

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda **Amended**

February 27, 2024 - 6:00 p.m.

In-person, Sanford Council Chambers, 76 Morison Dr, Windsor, NS

Virtual via Zoom (also FB Livestream)



West Hants
something inspiring awaits

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1. Call to Order
 2. Attendance
 3. Announcements
 4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log (Pg. 4)
 - b) Dashboard Action Items – Dangerous or Unsightly Premises (Pg. 9)
 5. Declaration(s) of Conflict of Interest
 6. Approval of Previous Meeting Minutes
 - a) 2024-01-23 Council Meeting Minutes
 - b) 2024-01-30 Special Council Minutes
 7. Presentations
 - a) Ellershouse Church Roof Project – Darrell Leighton (Pg. 10)
 - b) Valley Regional Enterprise Network (VREN) - Jennifer Tufts (Pg. 19)
 - c) Steven Hart - Protect Vaughans Amendment (Pg. 37)
 8. Public Hearings
 - a) WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan – Planner Fredericks (Pg. 49)
 - b) Bog Road Boundary Review WH-MPS/LUB and H-MPS/LUB Amendment – Planner Dunphy (Pg. 72)
 - c) Wagners Court Development Agreement – Planner Dunphy (Pg. 92)
 9. Second Readings
 - a) WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan – Planner Fredericks
 - b) Bog Road Boundary Review WH-MPS/LUB and H-MPS/LUB Amendment – Planner Dunphy
 - c) Wagners Court Development Agreement – Planner Dunphy
 10. Unfinished Business/Postponed Motions
 - a) WHMPS and WHLUB Amendment Request: Wind Farm Policies Decision Request Report – Director Poirier (Pg. 152)

11. Mayor's Report
12. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (February 13, 2024)
 - i. 2024 Municipal Elections Returning Officer (Pg. 232)
 - ii. Birthplace of Hockey In-Kind Ice Donation (Pg. 237)
 - iii. Insurance RFP (Pg. 240)
 - iv. Land Matter (PID 45054707) (Pg. 247)
 - v. Windsor Hockey Heritage Change of Grant Request (Pg. 248)
 - vi. Zwicker Lake - Decision Permit D2023-019 (Pg. 253)
 - b) Planning and Heritage Advisory Committee Recommendations (as it relates to First Readings)
 - i. WHMPS and WHLUB Text Amendments: Hamlet Designation and Rural Residential (R-4) zone - Planner Fredericks (Pg. 278)
 - ii. Payzant Drive Development Agreement – Planner Dunphy (Pg. 296)
13. Councillor Municipal Business/Activity Reports
 - a) Councillor Ivey, District 11 Activity Report
14. Correspondence
 - a) Information
 1. Avon Causeway Activity Log - None (Pg. 400)
 2. Correspondence Received Activity Log (Pg. 409)
 - i. Kjeld Mizpah Conyers-Steede Re Valley REN Board Member Connection (Pg. 422)
 - ii. Keith Aucoin Excessive Property Evaluation (Pg. 425)
 - iii. Wine Growers NS Letter to the Premier Re Consequences of the Government of Nova Scotia's Commercial Wine Support Program (Pg. 430)
 - iv. Mimi O'Handley Re Coastal Announcement from the Province (Pg. 435)
 - v. Letter from the Province to Mayors, Wardens, Councillors Re Coastal Protection (Pg. 437)
 - vi. Letter from Chief Paul to West Hants Council Re Bear Lake Wind Farm (Pg. 440)
 - vii. **Lloyd Blagdon Re Wind Fram Project, Vaughan (Pg. 442)**
 - b) Requests
 - i. Mike Murphy Re 2-hour parking on Stannus Street. (Pg. 445)
 - ii. Andrew Hardman Re Ken No. 522430 - Hardman et al v. West Hants Regional Municipality (Pg. 446)
 - c) Outgoing Correspondence Log – None (Pg. 447)
15. New Business
16. In-Camera
 - a) MGA 22(2)(a) Legal Matter

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

17. Next Meeting Date / Adjournment – March 12th, 2024 Committee of the Whole Meeting 6 p.m.

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Minutes

February 27, 2024 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

And virtually via Zoom (also Facebook Livestreamed)



West Hants
something inspiring awaits

1. Call to Order - Mayor Zebian called the meeting to order at 6:00 p.m.

2. Attendance

Council:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2 (6:04 p.m.)

Mark McLean, Councillor, District 3 (ZOOM)

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 Smith, Councillor, District 9 (6:01 p.m.)

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Staff:

Mark Phillips, Chief Administrative Officer

Carlee Rochon, Director of Financial Services

Todd Richard, Dir. Public Works

Alex Dunphy, Planner

Deanna Snair, Municipal Clerk

Sara Poirier, Dir. Planning & Development

Mark Fredericks, Senior Planner

Regrets:

Kathy Kehoe, Director Community Development Shelleena Thornton, Municipal Ops Sup.

Presenter and Gallery

Darrell Leighton, Ellershouse Community Hall

Jennifer Tufts and Kathleen of the Valley Regional Enterprise Network (VREN)

Steven Hart, Resident (Protect Vaughans Amendment)

19 in the Gallery

3. Announcements (6:01 p.m.)

Mayor Zebian acknowledged that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People and that this land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality also recognizes that we are all treaty people and have responsibilities to this land and each other. West Hants Regional Municipality also recognizes African Nova Scotians are a distinct people whose history, legacies, and contributions have enriched that part of Mi'kma'ki known as Nova Scotia for over 400 years.

