



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS  
Planning/Heritage Advisory Committee  
February 21, 2019, 6:00 p.m.  
Sanford Council Chambers**

- PRESENT:** Councillor Robbie Zwicker, Chair  
Warden Abraham Zebian (6:15 p.m.)  
Deputy Warden Paul Morton  
Councillor Debbie Francis (6:32 p.m.)  
Councillor Kathy Monroe  
Councillor Rupert Jannasch  
Councillor Randy Hussey  
Ms. Traci Curry, Resident Member
- STAFF:** Madelyn LeMay, Director of Planning & Development  
Saira Shah, Planner  
Sara Poirier, Planner  
Velma Macumber, Planning Admin.
- REGRETS:** Councillor Tanya Leopold, Vice Chair  
Councillor David Keith  
Councillor Jennifer Daniels  
Mr. Glenn Robinson, Resident Member
- GUESTS:** Mr. David Martin, Applicant  
Ms. Tiffany Wild, Applicant  
Ms. Jane Davis, HAAC member  
Mr. Greg Pace, HAAC member
- PUBLIC:** 9 members of the public were present.

**MEETING CALLED TO ORDER**

Chair Zwicker called the meeting to order at 6:05 p.m. and reviewed fire evacuation procedures.

## **PUBLIC INFORMATION MEETING – 50 LYNCH ROAD, NEWPORT CORNER – DEVELOPMENT AGREEMENT TO PERMIT A CAMPGROUND**

Ms. Poirier reviewed the information provided in her report which was circulated to PAC in the PAC/HAC agenda package.

Chair Zwicker opened the floor to the public for comments and questions.

One member of the public asked about the philosophy of the applicant's business and the kinds of guests they would be planning to attract. Ms. LeMay reminded the Committee, that although the applicants may wish to answer, the Committee is solely concerned with the land use and not "people use" and that the clientele cannot be of interest to the Committee. The applicants advised that they could discuss the concept with neighbours following the meeting.

Another member of the public had concerns regarding people trespassing on nearby properties and the use of ATV's. Ms. Poirier stated that, through discussions with the applicants, there was no intention to allow the use of ATV's, other than their own, on the property or to erect a fence. Ms. Poirier went on to state that it would be the responsibility of the applicants to provide users a map of the property which would let them know the boundaries. Ms. Wild stated that there is some old fencing surrounding much of their property and that they would be willing to post "no trespassing" signs around the rest. The applicant advised that there are certain physical restrictions of the property such as a swamp and a steep slope that will deter people from travelling off the property in certain locations.

A member of the public queried how an emergency such as fire would be addressed. Ms. Wild advised that there are two driveway entrances for use in case of an emergency. The Chair also advised that the local fire chief and DTIR have looked at the application and have addressed any potential issues. Ms. Wild stated they would follow the fire ban regulations and all fires would be enclosed in a fire ring or other device.

Members of the public also had comments about the location of the proposed campsites. Ms. Poirier noted that a better map will be created to show the scale of the campsites compared to the property boundary lines and that there will be a minimum 50 ft. side yard from the property line. Ms. LeMay suggested that the applicants may wish to walk the property with their neighbours and show the proposed locations of the tent sites to ease concerns before the Public Hearing. The applicants agreed.

The public information meeting closed at 6:35 p.m.

**MOVED and SECONDED that PAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a campground at 50 Lynch Road, Newport Corner, PID 45021391, which is substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated February 21, 2019, taking note that this development agreement will discharge and replace the development agreement recorded at the Registry of Deeds on June 8, 2016 as document 109062563.**

**Motion carried.**

The Chair introduced and welcomed new resident member, Traci Curry, to the Committee.

The Chair told the applicants and members of the public that they are more than welcome to stay for the remainder of the meeting but could leave at this point if they wished.

#### **APPROVAL OF AGENDA & ADDITIONS**

Ms. LeMay asked that an item (b) *Amendment and Development Agreement Processes* be added under Section 8 New Business.

The Committee agreed.

**MOVED and SECONDED that the agenda be amended.**

**Motion carried.**

#### **APPROVAL OF PLANNING ADVISORY MEETING MINUTES OF JANUARY 17, 2019**

**MOVED and SECONDED that the Planning/Heritage Advisory Committee meeting minutes of January 17, 2019 be approved as circulated noting any errors or omissions.**

**Motion carried.**

#### **HANTSPORT AREA ADVISORY COMMITTEE UPDATE FROM CHAIR**

Chair Zwicker reported that he had a few excerpts from the HAAC meeting of February 19, 2019 and the Special HAAC meeting of January 31, 2019.

Chair Zwicker gave some information regarding the reasoning for the request for quarterly information being circulated with water bills to the Hantsport area, stating that it will be a great way to engage the public.

**MOVED and SECONDED that the Planning Advisory Committee recommend to Council that information regarding Hantsport be circulated quarterly with the Hantsport water bills.**

**Motion carried.**

Chair Zwicker stated that the HAAC would like to see Department of Transportation and Infrastructure Renewal install a guard rail along the intersection between Highway 1 and Exit 8 to reduce the health and safety risk of the public traveling in that area. The committee discussed and amended the motion.

