



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Mark Fredericks, Senior Planner

Date: May 28, 2024

Subject: Development Agreement: PID 45180635, Hwy 215, Summerville; File #23-07C

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to approve the Development Agreement following the Public Hearing, the following motions would be in order:

...that Council gives Second Reading and approves the development agreement to permit a paintball facility on PID 45180635 on Highway 215 in Summerville, in a manner substantively the same as the draft set out in Appendix A of the report to Council regarding File # 23-07B dated May 28, 2024.

...that Council requires that the development agreement with Marlene Hill 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.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A complete application was received on March 21, 2023, from Patrick Hill. Initially this application came with a letter of authorization from Marlene Hill, who was not the landowner

at the time, but through a recent probate court decision in February of 2024, Marlene Hill is now the owner of the land and has appropriate authority to authorize Patrick Hill to apply for a development agreement to be entered into with the Municipality.

The planning application was needed to establish a paintball facility on PID 45180635 on Highway 215 in Summerville.

DISCUSSION

On April 23, 2024, during the Public Hearing, Municipal Council heard from Shauna Thompson as the owner of the equestrian facility across the street from the proposed paintball Facility. Ms. Thompson shared their concerns with the potential for impact to the horses that may be created by the noise of paintball markers and the associated activity of the proposed paintball facility. The Municipal Council also heard several letters read by the Municipal Clerk, written by equestrian professionals, expressing similar concerns with potential impact on the horses caused by noise.

Municipal Council discussed the potential development agreement and expressed uncertainty around the noise levels that may exist and how disruptive the paintball facility may be. Council decided to delay the final consideration until an opportunity to visit the site and hear the noise levels from actual paintball markers.

A site visit was arranged with the applicant and held on the evening of May 1st, 2024. The applicant demonstrated a variety of paintball markers, and rapidly fired 4 of the markers within the wooded area of the property at various distances, while staff and Council members listened from different locations including the Loyal Hill Cemetery, along Highway 215, and across the street at the edge of the equestrian riding ring. The live demonstration provided more information and real-world experience for the Council to inform their decision.

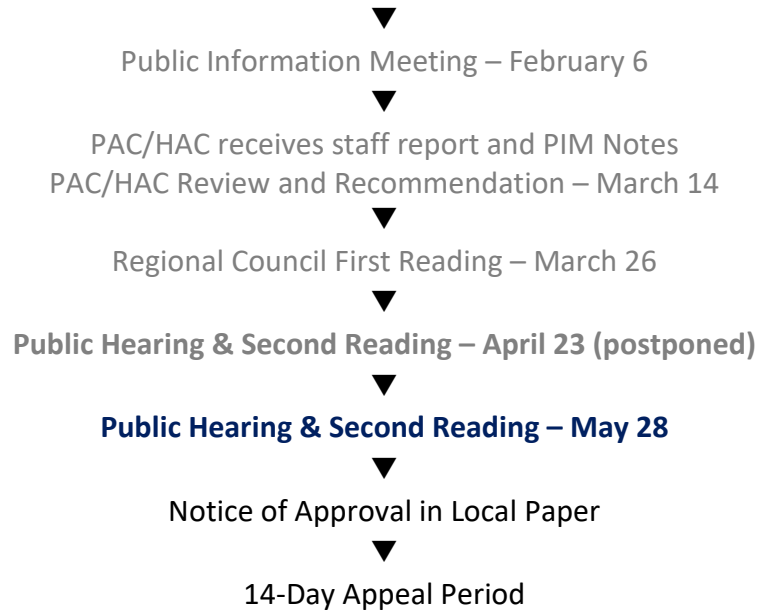
The anticipated noise level is not inconsistent with the intent of the General Resource (GR) zone. The proposed paintball facility may introduce less impact on adjacent uses than certain land uses that are permitted in the underlying zoning without the setback and buffering requirements established in this development agreement. Therefore, Staff continue to recommend the development agreement as previously drafted.

NEXT STEPS

The process for this application is as follows:

Process

Staff Review



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, Council may decide to:

- approve the development agreement as drafted or as specifically revised by direction of Council;
- provide alternative direction, such as requesting further information on a specific topic.

APPENDIX

Appendix A 2024-04-23 Second Reading Report – Development Agreement: PID 45180635, Hwy 215, Summerville, File 23-07B

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in the report staff continue to recommend the DA application. It has been noted that there are concerns with the impacts of the facility and activities as it relates to the existing adjacent properties. Comments have been made at the initial Public Hearing and Council has

performed a site visit to gain a better understanding of the applicant's property and neighboring properties.

Ultimately Council must decide if the current draft DA has adequate language to best reduce the impacts of the facility in relation to neighboring properties, if the DA require more components or if in fact all matters can be mitigated adequately resulting in Council not proceeding to 2nd Reading.

Staff continue to support the application but await further comments from Council.

Report Prepared by: _____
Mark Fredericks, Senior Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

**Appendix A - 2024-04-23 Second Reading Report - Development Agreement: PID 45180635,
Hwy 215, Summerville; File #23-07B**

Appendix A
Comments Submitted for Public Hearing Continuation

From: [Chris MacNaughton](#)
To: [Mark Fredericks](#)
Subject: 215 Paintball facility
Date: Friday, May 3, 2024 8:46:01 PM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

I live on the 215

I am excited to share with you an innovative idea that I believe would greatly benefit our rural community: the construction of a paintball facility. Our community is in need of recreational activities that cater to a wide range of ages and interests. A paintball facility would not only provide entertainment for locals but also attract visitors from neighboring towns, boosting our local economy. This project would: - Create jobs and stimulate economic growth - Offer a unique and exciting recreational activity for residents and tourists alike - Provide a safe and controlled environment for players of all skill levels - Host corporate events, team-building exercises, and birthday parties - Enhance our community's reputation as a vibrant and family-friendly destination Furthermore, a paintball facility would promote physical activity, teamwork, and strategy-building among participants. It would also provide an opportunity for socialization and community building, fostering a sense of belonging among residents. I believe that with the right support and planning, a paintball facility would thrive in our community. I would be delighted to discuss this proposal in more detail and explore ways to make it a reality. Thank you for considering my suggestion. I look forward to hearing your thoughts on this exciting opportunity.

Best regards, Chris macnaughton

From: [Dara Pelkey-Field](#)
To: [Mark Fredericks](#)
Subject: Proposed Paintball Establishment at PID 45180635
Date: April 22, 2024 3:59:44 PM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Mark Fredericks - April 22, 2024

Senior Planner, West Hants Regional Municipality

Re: Paintball Permit for PID 45180635

Dear Mr. Fredericks,

I am writing in support of Shauna and Glen Thompson of Red Ridge Farm to ask that you please strongly consider denying the paintball establishment permit for PID 45180635.