Councillor Francis reminded residents of the upcoming District 5 meeting being held on March 7, 2024. Residents were encouraged to attend.

Councillor Sherman reminded everyone that tomorrow was Pink Shirt Day and that one of the founding members (Travis Price) was a local resident.

4. Approval of the Agenda, including additions or deletions (6:02 p.m.)

Voting occurred by a show of hands.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT THE 2024-02-27 COUNCIL AGENDA BE APPROVED. MOTION CARRIED

5. Declaration of Conflict of Interest (6:02 pm)
Item 12 (b)(ii) – Mayor Zebian and Councillor Francis due to owning land.
6. Approval of the Previous Meeting Minutes (6:03 p.m.)
 - a. 2024-01-23 Council Meeting Minutes
 - b. 2024-01-30 Special Council Meeting Minutes

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT THE 2024-01-23 COUNCIL MEETING MINUTES AND 2024-01-30 SPECIAL COUNCIL MEETING MINUTES BE APPROVED. MOTION CARRIED. Nays: Ivey

7. Presentations

a) Ellershouse Church Roof Project (6:03 p.m.)

Mr. Leighton provided a brief history on the St Louise Church building in Ellershouse and their request to receive a \$25,000 grant to install a new metal roof on the St Louise Union church building to help secure the space from future water damage.

Discussion Points:

- At this time no extensive damage has occurred to the inside of the building as a result of the damaged roof. However, the interior of the church was plaster and lath and there was an area where the plaster was starting to separate from the lath (not huge) but it was able to be repaired. Future water damage would make the area worse.
- The current shingles have been in place since 2003. The group only received a quote for a metal roof.
- The request would come back to Council through the Grants and Contributions process for Council to consider.
- The item qualified for Canada Community-Building Fund (CCBF) funding.

The presentation concluded at 7:17 p.m.

b) Valley Regional Enterprise Network (VREN) (6:17 p.m.)

Ms. Tufts provided a brief overview of the VREN, their partners and what they do. The presentation focused on a recent project related to immigration and settlement support in the Annapolis valley and sharing information with any newcomers or employers who would benefit from Ms. support.

In September 2021 Towards Workforce Prosperity, a Regional Workforce Development Strategy was created in an effort to develop, attract and retain labourers. In 2023 the VREN secured a 3-year funding stream (\$255,000 from the province and ACOA and \$19,000 from the VREN) to have the Annapolis Valley Immigration and Settlement Navigation Program. The program focused on providing supports for employers on hiring and recruiting foreign talent by providing recruiting strategies to businesses, CVs for employers to review, providing knowledge and guidance to

employers on the processes to help workers be immigration ready, providing education and awareness on creating a culturally diverse workplace and through the creation of a welcome network for newcomers to feel a sense of belonging. Community welcome groups make connections with newcomers through phone calls, visits, providing welcome baskets, social meet ups for coffee, grocery shopping, walks, etc.

Discussion Points:

- Housing plays a critical role in assisting with immigrant workers coming to the region. Some employers have gotten creative and asked current staff if they had a spare room to rent out. Some employers have specific houses they offer to their employees. The VREN also tries to keep an internal list of available rental options.
- Connecting with newcomers and furthering those connections within the community can vary depending on the welcome network's capacity.

The presentation concluded at 6:41 p.m.

c) Steven and Jason Hart - Protect Vaughans Amendment (6:41 p.m.)

Mr. Hart provided a brief overview of the history of his request to amend the current windmill policy 4.22.4 in an attempt to clear up confusion related to the application. Mr. Hart spoke of the current policy and noted the one thing missing from it was a reference to time. Mr. Hart spoke of his experience upon submitting his application, the fees associated with the application, being advised that amendments were at the discretion of Council and there were no guarantees amendments would be approved.

The application went to PACHAC where they recommended that council direct staff to look at mapping and windmill setbacks including a 1, 2, 3 and 4 km despite this not being the request that was made.

The amendment request was *"No large wind turbine or wind farm shall be considered inside a 20km radius from an existing or under construction large wind turbine or wind farm, or an approved development agreement for a large wind turbine or wind farm until all large wind turbines or wind farms falling within the 20km radius have operated at project capacity for a minimum of 24 months"*.

Mr. Hart noted the requested amendment was not to prohibit windfarm development, he then reviewed the request in detail to explain and provide a clear understanding of the request. It was felt the amendment would be an enhancement to the current by-laws in place. Mr. Hart reminded Council that they do not need to be a follower, this was an opportunity for West Hants to be a proactive leader.

The presentation concluded at 6:48 p.m.

Discussion Points:

- The rationale for using a 20 km radius was that from a high elevation it was easy to see at least 20 km away. The 20 km distance was not to stop windfarm development, the intent was to have one project fully completed to see what that project looked and felt like at maximum capacity prior to approving another project.
- The request was asking for a time limit (24 months) once a windfarm was completed to see the effects (environment effects, well contamination, etc.) before another windfarm was developed in that 20 km radius.
- It was important to look at this matter in an analytical manner to optimize the carbon footprint, while also looking at and realizing the benefits of having alternative energy

resources within the region.