**MOVED and SECONDED that the Planning Advisory Committee recommend to Council that a plan of action be implemented immediately (install a guard rail in accordance with NS Transportation and Infrastructure Renewal Highway Maintenance Standards) with respect to public health and safety. A hazard now exists for vehicles and occupants travelling along Exit 8 Hantsport Connector road and NS Highway 1 entrance (causeway) and bridge to Hantsport due to the low elevation compared to current high tide along both sides as a result of the failure of the Hantsport aboiteau.**

**Motion carried.**

**MOVED and SECONDED that the Planning Advisory Committee recommends that Committee of the Whole recommend to Council that the proposed replacement aboiteau be a robust structure that is capable of positively controlling sea water entering the Halfway River estuary under tidal conditions.**

**Motion carried.**

**MOVED and SECONDED that the Planning Advisory Committee recommends that Committee of the Whole recommend to Council that Council confirm that a State of Emergency was declared in accordance with the Nova Scotia Emergency Management Act and if not, that this be done.**

**Motion carried.**

The Chair asked Ms. Davis to discuss the reasoning behind the motion to confirm the state of emergency in Hantsport. Ms. Davis described that at the public meeting on January 4, 2019 Minister Chuck Porter had stated that an emergency was now declared. However, there has been no information on how it was declared an emergency, what the meaning of the declaration is and the progress for the proposed fix.

Councillor Munroe requested more information regarding the declaration of a state of emergency. Warden Zebian responded that there are two types of declaration of emergency in Nova Scotia. There is a local state of emergency which can be declared by the Warden or through a resolution of Council, and a Provincial state of emergency which is declared by the Minister of Emergency Management. Ms. Curry added that the motion is to encourage communication from the Province to the Municipality of the situation. Warden Zebian stated that if it is found out that the Province has not declared Hantsport a state of emergency, he would declare it local state of emergency at the next COTW meeting.

Councillor Munroe requested that Minister Chuck Porter be invited to attend the COTW meeting on February 26, 2019. Warden Zebian stated he would send an invitation to Mr. Porter.

## **BUSINESS ARISING FROM MINUTES**

### **Update - West Hants Household Livestock (Saira Shah)**

Ms. Shah advised that First Reading was approved by Council and this application will go to Public Hearing and Second Reading on March 12<sup>th</sup>.

### **Update - Hantsport Household Livestock (Saira Shah)**

Ms. Shah reported that the Public Hearing was held on February 12<sup>th</sup> and Council amended the recommendation to make the animal units definition in Hantsport consistent with the animal units' definition in West Hants. This has unintended consequences and staff require clarity to ensure the amendments are revised according to Council's wishes. The amendments have not been sent for Ministerial approval. The matter will be reconsidered by Council on March 12<sup>th</sup>.

Discussion was held about the intent of the amended recommendation. Committee members expressed concern with respect to the length of time that had been spent on this matter. It was noted that the proposed amendments by Council are substantial and should either result in a second public hearing or Council amending its motion. Ms. Shah is preparing a report to Council outlining the two options.

### **Update – Land Use By-law Map Amendment – Bonnie Lane, Newport Station (Saira Shah)**

Ms. Shah stated that the Public Hearing was held at Council on February 12, 2019 and this amendment was approved by Council at Second Reading. Notice of approval was placed in the paper this week and there will be a 14-day appeal period.

Ms. Shah advised work has progressed on the odour control by-law related to this amendment and a draft by-law is now being reviewed by the Municipal Clerk. Ms. Shah expects to present the draft by-law at the March PAC meeting.

### **Update – Municipal Planning Strategy: Public Engagement Meetings (Sara Poirier)**

Ms. Poirier made a presentation to update committee members on the public meetings and the responses received from the public thus far. Ms. LeMay asked the Committee what the next steps should be.

**MOVED and SECONDED that the Planning Advisory Committee recommend to Council that the Plan Review public meetings remain on hold until after the 2019/2020 budget discussions.**

**Motion carried.**

Warden Zebian voted "Nay."

**Update – Brison Developments Ltd. – Development Agreement Amendments (Madelyn LeMay)**

Ms. LeMay noted that the development agreement was sent to the developer for signature January 14; it has not yet been returned.

**Commercial Development District Improvement By-law (Sara Poirier)**

Ms. Poirier stated that there are no new updates at this time. The CDDI By-laws for both Windsor and West Hants were flagged by the Department of Municipal Affairs for potentially having tax implications past April 2020. As a result, the by-laws went to the Coordinating Committee on February 4, 2019 and were approved at that time. The West Hants by-law is back with the Department of Municipal Affairs for review and approval.

**Municipal Registration of Sainte-Famille Cemetery (Madelyn LeMay)**

Ms. LeMay advised that representatives of Les Amis de Grand-Pré, the owners of Sainte-Famille Cemetery were heard by Council on February 12, 2019 regarding the proposed municipal registration. Council has included the Sainte-Famille Cemetery in the Register of Municipal Heritage Properties and the required documents are being filed at the Land Registry Office. Once the plaque is prepared a designation ceremony will be organized and held.

