WEST HANTS REGIONAL MUNICIPALITY
Regular Meeting of Council Agenda AMENDED
November 24, 2020 - 6:00 p.m.
In-Person at Sanford Council Chambers, 76 Morison Drive, Windsor, NS
Also held Via Zoom and Facebook Livestreamed

1. Call to Order

2. Attendance

3. Announcements

4. Approval of the Agenda, including additions or deletions
   a) Dashboard – Action Items

5. Declaration of Conflict of Interest

6. Approval of Previous Meeting Minutes
   a) 2020-10-27 Council Meeting minutes
   b) 2020-10-27 Public Hearing Minutes – Cannabis in Hantsport

7. Presentations
   a) Intensive Livestock Operation in Falmouth – Daniel Oulton

8. Unfinished Business/Postponed Motions – None
   a) W.B. Stephens Building Design Project Management

9. Public Hearings
   a) Cannabis in Hantsport Public Hearing (conclusion) and Second Reading
   b) Civic Addressing By-law Public Hearing (conclusion) and Second Reading
   c) 426 Ashdale Road Public Hearing (opening) and Presentation
   d) 543 O'Brien Street Public Hearing (opening) and Presentation
   e) 583 Highway 236 Public Hearing (opening) and Presentation

10. Mayor's Report

11. Committees of Council Recommendations
   a) Committee of the Whole Excerpts – November 10, 2020
      i. Grants and Contributions Policy
      ii. Hantsport Food Bank
      iii. Hantsport Municipal Complex (Office) Surplus
      iv. Repeal of Police Advisory Board By-laws

   b) Planning Advisory Committee
      i. Criteria for Inclusion in Heritage Registry pkg - Recommendation Report
      ii. Heritage Conservation Work Grant Policy – Recommendation Report

iii. Heritage Permits and Alterations pkg - Recommendation Report
iv. Heritage Property By-law First Reading – Recommendation Report
v. Intensive Livestock in Falmouth – Recommendation Report
vi. Notices of Heritage Properties in the Land Registry Office - Recommendation Report
vii. Standards and Guidelines for the Conservation of Historic Places in Canada - Recommendation Report

12. Councillor Municipal Activity Reports - None

13. Correspondence
a) Avon River Aboiteau/Hwy 101 Twinning Correspondence Log
b) Carol Bradley Correspondence (Nov. 16, 2020) - Municipal Complex Location
c) Windsor Township (Nov. 18, 2020) – Municipal Complex Location
d) Mun Affairs & Housing (Nov 03, 2020) - Reallocation of Hantsport Post Transitional Funds
e) GFL Newport & District Rink (Nov. 17, 2020)

14. New Business
a) Tender Award - 100' Single Axle Quint Fire Apparatus, WFD - Recommendation Report
b) Tender Award - Pumper Tanker Fire Apparatus, BFD - Recommendation Report
c) CSAP (Conseil scolaire acadien provincial) Election Update – Information Report
d) Resident-member Appointments to Police Advisory Board and Accessibility Advisory Committee – Recommendation Report
e) Resident-member Appointment to Hantsport Area Advisory Committee – Recommendation Report
f) Forest Lakes – Winter Road Maintenance

15. In-Camera – None

16. Next Meeting Date / Adjournment

M - Motion
D - Direction/Discussion

West Hants Regional Municipality
Dashboard (Action List) 2020/21

Green - Complete
Yellow - In-progress
Red - Not started

Matter	Meeting	M/D	Start Date	Deadline / Update	Status	Resp.
Land Matter	COTW (IC)	D	2020-04-14			CAO
Internet Access Business Plan - CAO to initiate process for dev of a business plan to present to Council (may req. consultation with market/industry experts for the delivery of high-speed internet acess for WHRM residents. (Cross-ref with 2020-09-08 COTW direction)	Council	M	2020-04-28			CAO
Sewer Billing Review - Staff explore what the sewer rates would be if sewer util. fees were put back on the taxes. (Tabled until after budget) (Also at 2020-04-14 COTW mtg)	COTW	M	2020-05-12	2020-12		CAO/Fin
Asset Mgmt (Strategic Sustainability) - Strategic Sustainability Plan is needed	COTW	D	2020-05-12	On-going until approx. Oct. 2022		PW
Avon River Causeway (Aboiteau/Hwy. 101 Twinning) - CAO to initiate process for financial evaluation which may include feasibility study on potential economic opportunities that exist with each of the causeway/aboiteau options being considered with Hwy. 101 twinning proj. (Table motion until after Community Liaison Committee (CLC) meets)	COTW	M	2020-05-12			CAO
Branding for Region - proceed with Branding project	Council	M	2020-05-26	2021-01		CAO
RCMP (Policing) - Staff explore other policing models to determine best cost per officer including all overhead costs. A review will be needed and if changing models, one-year notice would need to be given	COTW	D	2020-06-01	2021-02		CAO

Matter	Meeting	M/D	Start Date	Deadline / Update	Status	Resp.
Blended Rates (restructuring of existing tax rate) - Staff and council to review over the next year.	COTW	D	2020-06-01	2020-12		CAO/Fin
PID 45245578 and portions of 45182797, 45245560, 45245552, 45184025, and 45182904 (Cogmagun Lands) - purchase as per Letter of Offer presented at 2020-06-09 COTW in-camera	Council	M	2020-06-23			CAO
Hantsport Fire Station Design - staff explore a space in Hantsport for a community space and warming centre	Council	M	2020-07-28			PW/Comm. Dev
Rural Internet - Send 'heatmap' survey to WHRM residents asking if they have internet	COTW	D	2020-09-08	2020-11		CAO
Internet Access Business Plan - Keep as standing COTW agenda item and monitor Develop NS projects to see if WHRM needs to establish its own strategy/plan (Also see 2020-04-28 Council motion)	COTW	D	2020-09-08	On-going		CAO
Hantsport Food Bank (Part of the Hantsport Fire Station Design Services Tender Award) - Explore relocation of Hantsport Foodbank to 10 Foundry Rd.	Council	M	2020-09-22	2020-11 COTW		CAO/PW
Windsor Curling Club (Funding Req)	Council		2020-09-22	2020-11		CAO
James Salter (Funding Req) - Resurrection of wooden statue. Staff to meet with Mr. Salter re proposed project cost(s) and meet with Hantsport Fire Dept. to discuss potential preservation options & report back.	Council	M	2020-09-22	2020-11-10 COTW		CAO