- There was value in having information or a study identifying how many windfarms were too many for one specific area, flickering effects and future long-term effects.
- Mr. Hart noted the only studies done so far have been desktop studies.
- The province has a goal of having 1000 megawatts by 2023.
- It was proposed that West Hants could do an exercise on the kilowatts generated per hectare and compare that information to other municipalities. The presenters noted they felt other municipalities could take on windfarms as West Hants has done their part already.
- Disappointment was expressed that Environmental Assessments were project specific and did not look at the effects each project has on one another.

8. Public Hearings (6:57 p.m.)

Public Hearings and Second Readings (Second reading was held immediately following Public Hearing)

The meeting moved in to the Public Hearing at 6:57 p.m. Further information on the Public Hearing is available in the 2024-02-27 Public Hearing Minutes.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN
THAT COUNCIL MOVE INTO PUBLIC HEARING AT 6:57 P.M. MOTION
CARRIED**

Nine members of the gallery left the meeting at 6:58 p.m.

- a) WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan – Planner Fredericks (6:58 p.m.)

Planner Fredericks reviewed the presentation requesting consideration be given to rezone PID 45218658 from the Open Space (OS) zone to the General Resource (GR) zone for future residential use.

The Public Hearing adjourned at 7:07 p.m.

9. Second Readings

- a) WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan – Planner Fredericks (7:07 p.m.)

Discussion Points:

- The Association supported the sale of the land and welcomed additional association fees resulting from any future development.

**MOVED BY COUNCILLORS MURLEY AND FRANCIS THAT COUNCIL GIVES
SECOND READING AND APPROVES AMENDING SCHEDULE A OF THE
WEST HANTS LAND USE BY-LAW TO REZONE PID 45218658 ON
ARMSTRONG LAKE EAST ROAD IN VAUGHAN, FROM THE OPEN SPACE
(OS) ZONE TO THE GENERAL RESOURCE (GR) ZONE AS SHOWN IN THE
REPORT #23-29 TO THE PLANNING AND HERITAGE ADVISORY
COMMITTEE DATED JANUARY 11, 2024. MOTION CARRIED. Nays:
Sherman and Ivey**

8. Public Hearings (7:09 p.m.)

Public Hearings and Second Readings (Second reading was held immediately following Public Hearing).

The meeting moved in to the Public Hearing at 7:09 p.m. Further information on the Public Hearing is available in the 2024-02-27 Public Hearing Minutes.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL MOVE INTO PUBLIC HEARING AT 7:09 P.M. MOTION CARRIED

b) Bog Road Boundary Review WH-MPS/LUB and H-MPS/LUB Amendment (7:09 p.m.)

Planner Dunphy reviewed the presentation outlining the discrepancy that existed in the text and the map of the Hantsport Land Use By-law and requested consideration be given to amend the WH-MPS/LUB and H-MPS/LUB.

The Public Hearing adjourned at 7:20 p.m.

9. Second Readings

b) Bog Road Boundary Review WH-MPS/LUB and H-MPS/LUB Amendment (7:20 p.m.)

Discussion Points:

- There was no definitive record of a specific event/time period on when the boundary change occurred. The only information available indicated the change occurred prior to the 2008 plan review.
- The recommendation was to change the designation and zoning of the property to Residential based on the boundary for the town. This change would eliminate the need for an agrologists report for any potential future development.
- All changes would be noted to ensure there was historical data that supported the reason and date of when the amendment was completed.

MOVED BY COUNCILLOR MURLEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES SECOND READING AND APPROVES AMENDING THE BOUNDARY LINE SHOWN ON THE MAPS OF THE HANTSPORT MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW AND THE WEST HANTS MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW TO REFLECT THE FORMER TOWN OF HANTSPORT BOUNDARY AS SHOWN ON THE 2006 SURVEY PLAN IN THE REPORT FILE #23-44 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED JANUARY 11, 2024. MOTION CARRIED. Nays: S. McLean and M. McLean

MOVED BY COUNCILLOR MURLEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES SECOND READING APPROVE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE HANTSPORT MUNICIPAL PLANNING STRATEGY TO INCLUDE A PORTION OF PID 45046315 AND 45366515 IN THE RESIDENTIAL DESIGNATION AND AMENDING SCHEDULE A OF THE HANTSPORT LAND USE BY-LAW TO INCLUDE A PORTION OF PID 45046315 AND 45366515 IN THE TWO UNIT

RESIDENTIAL (R-2) ZONE AS SHOWN IN THE REPORT FILE #23-44 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED JANUARY 11, 2024. MOTION CARRIED. Nays: S. McLean and M. McLean

8. Public Hearings (7:28 p.m.)

Public Hearings and Second Readings (Second reading was held immediately following Public Hearing).

The meeting moved into the Public Hearing at 7:28 p.m. Further information on the Public Hearing is available in the 2024-02-27 Public Hearing Minutes.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL MOVE INTO PUBLIC HEARING AT 7:28 P.M. MOTION CARRIED

c) Wagners Court Development Agreement (7:28 p.m.)

Planner Dunphy reviewed the presentation. An application was received from Edward Edelstein of Geome Properties Limited is to allow the conversion of 5 single unit dwellings into 5 two-unit dwellings on Wagners Court by development agreement.

