

**WINDSOR PLANNING ADVISORY  
COMMITTEE MEETING MINUTES  
January 13, 2010**

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**PRESENT:** Deputy Mayor Laurie Murley, Chair  
Mayor Paul Beazley  
Councillor Dave Seeley  
Councillor John Bregante  
Ms. Shelley Bibby  
Mrs. Laura Myers  
Mr. Graham Murphy (7:14 p.m.)

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

**REGRETS:** Councillor Liz Galbraith

**GUESTS:** Paul Currie, Sr. Technical Specialist, Contaminated Sites, Department of Environment  
Clark Wilkins, President, 3165433 Nova Scotia Limited

Chair Murley called the meeting to order at 7:00 p.m. and welcomed Paul Currie and Clark Wilkins to the meeting.

**APPROVAL OF MINUTES OF NOVEMBER 25, 2009**

Moved By: Councillor Bregante  
Seconded By: Mrs. Myers

**THAT THE MINUTES OF NOVEMBER 25, 2009 BE APPROVED AS CIRCULATED NOTING ANY ERRORS OR OMISSIONS.**

**Question on motion**

**MOTION CARRIED.**

**OVERVIEW OF NS ENVIRONMENT'S ROLE IN CONTAMINATED SITES MANAGEMENT  
- PAUL CURRIE, SR. TECHNICAL SPECIALIST, CONTAMINATED SITES, NS ENVIRONMENT**

Mr. Currie gave an overview of Nova Scotia Environment's (NSE) role in contaminated sites management. He circulated a handout of his presentation which included a flow chart. Mr. Currie provided background on brownfield development and the Atlantic Risk-Based Corrective Action (RBCA) Process. Mr. Currie reviewed the contaminated sites guidelines process and how contaminated sites are identified, assessed, and remedial measures identified.

Chair Murley asked Mr. Currie if there were many remediated sites in Nova Scotia. Mr. Currie advised that he was unsure of the numbers, however, there are some statistics showing many have been closed. He noted that there has been an increase in the identification of contaminated sites since the

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guidelines came out in 1996. Mr. Currie advised that the initial risk assessment costs more, but the actual clean-up is less. He explained that the guidelines use a model which is risk based, and site specific information about ground water, soil, etc. is entered into the model to create custom remediation criteria.

Ms. Bibby asked if there was a list of approved remediation contractors. Mr. Currie advised that there is no current licensing for consultants however there are some consultants that do only domestic oil spills. Ms. Bibby asked who carries the ultimate liability if a site is not properly cleaned up. Mr. Currie advised that the NSE is accountable to a certain degree, while the owner carries the greatest liability. Ms. Bibby noted there is a possibility of leakage from an adjacent site. Mr. Currie stated this was recognized as an issue. He advised that before NSE has granted closure of a site there is a review process; however, if closed, it does not mean that they cannot reopen it. Mr. Currie stated the number of sites reopened due to new issues has been low.

Ms. Bibby asked if the contaminated site information file stays as a record with the property. Mr. Currie noted that there is no formal process to ensure that this stays as a record with the property. However, files regarding contaminated sites will held indefinitely in the NSE's registry. Mr. Currie advised that NSE is working on improving the regulations. He noted that the Certificate of Compliance dictates that the information must be disclosed to any future purchasers of the property.

Mayor Beazley noted that there are some areas in the Town that could be remediated but issues with liability and financing have stopped people from coming forward. He advised that the Town and the RDA have discussed a pilot project for main street and how to develop undevelopable areas. Mayor Beazley asked how people can access information about programs. Mr. Currie stated he would be open to discuss this further with the Mayor and the RDA.

**NEW BUSINESS**

**3165433 NOVA SCOTIA LIMITED, DEVELOPMENT AGREEMENT REQUEST - 555 O'BRIEN STREET**

Ms. Bourque reviewed the application from 3165433 Nova Scotia Limited to enter into a development agreement to allow for the construction of two new buildings that will contain a combination of commercial and residential development at 555 O'Brien Street. The developer wishes to market the residential units to seniors and provide some services to seniors such as personal care shops and small retail outlets.