Red Ridge Farm has worked hard to establish a facility for both horses and their caretakers to enjoy and participate in the equestrian discipline of eventing. There are very few locations in the province that equestrians can learn and train in this discipline given the urban expansion and rising costs of operation.

I hold a master's degree in equine science and am a faculty member at Dalhousie University's Faculty of Agriculture where I have taught equine science courses that encompass equine behaviour and learning, equine facility management and equine welfare.

Horses are flight animals meaning that when they are startled, nervous or frightened they will run. Their instinct leads them to be very vigilant, they have keen senses and are always aware of their surroundings. Being exposed to constant noise from the paintball guns, while not loud to humans would seem like a war zone to a horse. Adding in to the equation the extra human yelling and exuberance and the visual stimulation from the inflatable obstacles on the course, horses would be in a constant state of alert which could very easily escalate to panic.

Prolonged states of hyperawareness eventually leads to poor welfare for these animals. Responses to chronic poor welfare can result in the development of stereotypic behaviours, poor performance and physiological issues such as gastric ulcers. Other concerns include the risk of stray shots hitting the animals or humans causing injuries, injury to horses and humans when spooked horses bolt, and the potential for lost income from people that don't want their horses exposed to these stressors.

I strongly urge you to take the health, welfare and safety of the horses and humans that have established this equestrian training facility and realize that it all will be in jeopardy should the permit be granted for the paintball location.

Sincerely,

Dara Pelkey-Field

Dara Pelkey-Field, MSc, PAg (she/her)

SENIOR INSTRUCTOR, BARON'S PRIDE STABLE (EQUINE FACILITY) MANAGER

Animal Science and Aquaculture
Haley Institute
58 Sipu Awti | Truro, NS B2N 4H5 Canada

DALHOUSIE UNIVERSITY

dal.ca

Dalhousie University is located in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq. We are all Treaty people.

We recognize that African Nova Scotians are a distinct people whose histories, legacies and contributions have enriched that part of Mi'kma'ki known as Nova Scotia for over 400 years.

From: [Dara Pelkey-Field](#)
To: [Mark Fredericks](#)
Cc: [Rupert Jannasch](#); [Shauna & Glen Thompson](#)
Subject: Re: Paintball/Speedball Permit at PID 45180635
Date: Monday, April 29, 2024 9:39:06 PM
Attachments: [Letter of Support Thompson.pdf](#)

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Good Evening Mr. Fredericks and Mr. Jannasch,

Please find attached a second letter as a follow up to my first sent on 22 April 2024 in regards to the request for a permit to establish a paintball/speedball facility at PID 45180635 in Summerville.

Sincerely,
Dara Pelkey-Field

April 29, 2024

Mark Fredericks, Senior Planner
Rupert Jannasch, Councillor
West Hants Regional Municipality

Dear Mr. Fredericks and Mr. Jannasch:

RE: – Proposed Paintball/Speedball Development Permit at PID 45180635

I am responding to a request by Ms. Shauna Thompson to follow up and expand on some of the points that I presented in a letter written and emailed to Mr. Fredericks on 22 April 2024. The letter was in support of Mr and Ms Thompson's request to have the permit application for a paintball/speedball operation at PID 45180635, denied.

In my original letter I explained that the noise created by the firing of guns and the overall noise created by the players has the potential to negatively impact the health and welfare of the horses that are already living on the Thompson property as well as affect their livelihood of operating a practice and competition facility for the equestrian sport of eventing. Horses have a broader auditory frequency range than humans and can detect frequencies between 50 Hz to 33kHz (compared to a human's range of 20 Hz to 20kHz). That, combined with the shape of their ears, horses have highly developed auditory acuity (Rorvang, et al., 2020).

Another statement made in my original letter identified that constant exposure to auditory stimuli could result in decreased welfare for the horses, in the short term for those coming to the property to train and/or compete and for those horses living on the property full time. In a paper by Rorvang, et al (2020) the authors discuss the sensory abilities of horses and the effects that each of the senses can have on their behaviour and perceptual experience. They cite several sources that have identified that loud noises and continuous noise can cause stress responses which can lead to behavioural and health changes in many farm animals, horses included.

A 2023 study by Hole, et al investigated equine behavioural and physiological responses to auditory stimuli. Overall, the study demonstrated that horses had an increased heart rate and behavioural response to many kinds of auditory stimuli which could impact their ability to focus and their attention during competition. This can have detrimental effects, which at one end could lead to poor performance, and at the more extreme end could put both horse and rider in a dangerous situation.

Understanding that the Thompson's facility has been built to serve the equestrian industry primarily in the sport of eventing, where horses and riders are jumping solid objects and riding against the clock, it is easy to understand that any distraction could cause a disastrous situation.

.../2

Mark Fredericks, Senior Planner
Rupert Jannasch, Councillor
West Hants Regional Municipality
Page 2
April 29, 2024

Horse owners and athletes are not going to risk their horses or themselves, which will result in financial losses for the Thompson's and the current horses living on the property will be at risk of experiencing poor welfare.

Given this information, I continue to urge you to deny the application for the paintball/speedball facility at PID 45180635 in Summerville.

Sincerely,



Dara Pelkey-Field, M.Sc., P.Ag
Senior Instructor, Dalhousie University, Faculty of Agriculture

References:

Hole, C., Murray, R., Marlin, D., and Freeman, P. (2023) Equine Behavioural and Physiological Responses to Auditory Stimuli in the Presence and Absence of Noise-Damping Ear Covers. *Animals (Basel)*, 13(9): 1574
doi: 10.3390/ani13091574

Rorvang, M.V., Nielsen, B.L., and McLean, A. N. (2020) Sensory abilities of Horses and Their Importance for Equitation Science. *Front Vet Sci.* 7:633
doi: 10.3389/fvets.2020.00633

From: [Shauna Thompson](#)
To: [Mark Fredericks](#)
Cc: [Rupert Jannasch](#)
Subject: Letter of Support from Insurance Provider
Date: Saturday, April 27, 2024 8:11:56 AM
Attachments: [Acera Insurance Provider Letter of Support.pdf](#)

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Good morning Mark,

Please see the attached letter from our insurance provider regarding the paintball proposal.

It's important to note that I am required to have liability insurance in order to maintain my Equestrian Canada Licensed Coach status. This letter confirms my concerns that I may not be insured to coach students on my own property either because the provider may decide to revoke coverage or it becomes too cost prohibitive.



April 26, 2024

To whom it may concern

Regarding – Land owned by Shauna and Glen Thompson
Equine business interactions with Paintball Park

As a national leader in the field of equine risk management, I was asked to respond to a client who is concerned about the use change of a parcel of land to allow paint ball competitions and training in close proximity to an existing equine/equestrian training facility.