The Public Hearing adjourned at 7:46 p.m.

9. Second Readings

c) Wagners Court Development Agreement (7:46 p.m.)

Discussion Points:

- The intention was for the fill to be placed back on the original property. The Wagners Court was tight and did not allow storage.
- The soil at Wagners Court required the whole footprint of the foundation to be excavated.
- The developer felt the location of the soil was not creating any problems for neighbouring properties as the 411 King St. location drains to the back towards the marsh. No additional soil would be added and eventually the soil would be removed and taken back to the Wagers Court site.
- The Phase 1 environmental report showed no history or presence of any contamination.
- The developer advised there was no concern with the marsh in the short term, it was felt that the soil was not impacting the drainage pattern.
- It was expected the soil would be removed once the five (5) foundations were completed.
- The developer had demolition and building permits to construct single-family dwellings as an interim measure. The intent was to reapply for a new permit to allow two-unit provided the DA was successful.
- From a staff perspective it was felt that the type of material was permitted, and no concerns were voiced relating to stormwater impacts. It was understood the material was only being temporarily stored.
- There was a level of sensitivity/awareness communicated to the developer with respect to infilling and the areas within the marsh body under exemption or non-exemption.
- The developer identified the soil stored on 411 King was largely organic in nature (similar to top soil) there was no contamination in it.

- The developer was able to structure a deal with Housing Nova Scotia that if they were able to meet median market rents for one- and two-bedroom homes, Housing Nova Scotia will provide some funding. It was hoped that they would be able to do this for some if not all of the units.

MOVED BY COUNCILLORS IVEY AND SMITH THAT COUNCIL GIVES SECOND READING AND APPROVES ENTERING INTO A DEVELOPMENT AGREEMENT TO ALLOW GROUPED DWELLINGS, CONSISTING OF 11 DWELLING UNITS, ON PIDS 45058310 AND 45058344 ON WAGNERS COURT IN WINDSOR WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT B OF THE REPORT FILE #23-35 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED DECEMBER 14, 2023. MOTION CARRIED. Nays: Francis

MOVED BY COUNCILLORS IVEY AND SMITH THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH EDWARD EDELSTEIN WHICH PERMITS GROUPED DWELLINGS, CONSISTING OF 11 DWELLING UNITS, ON PIDS 45058310 AND 45058344 ON WAGNERS COURT IN WINDSOR BE SIGNED WITHIN 120 DAYS FROM THE DATE OF FINAL APPROVAL BY COUNCIL OR THE DATE THAT ANY APPEALS HAVE BEEN DISPOSED OF; OTHERWISE THIS APPROVAL WILL BE VOID AND OBLIGATIONS ARISING HEREUNDER SHALL BE AT AN END. MOTION CARRIED. Nays: Francis

10. Unfinished Business/Postponed Motions

a) WHMPS and WHLUB Amendment Request (7:56 p.m.)

Director Poirier reviewed the report and provided background information as it related to previous reports that were presented to PACHAC and Council. A completed application was received from Steven Hart on November 7, 2023, requesting amendments be made to the West Hants Municipal Planning Strategy (WHMPS), specifically Section 4.24 to further evaluate wind farm development proposals within the Municipality. Many meetings (PAC/HAC and Council) and discussions have occurred. Discussions focused on previous reports and directions (complete a mapping exercise).

The map provided by Director Poirier showed buffers from 1-4 km from any civic address point identified as a residential land use, the white areas identified possible site locations for future large scale wind turbines as well as the locations of current existing turbines within Ellershouse. Martock, the proposed Benjamins Mill wind farm development and also reviewed other jurisdictions.

Following all of the discussions and meeting from PACHAC (February 8th). the recommendation made to not move forward with the application was defeated and no other motion was made.

At that time legal advice was sought regarding the ability to pause approvals on wind farm developments for a period of time. Section 217(1) of the MGA states “*A municipality shall not act in a manner that is inconsistent with a municipal planning strategy*”. As Council already permits wind farms to be considered in the WHMPS by development agreement, Council would

be acting inconsistently if a motion was made to pause approvals on wind farms for a specific period of time. Section 220(3) of the MGA states “A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part”. The MGA does not permit Council to outright prohibit wind farm developments. Council can consider amendments to the WHMPS and WHLUB that would specify:

- the zones where wind farms are permitted;
- the setback requirements for wind farms;
- application requirements for wind farms;
- the approval process for wind farm developments; and
- the criteria required to be evaluated when considering an application for wind farm developments.

Staff were requesting directions on how to proceed with the application as the process has yet to start.