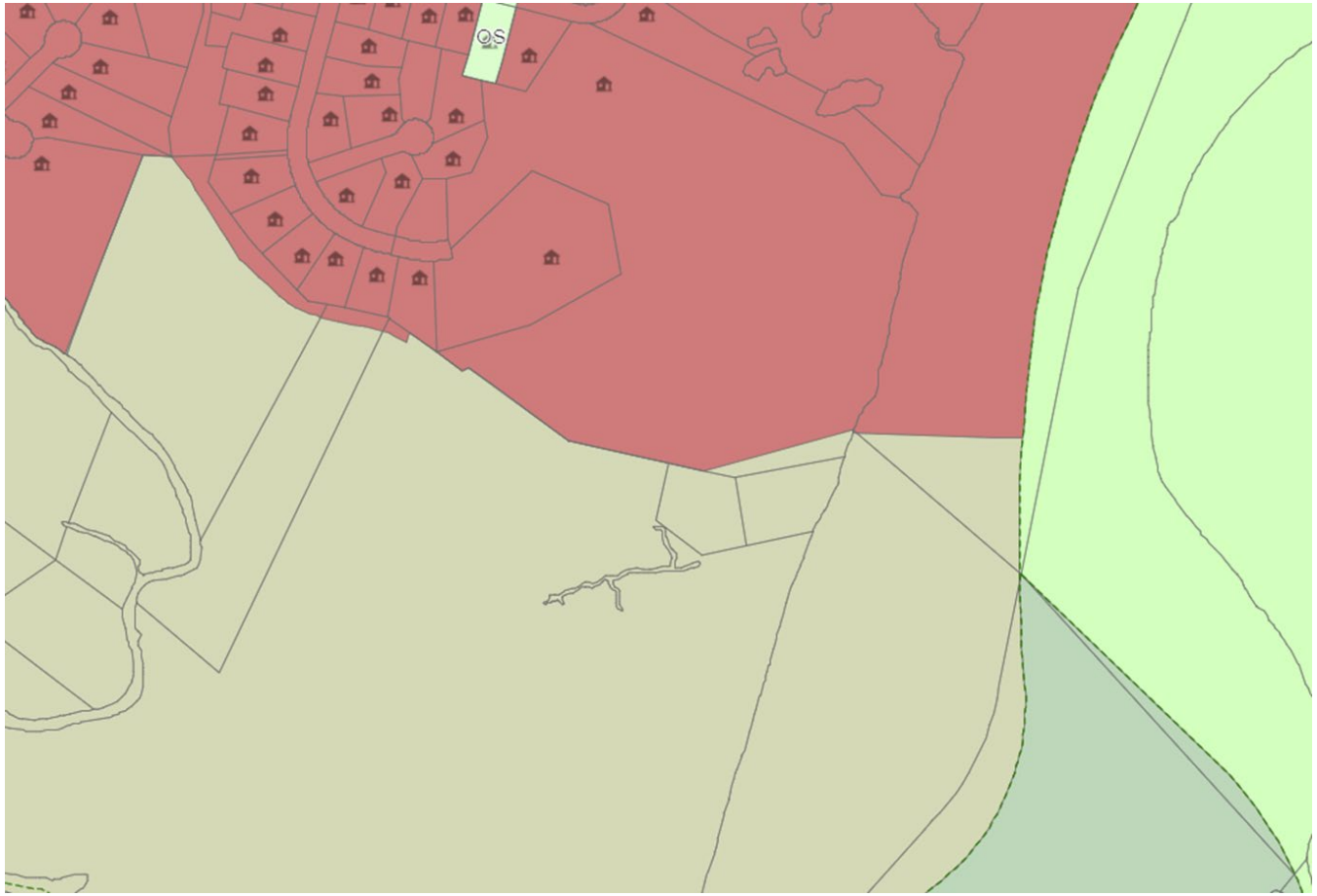
Matter	Meeting	M/D	Start Date	Deadline / Update	Status	Resp.
Restaurants/Mobile Canteens - Staff review existing by-laws/policies/fees (incl sidewalk cafes and mobile vending units). Report to include info on location permissions as well as comparable fees in our region for similar services along with any recommended changes.	Council	M	2020-09-22	2020-12		CAO
Racial Profiling Assertion - Staff write letter to local RCMP re recent assertion of racial profiling in our community (see motion)	Council	M	2020-09-22	2020-10		CAO
Racial Profiling Assertion - Refer complainant to RCMP Complaint Form.	Council	M	2020-09-22	2020-10		CAO
Pedestrian Signage and Barriers - Have consistent and align with Branding outcomes. Staff prepare report for 2021/22 Capital & Operating budgets. (These items should be incorporated into our growth centres). Staff report back.	Council	M	2020-09-22	2021-01-12 COTW		PW/Comm. Dev
Sam Slick Monikors - Staff write a letter of apology (see motion)	Council	M	2020-09-22	2020-10		CAO
Speed Radar Signs - staff let RCMP know concerns re speeding enforcement (see motion)	Council	M	2020-09-22	2020-09		CAO
Speed Radar Signs - Write NSTIR to review speeding in densely populated communities (see motion)	Council	M	2020-09-22	2020-09		CAO

Matter	Meeting	M/D	Start Date	Deadline / Update	Status	Resp.
Comms Plan/Process for Staff-Council	Council	D	2020-09-22	2020-10		CAO
Property Owners Assoc - Fees Review (if requested by POA)	Sp COTW	D	2020-09-23	2020-12		Fin
Belinda Bezanson Correspondence (that expanded to Police Adv Board Discussions) - Advertise and mobilize the Police Advisory Board Committee	COTW	D	2020-10-13	2020-11		CAO
Diversity & Inclusion Committee (from Meeting & Committee Procedural Policy Amendments) - Advertise for Committee members and mobilize the committee	COTW	M	2020-10-13	2020-11		CAO
Waste Collection Contract - Draft and put out to tender (to expire 2023)	COTW	M	2020-10-13	2020-12		PW
Easement Lease Agreement with Rogers Wireless - Sign lease	COTW	M	2020-10-13	2020-10		CAO
Rezoning Application (20 Main St, Hantsport PIDs 45043312 & 45043304) - Work with Planning Dept for Rezoning	COTW	M	2020-10-13	2020-11		CAO/ Planning
Financial Status Updates - Staff to look at new structure to include more frequent reporting	COTW	D	2020-10-13	2020-11		CAO/Fin
Accessibility Audit - Advertise for Committee members and mobilize the committee	COTW	D	2020-10-13	2020-11		CAO

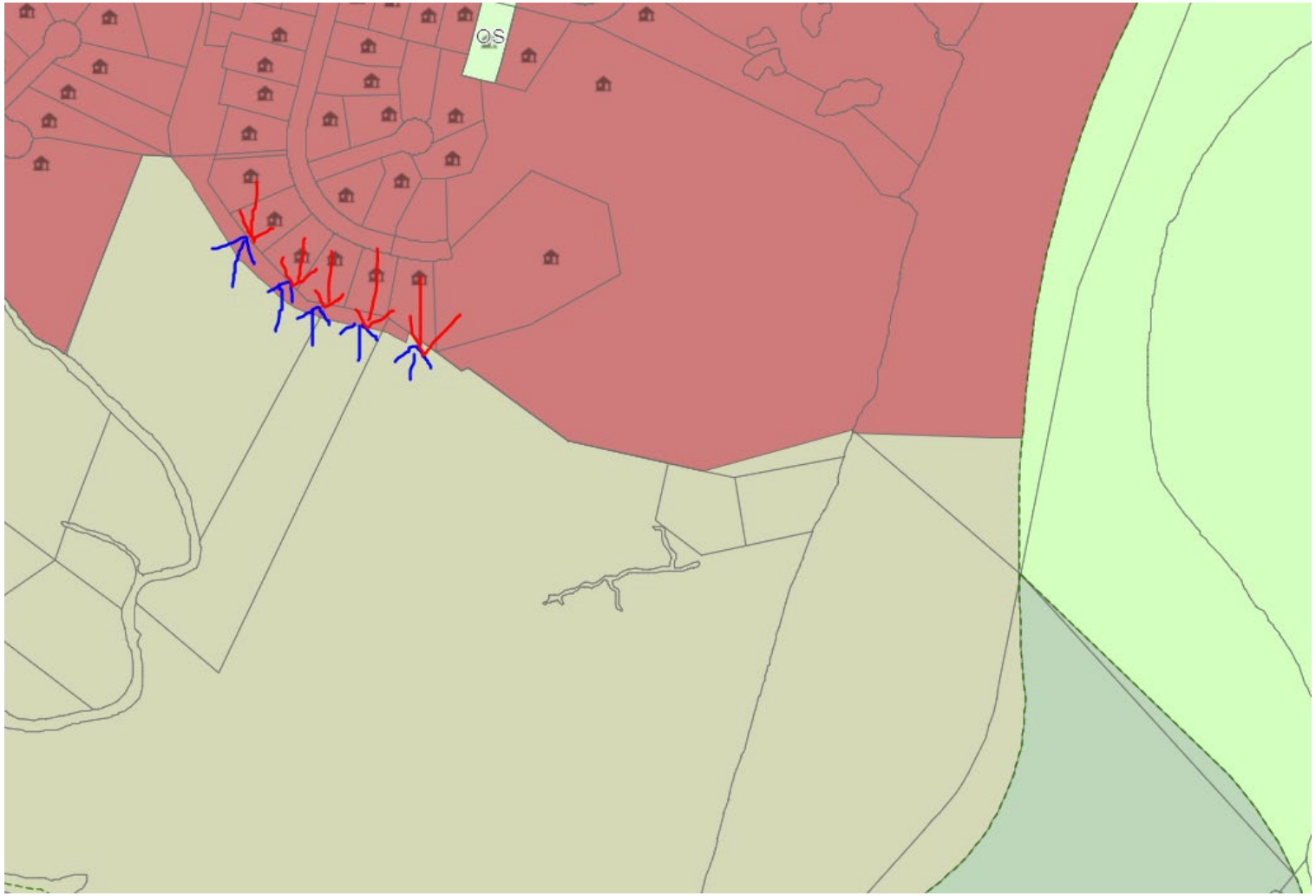
Matter	Meeting	M/D	Start Date	Deadline / Update	Status	Resp.
W. B Stephens Building Design Project Management Tender Award - Defer award until staff obtain additional operational costing information of the other municipal buildings	Council	M	2020-10-27	2020-11-10		CAO
Hantsport Municipal Office Surplus - Put on the market for sale.	COTW	M	2020-11-10	2020-12-31		CAO
Hantsport Food Bank - $47,000 in funding and renovation space for their operations	COTW	M	2020-11-10	2020-03-31		CAO/PW/CD
Burning Permit - Staff reviewing existing Fire-related by-laws	COTW	D	2020-11-10	2020-03-31		CAO/Fire Chiefs
In-Camera - (b)MGA 22(2)(a) Acquisition, Sale, Lease and Security of Municipal Property – Land Sale **-** Proceed with next steps/presentation	COTW	D	2020-11-10	2020-12-01		CAO

Existing Farm – Sandy Lane, Falmouth NS

Neighboring Mountain View Drive Subdivision



Existing Residential Subdivision and Farm Boundaries/Set backs at Mountain View Drive



