

**WEST HANTS PLANNING ADVISORY COMMITTEE
MEETING MINUTES
December 16, 2010**

- PRESENT:** Councillor Shirley Pineo, Chair
Warden Richard Dauphinee
Deputy Warden Gary Cochrane
Councillor Randy Matheson
Councillor Reed Allen
Councillor Rick Gaudet
Councillor Gloria Shanks
Councillor Tom Brown
- STAFF:** Lynn Davis, Director of Planning
Cheryl Chislett, CAO
Velma Macumber, Adm. Assistant
- REGRETS:** Councillor Pam Ainslie, work commitment
Ms. Traci Curry
Mr. Raymond Parker
- GUEST:** Kevin Saunders

Chair Pineo called the meeting to order at 6:30 p.m.

APPROVAL OF MINUTES OF NOVEMBER 24, 2010

Moved By: Warden Dauphinee
Seconded By: Councillor Shanks

**THAT THE MINUTES OF THE WEST HANTS PLANNING ADVISORY COMMITTEE
OF NOVEMBER 24, 2010 BE APPROVED AS CIRCULATED NOTING ANY ERRORS
OR OMISSIONS.**

MOTION CARRIED.

BUSINESS ARISING FROM THE MINUTES

Lot Grading By-law

No new information.

Integrated Community Sustainability Plan (ICSP)

Chair Pineo advised that the Committee of the Whole is dealing with ICSP, so this item can be removed from the agenda.

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Joint Planning for Border Areas

Warden Dauphinee advised that the matter was left with the two CAOs to set up a meeting.

Update - LUB amendment - Richard Pineo, Highway 1, Falmouth

The appeal period expired on December 2, 2010 and now the amendment is effective. This item can be removed from the agenda.

Hospital Helipad - development concerns - motion to rescind (notice given on November 24, 2010)

Moved By: Warden Dauphinee

Seconded By: Councillor Matheson

THAT THE MOTION MADE AT THE SEPTEMBER 16, 2010 MEETING "THAT A LETTER BE WRITTEN TO THE TOWN OF WINDSOR EXPRESSING CONCERNS REGARDING NEW BUILDINGS ON THE ADJACENT PROPERTY (PID 45336733) INTERFERING WITH HELIPORT OPERATIONS. COPIES TO BE SENT TO THE HANTS COMMUNITY HOSPITAL, CAPITAL HEALTH, LIFEFLIGHT AND ANY OTHER FEDERAL OR PROVINCIAL DEPARTMENTS AND AGENCIES AS DEEMED NECESSARY" BE RESCINDED.

MOTION CARRIED.

Update - Development Agreement - Pam Archibald, 584 Town Road, Falmouth - suggested wording change - Clauses 7.1 and 10.1 & solicitor's comments

Ms. Davis advised that the draft development agreement was reviewed by the municipal solicitor. Ms. Davis advised that the applicant would like to wait for a year or so before erecting the fence around the outdoor play area because of start-up costs. She suggested the wording in Clause 7.1 require the fencing to be completed within two years. She advised that the municipal solicitor felt that Clause 6.1 dealing with the hours of operation should be changed to allow the commencement of operations to begin at 7:00 a.m. She said Ms. Archibald had also made this request. Ms. Davis advised that the solicitor also recommended changing the word "policy" to "resolution", but after some discussion, agreed that "policy" was the correct word.

Ms. Davis suggested also adding a new item (c) to the matters that can be amended by non-substantive amendment (10.1): "requirements and time for fencing as specified in Clause 7.1."

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Moved By: Warden Dauphinee
Seconded By: Councillor Brown

**THAT THE CORRESPONDENCE FROM LYNN DAVIS, DIRECTOR OF PLANNING,
AND HAROLD G.S. ADAMS, MUNICIPAL SOLICITOR BE RECEIVED, AND PLACED
ON FILE.**

MOTION CARRIED.

Ms. Davis asked the Committee for comments.

