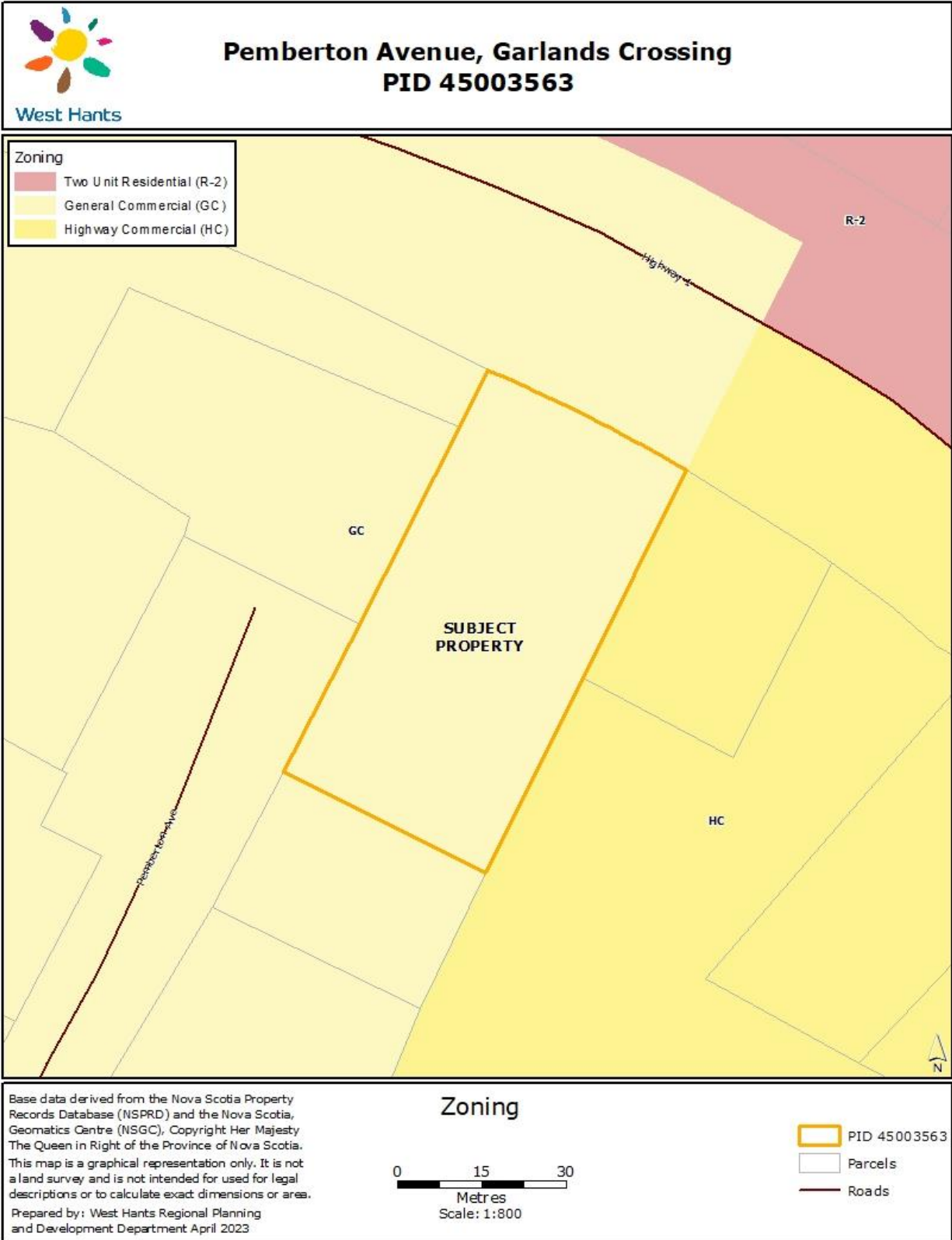