Existing Farming Operation - Sandy Lane Falmouth



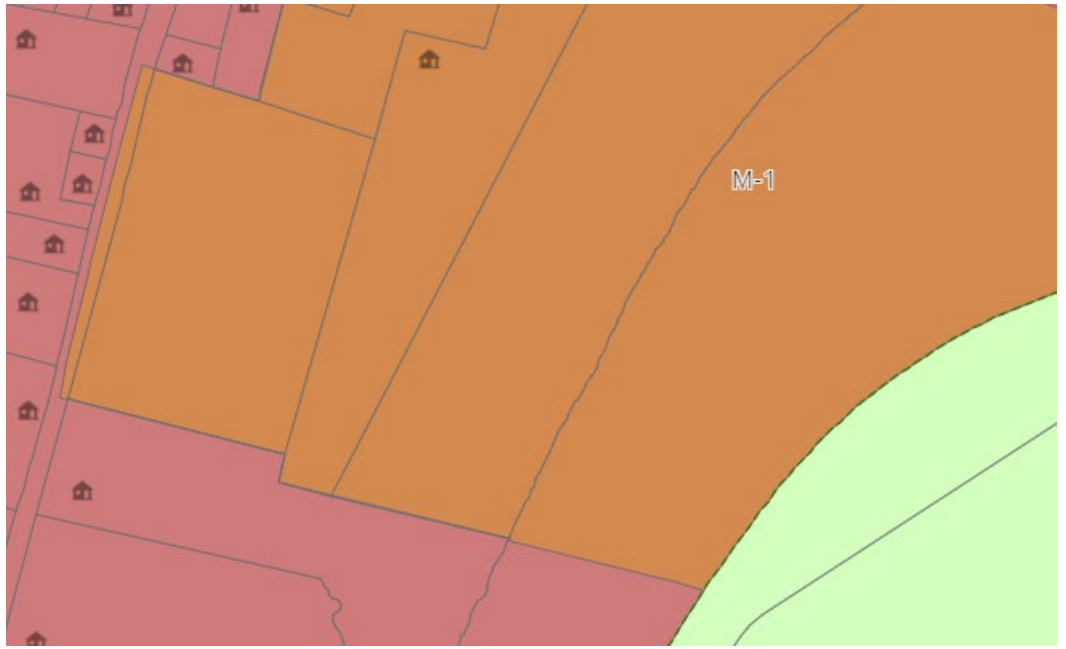
Potential for Increased Pressure – Mountain View Drive



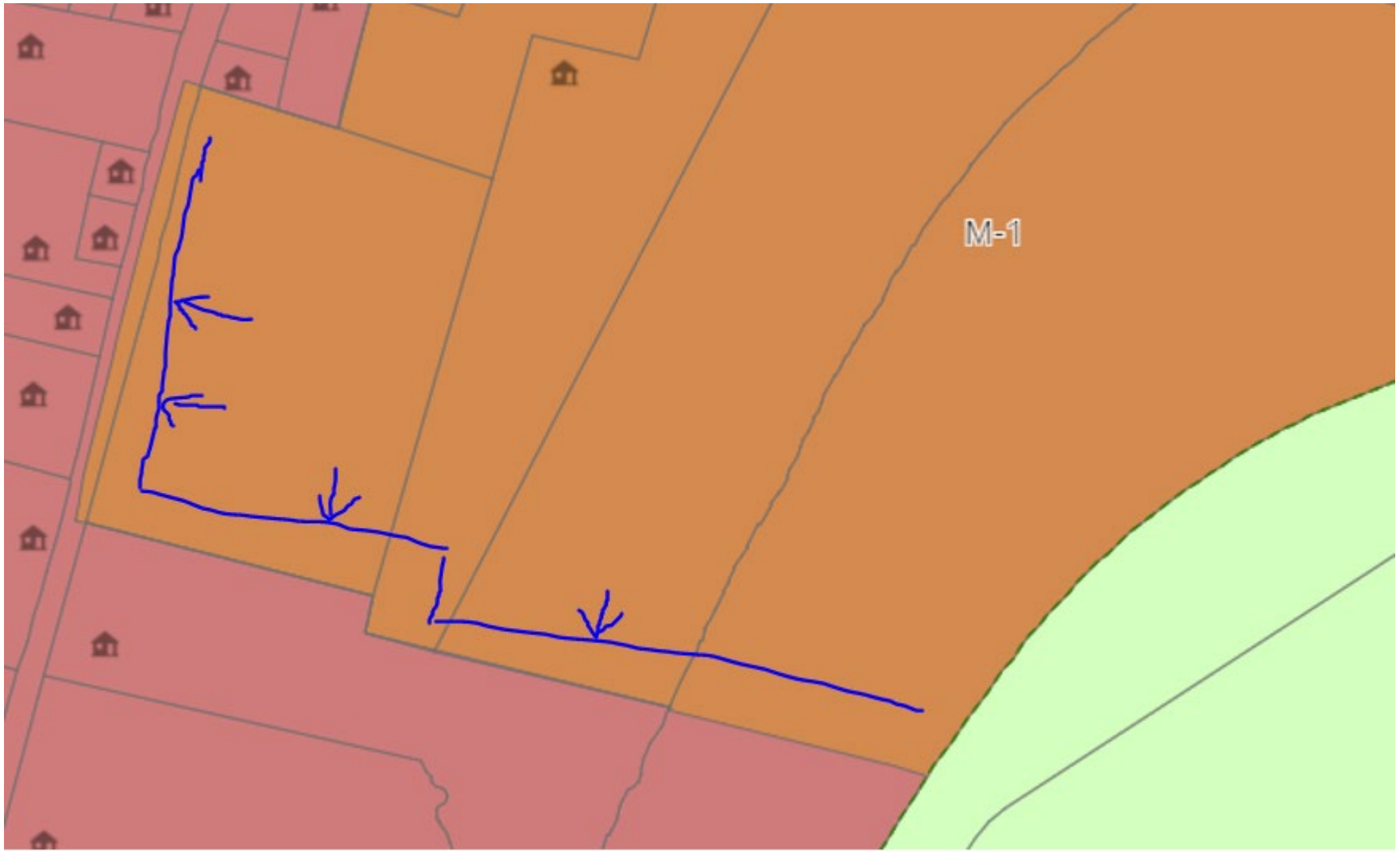
Lands which are subject to MPS Request - Zoning of subject property is M1

Subject Property if 1 of 2 M1 zoned lands in Falmouth Growth Centre





Set backs of current M1 Zoning , 40 Feet



REQUEST

- Amend Policy 5.9 of the MPS states:

5.9 Agriculture

Active agricultural land within the Growth Centres will be zoned Agricultural Priority Three (AR-3) pursuant to Part 8.0 of this Strategy. As the Growth Centres are intended to be the area where most new residential and commercial development is encouraged to occur in West Hants, new intensive livestock operations and agricultural support uses, such as abattoirs, will not be permitted since their location could limit the potential for residential or commercial growth. Existing intensive livestock operations will be recognized as permitted uses with the same right to continue to operate or to expand as any other permitted use. Applications for rezoning or development agreements to allow non-farm development will be considered in accordance with the relevant preceding policies for the Growth Centres. In considering such an application, however, Council must take into account the potential impact of the development on any adjacent agricultural operation.

Policy 5.9.1 *It shall be the policy of Council that the agricultural zone applied to the Growth Centres shall not permit new intensive livestock operations or agricultural support uses as these uses could create land use conflicts which have the potential to limit the development of Growth Centres as areas of concentrated residential and commercial development.*

Policy 5.9.2 *It shall be the policy of Council that the provisions of Policy 8.10.3 shall apply to any application for non-agricultural development on land zoned agriculture within the Growth Centres.*

OUTCOMES OF APPROVING THE MPS AMENDMENT ARE

- 1. Provide an alternative to increased interactions between the existing residential homes and residential development at Mountain View Dr. and the existing farm at Sandy Lane;

- 2. Provide an alternative which could remove potential conflicts between the current M1 Resource Industrial permitted uses on Gabriel Road and the existing nearby residential homes;

- 3. Provide an alternative which could increase setbacks at the Gabriel Road M1 Resource Industrial lands to be greater than the present 40’;

DRAFT

WHEREAS:

A. Council has received a request to amend Policy 5.9 of the Municipal Planning Strategy to provide for an intensive livestock operation within the M1 Resource Industrial Zone at Gabriel Road within the Falmouth Growth Centre;

B. There are only 2 sites presently in the Falmouth Growth Centre Zoned M1 Resource Industrial;

C. Approval of the request would,

1. Provide an alternative to increased interactions between the existing residential homes and residential development at Mountain View Dr. and the existing farm at Sandy Lane;

2. Provide an alternative which could remove potential conflicts between the current M1 Resource Industrial permitted uses on Gabriel Road and the existing nearby residential homes;

3. Provide an alternative which could increase setbacks at the Gabriel Road M1 Resource Industrial lands to be greater than the present 40';

Now therefore be it resolved that,

1. Section 5.9 of the MPS and MPS Policies 5.9.1 and 5.9.2 be amended to permit establishment of a new intensive livestock operation at the lands described as Lot 1 on a Plan of Subdivision of the lands of AV Floral Services Inc. prepared by B. Davison Surveying and Engineering Ltd., said new intensive livestock operation to be permitted by (i) rezoning of Lot 1 from Resource Industrial (M-1) to Agricultural Priority Three (AR-3), or, (ii) by Development Agreement.