The subject property is zoned General Commercial (GC) under the Land Use By-law, and designated Commercial on the Generalized Future Land Use map.

Ms. Bourque reviewed the property location, surrounding land uses and history, and the concept of brownfield development.

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Policy 9.2.1. of the MPS allows Council to consider mixed use development in the commercial and industrial designations subject to criteria for architectural design, compatibility with the surrounding area, the pattern of development, adequacy of landscaping, open space, natural or artificial buffering, adequacy for parking, pedestrian safety, and vehicular access, provision to reduce conflict between commercial and residential development with respect to access, parking, noise and hours of operation, and outdoor storage. The proposed development can be considered under this policy.

Policy 16.3.1 of the LUB is the general policy for all land use by-law amendments and development agreements that Council also must consider subject to requirements for: whether the proposal is considered premature or inappropriate in terms of the adequacy of school facilities, fire protection, road networks adjacent to, or leading to the development, the financial capacity of the Town to absorb any costs relating to the development, suitability with any aspect relating to the movement of auto, rail, and pedestrian traffic, the adequacy of the dimensions and shape of the lot for the intended use, the pattern of development the proposal may create, the suitability of the area in terms of steepness and grade, soil and geological conditions, location of water courses, susceptibility of flooding, and whether the proposal meets the requirements of other provincial or federal agencies and other relevant municipal by-laws or regulations.

Ms. Bourque advised that the report has reviewed the application against the relevant policies and regulations of the MPS and LUB, and that the proposal generally satisfied the criteria, therefore staff recommends in favour of the proposal.

Chair Murley asked Mr. Wilkins for his comments.

Mr. Wilkins advised that with respect to contamination migrating from an adjacent property, that it is being addressed. The property owner is hiring a consultant to do an assessment of their site.

Councillor Bregante asked how many commercial units were being created. Mr. Wilkins said he would like to have two commercial units.

Councillor Bregante expressed concern regarding the distance seniors may have to walk from the building to the garbage disposal bins and the chance of littering. Mr. Wilkins advised that garbage rooms will be located within the building where the caretaker will be collecting the refuse and taking it to the garbage disposal bins.

Ms. Bibby asked about the disposal of compost. Mr. Wilkins advised that he would be providing green bins and cardboard bins.

Ms. Bourque stated that timing is important and suggested that the public hearing be set for the February 23<sup>rd</sup> Council meeting. Ms. Davis advised that the draft development agreement must first be reviewed by the Town's solicitor before going to public hearing.

Ms. Bourque reviewed the draft development agreement. Discussion was held regarding Section 15.1 of the draft about the size and number of signs permitted. The Committee asked staff to amend

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Section 13.0 Signage, to allow larger temporary construction signage than is permitted by Section 7.5 (j) of the LUB.

The Committee recommended in favour of the proposal and the following motion was made:

Moved By: Mr. Murphy

Seconded By: Mrs. Myers

**TO RECOMMEND THAT COUNCIL APPROVE THE REQUEST FROM 3165433 NOVA SCOTIA LIMITED TO ENTER INTO A DEVELOPMENT AGREEMENT TO ALLOW FOR MIXED USE DEVELOPMENT AT 555 O'BRIEN STREET, WINDSOR (PID 45055902).**

**Question on motion**

**MOTION CARRIED.**

Staff will forward the draft development agreement to the Town's solicitor for review. A public hearing will be scheduled for February 23, 2010 pending the solicitor's comments.

Mr. Wilkins and Mr. Currie left the meeting at 8:50 p.m.

**BUSINESS ARISING FROM MINUTES**

**Infrastructure Charges**

No new information.

**Town Centre Designation**

No new information.

**Affordable Housing**

Ms. Davis advised that Windsor Council approved an affordable housing task force. Staff is drafting terms of reference.

**Derelict Buildings/Minimum Standards**

No new information.