I share the concerns expressed by the landowner that having people with guns shooting and running erratically about near horses is placing the horses and riders at significant risk. Horses are flight animals, and it is certain that these distractions will make it impossible for them to remain calm or for equine operations of any sort to be undertaken safely.

If this proceeds, it is certain that the insurance in force protecting the equine facility and activity will be adversely affected. When insurers assess risk and the cost of insurance, we do so with the broad brush of known and predictable exposures and this new element is going to cause the availability and cost of coverage to be scrutinized to the detriment of the existing equine business.

In closing, my team is responsible for the placement of insurance for approximately 100,000 equine enthusiasts across the country at thousands of facilities and have done so for more than 25 years.

The paint gun operation should not be anywhere close to this or any existing equine facility.

Sincerely,

Michael A. King CAIB, RIB

National Director – Equine, Partner

From: [danny clowry](#)
To: [Mark Fredericks](#)
Subject: Paint Ball ,I See no reason why the Hills Boys Can't Have the hobby and game for young and old ,there to many persons that can't see what this will do for our place so let the Hill Boys have there start to a company that will bring money in all around .
Date: Saturday, May 4, 2024 7:27:56 AM

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Sent from [Mail](#) for Windows

From: [Krista Jarvis](#)
To: [Mark Fredericks](#)
Subject: Paint ball
Date: Friday, May 3, 2024 3:14:34 PM

Caution [External Email]

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Good afternoon Mark,

My name is Krista Jarvis and I live in the west hants community on the 215 by Cheverie. I have heard there is someone attempting to open a paintball facility in Summerville. I just wished to email you to show my support in the application, I am by no way related to or even know the people wishing to put this in I am just an unbiased resident.

I believe this facility could help bring some people to our community as well as give our residents something fun to do on evenings and weekends (which is something we lack). I am not from the community originally I actually lived in a small town that had a paintball facility. With proper measures (ie. netting) to keep everyone safe on the road ways I cannot think of one single negative to adding one to our area.

Thank you for your time reading this email and I hope we gain a new fun place for our community members to be able to use.

From: [Wendy Patterson](#)
To: [Mark Fredericks](#)
Subject: Paint Ball Business Support
Date: Saturday, May 4, 2024 9:04:19 PM

Caution [External Email]

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Dear Mr. Fredricks:

I'm writing you to show my support for Bradley & Patrick Hill's wish to start a paintball business in Summerville, Hants County. Having grown up just a minute from where they want to have their paintball business, I can tell you, it would have been wonderful to have had something like that to do. If you're familiar with the shore, you already know there's little to nothing for the young (& young at heart) people to do. The thought that it would be too noisy by a few individuals is ridiculous!! The wooded area they want to have it sits well off the road, and a more than reasonable distance from homes. It's not something that would run late into the night, so I really don't understand why anyone would object. It's not fair to allow a few individuals to ruin a good thing for the shore area. My son and his daughters still live in, what was my homestead, and I know they would love this.

I kindly request you take into consideration ALL others on the shore, and not just the opinion of a handful of people.

Kindest regards,
Wendy Patterson

Sent from my Bell Samsung device over Canada's largest network.

From: [Mary Grace McNeil](#)
To: [Mark Fredericks](#)
Subject: Paint Ball in Summerville
Date: Saturday, May 4, 2024 6:37:44 AM

Caution [External Email]

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Hello,

I am emailing you today in support of a proposed paintball business to be set up on an empty wooded lot in Summerville. I think this is a great idea. The lot is on the opposite side of the street from the school and flying apron restaurant, and also removed from residential areas.

Youth in our most rural areas need more healthy activities to thrive. As someone whose husband's family lives along the 215 I can tell you that he would have absolutely loved something like this growing up. It would get folks outside, using strategies, learning new techniques, and exercising while having fun.

I see no downside. Paintball is relatively quiet and the lot is far enough removed that most - if not all - local households wouldn't be disturbed by the activities.

Sincerely,
Mary Grace Smith

From: [Rob Amos](#)
To: [Mark Fredericks](#)
Subject: Paint ball
Date: Saturday, May 4, 2024 6:57:52 AM

Caution [External Email]

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I support the paint ball trying to be done on Hwy 215 Summerville.

Get [Outlook for Android](#)

From: [Emily Wile](#)
To: [Mark Fredericks](#)
Subject: Paintball
Date: Friday, May 3, 2024 3:08:18 PM

Caution [External Email]

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Hi there,

I'm writing in favor of Patrick and Bradley Hills idea to start a paintball business here in our community.

We don't have much here, our schools playground is less than ideal, we have no public playgrounds, skate parks, etc. this would give the youth in the community something fun that they could do. Something that would help bring business to our community.

Thanks for taking this into consideration
Emily Machinek

Sent from my iPhone

From: [Taylor Spares](#)
To: [Mark Fredericks](#)
Subject: Paintball Course in Summerville
Date: Friday, May 3, 2024 5:02:22 PM

Caution [External Email]

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Hello my name is Taylor Spares. I just wanted to say it would be a great thing for Summerville to have a paintball course. As someone who grew up and currently lives in Summerville we never had anything to do around here. Now being 32 I would live to see a place that me and my 10 year old son and eventually him and his friends could go to have fun and get some exercise. I hope this goes through because I feel it will help the community of Summerville for the better. Thank you

From: [Katherine Brown](#)
To: [Mark Fredericks](#)
Subject: Paintball facilitie
Date: Friday, May 3, 2024 2:57:05 PM

Caution [External Email]

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Regrading Patrick and Bradley's idea for a paintball facility in Summerville. I think it's a great idea, I think people will show more interest in activities like this, to curve their boredom instead of getting involved in drugs for entertainment/ enjoyment

Kat
Sent from my iPhone

From: [Lisa Bland](#)
To: [Abraham Zebian](#)
Cc: [Mark Fredericks](#)
Subject: Paintball facility feedback
Date: Friday, May 3, 2024 10:48:30 PM

Caution [External Email]

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Dear Mark

I am curious after watching the public hearing about the paintball facility- at what point in a public hearing can someone who is speaking about things that are factually incorrect (the letters and woman speaking about equine being more important than paintball) get shut down.

I am disgusted by the comparison to the recent mass shooting in addition to the factually incorrect statements. It is a completely inappropriate line of comparison and should not have been entertained as it is not conduct becoming reasoned arguments in council, and critical thinking.

The additional arguments by a community member about potential violations of a non-existent noise bylaw based on past personal experiences is also irrelevant to the application.