WINDSOR / WEST HANTS TOGETHER

Committee of the Whole Excerpts
November 10, 2020

W. B Stephens Building Design Project Management

As part of the Consolidation process, HATCH Engineering performed a Municipal Complex Review of the Municipal Offices located at 100 King St and 76 Morison Drive in Windsor. Based on recommendation in the HATCH report, the Co-ordinating Committee recommended that 100 King St be renovated for the permanent home of the Municipal Administrative Staff. The estimated maximum cost of $2.8M for renovations were included in the 2020-2021 Capital budget and was part of the request to the Province for Post-Consolidation Funding.

A Request for Proposal (RFP) for building design and project management was issued in September 2020 for the King St. renovations. At the October 27, 2020 Council meeting staff recommended that HarveyARCHITECTURE be awarded the RFP for $198,500 plus contingency, as part of the overall $2.8M capital cost. At the Council meeting concerns were raised about parking, structural integrity of the building, relocation of the bulk water hauling station, operational costs and staffing capacity required at the King St location. Council therefore referred the motion to Committee of the Whole to obtain additional cost comparison of both office locations.

At Committee of the Whole on November 10, 2020, a report was prepared highlighting comparisons between both buildings including; operational costs, saleability, adaptability for future use, available square footage, leasing options, sale options, potential tax revenue generation, operational costs savings by deeming a building surplus, and the need to accommodate the Windsor Fire Department at the King Street location or at a new site. During Committee of the Whole it was suggested that there may be other locations for the final Municipal Office which will allow both current offices to be sold or leased. Concerns regarding structural integrity and parking for the King St. Location continued to be a concern from some Council members while staff continue to reference the HATCH Report and supporting documentation dismissing those concerns.

As Council has final decision of the matter and the Committee of the Whole is only a recommending body to Council, the motion is coming again before Council.

The following motion was deferred to Committee of the Whole for more information but was not recommended by Committee of the Whole:

… that Council approve the award of tender WWHPW20-15 for the W.B. Stephens Building Design & Project Management contract to HarveyARCHITECTURE Limited, for the tendered price of $198,500 plus 10% design contingency, plus applicable taxes.

LIVE WELL WITH
PHARMASAVE

Windsor Pharmasave
30 Gerrish St., PO Box 460
Windsor NS
B0N 2T0

November 23rd, 2020,

To the Councilors and Mayor of the Regional Municipality of West Hants,

I am writing you as the 2nd generation owner of Trider Pharmacy Limited, operating as Windsor Pharmasave, on beautiful Gerrish Street.

The downtown core is the heart of Windsor. Over the past few years, the downtown district has been growing and becoming a destination for local families to gather. After years of vacant buildings, we seem to be developing a community again. We, along with many other like-minded local businesses, have invested in the downtown core.

Having the support of the town leadership is essential to growing our community to become even stronger. I was shocked to learn that half of the Committee of the Whole voted against the motion to award a tender to build a new municipal complex. This complex belongs at 100 King Street, where your Coordinating Committee voted it should be.

Having the municipal offices in the downtown location makes sense for our community. Windsor is the hub of West Hants and the leadership should support the heart of our town. Small business is the engine that keeps a vibrant community thriving. We need you, the councilors, to continue to drive the growth of our downtown.

I am hoping you will consider my concerns and hope that Council will follow through on the recommendations of the Coordinating Committee and help to make our downtown core the destination it deserves to be.

Please note my request to have this letter presented as correspondence at the next meeting on November 24th, 2020.

Respectfully,

Jason Trider
President
Trider Pharmacy Limited

From:	jennifer daniels
To:	Jim Ivey; Paul Morton; Laurie Murley; Richard Murphy; esherman@westhants.c; Bob Morton; Jeff Hartt; Debbie Francis; Mark McLean; Scott McLean; Rupert Jannasch; azabian@westhants.ca
Cc:	Mark Phillips; Shelleena Thornton; Rhonda Brown
Subject:	Municipal Office Complex decision
Date:	Tuesday, November 24, 2020 11:08:05 AM

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

November 24,2020

Mayor and Council,

I'm writing in respect to the decision of whether the Municipal office should be located within the community of Windsor or maintain its current location within the industrial park.
Many well-planned communities place their public office within the urban core of a community. Not only does this draw residents into the downtown which helps the vitality of that area, it also is located with accessibility in mind.
Residents have use of already existing infrastructure as a transportation mode to access the public office such as sidewalks as well, the building accommodates those with mobility issues as it already provides an elevator for these needs. Sidewalks are maintained throughout the winter months allowing for active transportation as identified from both West Hants and Windsor's prior public consultations on community values.
The "downtown" location is also within the corridor of public transportation allowing citizens of the region accessibility when taking modes of transportation offered by public transit. If there is an appetite to resume public transportation it only makes sense to future plan within this corridor for improved accessibility.
Good community planning also takes in opportunity to rehabilitate existing buildings/property rather than build new outside the community core, when appropriate. By improving on the existing structure which staff has identified as viable, you are reinvesting back into the community through civic pride, improving the surroundings of that area.
In summery, the decision to relocate the Municipal office to the Township core will have greater benefit as it helps play a role in both the economic vitality and social development of the region.

Sincerely,
Jennifer Daniels
Daniels Flower Shop, Windsor, NS

Sent from Mail for Windows 10

Rhonda Brown

Subject: FW: Relocation of town office

From: TATUM <tatums@eastlink.ca>
Date: November 20, 2020 at 11:11:52 AM AST
To: Abraham Zebian <AZebian@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Mark McLean <mmclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Paul Morton <PMorton@westhants.ca>, "rmrphy@westhants.ca" <rmrphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>
Cc: Mark Phillips <MPhillips@westhants.ca>
Subject: Relocation of town office

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

Dear Windsor West Hants Council members and Mayor Abraham,

Anyone who knows our family knows that we love our town and flourish as a family run business in downtown Windsor. By doing so, that benefits surrounding businesses due to referrals from Tatum's for every shop and restaurant, because of my heartfelt pride for our whole area. In my referrals I also include all of our local wineries, so people new to our area discover things they may not have thought to visit.

My personal thoughts surrounding not having the office and fire department where they are housed now is that it would be a huge mistake. Yes, the old town office needs work, but it is central and large, and I feel it can be renovated while keeping on budget. There is also ample parking space in the vicinity (Fort Edward, Armouries).

When there was a smoke emergency in my building, our fabulous fire department was here in less than 5 minutes. We are so thankful for the work of these volunteers every day. Also recently the Victoria Hotel had an emergency and they were there ASAP.

Our downtown core appreciates that our town staff supports our local businesses that are within walking distance of the office. Makers has reopened with many local artisans with talent beyond, and since NS Tourism moved to downtown, so many of the staff drop in and many have brought friends to purchase gowns, and daywear from our main floor. We have customers from all over that discover our town and tell us how amazing it is, how much they're enjoying it and that they'll be back with friends. We need to see what is in front of us. Especially now, we all need to work together so everyone can prosper and be happy.

Sincerely,
Mary Ruffell
Tatum's Fashions and Bridal, since 1977

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To: Municipal Council

Submitted by: _____
Todd Richard, Director of Public Works

Date: October 27, 2020

Subject: W.B. Stephens Building Design & Project Management

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

RECOMMENDATION

It is recommended to Council that:

> **Council approve the award of tender WWHPW20-15 for the W.B. Stephens Building Design & Project Management contract to HarveyARCHITECTURE Limited, for the tendered price of $198,500 plus 10% design contingency, plus applicable taxes.**

BACKGROUND

The existing WB Stephens building at 100 King Street in Windsor was constructed in 1960, is a three-level building consisting of a first floor, basement level consisting of assembly hall and offices for the Windsor Fire Department (WFD). The second floor, ground level consists of four double-deep fire apparatus bays as well as previous Town of Windsor administrative offices. The third floor consists of previous Town of Windsor administrative offices, and is currently occupied by the Public Works management and administrative staff for the West Hants Regional Municipality. The WB Stephens Building gross area is approximately 2839 sq. m. A December 2019 report was performed by Hatch consulting group that details the capitalization/renovation history and major maintenance renovation history of the building, which has been classified to be in Fair to Good overall condition.

The following criteria were scored in the 2019 Hatch report, with clear results recommending renovations of the W.B. Stephens Building: nearby amenities, accessibility, site facilities, structure flexibility and adaptability, and energy efficiency. The W.B. Stephens Building is centrally located, is of ample size, has flexibility for modifications, and owing to the presence of an elevator, is accessible to those with physical disabilities.