Deputy Warden Cochrane expressed concerns regarding the time for the fencing to be completed. He was concerned about children's safety. Ms. Davis advised that the children using the outdoor play area would be school age and not preschool age. She also noted that the Department of Community Services may require the fencing to be done sooner and if so, their requirements would supercede the development agreement.

Chair Pineo asked about the solicitor's suggestion that discharge of the agreement be one year. Ms. Davis advised that after discussion with the solicitor they agreed that two years be given.

Moved By: Councillor Matheson
Seconded By: Warden Dauphinee

**TO DIRECT STAFF TO MAKE THE CHANGES TO CLAUSES 6.1, 7.1 AND 10.1 OF
THE DRAFT DEVELOPMENT AGREEMENT.**

MOTION CARRIED.

PRESENTATION by KEVIN SAUNDERS re application for change in watercourse setbacks

Ms. Davis advised that the Land Use By-law requires that a building be set back at least 50 ft from a watercourse. This was changed from 25 ft in 2008 as of the completion of the Plan Review. Mr. Saunders owns an approved lot which is bisected by a stream. The increased watercourse separation distance has made it impossible to site a building on his lot. He is seeking a general amendment to the MPS and LUB to reduce the watercourse separation distance for existing lots that otherwise could not be developed. She advised that Mr. Saunders had put his application on hold until he had the opportunity to speak to the Committee and gauge their feelings to see if continuing with his application was worthwhile.

Mr. Saunders advised that he intended to infill a portion of the lot next to Highway 1. This is the high point of land and would not be flooded. He said he checked with the Planning Department prior to purchasing the property at tax sale in 2007. At that time a 25 ft watercourse setback was required and the lot could have been developed. He said he has since discovered some other issues with the lot that will take him some time to work out. He wondered, if he did not

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proceed with his application, whether Council would consider making a change at some point in the future that would allow existing lots like his to be developed.

There was some discussion about recent flooding of the lot, whether adjacent landowners might suffer increased flooding as a result of infilling this lot, and whether the setback requirement was fair to owners of existing approved lots or if there should be some grandfathering provisions.

Moved By: Councillor Gaudet

Seconded By: Councillor Matheson

THAT THE DIRECTOR OF PLANNING CONTACT DAVE SMITH, SERVICE NOVA SCOTIA AND MUNICIPAL RELATIONS TO CLARIFY THE REQUIREMENTS FOR GRANDFATHERING.

MOTION CARRIED.

BUILDING INSPECTOR AND DEVELOPMENT OFFICER REPORT

Monthly Report of November 2010

Moved By: Deputy Warden Dauphinee

Seconded By: Councillor Shanks

THAT THE REPORT OF THE BUILDING INSPECTOR AND DEVELOPMENT OFFICER FOR THE MONTH OF NOVEMBER 2010 BE RECEIVED.

MOTION CARRIED.

NEW BUSINESS

No new business to be heard.

PLANNING PROGRAM UPDATE

JPAC Executive

The JPAC Executive Committee has not met.

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MISCELLANEOUS

Update - Signage - 45th Parallel - Brooklyn and Mantua

Councillor Matheson updated the Committee about the signage for the 45th Parallel for the areas of Mantua and Brooklyn. He discussed this matter with a DOT representative and it was indicated that permits were not required. Councillor Matheson stated the next step was to meet with DOT again and discuss location of the signs.

Chair Pineo suggested that perhaps DOT may install the signage if the Municipality paid for the installation costs.

Warden Dauphinee suggested that the two councillors involved meet with DOT and come back with an update.

NOTICES FROM ADJACENT MUNICIPAL UNITS

No notices have been received.

QUESTIONS & COMMENTS FROM PUBLIC

No members of the public were present.

ADJOURNMENT

Moved By: Warden Dauphinee
Seconded By: Councillor Brown

THAT THE MEETING ADJOURN.

The meeting adjourned at 7:38 p.m.

Chair