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**Payzant/Burgess/Underwood Traffic flows  
Eco-friendly development**

Mayor Beazley suggested removing the two items from the agenda.

**Subdivision By-law Review**

***Draft future streets map***

Ms. Davis reviewed a staff report outlining revisions that dealt with future streets, parkland dedication, and infrastructure charges.

Ms. Davis referred to Item 1 in the staff report dealing with future streets. She advised that the wording of Section 28 was revised slightly and a Future Streets map added. The map was prepared in consultation with the Director of Public Works. It is a conceptual map of the areas where staff believes new streets will be needed to allow for proper traffic movement. Ms. Davis advised that the map is not intended to show the location of all potential future streets, but only those needed to provide important connections. She pointed out that the proposed connections crossing the town boundary into the Municipality are shown as dashed lines. Ms. Davis pointed out that the Town can only regulate development within its own boundaries, but it is hoped that the Municipality will adopt similar mapping.

Chair Murley asked the Committee if they wanted to move forward with the draft Subdivision By-law to a public information session.

Councillor Bregante expressed concerns concerning the Underwood Drive area and the new street off Payzant Drive. He stated the Town may not look at this option as it is quite costly and by putting the street on the map, it may create public outcry. Councillor Bregante stated he believed the matter should become before the Joint Planning Advisory Committee for discussion and then the matter come back to Windsor PAC for further discussion.

Mrs. Myers suggested taking the first step by committing to the concept.

Mayor Beazley agreed that there is a need for the Joint Planning Advisory Committee to meet. Mr. Murphy also agreed.

Ms. Davis referred to Section 28(c) and noted that it states "The location of such new streets is not required to be an exact match..." Ms. Davis suggested, rather than delaying the by-law, Section 28(c) could be removed until such time as the Town gets an agreement with the Municipality. She noted that the existing Subdivision By-law is extremely outdated and changes are needed now.

Most of the Committee agreed that they wanted to have a Joint Planning Advisory Committee meeting before proceeding with the draft by-law.

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***Parkland dedication***

Ms. Davis advised that Item 2 in the staff report deals with Parkland Dedication. Section 67 sets out exemptions from the requirement for a subdivider to dedicate parkland or equivalent value. She asked the Committee for comments regarding the proposed exemptions. She recommended adding an exemption to cover the situation when the Town is subdividing its own land. Staff also suggested that PAC may want to consider exemption to address situations where a dwelling unit already exists on both the proposed lot and the remaining land. The Committee discussed the pros and cons of this.

The Committee agreed with adding an exemption for when the Town is subdividing its own land, but did not agree with adding an exemption from the parkland dedication for creating separate lots where a dwelling unit exists on both the proposed lot and the remainder.

**MPS amendment re Infrastructure Charges**

Ms. Davis advised that Part 16 in the by-law includes a framework of regulations for infrastructure charges. It refers to charge areas and charges that have not been determined yet, but could be added later. An enabling policy would be included in the MPS before it can be enforced in the by-law. The Committee was in agreement with the draft policy.

**Online fee payment/application process**

Ms. Davis advised that she discussed the matter of online fee payments with the Director of Finance. The Director of Finance advised that setting up such a process is very complicated and costly.

**BUILDING INSPECTOR AND DEVELOPMENT OFFICER REPORTS**

**Monthly Reports of November and December 2009**

Moved By: Councillor Bregante  
Seconded By: Mr. Murphy

**THAT THE REPORTS OF THE BUILDING INSPECTOR AND DEVELOPMENT OFFICER  
FOR THE MONTHS OF NOVEMBER AND DECEMBER 2009 BE RECEIVED AND PLACED  
ON FILE.**

**Question on motion**

**MOTION CARRIED.**

**MISCELLANEOUS**

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No miscellaneous business was heard.

**ADJOURNMENT**

Moved By: Mrs. Myers  
Seconded By: Councillor Bregante

**THAT THE MEETING ADJOURN.**

**Question on motion**

**MOTION CARRIED.**

The meeting adjourned at 9:43 p.m.

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Chair