Discussion Points:

- It appeared everyone was looking to achieve the same goal, having the value of wind farms within the community but also not having them negatively impact those residing in the area. It was suggested that despite no information being received on cumulative effects of wind farms, they have been around long enough that some information must be available.
- More mapping needs to be done showcasing geography. A suggestion was to look at Wind Farms zones (specify where wind farms will be located) may be a good starting point and then look at some type of setbacks. Having powerlines/major transmission lines indicated on maps would also be beneficial.
- There was some support for the presentation and request to put a 24-month pause on building additional windfarms until the original wind farm was completely built out and running at full capacity for 2 years in order to see to see what the effects would be on the area, residents and wildlife.
- GPS coordinates were used to determine the base of the Ellershouse towers, resulting in the mapping showing the windmill being within a 1 km range. The base was outside the 1 km setback as per the requirement within that specific development agreement.
- It was suggested the approach used regarding windmills be consistent within the planning processes used for residential and commercial developments (zones for different types of development). There was a level of comfort in establishing zones as it provided consistency with other planning processes.
- There was support to see some type of a larger setback, zones appeared to be the preferred process.
- Concern was raised about pausing the process for 24- months and not knowing what was being measured and who was responsible for measuring and monitoring. There was value in knowing that at the end of the 24 months something would be in place to measure the information against. The province was responsible for monitoring environmental effects (EA process and any complaints received). Staff did not have the technology, education or experience needed to complete these assessments.

- There was value in having a map exercise showing the number of wind farms currently approved within West Hants, what that looked like if they were built out to capacity and what that looked like based on areas.
- It was important not to rush into any decisions and everything be considered. Concern was raised that the province may not assume leadership or responsibility which would place the municipality in a difficult position to create appropriate solutions.
- The challenges associated with the requested amendment was a Development Agreement would not be able to be considered or approved until the 2-year period has lapsed from existing wind farms developed to their full capacity, the 20 km radius was the majority of the municipality and there was risk associated with the request as Council would be acting inconsistent as per the WHRM Planning Strategy. A moratorium was not advised, as there were other tools to get the job done (by time or change the conditions) was an amendment.
- No costs associated to this application have incurred yet, the applicant can withdraw their application if they disagree with Councils direction.
- While there was support for the application, the consensus was the proposed amendment could not be supported as written, 20 km setbacks ruled out the majority of the municipality. Even 4 km setback only left Ellershouse, Leminster and a small section of Cogmagun/Walton as options.
- The projects already approved (Ellershouse, Martock and Benjamins Mill) will not be affected by any amended setbacks.
- There was value in having an additional meeting as there was a lot of information to digest and understand.
- Whatever direction was given needed to be clear and specific, whether it was related to setback and state the setback.
- The current motion would begin the process. Through the process amendments can be made to the motion should that be the will of Council.

MOVED BY COUNCILLORS SHERMAN AND SMITH THAT COUNCIL DIRECTS STAFF TO FOLLOW THE PLANNING PROCESS TO AMEND THE PLANNING DOCUMENTS TO INCLUDE A 4 KM SETBACK FOR WIND TURBINES FROM RESIDENTIAL DWELLINGS. MOTION CARRIED. Nays: B. Morton, M. McLean and P. Morton

A break occurred at 8:56 p.m. The regular meeting resumed at 9:12 p.m.

11. Mayor's Report (9:12 p.m.)

Mayor Zebian provided a verbal report.

Highlights included:

- Attended Budget workshops, Public Information meetings (PIMs), District 3 Town Hall/Community meeting at the Brooklyn Civic Centre and Planning and Heritage Advisory Committee meetings; a reminder that the committee was seeking representation from a Windsor resident to fill a recent vacancy.
- Participated in a planning session with students from Acadia University on a project

looking at environmental planning, economic development for the community of Hantsport (a presentation will be provided at an upcoming meeting).

- Working closely with groups to match up newcomers with employers based on specific skill sets within the community (housing remains the main barrier),
- Attended the rescheduled Winter Carnival events, over 1200 people were in attendance.
- Participated in meetings with the VREN taskforce and a presentation from the Atlantic Home Builders Renovation Sector Council highlighting that housing was critical for sustainability and economic activity in the valley. They have over 3500 employees and over 35000 employees in the renovation field focusing on good labour market information and understanding the needs of employers. The current focus was on female skilled labour, newcomer, indigenous and African nova scotia skilled labour.
- Participated in the Diverse and Inclusive Communities committee meeting – discussed 2024 plans outlining short-, mid- and long-term goals and passion programs for committee members.
- Having numerous conversations related to water and sewer consolidation and sharing information to provide a better understanding of the processes.
- Met with NSFM CEO Juanita Spencer to discuss what was occurring in West Hants, NSFM undertakings and general thoughts and opinions. NSFM has a large number of committees and are always looking for volunteers.
- The Affordable Housing project that was scheduled to occur at a previous meeting is being planned for a future meeting.
- Started “new: District drop in/ house to house sessions (focused on District 1-3). A lot of random questions were being asked around emergency planning, EMO questions and flood follow ups resulting from the slow response being received from the provincial Disaster Financial Assistance program. Internet remains a concern as well as roads. The common themes were provincial/federal questions that fall to the municipality bridge the gap and help residents connect with the other levels of government.

Discussion Points:

- The affordable housing presentation was related to pallet housing. The program has shifted more towards the affordable aspect for housing and initiatives.