Table 5 – Options Scorecard		
Factor	***Windsor***	***West Hants***
Parking (for staff and customers)	5	4
Access to amenities (rural vs urban)	5	3
Accessibility (elevators, ramps, bathrooms, etc.)	4	3
New feel	2	4
Available facilities (gym, showers, etc.)	3	0
Room to grow (no investment)	4	3
Adaptability of the structure	3	3
Energy Efficiency	2	4
Marketability (-)	-1	-5
Total	**27**	**19**

W.B. Stephens Building Upgrade Projected Costs:

Table 3 – Windsor (W.B. Stephens) Building	
Item	***Cost***
Demo	$182,300
Architectural Interior	* $946,000 – $1,606,000
Mechanical Systems upgrades	$661,000
Electrical Systems upgrades	$201,000
Total	*** $1,990,300 – $2,650,300**

** This range depicts the reuse of existing furniture vs new replacement furniture of fair quality.*

On March 6, 2020, the Windsor / West Hants Co-Ordinating Committee passed a motion to support the WB Stephens Building, 100 King Street being the Municipal Complex to house the administrative branches for the Regional Municipality.

In May 2020, the new Regional Council passed the Capital Budget including the renovation overall project budget of $2.8M.

In July 2020, a directive was received by the Public Works department to proceed with the development of a Request For Proposal (RFP) to perform the Design-Bid-Build

Services for renovation of the WB Stephens Building to accommodate the consolidated administrative staff and council of the West Hants Regional Municipality (approximately 50 persons). Preliminary concept plans have been recommended to allocate the first floor of the building for general reception and new Council Chambers, and the second floor of the building allocated for customer service space and offices for the administrative staff.

DISCUSSION

On September 1, 2020, a public request for proposals (RFP) was released for the building design and project management for renovation of the W.B. Stephens Building at 100 King Street in Windsor. This contract would include multiple phases of work by the successful design and project management proponent.

- Review Existing Site Conditions and Design & Technical Requirements
- Prepare Schematic Design
- Design Development
- Preparation of Tender Contract Documents
- Pre-Tender Review of Drawings
- Administer the Tender Phase for Construction Proponents
- Project Management, Contract Administration and Commissioning
- Close-Out and Record Documents, including Warranty

There was a total of five proposals received for this contract. The two-part tender defined the bid scoring process to be used; that combined both a weighted technical criteria component as well as weighted financial component. Proposals were received based on the specified in the scope of work. Tenders were reviewed and evaluated independently by the members of the working group, with the average of the evaluation scores shown below.

Proponent Name	Technical Score	Financial Score	Total Score	Tender Cost
Harvey Architecture Limited	**64.5 / 75**	**25.0 / 25**	**89.5**	**$198,500.**
Stantec	64.7 / 75	23.0 / 25	87.7	$215,745.
Architecture 49	63.3 / 75	19.7 / 25	83.0	$252,000.
Hatch	58.8 / 75	14.2 / 25	73.0	$349,561.
SGH	55.8 / 75	13.0 / 25	68.8	$382,995.

The scoring components consisted of the following:

- Proposed Approach and Project Plan
- Demonstrated Corporate Expertise
- Technical Ability / Staff Resources
- Project Team / Experience
- Quality of Proposal

- Relevant Experience
- Cost/Price of Engineering / Design Services

Methodology & Approach:

harveyARCHITECTURE (hA) will facilitate the initial design 'sketch paper' workshop meeting with the West Hants Regional Municipality (WHRM) and key members of the Design Team in order to determine the full parameters for the WB Stephens Building Renovation. This workshop session will take advantage of the collective experience and depth of knowledge around the table to provide input on the concept design. hA will intently listen to all the individuals to understand and guide the determination of the best solution for the Administrative Building, resulting in a holistic approach to design.

The Design Team Leader will take a proactive role in ensuring effective communication on this project; he will co-ordinate and manage the flow of information to all members of the team, clearly defining each and everyone's role within the project. We develop a critical understanding of the various implications and issues raised by other disciplines and their impact on design, project schedule(s) and budget. These meetings provide the basis for each consultant's understanding of the scope – eliminating the potential risks of errors being caused due to badly defined project scope.

- Michael Harvey, Design Team Leader
harveyARCHITECTURE (hA)

Pending approval of Council; the intended project scope has planned to start activities immediately. Awarding the construction tender will have further budget implications and is planned for award in conjunction with the 2021/2022 fiscal budget.

FINANCIAL IMPLICATIONS

This is being funded through borrowing, the total budget for this project is $2.8 million. The expense after the rebated portion of taxes is $227,717.21. Debt servicing cost of $5,030.64 for this portion of the project is within the 2020-21 budget debt servicing cost of $61,856.52. This is one of the proposed capital projects we have requested funding from the Province through Consolidation Infrastructure, and may not require borrowing if approved.

This report is before Council as it follows to the procurement policy. The value of award exceeds the CAO's signing authority.

ALTERNATIVE

1. Council may choose to award this contract to an alternative proponent.

This alternative is not being recommended to Council.

ATTACHMENTS

- TBR RESO - 100 King Street, Municipal Complex

Report Prepared by: _____
Brad Carrigan, P.Eng., Manager, Capital Projects

Report Prepared & Reviewed by:

_____
Todd Richard, Director of Public Works

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

MUNICIPAL COUNCIL OF THE

TEMPORARY BORROWING RESOLUTION

Amount: $ 2,800,000 Purpose: 100 King Street, Municipal Complex R

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipali, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipali has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHERAS the Council of the West Hants Regional Municipali has determined to borrow the aggregate principal amount of two million eight hundred thousand Dollars ($ 2,800,000) for the purposes of 100 King Street, Municipal Complex Renovations ;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the West Hants Regional Municipali borrow a sum or sums not exceeding two million eight hundred thousand Dollars ($ 2,800,000) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the West Hants Regional Municipali to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding two million eight hundred thousand Dollars ($ 2,800,000) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipali held on the 27 day of October, 2020.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipali this _____ day of _____, 2020.

_____

Clerk

WEST HANTS REGIONAL MUNICIPALITY
Municipal Complex Support Document
November 10, 2020 COTW

To: Committee of the Whole

Submitted by: _____
Mark Phillips, Chief Administrative Officer

Date: November 10, 2020

Subject: W.B. Stephens Building Design & Project Management

LEGISLATIVE AUTHORITY

N/A

RECOMMENDATION

N/A

BACKGROUND

A report for the design and project management of the scheduled renovation of the W.B. Stephens Building, 100 King Street, Windsor was presented to Council at the October 27th WHRM Council meeting as part of the required procurement process. The location of the future municipal complex was determined through the consolidation process and the renovation costs associated with the 100 King Street building has been approved as part of the 2020/21 Capital budget.

During the discussions of Council at the October 27th meeting, Council reflected on broader points surrounding the various benefits and challenges associated with both the 100 King Street building as well as the 76 Morison Drive building. As a result, Council deferred the discussion to COTW and requested further information surrounding operating costs and market values. Other points highlighted were renovation considerations, future pandemic compliance, parking, accessibility and other building and location characteristics. Staff have gathered existing information and presented it in the table included in this report. In addition to this report, a recommendation report, " Coordinating Committee, Recommendation Report- Municipal Complex Review Recommendation Report, March 9, 2020" is attached for Council's review. The March 9th report also includes the building assessment report, "Windsor / West Hants: Municipal Complex Review H-361616" completed in February 2020. This report should be reviewed as it reflects greater details associated with each building including future concepts expressing the spatial capacity of each location based on administrative needs.

DISCUSSION

The following table was created to summarize key components factoring into the discussions. This report and all attachments should be reviewed to capture more in-depth details associated with the buildings.