**Cannabis in West Hants (Saira Shah)**

Ms. Shah stated she has reviewed proposed amendments for cannabis with staff and will present the amendments to PAC as an information report in March.

**Municipal Heritage Conservation Work Guidelines (Madelyn LeMay)**

Ms. LeMay advised that Council approved a change to the Guidelines on February 12, 2019. Not-for-profit organizations may now apply for the grant.

## **BUILDING AND DEVELOPMENT ACTIVITY REPORT**

### **Monthly Report – January 2019**

No comments were made on the report.

### **NEW BUSINESS**

#### **Nova Scotia Planning Directors Association 2019 Spring Conference (Sara Poirier)**

Ms. Poirier advised that this years Nova Scotia Planning Conference will be held between May 29-31, 2019 at the Westin Nova Scotian in Halifax. This year's theme is *Housing for All: Sharing Our Stories*. She advised that in Canada, ensuring everyone has adequate housing to meet their needs is a complex challenge that requires collaborating with many people. The goal of the conference is to explore all areas of housing and hear local innovative stories addressing the goal of providing housing for all. As one of the co-chairs of the conference planning committee, Ms. Poirier is involved with planning the conference and encourages anyone who is interested to attend.

**MOVED and SECONDED to recommend that Council approve up to two (2) Council members and one member-at-large of HAAC/PAC/HAC to attend the Nova Scotia Planning Conference being held in Halifax May 29-31, 2019, at an approximate individual cost of \$410.00 each.**

**Motion carried.**

It was clarified that members of the Committee should contact Ms. LeMay or Ms. Macumber to express their interest.

#### **Amendment and Development Agreement Processes (Madelyn LeMay)**

Ms. LeMay reviewed the process used for amendments to planning documents, land use by-laws and development agreements, emphasizing:

- applications in West Hants are confidential until a report is given to HAAC or PAC
- proposal can only be measured against either MPS policy (LUB/DA) or general policies and vision (MPS)
- Hantsport MPS and LUB are different than West Hants in form and content
- HAAC recommendations represent community wishes
- PAC recommendations indicates a majority of PAC members are in favour of the proposal as presented; any changes PAC recommends should be discussed and made by this stage
- notice of public hearing is a notice of "intent to amend" unless something is brought forward at the public hearing to change the decision of Council

- at the public hearing, staff will respond to questions from Council or the public referred to staff by the Chair but will not refute comments from the public or enter into debate with either the public or Council. If asked, staff will provide the background to the recommendation
- during a public hearing, Council may adjourn to a specified date and time without further advertising and continue the hearing then, but Council may not receive or consider any new information between the end of a public hearing and Second Reading
- no substantive change can be made following the public hearing; substantive is considered to be any change that alters the intention of the amendment or agreement in a meaningful way
- one task of combining planning documents is to determine where the definitions should/should not be the same: is there a substantive and deliberate reason for different definitions?

## **NOTICES FROM ADJACENT MUNICIPAL UNITS**

No notices were received.

## **MISCELLANEOUS**

### **Arcmap Online Usage Details**

No comments were made on the report.

## **QUESTIONS AND COMMENTS FROM PUBLIC**

Mr. Pace introduced himself and advised that he sits on the Hantsport Area Advisory Committee and is a resident of Hantsport. He expressed disappointment with respect to Council's decision that the animal units for Hantsport match the West Hants definition for animal units. Mr. Pace advised that HAAC and staff engaged the Hantsport residents through several public consultation sessions, and they spent many months on customizing the household livestock amendments for the community of Hantsport. He advised that there were very specific animals that HAAC felt were inappropriate for Hantsport such as peacocks as they are very noisy and bulls as they can pose a safety risk to residents if they escape from their enclosure. Mr. Pace stated as a citizen he does not agree with permitting as it adds another layer of regulations that citizens have to follow. Mr. Pace stated that he has contacted several residents in Hantsport, and they agreed with what HAAC is trying to do. He commented that Hantsport is unique and different than other communities in West Hants, and it has its own planning documents. Mr. Pace complimented the work of staff and their knowledge of the issue. He asked for comments from PAC.

Ms. Davis agreed with Mr. Pace's comments. She asked that the amendments be corrected quietly without delay. Ms. Davis noted that Hantsport has always had livestock, and they embrace it.

Chair Zwicker asked for further questions.

Councillor Jannasch explained that he thought he was enabling livestock in Hantsport and asked for clarification. Ms. LeMay commented that what was thought to be a minor amendment turned out to be a substantive amendment. She concluded that the amendment appeared to be about reducing the number of chickens from 80 to 25 but would have several unintended consequences. Ms. LeMay stated that she spoke with the municipal legal advisor on how to proceed, and Ms. Shah will be preparing a report to go to the next Council meeting outlining two options.

## **ADJOURNMENT**

**MOVED and SECONDED that the meeting adjourn.**

**Motion carried.**

The meeting adjourned at 8:05 p.m.

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Chair