

**Planning Advisory Committee
January 31, 2024 - 6:00 p.m.**

Minutes

Present: Councillor Maddie Charlton, Chair
Councillor David Brown
Councillor Carl Hawkes
Pamela Brennan
Linda Rafuse
Mary White
Cody Jodry
Mike MacLeod, Planner

Mitch Underhay, Roswall Development Inc.
David Howell, Roswall Development Inc.

Regrets: Deanna Armstrong
Jonathan Bower
Gary Clark
Zenia Horton

1. Call to Order -

The meeting was called to order at 6:01 p.m.

2. Approval of Agenda –

Addition:

6.1 South Brookfield Development Agreement - Update

It was MOVED by **Carl Hawkes** and SECONDED by **David Brown** that the Agenda be approved as amended.

Motion Carried Unanimously.

3. Large Scale Wind Farm Development by Development Agreement

Mike MacLeod reviewed a staff report respecting a proposed wind farm development in Milton. The subject properties are zoned as Inland Rural (R5) under the Land Use Bylaw. While this is a use that is not permitted in the R5 Zone, Council has incorporated provision within the Municipal Planning Strategy and Land Use Bylaw whereby it can consider such uses through a development agreement process. The proposed development site is located north of Highway 103 and west of the Mersey River in the community of Milton on 13 Crown owned properties. The lands are currently vacant wood land.

Mike reviewed policy which sets out ability to consider such requests, criteria to consider for development agreements, items that can be incorporated in a development agreement and some site-specific considerations respecting the application.

Mitch Underhay and David Howell, representing the applicants – Mersey River Wind Inc. provided some additional comments around the consultation process undertaken to date and included work with the First Nations community and establishing a community liaison committee to report on the progress of the project.

Carl Hawkes enquired as to why 33 turbines were chosen for this project? Mitch Underhay advised that there were a number of considerations including topography, First Nations consultation, existing infrastructure, etc. There is a desire to optimize the development with the least impact on the environment. Any consideration of additional turbines would be through a whole new application.

Maddie Charlton enquired about the Community Liaison Committee and applications to serve on committee. Mitch advised that there has not been a call for interest. Looking at request to serve for members of public and community groups through invitation. Purpose of Committee is primarily communication.

David Brown enquired about the utilization of roads for the project and the ability of the public to also continue to utilize. Mitch advised that there may be some interruptions during construction, but will be open for access after complete. They have actually had these conversations with the local ATV club.

Options for consideration:

1. Maintain status quo (deny development agreement request); or
2. Enter into a development agreement with Mersey River Wind Inc. to allow for the establishment of a 33 turbine generator wind farm development on portions of properties identified as PID #'s 70247176, 70247192, 70247184,

70247200, 70264213, 70225420, 70225404, 70247218, 70247168, 70032982, 70260575, 70248695 and 70166988.

It was MOVED by **David Brown** and SECONDED by **Linda Rafuse**:

That Council of Region of Queens Municipality give notice of its intention to enter into a development agreement with Mersey River Wind Inc. to allow for the establishment of a 33 turbine generator wind farm development on portions of properties identified as PID #'s 70247176, 70247192, 70247184, 70247200, 70264213, 70225420, 70225404, 70247218, 70247168, 70032982, 70260575, 70248695 and 70166988;

And That a Public Hearing be held on March 12, 2024 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 9:00 a.m.

Motion Carried unanimously.

4. Development Agreement – Queens Enviro Centre

Mike MacLeod reviewed a staff report respecting an application to amend an existing development agreement respecting a recycling depot and processing operation on property located at 3965 Highway 3 in Brooklyn and is identified as PID# 70083902. The owners are seeking an amendment to one of the requirements of the agreement which would see the ability to replace a section of vegetative buffer with an opaque fence.

The intent of the requirement for retention of the vegetative buffer on the eastern side of the subject property was to provide a buffer between recycling depot operation and adjacent residential property to the east. Mike noted that the replacement of this vegetation with an opaque fence is essentially serving the same purpose.

As indicated in the existing agreement, this amendment would be considered non-substantive.

It was MOVED by **Carl Hawkes** and SECONDED by **David Brown**

THAT Council of Region of Queens Municipality adopt and administrative policy respecting a development agreement amendment to allow for the replacement of section of vegetative buffer on the eastern side of PID# 70083902 with an opaque fence.

Motion Carried unanimously.

5. Coastal Protection

Mary White enquired as to the role of the Planning Advisory Committee in protection of the coast. With increased coastal development and increasing impacts of climate change on the coastline, there is cause for concern. What are we responsible for / what can we do? Legislation gives municipality's ability to implement regulations.

Mike MacLeod advised that that is correct, to a point. The Municipality has adopted some of its own regulations around coastal development under its Land Use Bylaw. We have both horizontal setbacks from the shoreline and vertical elevation standards.

Mary enquired about armouring of the coastline. Mike noted that he was unsure of the Municipality's ability to regulate this sort of thing. Typically, municipal jurisdiction ends at the ordinary high water mark.

Cody Joudry noted that municipal land use regulations are in relation to development. Does this constitute development. This is definitely worthy of further investigation.

It was MOVED by **Mary White** and SECONDED by **David Brown**

That Staff investigate the Region's ability to enact regulations on shoreline protection matters.

Motion Carried unanimously.

6. Other

6.1 South Brookfield Development Agreement – Update

Mike MacLeod advised the Committee that this item was brought forward to Council at its October 24th meeting and a public hearing was scheduled and held on November 28th. However, just prior to the hearing, information was received from Department of Natural Resources and Renewables (DNRR) that there may be some species at risk or species of concern in the vicinity of the proposed development. As a result, this item was tabled pending further investigation.

Mike noted that subsequently, the developers met with representatives of Mersey Tobeatic Research Institute (MTRI), who walked the property to identify any potential areas of concern. MTRI prepared a report on their findings, which

has been forwarded to DNRR for review. We can then determine what options might be available to the developers to move forward. Until that time, the development agreement application remains on-hold.

Mike noted that this application has shed some light on the processes we utilize for things like development agreements and perhaps the need to investigate improved communication with provincial departments.

The next meeting is scheduled for Monday, March 4th, 2024 at 6:00 p.m.

4. Adjournment

There being no further business, the meeting was adjourned at 7:23 p.m.

Date