12. Committee(s) of Council Excerpts/Recommendations (9:12 p.m.)

a) Committee of the Whole Excerpts (February 13, 2024)

i. 2024 Municipal Elections Returning Officer

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPOINT DEBI FITZPATRICK AS THE RETURNING OFFICER FOR THE 2024 NOVA SCOTIA MUNICIPAL AND CONSEIL SCOLAIRE ACADIEN PROVINCIAL (CSAP) ELECTIONS SETTING THE FEE FOR THE RETURNING OFFICER TO A MAXIMUM OF \$32,500 (BASED ON HOURS WORKED) AND FURTHER THAT ANY EXPENSES INCURRED IN THE 2023/24 FISCAL YEAR BE FUNDED THROUGH THE REGIONAL ELECTIONS RESERVE. MOTION CARRIED

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL GIVES AUTHORITY TO THE CAO TO APPOINT ASSISTANT RETURNING OFFICER(S). MOTION CARRIED

- ii. Birthplace of Hockey In-Kind Donation (9:24 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT WEST HANTS COUNCIL PROVIDE A \$1,500 IN KIND DONATION OF ICE RENTAL WAIVING OF FEE. MOTION CARRIED

- iii. Insurance RFP (9:25 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVES THE AWARD OF REQUEST FOR PROPOSALS TENDER #WHRMFS23-01 FOR GENERAL INSURANCE AND RISK MANAGEMENT SERVICES TO INTACT PUBLIC ENTITIES INC., IN PARTNERSHIP WITH BROKERLINK INC. MOTION CARRIED

- iv. Land Matter (PID 45054707) (9:26 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVES STAFF BE DIRECTED TO NEGOTIATE WITH THE OWNERS OF PID 45054707 REGARDING THE PURCHASE OF A PORTION OF THAT PROPERTY AS DIRECTED IN-CAMERA. MOTION CARRIED. Nays: Ivey

- v. Windsor Hockey Heritage Change of Grant Request (9:27 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVES THE CHANGE OF GRANT REQUEST FOR THE WINDSOR HOCKEY HERITAGE SOCIETY TO ALLOW THEM TO UTILIZE THE PREVIOUSLY APPROVED 2023 MUNICIPAL GRANT FOR THE WINDSOR HOCKEY HERITAGE SOCIETY FUNDRAISING DINNER TO BE HELD IN APRIL 2024. MOTION CARRIED

- vi. Zwicker Lake – Decision Permit D2023-019 (9:27 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVES THE CAO BE DIRECTED TO ENGAGE STAFF TO PROVIDE COUNCIL WITH A SUMMARY OUTLINE OF THE TOTAL COST OF LEGAL SERVICES INCURRED BY THE WEST HANTS REGIONAL MUNICIPALITY RELATING TO THE ZWICKER LAKE PROPERTY LAND USE ISSUE FOR PERMIT D2023-019. MOTION CARRIED

b) Planning and Heritage Advisory Committee Recommendations (as it relates to First Reading)

- i. WHMPS and WHLUB Teat Amendments: Hamlet Designation and Rural Residential (R-4) zone (9:28 p.m.)

Planner Fredericks reviewed the report. A completed application for 20 Musgrave Road (Summerville) was received on December 4, 2023 from Andrea Parker (August 16 Developments) requesting a policy amendment to enable re-development of the former Baptist Church in Summerville to five (5) residential units, with a community space being maintained on the lower level.

Any text amendments would become “as of right”, and intended to enable other churches in Hamlets (in R-4 zones) to be re-developed and include residential uses.

The property (in the Hamlet designation and zoned Rural Residential 4 (R-4)) permits single unit residential, two-unit residential, existing churches, schools, fire halls, etc. but did not permit the proposed five (5) unit residential repurposing.

As written the current policy intended for hamlets to maintain some form of rural characteristics (no services, allows for commercial/industrial usage) but limited residential development.

West Hants has 11 Hamlets (Ardoise, Cheverie, Ellershouse, Gypsum Mines, Mount Denson, Newport Corner, Newport Landing, Newport Station, St. Croix, Summerville and Wentworth Creek); most include one church, some active and in-active.

The proposed amendments provided the ability to re-purpose churches for small-scale residential (up to 5 units (Rural Residential zone)), allow changes to windows and doors, allow architecturally compatible extensions with the intention to preserve the buildings form.

A Public Information meeting was held on January 16, 2024. A report was presented to the Planning and Heritage Advisory committee, who provided a positive recommendation. If supported, the file would proceed to Public Hearing and Second Reading on March 26th, 2024.

Discussion Points:

- There was support from the community as the project addressed a need for seniors housing; however, concern was raised about the ability for the water table to support the increased demand. Summerville was a small community and did not have a lot of extra water. There was value in paying attention to the availability of water and what effect these new demands would have on existing homeowners.
- Council discussions were leading to consideration being given to the effects that development has on surface water drainage and stormwater within some of the planning processes, it was suggested there may be a way to capture the same information/concern for sub surface water. Water issues were only getting more severe. May be value in looking at this concern through the plan review in relation to future development, approvals, or allowance of larger scale developments with the availability of water or serviced areas of water.
- Some new homes/builds have a requirement to have a cistern.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES FIRST READING AND WILL HOLD A PUBLIC HEARING TO CONSIDER AMENDING THE TEXT OF THE WEST HANTS MUNICIPAL PLANNING STRATEGY AND WEST HANTS LAND USE BY-LAW AS SHOWN IN ATTACHMENT B OF THE REPORT #23-45 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED FEBRUARY 8, 2024. MOTION CARRIED

Mayor Zebian and Councillor Francis declared conflict due to own land. Both left the meeting at 9:39 p.m. Deputy Mayor P. Morton assumed the chair.

ii. Payzant Drive Development Agreement (DA) (9:40 p.m.)