Furthermore, I know weapons and ammunition experts who have listened to these statements and are blown away by how wrong the statements are about noise, behaviour, and range of shooting. I hope that council will proceed with this fantastic opportunity for the region. I would recommend disproving their claims immediately with a decibel test on the property, and a distance of shot test - most paintball guns have approximately 75 feet of range.

Please let this activity proceed.

"My friends, love is better than anger. Hope is better than fear. Optimism is better than despair. So let us be loving, hopeful and optimistic. And we'll change the world." - Jack Layton 1950 to 2011

Lisa Bland

From: [Kathy Grace](#)
To: [Mark Fredericks](#)
Subject: Paintball facility
Date: Friday, May 3, 2024 4:28:29 PM

Caution [External Email]

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I would like to offer the support of myself and my family to the two young men from Summerville who are trying to set up a paintball business.

As we all know there are not as many opportunities for youth and or adults in the rural areas to enjoy recreational activities close to home as there are in the cities and surrounding areas. Not to mention the cost of just getting there and back these days, add on babysitters and dinner, and it's not really affordable for a lot of people.

We all are well aware of what a small business can do for a community, and its owners. It can only be a win win situation, provided it's done properly. I'm sure the gov't has a good set of rules for anyone trying to have a little fun, and a small business to abide by, so with that in mind, I would hope these young men would be given the opportunity to try and help us all enjoy life a little bit more and have some fun on "the shore".

Thank you for the opportunity to voice opinions on this matter.

Sincerely
Dennis & Kathy Grace
Walton, Hants County
Nova Scotia

From: [Angela Hiltz](#)
To: [Mark Fredericks](#)
Subject: Paintball facility
Date: Saturday, May 4, 2024 10:30:22 AM

Caution [External Email]

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Dear Mr Fredericks, the youth in Summerville and surrounding communities along the shore would definitely benefit from a paintball facility. As a child I grew up in Walton and there wasn't much to do other than hang out and the MTT building and smoke, sneak alcohol from our parents, and race up and down the roads if and when we had someone older with a car. Youth along the shore now a day, have much worse things to get into such as drugs, pills, and who knows? We have lost young people due to drugs, paintball would be a fun way to keep them out of trouble. Patrick and Bradley Hill are two outstanding young men and I believe they should have the chance to give the younger generation a fun way to keep them entertained. It would be a great addition to the communities to have this facility built!!

Sincerely Angela Hiltz

Sent from my iPhone

From: [Amanda Wilcox](#)
To: [Mark Fredericks](#)
Subject: Paintball for Summerville
Date: Friday, May 3, 2024 2:27:18 PM

Caution [External Email]

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Good afternoon!

I am writing to you regarding the proposal of a paintball course for Summerville. I believe this is a wonderful opportunity and addition to the community. As long as it is run the proper way and safety guidelines are followed, I think many people would benefit from this, mainly youth! We do not have many extra curricular activities to keep people busy and out of trouble in the area.

I have known the Hill boys for years and wish them all the best in their attempts to make the community a better place!

Amanda Wilcox
Kempt shore

Sent from my iPhone

From: [Noreen Singer](#)
To: [Mark Fredericks](#)
Subject: Paintball in Summerville
Date: Friday, May 3, 2024 5:19:03 PM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Good afternoon,

We would be in support of this business.

Noreen & Danny Singer

From: [Samantha Wilcox](#)
To: [Mark Fredericks](#)
Subject: Paintball in Summerville
Date: Friday, May 3, 2024 4:34:52 PM

Caution [External Email]

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I think paintball in the community of Summerville is a great idea. Growing up on the 215 and having little to no activities around I think this would really benefit the youth growing up around here. Also know alot of adults who would enjoy this as well!

From: [Chloe Chaytor](#)
To: [Mark Fredericks](#)
Subject: Paintball in Summerville
Date: Saturday, May 4, 2024 1:00:35 PM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Good afternoon,

My name is Chloe Chaytor and I am writing to you in regards to the possibility of a paintball facility in Summerville. I am in full support of such a facility and think it would be a great idea and business within the community of Summerville and for the surrounding communities. I am from Mount Uniacke which had a paintball facility for many years and it was a success. There was little community disturbance as the property was fairly secluded from the road, but benefited the local community stores, (today, locals with airbnbs would enjoy bookings from those weekend paintballers) gas stations etc. Paintballing is great fun and I hope the community of Summerville could give this a try, especially if it means that locals from the community can have the chance to run their own business. In a time when work can be scarce, or the need to work close to home for whatever reason; these folks should be granted their business proposal.

Thanks so much for your time Mr Fredericks,

Chloe Chaytor

From: [James K. Ennis](#)
To: [Mark Fredericks](#)
Subject: Paintball Park, Summerville
Date: Saturday, May 4, 2024 7:58:03 AM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Hello, my name is James Ennis and I live at [REDACTED], Summerville, West Hants.

I believe that Patrick Hill's plan for a Paintball Park would be a great addition to the community of Summerville.

I have no objections to this endeavour.

Thank you

James Ennis

From: [Owen Hill](#)
To: [Mark Fredericks](#)
Subject: Paintball
Date: Monday, May 13, 2024 11:04:46 AM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Hello, I am in full support of a paintball facility in Summerville. I believe it would be a great addition to the community.

Thanks

From: [Nicole McCarthy](#)
To: [Mark Fredericks](#)
Subject: Patrick and Bradley Hill
Date: Friday, May 3, 2024 4:14:18 PM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

It has been brought to my attention that a proposal has been made to start a paintball facility in the Summerville, Hants Co. Area. And of course it's being fought against. It is unclear to me at this time if it's the community, or the municipality, digging their heels. As a local, I think this would be an awesome, activity for young and old alike. Having an option for a Friday night date night, or a night out with the girls/boys locally is not something we on "the shore" have as an option. Birthday parties for youths, bachelor parties; the list is endless.

The nearest town to Summerville is 20-25mins away, and the city an hour. So having a place to unwind, have fun and blow off some steam, close to home would be beneficial for many reasons, as the cost of gas, and inflation makes it more difficult for folks to travel any great distance for fun. I hope this email has a beneficial impact for Pat and Bradley, they are great guys, with a dream, that is being challenged in a time where we need growth and development.

I'd like to end this email by saying that we on the shore feel very lied to, and jipped where amalgamation is concerned. Our taxes got higher, and we got a covered picnic table and some toilets at the Cheverie Causeway. A few years back a committee of locals got together, with Abe (the mayor) and our councillor Rupert to discuss and plan a skatepark or perhaps other place of recreation on the shore. We as locals did our work, had a couple meetings, some emails were exchanged and when it was time for the town to do their part the whole thing fizzled. It was extremely discouraging for us as a community, and it further solidifies that we're only good for our money. Our ideas, our time, our future is nothing more than a numbers game for the "township of Windsor" and we feel extremely shafted. Especially with the news of the GFL expansion in our backyards.

