**Village of New Minas**

Area Advisory Committee Meeting

Wednesday, March 6, 2019

7:00 p.m.

Louis Millett Community Complex (LMCC)



**In Attendance:**  John Owen, Member, Chair NMAAC

 Dave Chaulk, Chair Village Commission, Member, NMAAC

Kenneth Pineo, Vice-Chair, NMAAC, Village Commissioner

John Bourgeois, Member, NMAAC

Mark Redmond, Member, NMAAC

Mary Munroe, Village Commissioner, Member, NMAAC

Councillor Jim Winsor, Member, NMAAC

April Ernest, Clerk Treasurer, Village of New Minas

Shelly Palmer, Finance Clerk, Village of New Minas

Will Robinson-Muskat, Planner for Municipality of the County of Kings

**Regrets**:

**Others Present:**

**Call to Order:**

Chair Owen called the meeting to order and welcomed everyone in attendance at 6:57 p.m.

**Approval of the Agenda:**

**Redmond - Winsor**

THAT the Agenda for the New Minas Area Advisory Committee meeting on March 6, 2019 be approved with one change, section 4)a 9209 Commercial Street will be delayed until next month at the earliest.

**CARRIED**

**Approval of the Minutes:**

**Chaulk – Pineo**

THAT the Minutes of the Regular Meeting of the New Minas Area Advisory Committee on Monday, November 5, 2018 approved as presented.

**CARRIED**

**Development Applications:**

 8981 Commercial Street

Kings County Planner, Will Robinson-Mushkat, presented the application for a development agreement to permit the expansion of a non-conforming use located at 8981 Commercial Street, New Minas. The intention is to upgrade the existing underground petroleum storage tanks with new, larger tanks in a different location on the subject property. The applicant also intends to refresh the interior and exterior of the building and may re-establish the existing drive-through restaurant window that is currently not being used on site. Report Attached.

**Mark Redmond, Member, NMAAC:**

* Stated he thought the fuel pumps were put in when the building was reconnected. Will Robinson-Muskat, Planner for the Municipality of the County of Kings replied new construction was in 2000 and his understanding from the applicant the tanks were significantly older than that. The applicant purchased the property sometime last year.
* Commented that part of the old building and pumps would have sat overtop of where the tanks are sitting. Will Robinson Muskat, replied he was aware that there was a building that was there and subsequently removed.
* Stated that the building was within 15’ to 20’ of the sidewalks
* Posed a question to Will Robinson Muskat, seeking clarification as to why a new development agreement was required now as he presumed there was one created back in 2000 when PetroCan went in that location. Will Robinson Muskat, replied he does not believe there is one, since a development agreement was created.
* Posed a question seeking clarification as to what other reason for a Development agreement now other than the upgrade to the tanks, they still have food and take-out. Will Robinson Muskat, replied that is essentially the reason because they are planning to expand the non-conforming use to the expand the fuel storage tanks it necessitates an agreement.

**Mary Munroe, Village Commissioner, Member, NMAAC:**

* Posed a question to Will Robinson Muskat, whether the old tanks are going to be removed.

Will Robinson Muskat, answered, “That is correct”. April Ernest, Clerk Treasurer, Village of New Minas commented that the new tanks will be larger tanks.

**Ken Pineo, Village Commissioner, Member, NMAAC:**

* Questioned as to whether the tanks are going in to a Well Protected Zone.

Will Robinson Muskat, stated it already is a Well Protected Zone however, the service station was in that location prior to the Well Field Zone policies hence, Policy 8 of the New Minas Sector Plan allows for the expansion of the non-conforming use.

* Stated we are essentially giving Mel’s Enterprises Inc., permission to put more fuel in the ground that could leak into our wells. Will Robinson Muskat, answered we are giving them permission for a enlarged tank that there’s already fuel in tanks in the ground. And the tank itself is better designed, has better monitoring and better sensors. That they will be an overall improved infrastructure and an upgrade in technology.