Planner Dunphy reviewed the report. A completed application was received on March 15, 2023 from Noel Taiani of Parsons Green Developments on behalf of Abraham Zebian to permit a development including 4 multiple-unit apartment buildings (a total of 280 apartments) and 18 townhouse units by Development Agreement (DA).

The building locations would be determined by setbacks identified within the “draft” DA.

The lot was located at the end of Payzant Drive and adjacent to Located at the end of Payzant Drive and adjacent to Avon View High School, the Windsor Baptist Church, residential dwellings to the north, and a mix of commercial and residential uses to the south and designated Residential and zoned Single-Unit Residential (R-1).

Key points included:

- Setback requirements were consistent with High Density Residential (R-4) zone, except both the front and rear yards were reduced and deemed appropriate by the Development Officer.
- Maximum height of 5 storeys.
- Accessed by two (2) shared driveways on Payzant Drive extension.
- Minimum ratio of 1 parking space to dwelling unit.
- A Road Reserve to allow a future Municipal connection from Payzant Drive extension to King St.

A Public Information Meeting (PIM) was held on May 11, 2023 with fifteen (15) residents attending and also broadcasted live on the Municipal Facebook page. Deadline for comments was May 25, 2023 and included concerns about the nearby sewer line, traffic, blocked views, property values, introduction of additional traffic and waste, and concerns regarding access.

Planner Dunphy reviewed the enabling policies (Policies 5.4.6, 5.5.1 and 16.3.1) that allow Council to consider the proposed project, noting that in summary the criteria had been met.

A Public Information Meeting was held on May 11, 2023. A report was presented to the Planning and Heritage Advisory committee on February 8th, 2024, who provided a positive recommendation. If supported, the file would proceed to Public Hearing and Second Reading on March 26th, 2024.

Discussion Points:

- The developer was required by 2030 to construct the full extent of the road from the end of Payzant Drive to the green parcel of land as identified on the map (as per municipal specifications including a sidewalk). The developer was also required to provide a road reserve for PID 45343894.
- An analysis was being done of options to connect Payzant Drive to King Street. It was noted the extension was separate from the DA being considered, but a crossing was required to go over the railway tracks.
- The applicant would develop the road on municipal property road.
- The Payzant and Wentworth round-a-bout was ready to be tendered, it was expected to be released in the coming weeks. It will then come back for Council review and approval.

- Analysis of the current sewer and water systems showed there was capacity to handle the proposed development.
- Concern was raised about the lack of information related to timing and costs associated with the round-a-bout.
- The connection to King has been a hot topic, there was value in understanding and getting a sense of where the proposed extension was at as Phase 2 of the proposed development was dependent upon the extension occurring. Public Works were working with DesignPoint on best options and the proper connection for a Payzant/King St. connection (stop sign) and there were no concerns from the traffic authority. With respect to traffic, traffic authorities were relied on to provide this information based on the study and Capital approved projects.
- Concern was raised that until the extension was in place, more traffic was being added to an area that already had traffic concerns as well as the traffic authority not having concerns despite the current traffic issues being experienced.
- The extension would fulfil the developer's obligation. The developer was not required to fully extend the road to King Street. If the desire was to complete the road (outside of the developer's obligation) that would be at the discretion of Council to look better connections.
- There were no concerns about the proposed development and traffic as long as the round-a-bout proceeds. As it currently sits the stop signs at Payzant and Wentworth fail. The traffic impact study (accounted for the hospital and traffic volume for the area) states a round-a-bout would meet all traffic requirement/obligations without the connection to King St.
- An update was provided on the Payzant/King extension (four options were received, staff favoured a hybrid, it was expected a class D estimate, and conceptual drawings would be seen soon.
- Concerns were expressed regarding the cost of the round-a-bout, no firm costs have been provided to date, just high-level estimates. Traffic lights were a viable option for this area as well.

MOVED BY COUNCILLORS MURLEY AND SMITH THAT COUNCIL THAT COUNCIL GIVES FIRST READING AND WILL HOLD A PUBLIC HEARING TO CONSIDER ENTERING INTO A DEVELOPMENT AGREEMENT TO ALLOW UP TO 280 UNITS WITHIN GROUPED MULTI-UNIT APARTMENT BUILDINGS AND 18 TOWNHOUSE UNITS ON PIDS 45053030, 45343878, 45343894, AND 45234382 PAYZANT DRIVE IN WINDSOR WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT B OF THE REPORT FILE #23-04 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED FEBRUARY 8, 2024. MOTION CARRIED.

Nays: S. McLean, M. McLean and Hartt

Point of Order was called by Councillor Hartt at 10:13 p.m. as planning matters required a 2/3rd votes. Clarity was provided on the matter. Director Poirier advised planning documents (MPS or

LUB's) required 2/3rds vote; however this matter pertained to a Development Agreement Planning and did not follow the same rules, it required 50% plus 1 for a majority vote.