With support and best regards,
Nicole Macumber
Walton, NS

From: [Shauna Thompson](#)
To: [Sara Poirier](#)
Cc: [Rupert Jannasch](#); [Mark Fredericks](#)
Subject: PID 45180635 Summerville Paintball Application
Date: Thursday, May 16, 2024 9:43:22 AM
Attachments: [Follow Up Letter to Council re Paintball Application May 15.pdf](#)

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Good morning Ms. Poirier,
Please see the attached follow-up letter in reference to the Paintball Application for PID 45180635.

Thank you,
Shauna and Glen Thompson

May 16, 2024

Attn: Sarah Poirier, Director of Planning and Development

Re: PID 45180635, Hwy 215 Summerville, NS

Good day Ms. Poirier,

This letter is in reference to the application for PID 45180635 being considered by the Municipality of West Hants.

My husband, Glen Thompson and I own the neighboring property at [REDACTED] in Summerville and stand to be impacted by the outcome of this application. Our property is used for equestrian activities involving our own horses as well as other horses and riders who come to our property to train or attend group events such as clinics or competitions. I am an Equestrian Canada Licensed Coach offering riding lessons on our property to students of all ages with skill level from beginner to advanced. The riding arena and adjacent field, directly across the road from the proposed area in this application, have been used for equestrian sport for almost 40 years.

First, we would like to thank Council and other staff members for taking the time to visit the site of the proposed area on the field trip to observe a demonstration of paintball markers in use at the proposed area on May 1. We also appreciated having some of the Council members come to our riding arena on our property while the demonstration was taking place.

The noise we heard during the demonstration was audible from our riding arena almost 800' away and to be honest, if that was as loud as could be expected, the impact to our neighboring land use would be minimal. However, only 4 markers were used. In an actual game, Mr. Hill stated there could be up to 10 markers used for speedball and another 10 for woods ball, all being used simultaneously. On top of that, there would be yelling and screaming by the players, which is typical of the game. Keep in mind that the players need to yell loud enough to be heard over the markers firing and the ear covering they wear for protection. All of this would create significantly more noise than what we heard during the field trip.

Dara Pelkey-Field, faculty with Dalhousie's Department of Agriculture, who holds a master's degree in equine science, and teaches courses on equine behaviour and learning, equine facility management and equine welfare, provided a follow up letter regarding equine hearing. In her letter, she states,

'Horses have a broader auditory frequency range than humans and can detect frequencies between 50 Hz to 33kHz (compared to a human's range of 20 Hz to 20kHz). That, combined with the shape of their ears, horses have highly developed auditory acuity (Rorvang, et al., 2020).' Also, *'In a paper by Rorvang, et al (2020) the authors discuss the sensory abilities of horses and the effects that each of the senses can have on their behaviour and perceptual experience. They cite several sources that have identified that loud noises and continuous noise can cause stress responses which can lead to behavioural and health changes in many farm animals, horses included.'*

The decision on this land development application is precedent setting that will inform future applications in West Hants. The fact that West Hants has a vast amount of agricultural activity involving livestock, must be taken into consideration to ensure that appropriate measures are in place to protect the health and well being of livestock in future agreements.

At the last Public Meeting, we presented expert opinion and facts to show that this development could significantly impact our land use by putting the safety and welfare of horses and riders at risk. It's important to note that other horses are brought to our facility to train, participate in clinics and compete. These horses and their riders would not be pre-exposed to the type of noise from a paintball facility thus, increasing the risk to their safety and welfare. In order to practice as an Equestrian Canada Licensed Coach, rent out the riding arena to other coaches and hold equestrian activities on our property, liability insurance must be in force. Our ability to remain insured is now in question, depending on the outcome of this land development application (see letter submitted to Mr. Fredericks on April 27 from Michael King, National Director of ACERA Insurance).

It's difficult to know what criteria would be needed to reduce the risk and minimize the impacts, but we do know the following:

- During the field trip test, 4 markers were audible to the human ear at a distance of 800' (from the edge of our riding arena closest to the road, to 100' into the woods in the proposed area). In actual play, the noise would be significantly greater.
- In reference to the letter submitted on April 27 from Michael King, National Director of ACERA Insurance, our insurance provider considers a paintball facility next to our property a significant risk that will impact our ability to maintain liability insurance to continue providing lessons by an Equestrian Canada Licensed Coach, rent the property out to other coaches or hold group events, including competitions and clinics. This is clear evidence that approving the paintball facility as the report was initially presented, will have a significant impact on our current land use and does not meet the criteria under Policy 9.1.7 and 13.3.2.

If Council votes to approve this application, rigorous criteria must be stipulated in the Agreement to minimize the impact to our neighboring land use and set a standard for future land development agreements. Specifically:

- No paintball activity in the open field.
- Significantly increase the setback for the gaming area; 100' into the woods is simply not enough.
- Solid fencing should border the gaming area (in the woods) at the tree line between the woods and the open field.
- No speedball unless a setback into the woods is far removed from all property lines (e.g. 1km).

In closing, we want to make it clear that we support community development and providing activities for youth that is locally accessible. Both are very important in any community. The issue we have with this application is simply the proximity of the paintball activities and the impact it will have on our neighboring land use. It may be possible for both businesses to exist but only if there is adequate separation and buffering to mitigate our legitimate safety concerns also expressed by our insurance provider, provincial equestrian sport organizations and professionals in the industry.

Sincerely,

Shauna Thompson

From: [gina spares](#)
To: [Mark Fredericks](#)
Subject: Proposed paintball park
Date: Friday, May 3, 2024 7:10:47 PM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

My name is Gina Spares of Summerville Hants Co. I am sending this email to show my support for Patrick Hill's proposed paintball business .

As a small business owner going into my 30 th year, I very much support those venturing into small business for themselves. Also, I think more recreation is much needed, especially for our youth who are spending far too much time in front of screens and far too little being physically active.

I can't see any downside to this type of recreation in our area and hope to see it approved and become a success.

Regards ,Gina Spares

From: [Judy Pountney](#)
To: [Mark Fredericks](#)
Subject: re: paint ball facility in Summerville, Hants Co
Date: Friday, May 3, 2024 6:55:33 PM

Caution [External Email]

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Hello, I am sending this letter of support for the paintball facility that a couple of young men are hoping to get running. There is not much in this area of Burlington to Walton for the young and young at heart to do. This would be an awesome activity for them. It beats having them racing up and down the 215 on the hind wheel of unregistered dirt bikes because they have nothing better to do! I hope the paint ball plans are approved. I'm a senior (72) and I feel it is a great venture!