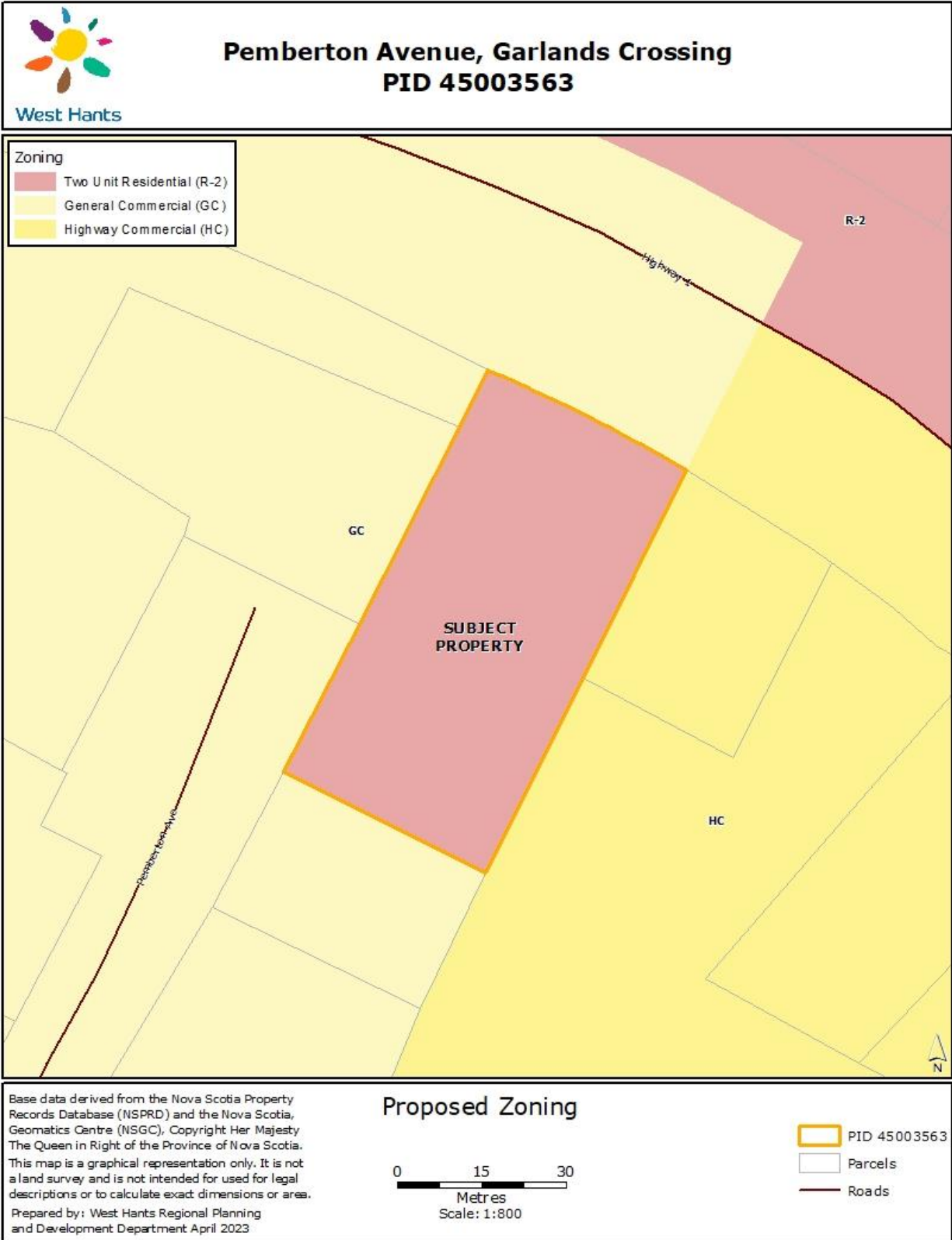