MOVED BY COUNCILLORS MURLEY AND SMITH THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH ABRAHAM ZEBIAN ON BEHALF OF 3324482 NOVA SCOTIA LIMITED FOR PIDS 45053030, 45343878, 45343894, AND 45234382 ON PAYZANT DRIVE IN WINDSOR BE SIGNED WITHIN 120 DAYS FROM THE DATE OF FINAL APPROVAL BY COUNCIL OR THE DATE THAT ANY APPEALS HAVE BEEN DISPOSED OF; OTHERWISE THIS APPROVAL WILL BE VOID AND OBLIGATIONS ARISING HEREUNDER SHALL BE AT AN END. MOTION CARRIED. Nays: S. McLean, M. McLean and Hartt

Mayor Zebian and Councillor Francis returned to the meeting at 10:28 p.m. Mayor Zebian assumed the meeting at this time.

Councillors S. McLean and Hartt left the meeting at 10:30 p.m.

Councillor Municipal Business/Activity Reports (10:30 p.m.)

a) Councillor Ivey, District 11 Activity Report (Verbal Report)

Highlights included:

- Attended the Dykeland Lodge Open House and updated presentation related to their development.
- Attended District 3 Town Hall meeting hosted by Councillor M. McLean.
- Hearing great things are occurring at the Diverse and Inclusive Communities meetings.
- Attended the William Hall commemoration ceremony in Hantsport.
- Participated in Budget workshops.
- Having conversations regarding proposed water rates and the increases (Rate study and UARB application). The 43% increase proposed for Windsor in the coming year was alarming. A further review/exploration was required to validate the reasoning for the substantial increase and if warranted additional questions/concerns would be brought forward at another meeting for discussion.

MOVED BY COUNCILLORS SHERMAN AND FRANCIS THAT THE MEETING CONTINUE PAST 10 P.M. MOTION CARRIED. Nays: M. McLean

13. Correspondence (10:32 p.m.)

a) Information

- i. Avon Causeway Activity Log - None
- ii. Correspondence Received Activity Log (reviewed in groups of three(3))
 - i. February 14, 2024 from Kjeld Mizpah Conyers-Steede Re Valley REN Board Member Connection
 - ii. February 17, 2024 from Keith Aucoin Excessive Property Evaluation
 - iii. February 22, 2024 from Wine Growers NS Letter to the Premier Re Consequences of the Government of Nova Scotia's Commercial Wine Support Program

Keith Aucoin Excessive Property Evaluation Discussion Points:

Council discussed the importance of recognizing the increased assessment amounts noted by Mr. Aucoin and the information regarding assessments provided by PVSC at the last meeting. Properties within Stannus Street (flood area) were seeing significant increases despite experiencing repeated flooding of their properties. There was importance in recognizing the role the municipality would play in setting the upcoming tax rate for those properties within that area.

- It was suggested assessment roles were a year behind; it was likely the large July flooding events would be reflected in the next assessment role and the Act required updating. Residents were encouraged to contact PVSC should they have questions or concerns.
- iv. February 26, 2024 from Mimi O'Handley Re Coastal Announcement from the Province
- v. February 26, 2024 Letter from the Province to Mayors, Wardens, Councillors Re Coastal Protection
- vi. February 27, 2024 Letter from Chief Paul to West Hants Council Re Bear Lake Wind Farm

Disappointment, frustration, and concerns were expressed with the province and their recent announcement regarding the Provincial Coastal Protection Act. It was felt that the province dropped the ball as the legislation was passed but they failed to enact it. By downloading coastal protection responsibility to municipalities, it was felt WHRM did not have the resources required to deal with coastal protection. It was anticipated more conversations would occur regarding decreased property assessments/values due to coastal erosion. Council may want to address the matter through correspondence at a later date.

Correspondence from Amanda Dunfield regarding snow clearing accumulation/stocking piling in Elmcroft Park was discussed. Snow stored in this area was from the same catchment, if nothing was done, the same amount of run off would naturally occur. During removal, it was condensed to promote a slower run off resulting in little concern with stockpiling snow in this area. A point was raised that residents living in this area had valid concerns, last year due to high precipitation levels the ground was unable to absorb water and their properties have repeatedly flooded. It was felt that if there was any ability to remove snow from this area, it would be beneficial.

b) Requests

- i. February 15, 2024 from Mike Murphy Re 2-hour parking on Stannus Street.
- ii. February 15, 2024 from Andrew Hardman Re Ken No. 522430 - Hardman et al v. West Hants Regional Municipality

A discussion occurred regarding parking and increased concerns regarding the lack of available parking without time limits/restrictions. There was value in having a deeper discussion and exploring a permitting system or another option. A process currently exists for construction parking and permits.

c) Outgoing Correspondence Log – None

14. New Business - None

15. In-Camera (10:46 p.m.)

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

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT THE MEETING MOVE IN-CAMERA AT 10:46 P.M. MOTION CARRIED

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT THE MEETING MOVE OUT OF IN-CAMERA AT 10:58 P.M. MOTION CARRIED

MOVED BY COUNCILLORS SHERMAN AND FRANCIS THAT COUNCIL DIRECT THE CAO TO PROCEED WITH THE ACTIONS AS DISCUSSED IN-CAMERA. MOTION CARRIED

16. Next Meeting Date / Adjournment – March 12th, 2023 Committee of the Whole Meeting 6 pm

MOVED BY COUNCILLORS B. MORTON AND M. MCLEAN THAT THE MEETING ADJOURN AT 10:59 P.M. MOTION CARRIED

Mayor Abraham Zebian (Chair)

Deanna Snair, Municipal Clerk