Judy Pountney

From: [brandon.gould](#)
To: [Mark Fredericks](#)
Subject: Summerville paintball application
Date: Friday, May 3, 2024 7:20:54 PM

Caution [External Email]

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Good afternoon Mark,

I am writing to express my interest in seeing this application approved. I have lived on hwy 215 in west hants all of my life. Growing up, no matter what extra curricular activity me or my peers wished to partake in, meant a 30+ minute drive. Now I watch my younger cousins experience the same. I believe a paintball facility in the area is a FANTASTIC idea. It will draw people from near and far, provide economical growth in the community and provide an active hobby for the people of West Hants.

-Brandon Gould.

From: [Jenna Sue O'Leary](#)
To: [Mark Fredericks](#)
Subject: Summerville paintball facility
Date: Friday, May 3, 2024 3:29:32 PM

Caution [External Email]

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Mark Frederick's

Hello my name is Jenna and I think that the Summer Paintball Facility in Summerville that Bradley and Patrick Hill are trying to start up, would be a great thing to have during the summer months for people of all ages for our community. Especially for families trying to keep their kids outdoors and not on video games. I don't see how it could be a disturbance to the neighbours. I see some potential to really make this community something and fun. I hope you guys allow them to open this up

Sincerely
Jenna Sue O'Leary.

From: [Erin Berkvens](#)
To: [Mark Fredericks](#)
Subject: Summerville Paintball Facility
Date: Friday, May 3, 2024 4:17:21 PM

Caution [External Email]

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Hi

As a resident of Walton whom has had there taxes double in last 4 years of moving here I'm appalled to see the works of 2 man in our community shutdown on a business plan that brings activity and fun to this community. The government makes money off fees to fish in our local community that drives traffic and garbage to our community but something like this gets shutdown? I'd love to hear the reasoning behind this. I fully support the development of this facility as I do see and risk to the community. I have played this sport many times and have never know it to bring any kind of trouble to the area it resides. One would think in a world where people can't get out freely in rural areas to play a sport it would be highly encouraged. A very disappointing thing to see in this economy to be turned away.

Regards

From: [Sharon](#)
To: [Mark Fredericks](#)
Subject: Summerville paintball
Date: Friday, May 3, 2024 9:05:18 PM

Caution [External Email]

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I am just writing in support of Patrick and Bradley Hill. Would love to see some thing like a paintball activity not only fun for kids but for the adults as well (whole family) There is not a whole lot for kids down in this area to do. It would definitely help out the community as well as the surrounding areas

Sharon Burgess

From: [Taylor Swinamer](#)
To: [Mark Fredericks](#)
Subject: Support for paint ball feild
Date: Friday, May 3, 2024 4:05:55 PM

Caution [External Email]

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Good afternoon,

My name is Taylor Swinamer and I live in Summerville NS.

I am in support of the paint ball facility being proposed.

Paint ball would create activities for the young and old, it is something that is not readily available on the 215 (or many areas within the province), and it would bring tourism to the area as well. People will travel to play, I play paintball myself and have traveled to New Brunswick to do so. I believe a paintball field would generate lots of people, which in return will also help the local businesses!

I think having paint ball on the shore would be a great opportunity for all, and a great activity to have within the community.

Thank you.

Kindest Regards,

Taylor Swinamer

From: [Abraham Zebian](#)
To: [Bruce Wright](#); [Deanna Snair](#); [Sara Poirier](#); [Mark Fredericks](#)
Subject: Re: Loss of agricultural land
Date: May 19, 2024 12:33:03 PM

Thank you for the email Bruce.
It will be added to correspondence for councils information.

Kindest regards.

Mayor Abraham Zebian
West Hants Regional Municipality
76 Morrison Drive
Windsor NS
B0N 2T0
902-790-1566

On May 19, 2024, at 11:32 AM, Bruce Wright wrote:

Caution [External Email]

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Dear Mayor Zebian,

Re: Preservation of farmland in Hants County

The Hants County Federation of Agriculture (HCFA) has, as part of its mandate, to support and promote agriculture to ensure a robust rural economy.

It was recently brought to the HCFA's Board's attention about a land development plan that is before West Hants Municipal Council for a development agreement which will result in the loss of a valuable forage field (PID 45180635) to a recreational (paintball) facility. Forage is an integral part of agriculture in Hants County. Particularly noting that the flooding of July 2023 has led to a severe shortage of high-quality forage.

Once farmland is lost it is gone forever. It is vital, therefore, that the Municipality make every effort to preserve farmland in order that we, the local farmers, can feed the ever-increasing population.

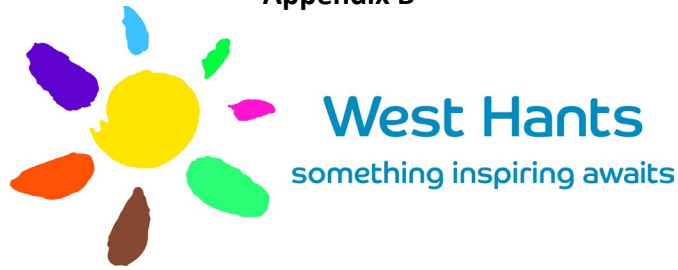
Additionally, it should be noted that the increased noise and traffic resulting from this proposal has the potential to affect other agricultural activities (such as nearby equestrian facilities).

Sincerely

Bruce Wright

Secretary, HCFA

pp Nick Juurlink, President, HCFA



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Mark Fredericks, Senior Planner

Date: April 23, 2024

Subject: Development Agreement: PID 45180635, Hwy 215, Summerville; File #23-07B

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to approve the Development Agreement following the Public Hearing, the following motions would be in order:

... that Council gives Second Reading and approves the development agreement to permit a paintball facility on PID 45180635 on Highway 215 in Summerville, in a manner substantively the same as the draft set out in Appendix A of the report to Council regarding File # 23-07B dated April 23, 2024"

...that Council requires that the development agreement with Marlene Hill 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.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A complete application was received on March 21, 2023, from Patrick Hill. Initially this application came with a letter of authorization from Marlene Hill, who was not the landowner at the time, but through a recent probate court decision in February of 2024, Marlene Hill is

now the owner of the land and has appropriate authority to authorize Patrick Hill to apply for a development agreement to be entered into with the Municipality.

The planning application was needed to establish a paintball facility on PID 45180635 on Highway 215 in Summerville.