Figure 3 – West Hants Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendments

<p>Policy 5.3.4 <i>It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R 2 subject to the following:</i></p>	
<p><i>(a) the area to be rezoned is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)</i></p>	<p>The Municipal Project Engineer commented that the lot is capable of being serviced by municipal water and sewer.</p>
<p><i>(b) the proposed use will not conflict with adjacent existing uses;</i></p>	<p>The Development Officer commented that they have no concerns regarding conflict between the proposed use and adjacent existing uses.</p>
<p><i>(c) any other matter which may be addressed in a Land Use By-law; and</i></p>	<p>All relevant matters have been addressed in this report.</p>
<p><i>(d) Policy 16.3.1.</i></p>	<p>See Policy 16.3.1 below.</p>

<p>Policy 16.3.1 <i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></p>	
<p><i>(a) whether the proposal is considered premature or inappropriate in terms of:</i></p>	
<p><i>(i) the adequacy of sewer and water services;</i></p>	<p>The Municipal Project Engineer commented that they had no concerns regarding the adequacy of municipal services.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>No impact on school facilities is anticipated.</p>
<p><i>(iii) the adequacy of fire protection and other emergency services;</i></p>	<p>Both the Manager of Building and Fire Inspection Services commented that they had no concerns regarding the adequacy of fire protection. The local</p>

	Fire Chief commented that they also had no concerns.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager of the Nova Scotia Department of Public Works commented that they had no concerns regarding the adjacent road network.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<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>	The Municipal Project Engineer commented that the subject lot is capable of being serviced by municipal water and sewer.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Area Manager of the Nova Scotia Department of Public Works commented that they had no concerns regarding the suitability of movement and traffic and that the subject lot would be granted a single access to Highway 1.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they had no concerns regarding the adequacy of the dimensions and shape of the lot for the intended use.
<i>(e) the pattern of development which the proposal might create;</i>	The Development Officer commented that they had no concerns regarding the pattern of development which the proposal might create.
<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>	The subject lot is relatively flat, excepting the portion fronting onto Highway 1. There are no waterbodies or wetlands present on the mapping for the property and there are no evident

	concerns in terms of steepness of grade, soil or geological conditions.
<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>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Public Information Meeting Notes

May 11 - May 25, 2023

WHLUB Amendment: Pemberton Avenue, Garlands Crossing (PID 45003563); File # 23-03

Meeting date and time	A Public Information Meeting was held on May 11, 2023 beginning at 6:02 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: Two (2) Councillors: <ul style="list-style-type: none">• Councillor Murley• Councillor Ivey Four (4) members of staff: <ul style="list-style-type: none">• Planner Dunphy• Planner Fredericks• Planning Assistant Lake• Director Poirier PAC/HAC Members: <ul style="list-style-type: none">• Jennifer Nicholls (Chair)• Jane Davis• Stefan Palios• Tasha Rogers• Lisa Bland 20 members of the public.
Applicant Gene & Annetta Anthony Property Pemberton Avenue, Garlands Crossing (PID 45003563)	Planner Dunphy outlined the application to rezone the subject lot to permit two, two unit dwellings. The applicant did not provide a presentation.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between May 11 – May 25, 2023. Staff received no phone calls or written correspondence during the comment period. 3 members of the public and the applicant spoke during the May 11 Public Information Meeting. Staff and applicant responses are in purple.

	<ul style="list-style-type: none">• Paul asked about the option to rezone to the Single Unit Residential (R-1) zone, as that area is primarily single unit dwellings.• Gina Cochrane asked about access to the lot. <i>Alex responded that the NS Department of Public Works would be contacted to inquire about access.</i> Gina then commented that the area is single unit dwellings and that the higher density development would contribute to traffic and road issues.• A member of the public commented that it is best to have the developer in-person at the meeting. The developer not living in the community is seen as an issue. <i>Gene Anthony, the applicant, commented that they originally used the property for a shop and were now rezoning to residential to match the surrounding uses.</i>
Adjournment	The PIM was adjourned at approximately 6:21 p.m.