**Dave Chaulk, Chair Village Commission, Member, NMAAC**:

* Enquired as to how much better are the tanks. Will Robinson Muskat, answered that the tanks capacity currently is 80,000 litres (76,000) New tanks 110,000 litres, thirty-four thousand litres difference.
* Wondered whether it is common practice for the Department of Environment to not respond. Will Robinson Muskat, answered that typically when it comes to the development itself yes, the DOE are slow in providing responses. Where the DOE’s role does come into play is the permit stage with the installation of the tanks as they are the actual permitting authority for the installation stage. So, the applicant would have to submit an application for permission from the DOE in order to make that installation and the DOE would be in charge of monitoring the installation of the tanks to make sure the tanks are done to the standards of the Nova Scotia Environment.
* Stated so we will hear from them at some point. Will Robinson Muskat, answered at some point they would be in charge and make the permit to the applicant.
* Stated it bothers him that you don’t have any control over this issue in the fact that they don’t respond because maybe they do have an issue, maybe the information never got to them or maybe it never crossed anybody’s desk. So, when they don’t respond we don’t know for sure whether they have a problem with this or if it actually made it to them. Chair Owen Member, NMAAC answered in his experience in working with the Environment Department when he was in the mining industry is that they would not say anything, would be no committment until you do go and do something then they would become very involved and say you can’t do that. .

Stated that’s what he was worried about. That halfway through the project they would say you can’t do that.

* Councillor Jim Winsor, Member, NMAAC answered yes but, they do end up permitted. Same as DTIR.
* Posed a question to Will Robinson Muskat, regarding the drive-through. They don’t know whether they are going to resurrect that or not. If they are going to resurrect it are they allowed to without any input from anyone. Will Robinson Muskat, answered the drive-through itself is in existence. The infrastructure is there, it has been used as a drive-through in the past. They do have the ability to restart that particular use. In the event that they do decide to do that an application would be required to the DTIR. The DTIR has already commented that they don’t have any issues with the drive-through being reused. They have an access point on Commercial Street and two access points on Highbury Road. One specifically exits after the drive through.
* Stated he wasn’t so concerned with the exiting as lining up to get to the drive-through. He doesn’t have any idea how busy it will be but, he knows that drive-throughs on Commercial Street are kind of a red flag. Will Robinson Muskat, answered that the DTIR was not concerned as they have an interest in knowing what particular type of franchise goes into the drive-through, the applicant mentioned that it has eight existing gas stations with they have partnerships with Country Coffee, Mr. Sub and Tia Express. They said that they are not intending on putting in a Tim Horton’s in there. Tim Horton’s are franchises that often necessitate further traffic analysis and longer drive-throughs, simply because of the traffic volume that they generate.

**Mark Redmond, Member, NMAAC:**

* Poised a question to Posed a question to Will Robinson Muskat, about the buffering. Within the Milne Court Petro Canada Concept Package it shows buffering at all the exits. He is concerned about impairing of all the exits.
* Will Robinson Muskat, replied that the Development Agreement specifies that the maximum height permitted would be 2’ above street grade which is written into the planning document for that reason. That if your height is capped at 2’ drivers would be able to see people on the sidewalks and all the surrounding vehicles.

**Dave Chaulk, Chair Village Commission, Member, NMAAC:**

**The New Minas AAC recommends that the Planning Advisory Committee recommend that Municipal Council give Initial Consideration to and hold a Public Hearing regarding entering into a development agreement to permit the expansion of a non-conforming use at 8981 Commercial Street (PID 55210108) New Minas, which is substantively the same (save for minor differences in form) as the draft set out in Appendix C of the report dated March 4, 2019.**

**Chaulk - Munroe**

THAT the motion as recommended by staff be approved as presented.

**CARRIED**

**Winsor**

THAT the meeting be adjourned at 7:40 p.m.

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John Owen, Chair April Ernest, Clerk Treasurer