Building: 100 Kings Street, Windsor		**Building: 76 Morison Drive, West Hants**	
Building Operational Budgets (2020/21)			
30,560 sq ft. (2 Storey Plus Basement)		15,947 sq ft. (1 Storey Plus Basement)	
Revenue*		**Revenue**	0
Rentals - Windsor Fire	63,160		
Lease - Cell Tower	8,000		
Lease - ScotianWEB	43,050		
Total Revenue	114,210		

Building: 100 Kings Street, Windsor		Building: 76 Morison Drive, West Hants	
Expenses (Entire Facility)	151,479	**Expenses**	99,087
Surplus/(Deficit)	(37,269)	**Surplus/(Deficit)**	(99,087)
Excluding WFD rent -63,160	(100,429)		
Gross expenses per sq ft (Total exp / Total sq ft)	$4.96	Gross expenses per sq ft (Total exp / Total sq ft)	$6.21
* It should be noted that $63,160 comes from Windsor Fire Department, to recovery maintenance costs. But has zero impact on operational budget. Further energy efficiencies will be achieved through renos.		Further energy efficiencies will be achieved through renos.	
Potential Commercial Tax Revenue – *Pending Sale of Property			
2019 Assessed Value $1,394,000	Rate 3.91 Taxes $54,505	2019 Assessed Value $1,275,300	Rate 1.79 Taxes $22,828
*Note: The sale of the building would require the construction of a new fire station or to secure a lease of the existing WFD space. Construction cost for a new fire department unknown at this time.		*Note: The sale of the building would require the relocation of the Parks garage and equipment or to secure a lease of the existing space.	
Potential Lease / Rent Revenue – *Pending Appraisal Outcomes*			
Market Value TBD – No Appraisal 30,560 sq ft. (2 Storey Plus Basement) Estimated Non-Fire Space available for rent: 15,947 sq ft		Market Value TBD – No Appraisal 15,947 sq ft. (1 Storey Plus Basement)	

<table>
<tr><th>Building: 100 Kings Street, Windsor</th><th>Building: 76 Morison Drive, West Hants</th></tr>
<tr><td>Estimated Market Values per year

$8.00 / sq ft x 15,947 sq ft = $127,576
$10.00 / sq ft x 15,947 sq ft = $150,947
$12,50 / sq ft x 15,947 sq ft = $199,338
$15.00 / sq ft x 15,947 sq ft = $239,205

- Leasehold costs for future tenants are unknown
- The positive or negative feedback from private commercial building owners regarding the WHRM leasing commercial space is unknown.
- Property management will require additional staffing or resources. Costs unknown.</td><td>Estimated Market Values per year

$8.00 / sq ft x 15,947 sq ft = $127,576
$10.00 / sq ft x 15,947 sq ft = $150,947
$12,50 / sq ft x 15,947 sq ft = $199,338
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- Leasehold costs for future tenants are unknown
- The positive or negative feedback from private commercial building owners regarding the WHRM leasing commercial space is unknown.
- Property management will require additional staffing or resources. Costs unknown.
-</td></tr>
<tr><td colspan="2">*Potential Sale Values – Pending Appraisal Outcomes</td></tr>
<tr><td>Market Value TBD – No Appraisal
*2019 Assessment $1,394,000
*Note: The sale of the building would require the construction of a new fire station or to secure a lease of the existing WFD space.</td><td>Market Value TBD – No Appraisal
*2019 Assessment $1,275,300
*Note: The sale of the building would require the relocation of the Parks garage and equipment or to secure a lease of the existing space.</td></tr>
<tr><td colspan="2">Valley Community Fibre Network (VCFN) Related Costs
Existing VCFN Infrastructure at 100 King Street would have to be relocated should the building be sold.</td></tr>
<tr><td>Assuming the relocation costs for VCFN related infrastructure is relocated to 76 Morison Drive if 100 King Street is sold. An alternative location will impact projected costs.
Cost to move the VCFN HUB Approx. $250,000</td><td></td></tr>
</table>

Building: 100 Kings Street, Windsor	Building: 76 Morison Drive, West Hants
Cost to run the lines to 76 Morison Drive Approx. $200,000 Estimated space requirement to house VCFN components Approx. $20,000 Other Costs / Miscellaneous Unknown	

In addition to the property and fiscal considerations associated with the two buildings the following items were also factored into the decision to locate at the 100 King Street Location.

- Modernizing 100 King Street for the next administrative generation of Municipal service delivery will highlight the benefits of coexisting with a second municipal service / Windsor Fire Department at the same location sharing current and future infrastructure needs and upgrades.
- Locating operations in a growth center promotes economic spin-offs for local business. The 100 King Street location is also integrated in the core business district along side other federal, provincial, and local business supports critical to start up and business retention initiatives.
- Improving the "walkability" of residents and staff as the building is utilized. Morison Drive does not have sidewalks and is very isolated.
- Higher promotion of health and physical activity opportunities for staff due to the nearby Active Transportation opportunities and recreational activities available throughout the day.
- The saleability of the 76 Morison Drive building is more likely due to its building adaptability and location in a business park which has very little vacancy and demand for space. We have currently received two inquiries about the future sale of the property from buyers.
- Pending an appraisal and surplus designation, the value of either property, if sold, would provide a funding source not currently accounted for in the Capital budget to partially pay for the renovations or other general capital related expenditures.
- The building was constructed in 1960 but still has "good bones". The HATCH report forecasts no short or medium-term concerns with the building and its structure. The reduction of fire trucks /apparatus required for WFD and their size helps to alleviate any perceived concerns about building load. There will be fewer trucks and smaller trucks compared to the WFD historic fleet.
- The Regional Fire Study of December 2019 promotes the current location and building for the WFD.

- Internal renovations will be required within the building to relocate WFD administrative offices and board room. These costs are accounted for within the current budget allocation.
- The presence of an elevator at the site accelerates the municipality's ability to comply with accessibility legislation.
- The proximity to the federal training facility, its parking lot and gymnasium on Fort Edward Street will provide mutual benefits for potential recreation programming as well as parking support if needed. The adjacent grounds of Fort Edward Historic Site will provided other added benefits for recreation and potential tourism affiliations.

FINANCIAL IMPLICATIONS

Noted in the above sections.

ALTERNATIVES

Noted in the above sections.

ATTACHMENTS

- Municipal Complex Review Recommendation Report, March 9, 2020.
- Windsor / West Hants: Municipal Complex Review H-361616 completed in February 2020.

West Hants Municipal Complex Review
10-Nov-20
Support Materials for " Agenda Item 8.b. W.B Stephens Building Design Project Management Information"
Prepared by : CAO, Mark Phillips

	Rate / sq ft	Square Area	Rent	Cell Tower	ScotianWEB	Total Rev	Total Exp	NET	SALE Taxes	SALE Total Exp	SALE Net
100 King Street	$ 7.00	15,479.00	$ 108,353.00	$ 8,000.00	$ -	$ 116,353.00	$ 151,479.00	$ (35,126.00)	$ 54,505.00	$ 151,479.00	$ 205,984.00
	$ 8.00	15,479.00	$ 123,832.00	$ 8,000.00	$ -	$ 131,832.00	$ 151,479.00	$ (19,647.00)			
	$ 9.00	15,479.00	$ 139,311.00	$ 8,000.00	$ -	$ 147,311.00	$ 151,479.00	$ (4,168.00)			
	$ 10.00	15,479.00	$ 154,790.00	$ 8,000.00	$ -	$ 162,790.00	$ 151,479.00	$ 11,311.00	New WFD required if property was sold.		
	$ 11.00	15,479.00	$ 170,269.00	$ 8,000.00	$ -	$ 178,269.00	$ 151,479.00	$ 26,790.00			
	$ 12.00	15,479.00	$ 185,748.00	$ 8,000.00	$ -	$ 193,748.00	$ 151,479.00	$ 42,269.00			
	$ 13.00	15,479.00	$ 201,227.00	$ 8,000.00	$ -	$ 209,227.00	$ 151,479.00	$ 57,748.00			
	$ 14.00	15,479.00	$ 216,706.00	$ 8,000.00	$ -	$ 224,706.00	$ 151,479.00	$ 73,227.00			
	$ 15.00	15,479.00	$ 232,185.00	$ 8,000.00	$ -	$ 240,185.00	$ 151,479.00	$ 88,706.00			

	Rate / sq ft	Square Area	Rent	Total Rev	Total Exp	NET	SALE Taxes	SALE Total Exp	SALE Net
76 Morison Drive	$ 7.00	15,479.00	$ 108,353.00	0	$ 99,087.00	$ 9,266.00	$ 22,828.00	$ 99,087.00	$ 121,915.00
	$ 8.00	15,479.00	$ 123,832.00	0	$ 99,087.00	$ 24,745.00			
	$ 9.00	15,479.00	$ 139,311.00	0	$ 99,087.00	$ 40,224.00			
	$ 10.00	15,479.00	$ 154,790.00	0	$ 99,087.00	$ 55,703.00			
	$ 11.00	15,479.00	$ 170,269.00	0	$ 99,087.00	$ 71,182.00			
	$ 12.00	15,479.00	$ 185,748.00	0	$ 99,087.00	$ 86,661.00			
	$ 13.00	15,479.00	$ 201,227.00	0	$ 99,087.00	$ 102,140.00			
	$ 14.00	15,479.00	$ 216,706.00	0	$ 99,087.00	$ 117,619.00			
	$ 15.00	15,479.00	$ 232,185.00	0	$ 99,087.00	$ 133,098.00			

CO-ORDINATING COMMITTEE OF THE REGION OF WINDSOR AND WEST HANTS MUNICIPALITY (WWH)
RECOMMENDATION REPORT

To: Members of the Co-ordinating Committee

Submitted by: _____
Mark Phillips, CAO Region of Windsor and West Hants Municipality

Date: March 09, 2020

Subject: Municipal Complex Review Recommendation Report

LEGISLATIVE AUTHORITY

General Authority

Bill 55 - Region of Windsor and West Hants Municipality Act

7 (1) The Co-ordinating Committee has all the powers of the Council of the Regional Municipality and of its police advisory board until the Council first takes office pursuant to this Act.

