

**DRAFT**

**WEST HANTS PLANNING ADVISORY COMMITTEE  
MEETING MINUTES  
November 24, 2010**

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**PRESENT:** Councillor Shirley Pineo, Chair  
Warden Richard Dauphinee  
Deputy Warden Gary Cochrane  
Councillor Randy Matheson  
Councillor Rick Gaudet  
Councillor Gloria Shanks  
Councillor Tom Brown  
Councillor Pam Ainslie

**STAFF:** Lynn Davis, Director of Planning  
Jeanne Bourque, Planner  
Velma Macumber, Adm. Assistant

**REGRETS:** Councillor Reed Allen  
Ms. Traci Curry  
Mr. Raymond Parker

**GUEST:** Pamela Archibald

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

**PRESENTATION by KEVIN SAUNDERS re application for change in watercourse setback**

Mr. Saunders contacted the planning department today to advise that he would be unable to attend tonight's meeting because of illness. He had previously requested that his application be put on hold while he makes a decision about whether or not to proceed.

**APPROVAL OF MINUTES OF SEPTEMBER 16, 2010**

Moved By: Warden Dauphinee  
Seconded By: Councillor Ainslie

**THAT THE MINUTES OF THE WEST HANTS PLANNING ADVISORY COMMITTEE  
OF SEPTEMBER 16, 2010 BE APPROVED AS CIRCULATED NOTING ANY ERRORS  
OR OMISSIONS.**

**MOTION CARRIED.**

**BUSINESS ARISING FROM THE MINUTES**

***Infrastructure charges/cost of taking over and maintaining new municipal streets***

Chair Pineo asked if this item could be removed from the agenda. The Committee agreed.

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***Lot Grading By-law***

No new information.

***Integrated Community Sustainability Plan (ICSP)***

Ms. Davis advised that the Department Heads have met and now are deciding how to report to Council.

***Joint Planning for Border Areas***

Warden Dauphinee noted that West Hants had chosen two councillors to sit on the special committee. Ms. Davis advised that Windsor had chosen Mayor Beazley, Deputy Mayor Murley and Councillor Bregante. Warden Dauphinee stated it is now up to the two CAOs to work out a meeting date.

***Update - appeal of LUB Amendment for L. VanZoost, Upper Falmouth***

The appeal was withdrawn on October 7, 2010, and now the amendment is effective.

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

The appeal period expires December 2, 2010.

***Hospital Helipad- development concerns***

Moved By: Warden Dauphinee

Seconded By: Deputy Warden Cochrane

**THAT THE CORRESPONDENCE FROM EHS EMERGENCY HEALTH SERVICES-  
LIFE FLIGHT DATED OCTOBER 8, 2010 BE RECEIVED AND PLACED ON FILE.**

**MOTION CARRIED.**

Warden Dauphinee stated that there was no need to write to the Town now as the concerns regarding the helipad have been addressed. Ms. Davis suggested that the motion made at the last PAC meeting to write to the Town be rescinded.

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Moved By: Warden Dauphinee  
Seconded By: Councillor Matheson

**TO GIVE NOTICE THAT A MOTION WILL BE MADE AT THE DECEMBER 16, 2010  
PAC MEETING TO RESCIND THE MOTION:**

**“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”.**

**MOTION CARRIED.**

**BUILDING INSPECTOR AND DEVELOPMENT OFFICER REPORTS**

**Monthly Reports of September and October 2010**

Moved By: Councillor Shanks  
Seconded By: Councillor Ainslie

**THAT THE REPORTS OF THE BUILDING INSPECTOR AND DEVELOPMENT  
OFFICER FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2010 BE  
RECEIVED.**

**MOTION CARRIED.**

**NEW BUSINESS**

**Development Agreement Application - Pamela Archibald, 584 Town Road, Falmouth**

Ms. Davis reviewed a staff report that dealt with an application from Pamela Archibald for a development agreement to allow for the establishment of a licensed day care centre at 584 Town Road, Falmouth (PID 45294634). The applicant currently operates a family home day care for five children and wishes to change to a licensed day care to provide care for more children. She is also seeking licensing from the Province under the Day Care Act and Regulations for a maximum of 12 children for preschool care (8:30-11:30 a.m.) and 15 children for after-school care (2:30-5:30 p.m.) Ms. Archibald has a development permit allowing her non-licensed day care as a home-based business in the R-1 zone; however, the LUB restricts the number of children to five. To increase the number of children in her day care, she has applied for a development agreement.

Under the Land Use By-law, a licensed day care centre is considered as a local commercial use. Policy 5.6.4 of the Municipal Planning Strategy allows Council to consider permitting new

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local commercial uses in Growth Centres outside the Commercial designation by development agreement.

Ms. Davis reviewed the property location and surrounding land uses, and the MPS and LUB considerations as set out in the staff report.

Ms. Davis advised that the proposal satisfied the policies and requirements of the MPS and LUB; therefore, planning staff recommend in favour of the application.

Ms. Davis reviewed the draft development agreement.

Discussion was held about Section 7.0 Outdoor Play Areas of the draft development agreement and fencing requirements. Councillor Gaudet asked if the fencing requirements would have to follow the National Building Code and if this should be included in the draft development agreement. Ms. Davis advised that the National Building Code requirements would have to be followed, but it does not have to be stated in the agreement as it is implied. Councillor Gaudet asked if this could be clarified with the Building Official.

Ms. Davis advised that the municipal solicitor has not had an opportunity to review the draft development agreement.

The Committee agreed that if the solicitor has any major changes, the draft agreement could come back to PAC prior to the public hearing.

Moved By: Councillor Matheson  
Seconded By: Warden Dauphinee

**TO RECOMMEND THAT COUNCIL APPROVE THE APPLICATION OF PAMELA ARCHIBALD TO ENTER INTO A DEVELOPMENT AGREEMENT TO ALLOW FOR THE DEVELOPMENT OF A LICENSED DAY CARE AT 584 TOWN ROAD, FALMOUTH (PID 45294634).**

**MOTION CARRIED.**

Moved By: Warden Dauphinee  
Seconded By: Councillor Ainslie

**TO RECOMMEND THAT COUNCIL REQUIRE THAT THE DEVELOPMENT AGREEMENT WITH PAMELA ARCHIBALD 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.**

The Public Hearing will be scheduled for the January 2011 Council meeting.

Ms. Archibald left the meeting at 7:09 p.m.

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**PLANNING PROGRAM UPDATE**

**JPAC Executive**

The JPAC Executive Committee has not met.

**MISCELLANEOUS**

No miscellaneous business to be heard.

**NOTICES FROM ADJACENT MUNICIPAL UNITS**

No notices have been received.

**QUESTIONS & COMMENTS FROM PUBLIC**

No members of the public were present.

**ADJOURNMENT**

Moved By: Councillor Matheson  
Seconded By: Warden Dauphinee

**THAT THE MEETING ADJOURN.**

The meeting adjourned at 7:10 p.m.

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Chair