DISCUSSION

A Public Information Meeting was held on June 6, 2023. Several public comments were received at the meeting and during the public comment period that followed. The concerns related to the proximity of the proposed paintball facility to the adjacent cemetery and questions about enforcement, environmental impact of the paintballs, fencing, buffering, parking, and support for bringing an outdoor activity to the community. Many of these issues were able to be addressed in the development agreement by using large setbacks and buffering requirements as well as a *development area* that constrains the paintball activity to a specific portion of the property.

On February 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix B). The Committee briefly discussed the buffering requirements and planting densities, start/stop sounds, and confirmed that the development agreement does require netting for playing courses. The PAC/HAC recommended in favour of the application at this meeting.

On March 26, 2024, staff presented the PAC/HAC recommendation to Council for First Reading. Council's discussion included questions about the buffer, funeral frequency at the adjacent cemetery and the range of paintballs. Council recommended in favour of moving the application onto Public Hearing with the following amendments to the development agreement:

- to include property boundary signage (Section 2.11); and
- to include '*and growing*' after maintained into the language regarding the vegetative buffer (Section 2.7).

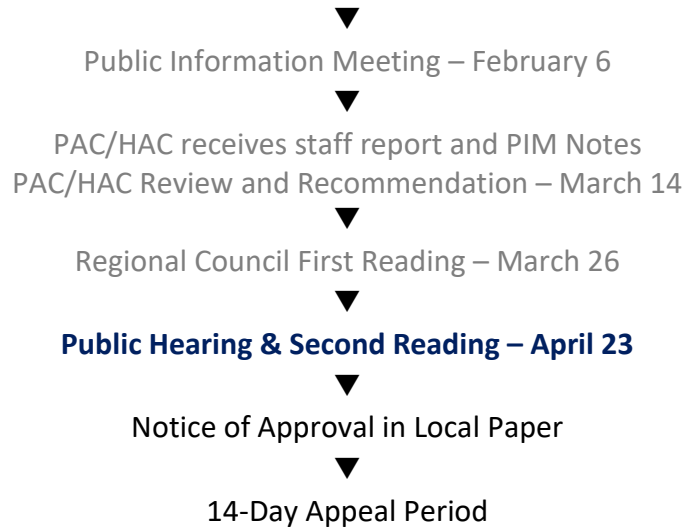
These changes have been made in the Development Agreement and are shown in **red text** in Appendix A.

NEXT STEPS

The process for this application is as follows:

Process

Staff Review



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, Council may decide to:

- approve the development agreement as drafted or as specifically revised by direction of Council;
- provide alternative direction, such as requesting further information on a specific topic.

APPENDIX

Appendix A	Revised Draft Development Agreement
Appendix B	2024-03-26 First Reading Report - Development Agreement: PID 45180635, Hwy 215, Summerville; File #23-07A

CHIEF ADMINISTRATIVE OFFICER REVIEW

Pending the review of Council and comments made at the Public Hearing I support the recommendation.

Report Prepared by: _____
Mark Fredericks, Senior Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Appendix A – Revised Draft Development Agreement

DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2024.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and –

MARLENE BONITA HILL, of Summerville, West Hants, Province of Nova Scotia.
(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

WHEREAS the Owner is the registered owner of a parcel of land located on Highway 215, Summerville (PID 45180635) hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Resource on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (the “Municipal Planning Strategy”) and zoned General Resource (GR) on the Zoning Map of the West Hants Land Use By-law (the “Land Use By-law”), and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit a Paintball Facility on the Property (the “Development”); and

WHEREAS Policy 9.7.1 of the Municipal Planning Strategy and Section 6.1 (v) of the Land Use By-law enable Council to consider entering into a development agreement to allow a Recreation Commercial use within the General Resource (GR) zone; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2024 approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto and the other conditions herein;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use Bylaw, except those as defined as follows:

- (a) *“Paintball Facility”* means a recreation commercial use open to the public and operated for profit by private individuals. The facility may include more than one paintball course, and various stations for rental equipment, storage, player rest areas and spectator viewing areas. The paintball courses are intended to host a game that simulates military combat with players on one team trying to eliminate players on an opposing team by shooting capsules of paint at them.
- (b) *“Development Area”* means the portion of the property illustrated on Schedule B to this Agreement.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

1.3 Municipal Planning Strategy, Land Use By-law and Subdivision By-law

- (a) *Municipal Planning Strategy* means the Municipal Planning Strategy of the Municipality of the District of West Hants, effective on June 26, 2008, as amended, or successor By-laws;
- (b) *Land Use By-law* means the Land Use By-law of the Municipality of the District of West Hants, effective on June 26, 2008, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the Subdivision By-law of the Municipality of the District of West Hants, approved on June 26, 2008, as amended, or successor By-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

- (a) The Parties agree that uses on the Property shall be limited to the following:
 - (i) those uses permitted by the underlying zoning in the Land Use By-law; and
 - (ii) a Paintball Facility.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law and Subdivision By-law apply to any development undertaken pursuant to this Agreement.

2.2 Development Location and Design

- (a) The Development shall be arranged within the *Development Area* as shown on the Site Plan in Schedule B.
- (b) The Owner shall design the Development to minimize impact on nearby existing uses with vegetation and large setbacks as described in this Agreement.
- (c) The Owner shall recognize the nearby Loyal Hill Cemetery and make reasonable efforts to pause or delay activity during funerals or other events in the cemetery.

2.3 Site Requirements

- (a) Any temporary or permanent structures, parking areas and playing courses shall conform to the following requirements, and be located within the *Development Area* shown on the Site Plan:

Minimum Front Yard	100 feet (30.5m)
Minimum Rear Yard	100 feet (30.5m)
Minimum Side Yard	100 feet (30.5m)
Maximum Building Height	35 feet (10.6m)
Maximum Height of Accessory Building	25 feet (7.6m)

- (b) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.
- (c) The Owner shall keep all undeveloped areas of the Property landscaped or forested.

2.4 Access and Egress

The main access/egress to the lot shall be directly from Highway 215. The driveway shall be approved by the Nova Scotia Department of Public Works prior to the Paintball Facility opening to the public. The vehicular entrance and exit shall be clearly demarcated and maintained to a level adequate to the standard set by the Nova Scotia Department of Public Works.

2.5 Parking

- (a) The Owner shall provide a minimum of twenty (20) parking spaces on the Property.
- (b) No on-street parking shall be permitted.
- (c) Each parking space shall be a minimum of 10 feet by 20 feet (3m by 6m)
- (d) Parking shall be located within the *Development Area* as shown on the Site Plan in Schedule B.

- (e) The number of parking spaces may be varied by the Development Officer in accordance with section 2.13 of this Agreement.