(3) All acts of the Co-ordinating Committee have, upon the incorporation of the Regional Municipality, full force and effect, and are deemed to have been exercised by the Regional Municipality.

RECOMMENDATION

… that the Co-ordinating Committee support the W.B. Stephens Building, 100 King Street, Windsor, NS being the Municipal Complex to house the administrative branches for the Regional Municipality.

Further

It is noted that the renovations as described in the report "Windsor / West Hants Municipal Complex Review", require further costing details to be reviewed by the New Regional Council during the 2020/2021 Capital Budget deliberations.

BACKGROUND

In March 2019, an RFP went out for an Asset Registry & Asset Management Roadmap and it was awarded to HATCH April 01, 2019. As part of the scope of work, it was they perform all activities associated with the identification, registration, analysis and recommendation of all infrastructure and assets owned or operated by the Regional Municipality, including preparing a complete inventory of all municipal infrastructure assets owned or operated by both municipalities, shall including (but not limited to) municipal buildings and other facilities. And that information be compiled from existing reports about the condition and future capital requirements of each component of the infrastructure; a condition index rating system(s) to be utilized for all current and future evaluation of passive, static and active assets; and to provide an assessment of the existing condition of all assets, including current condition index, and the identification of any key infrastructure condition issues requiring further analysis.

DISCUSSION

Up to March 6, 2020 Windsor and West Hants staff are working out of two independent municipal complexes. Windsor staff – out of the W.B. Stephens Building at 100 King Street, Windsor, NS and West Hants staff – the West Hants Building at 76 Morison Drive, Windsor, NS. As of March 9, 2020, all administrative services will be consolidated at the West Hants Municipal Complex with the exception of Public Works who will occupy space at the Windsor Complex. This will be the short-term positioning for municipal operations as it is desirable to consolidate as many staff as possible in a single location and to vacate the Windsor Complex to allow for a thorough records management purging where required and to remove surplus furniture, supplies and materials. Additionally, this will allow operations to more thoroughly plan for a return to the complex after pending renovations are approved and completed or under the current conditions after operations have adjusted to the initial consolidation process.

While technology provides the ability to work remotely and under less than ideal working conditions in the West Hants Complex it is not ideal for neither efficiency nor effectiveness for the long-term and does not provide an atmosphere of consistency nor comfort for residents, businesses or visitors needing their needs met.

It is essential that staff be working together within one facility (complex) for not only efficiencies but for community accessibility and needs. This is where the HATCH report and Municipal Complex Review has provided an independent analysis of both facilities to allow informed decision-making as to which building is best suited to address municipal needs.

Key areas analyzed by HATCH for both existing complexes included:

- Existing Building Assessments (Mechanical and Electrical Systems)
- Energy Analysis

- Conceptual Floor Plans
- Construction ROM estimates; and
- Options Analysis (which included)
  - Parking
  - Access to amenities
  - Accessibility
  - New feel
  - Available facilities
  - Room to grow
  - Adaptability of the structure
  - Energy efficiency; and
  - Marketability.

The soft criteria of the Options Analysis concluded that the W.B. Stephens Building would be a better suitability to house staff after renovations and better meet community needs.

Further, the W.B. Stephens Building is the home of the Windsor Fire Department (WFD). The Regional Fire Services Review (report) recently received by the Co-ordinating Committee, including adopted priorities, endorsed the fire department staying in its current location. (Priorities were adopted at the January 27, 2020 Co-ordinating Committee meeting).

NEXT STEPS

Before March 9, 2020 - All staff (except the Public Works Department), currently located in the W.B. Stephens Building will have moved their offices up to the West Hants Building.

A report and budget recommendation pertaining to the long-term municipal complex will be provided to the Regional Council.

2020/2021 Region of Windsor and West Hants Municipality Budget – deliberations to be held and if the budget for Municipal Complex upgrades/renovations is supported, a Tender will be put out for such.

FINANCIAL IMPLICATIONS

At this time there are no financial implications; however, a budget will be identified for the 2020/2021 fiscal year and taken to the Regional Council for approval (budget, yet to be determined).

ALTERNATIVES

- The Co-ordinating Committee could choose to not move forward with the recommendation and leave it to the Regional Council.

ATTACHMENTS

- HATCH – Municipal Complex Review Report of February 20, 2020

Report Prepared by: _____
Shelleena Thornton, Administrative Supervisor, Regional Municipality Windsor-West Hants

Report Approved by: _____
Mark Phillips, CAO Regional Municipality Windsor-West Hants



Municipal Complex Review



Feb. 21, 2020	C	Revised	AB	AS	AB	
Jan. 13, 2020	B	Final	AB	AS, MB	AB	
Dec. 20, 2019	A	Draft	AB	AS, MB	AB	
Date	**Rev.**	**Status**	**Prepared By**	**Checked By**	**Approved By**	**Approved By**
HATCH						**Client**

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3. **Functional Building Program** 1
4. **Existing Buildings Assessments** 1
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7. **Construction ROM Estimates** 3
8. **Options Analysis** 4
9. **Appendix** 4

Appendix A – Functional Building Program
Appendix B – Existing Building Assessments
Appendix C – Conceptual Floor Plans
Appendix D – Existing Environmental Risks Register

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1. Introduction

1.1 The Town of Windsor and the Municipality of West Hants have amalgamated into the Region of Windsor / West Hants. Currently, the administrative branches of both groups are housed in different buildings. Wanting to benefit from being together as a one unit working with and for the entire region, it was determined that the immediate solution was to review each of the buildings and decide which one was a better fit for the Region's needs.

2. Objective

2.1 The objective of this report is to provide the Region with an independent analysis of the W.B. Stephen's Building (Windsor) and the West Hants Municipal Office, to allow the stakeholders to make an informed decision as to what building is best suited for their needs for the next 5 to 10 years. The criteria developed for the region to review included:

- Meetings with stakeholders;
- Architectural reviews;
- Building's systems reviews;
- Conceptual floor plans;
- Order of magnitude construction estimates.

3. Functional Building Program

3.1 Prior to the architectural assessments and developing the new functional program, the Region solicited information from Officers and staff to determine the departmental and room requirements of the renovated spaces. The table was provided to Hatch to assist in the development of the conceptual floor plans and completion of the functional building program.

See Appendix A for the table.

4. Existing Buildings Assessments

4.1 The focus of the assessments was on all of the building's systems including architectural, structural, plumbing, HVAC, fire protection, electrical, communications, security and life safety. The inspections were of a high-level natural, as no destructive testing was done. Systems and building plans were reviewed and operational staff were consulted, to provide input for the assessment report that is valuable, shows costs of potential upgrades, code issues, and serves as a metric in determining which of the two buildings was more suited to house the Region for the next 5 to 10 years. See Appendix B for reports.

Mechanical and Electrical Systems

The following table provides a snapshot of the existing building systems and the code requirements that will require implementation during the renovation of the selected building:

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MECHANICAL & ELECTRICAL SUMMARY			
Description	***W.B. Stephen's***	***West Hants***	***Upgrade Required***
Radon Mitigation	No	No	Recommended
Asbestos Abatement	Yes	No	**Yes**
Elevator	Yes	No	**Yes**
Sprinkler System	No	No	**Yes**
Fire Alarm System	Yes, outdated	Yes	**Yes**
Fresh Air (HRV's)	2400 cfm	600 cfm	2850 cfm (ASHRAE)
HVAC Load	19.5 tons *	22.0 Tons	30 Tons (estimate)
Humidification System	No	No	Recommended
Bldg. Management System	Partial System	Partial System	**Yes**
Diesel Generator	Yes	Yes	No
Electrical Service Entrance	400A, 208/3/60	400A, 208/3/60	No
Peak Electrical Demand	198.93 Amps	217.43 Amps	No

5. Energy Analysis

5.1 Historical Consumption

The consumption data presented to us for each of the buildings, for the 2018 calendar year serves as the basis for the building consumption benchmark. Table 1 below provides the summary of consumption. The area noted for the Windsor (W.B. Stephens) building is the area that will be occupied for municipal operations, not including the fire department. This has been done such that the comparison between the two buildings is based on equal occupied area for each building. In addition, the consumption data for the Windsor (W.B. Stephens) building has been factored to suit the municipal operations occupiable area.

Table 1 - 2018 Consumption				
Facility	***Area (m²)***	***Electricity (kWh)***	***Fuel (ekwh)***	***Total (kWh)***
West Hants	1,482	211,380	3,553	214,933
Windsor (W.B.Stephens)	1,482	208,930	230,505	439,435

5.2 Building Energy Performance Index

Table 2 – BEPI Comparison			
Facility	***2018 BEPI***	***NRCan BEPI Avg.***	***Proposed BEPI****
West Hants	145.03 ekWh/m²	294 ekWh/m²	144.80 ekWh/m²
Windsor (W.B.Stephens)	296.51 ekWh/m²	294 ekWh/m²	270.50 ekWh/m²

Natural Resources Canada (NRCan) – Energy Intensity Database, tracks annual energy consumption for a variety of building types throughout Atlantic Canada and expresses the results as a "Building Energy Performance Index" (BEPI), expressed in ekWh/m². We have

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calculated the current BEPI for each of the two buildings (Table 2) and then provided a comparison to the regional average using the NRCan database. For the purpose of the BEPI calculation, we have converted the consumption of heating oil, measured in litres, to equivalent kWh of heating and added this total to the electrical consumption total as indicated in Table 1.