2.7 Vegetated Buffers, Netting and Fencing

- (a) The Owner shall enclose all paintball course areas with safety netting that is appropriately sized to capture any stray paint capsules.
- (b) If a paintball course is developed within the open field portion of the *Development Area* shown on the Site Plan, then the Owner shall also provide a wide vegetated buffer along any property line that abuts the Loyal Hill Cemetery.
- (c) If all paintball courses are developed entirely within the wooded portion of the *Development Area* shown on the Site Plan, then the Owner does not need to provide a wide vegetated buffer.
- (d) If required, wide vegetated buffers shall be a minimum of 20 ft. (6 m.) wide and include:
 - (i) A mixture of local deciduous and coniferous trees, shrubs, and berms to form a dense or opaque screen, and are maintained and growing for as long as the paintball facility is active.
 - (ii) The tree species within the vegetated buffer shall include predominately White Spruce. Secondary tree varieties may include Grey Birch, Red Pine, and White Pine. Other local tree species may also be included.
 - (iii) At the time of planting, each tree shall have a minimum height of 4 ft. and each shrub shall have a minimum height of 1.5 ft.
 - (iv) Additional plantings may include Ninebark, Rosa Rugosa, Lilacs, Boxwoods or other local species.

2.9 Servicing

(a) Waste Collection

The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or cause a nuisance to nearby properties and abutting roads and it shall not be located closer than 10 ft. (3.05 m.) to an abutting property.

(b) Water and Sewer Services

The Owner shall provide water and sewer services to the property in a manner that is compliant with the provincial authority.

(c) Snow Plowing

The Owner shall have sole responsibility for snow plowing within the Development.

2.10 Maintenance

- (a) The Owner shall keep the Property and facilities and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.
- (b) The Owner shall maintain the driveway to a standard adequate to allow for access by emergency services vehicles.

2.11 Signs and Lighting

Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the Land Use By-law, *Illumination* and *Signs*, which control lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

The property owner shall install signage to indicate the extent of the property boundary's side lot lines. These indicators are required in the front corners of the property where it meets Highway 215.

2.12 Hours of Operation

The hours of operation for the commercial uses within this Development shall be limited to between 9:00 a.m. and 9:00 p.m. daily, inclusive.

2.13 Variance

In accordance with Section 5.48 of the Land Use By-law, *Variance*, the Development Officer may grant a variance for one or more of the following requirements subject to the requirements of the *Municipal Government Act*:

- (i) number of parking spaces required; and
- (ii) height and area of a sign.

2.14 Subdivision

No alterations to the lot configuration, within the *Development Area* shown on the Site Plan are permitted except those required by the Municipality for the purpose of creating or expanding open space within the Property or those required by the road authority for the purpose of creating or expanding a public street over the Property.

PART 3 CHANGES AND DISCHARGE

- 3.1** The Owner shall not vary or change the use of the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this Agreement is amended.

3.2 Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing.

3.3 The following matters are substantive matters:

- (a) the uses permitted on the Property as listed in Section 2.1, *Use*;
- (b) increase in size of the paintball facility beyond the boundaries of the *Development Area* as shown on the site plan.

3.4 Upon conveyance of land by the Owner to either:

- (a) the road authority for the purpose of creating or expanding a public street over the Property; or
- (b) the Municipality for the purpose of creating or expanding any municipally owned facility over the Property,

registration of the deed reflecting the conveyance shall be conclusive evidence that this Agreement shall be discharged as it relates to the public street or public facility, as the case may be, as of the date of registration with the Land Registry Office, but this Agreement shall remain in full force and effect for all remaining portions of the Property.

3.5 Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter, and this Agreement may be discharged by Council without a public hearing.

3.6 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owner following a resolution of Council to give such Notice:

- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
- (b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
- (c) at any time upon the written request of the Owner, provided the use of the Property is in accordance with the applicable Land Use By-law or a new agreement has been entered into.

3.7 Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Owner may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.
- (b) Development as provided in Part 2 of this Agreement shall commence not later than twenty-four (24) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act, 30 days after giving Notice of Intent to Discharge to the Owners. Upon the written request of the Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.
- (c) If the Owners are bona fide delayed from commencing the development for reasons which are beyond the Owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owners is excused for the period of the delay and the time period for the Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

- (a) Nothing in this Agreement shall exempt the Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-laws to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender.
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.
- (c) References to particular sections of statutes and by-laws shall be deemed to be references to any successor legislation and by-laws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Owner about the suitability of the Property for the Development proposed by this Agreement. The Owner assumes all risks and must ensure that any proposed Development complies with this Agreement and all other laws pertaining to the Development.
- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Owner in writing. In the event that the Owner has not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice, then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms are a first lien on the land that is the subject of the Development Agreement.

5.6 Costs

The Owner shall pay all costs associated with registering this Agreement and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.8 Assignment of Agreement

The Owner may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

5.9 Written Notice

- (a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to **Marlene Hill, and Patrick Hill, 4850 Highway 215, Summerville NS B0N 2A0** or at any other address provided by the Owner.
- (b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner.

5.10 Full Agreement

This agreement constitutes the entire agreement and contract entered into by the Municipality and the Owner. No other agreement or representation, oral or written, shall be binding.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

____ Per: _____

Witness) Abraham Zebian, Mayor

)

____) Per: _____

Witness) Deanna Snair, Municipal Clerk

)

)

)

) **Marlene Hill**

)

)

Per: _____

Witness

) Property Owner

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2024, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2024, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2024, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **MARLENE HILL**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

I certify that on this _____, 2024
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Deanna Snair, Clerk

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

I, Marlene Hill, the “Deponent”, make oath and swear that:

1. **I acknowledge that I executed the foregoing instrument on the date of this affidavit; this acknowledgement is made for the purpose of registering such instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392 or s.79(1)(a) of the *Land Registration Act* as the case may be.**
2. I am nineteen years of age or older and am a resident of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit “spouse” means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to section 55(1) of the Act.
4. I am not a spouse and, with respect to the within property, I have no former domestic partner with the rights contemplated by section 55 of the *Vital Statistics Act*, nor any former spouse with rights in the within property under the *Matrimonial Property Act*, as amended.

I certify that on this _____, 2024
the Deponent came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA
Print name/affix seal

MARLENE HILL

Schedule A
Legal Description
Taken from Property Online June 2023

[Deed.pdf](#)

Schedule B
Site Plan

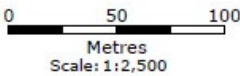


Highway 215, Summerville
PID 45180635



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for use for legal descriptions or to calculate exact dimensions or area. Prepared by: West Hants Regional Planning and Development Department June 2023

Proposed Development Area
Site Map



- Proposed Development Area
- PID 45180635
- Parcels
- Roads

**Appendix B - 2024-03-26 First Reading Report - Development Agreement: PID 45180635, Hwy
215, Summerville; File #23-07A**