Expected BEPI after renovations are complete. There is no significant decrease in consumption due primarily to the addition of air conditioning to the lower level being offset by new LED lighting

It should be noted that the NRCan results are as they describe, an "average" of efficient and inefficient buildings. New buildings being designed and constructed to todays "Green" principles, generally operate at 50 percent of the NRCan BEPI noted.

Although both buildings operate below the NRCan average, with West Hants operating well below the average due primarily to its geo-thermal system, there is always room for energy efficiency improvements. Heating and cooling costs are typically the biggest energy costs in Canadian buildings. In many office buildings, this demand accounts for nearly half of the energy used, consider looking for opportunities in this area first.

6. Conceptual Floor Plans

A key factor in deciding which building is best suited for the Regions needs, is converting the existing floor plans into a Revit model, and determining how the proposed departmental and room requirements will fit into the existing spaces. The new spaces not only need to be functional from an operational standpoint, but also need to be pleasing aesthetically to staff and have a welcoming feel to the public. "Open" main entrances that the public will enjoy being in, while maintaining a level of security desired by front-line staff, is an example of a design challenge as well as a key requirement of the new renovated layouts and spaces.

See Appendix C for the floor plans.

7. Construction ROM Estimates

W.B. Stephens Building Upgrade:

Table 3 – Windsor (W.B. Stephens) Building

Item	***Cost***
Demo	$182,300
Architectural Interior	* $946,000 – $1,606,000
Mechanical Systems upgrades	$661,000
Electrical Systems upgrades	$201,000
Total	*** $1,990,300 – $2,650,300**

** This range depicts the reuse of existing furniture vs new replacement furniture of fair quality.*

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West Hants Office Upgrade:

Table 4 – West Hants Building	
Item	***Cost***
Demo	$167,000
Architectural Interior	* $1,209,000 – $1,809,000
Mechanical Systems upgrades	$458,000
Electrical Systems upgrades	$158,000
Total	*** $1,992,000 – $2,592,000**

** This range depicts the reuse of existing furniture vs new replacement furniture of fair quality.*

8. Options Analysis

8.1 The following table (Table 5) highlights some of the known "soft" criteria that could be used in the decision making for the renovated Regional building. Ranking is 1 to 5, 5 being better (+ or -):

Table 5 – Options Scorecard		
Factor	***Windsor***	***West Hants***
Parking (for staff and customers)	5	4
Access to amenities (rural vs urban)	5	3
Accessibility (elevators, ramps, bathrooms, etc.)	4	3
New feel	2	4
Available facilities (gym, showers, etc.)	3	0
Room to grow (no investment)	4	3
Adaptability of the structure	3	3
Energy Efficiency	2	4
Marketability (-)	-1	-5
Total	**27**	**19**

9. Appendix

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Appendix A

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Department	Position	Spatial Position	Nature and Style	Open Area Workstations	Furniture/Fixtures	Technology	Number of Occupants	Areas		Remarks
								m^2	sf	
CAO Office Six (6) Employees	CAO	Middle	Executive Office	N/A	Desk, Chair, Table, filling cabinets, etc	Desktop TV for Group Share or smart white board	1	18.9	203	
	Clerk	Middle	Administrative Office	N/A	Desk, Chair Cabinet	Desktop	1	12.2	131	
	Administrative Supervisor	Middle	Administrative Office	N/A	Desk, Chair Cabinet	Desktop	1	12.2	131	
	Protective Services Manager	Middle / Back	Administrative Office	N/A	Desk, Chair	Desktop	1	8.0	86	
	Communications	Middle	Isolated Area	Private POD	Desk, Chair	Desktop	1	8.0	86	
	Human Resource Manager	Back	Isolated Area	Private POD	Desk, Chair	Desktop	1	12.2	131	
Community Development Nine (9) Employees	Director	Middle	Executive Office	N/A	Desk, Chair, Table, filling cabinets, etc	Desktop	1	18.9	203	
	Administrative Assistant	Middle	Open Departmental Reception (independent POD)	Low POD	Desk, Chair	Desktop	1	4.2	45	
	Community Rec Coordinator	Middle	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2	45	
	Manager Economic Development	Middle	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2	45	
	Community Relations Coordinator	Middle	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2 4.2	45	
	Manager Recreation and Facilities	Back	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2	45	
	Active Living Coordinator	Middle	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2	45	
	Spare Workstation #1Manager Parks and Grounds	Back	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2	45	
	Spare Workstation #2	Back	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2	45	
Planning and Development	Director	Middle	Executive Office	N/A	Desk, Chair, Table, filling cabinets, etc	Desktop	1	18.9	203	

Department	Position	Spatial Position	Nature and Style	Open Area Workstations	Furniture/Fixtures	Technology	Number of Occupants	Areas		Remarks
								m^2	sf	
Fifteen (15) Employees	Administrative Assistant	Middle	Open Departmental Reception (independent POD) Common area for large table for drawings/plan review. Could be shared with Public works	Low POD	Desk, Chair	Desktop, Plotter, Scanner	1	14.7	158	
	Manager Inspection Services	Middle	Executive Office	N/A	Desk, Chair Cabinet	Desktop	1	12.2	131	
	Inspector #1	Middle / Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Inspector #2	Middle / Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Inspector #3	Middle / Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	By-Law Officer #1	Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	By-Law Officer #2	Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Development Officer #1	Middle	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Development Officer #2	Middle	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Planner #1	Middle / Back	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2	45	
	Planner #2	Middle / Back	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2	45	
	Planning Tech	Middle / Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	GIS Tech	Middle / Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Spare Workstation #1	Back	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2	45	

Department	Position	Spatial Position	Nature and Style	Open Area Workstations	Furniture/Fixtures	Technology	Number of Occupants	Areas		Remarks
								m^2	sf	
Public Works Nine (9) Employees	Director	Middle	Executive Office	N/A	Desk, Chair, Table, filling cabinets, etc	Desktop Large Flat Screen TV for SCADA Monitoring and Traffic Cameras	1	18.9	203	
	Administrative Assistant	Middle	Open Departmental Reception (independent POD) Common area for large table for drawings / plan review. Could be shared with Planning.	Low POD	Desk, Chair, Large Table for maps	Desktop, Plotter, Scanner	1	14.7	158	
	Manager Technical Engineering Services	Back	Isolated Area	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Manager Capital Works	Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Manager PWs Operations	Middle	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Engineering Tech	Back	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2	45	
	Waste Management Services	Back	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2	45	
	Manager Water Treatment	Back	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2	45	
	Manager Waste Treatment	Back	Inward Facing POD (circular)	Low POD	Desk, Chair	Desktop	1	4.2	45	
Finance Fifteen (15) Employees	Director	Middle	Executive Office	N/A	Desk, Chair, Table, filling cabinets, etc	Desktop	1	4.2	45	
	Administrative Assistant	Middle	Open Departmental Reception (independent POD)	Low POD	Desk, Chair	Desktop	1	4.2	45	
	IT Specialist	Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	IT Consultant	Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Manager Accounting and Financial Reporting	Back	Executive Office	N/A	Desk, Chair	Desktop	1	12.2	131	

Department	Position	Spatial Position	Nature and Style	Open Area Workstations	Furniture/Fixtures	Technology	Number of Occupants	Areas		Remarks
								m^2	sf	
	AP Coordinator	Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Payroll	Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Accounting & Financial Analyst	Back	Executive Office	N/A	Desk, Chair	Desktop	1	4.2	45	
	Manager Revenue and Cash	Back	Executive Office	N/A	Desk, Chair	Desktop	1	4.2	45	
	AR and Customer Service Coordinator	Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Tax Clerk	Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Utility Clerk	Back	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Customer Service Clerk #1	Front	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Customer Service Clerk #2	Front	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
	Customer Service Clerk #3	Front	Inward Facing POD (circular)	Private POD	Desk, Chair	Desktop	1	4.2	45	
Governance / Mayor	Mayor's Office	Front	Executive Office	N/A	Desk, Chair, Table, filling cabinets, etc	Desktop	1	20.1	216	
Governance / Council	Council x 11 individuals	Middle	Isolated Room with workstations	Private PODs x 5	Desk, Chair	N/A	5	21.0	226	
Common Summer Student Area	Student Workstations #1	Back	Inward Facing POD (circular)	Low PODs	Desk, Chair	Desktop	1	4.2	45	
	Student Workstations #2	Back	Inward Facing POD (circular)	Low PODs	Desk, Chair	Desktop	1	4.2	45	
	Student Workstations #3	Back	Inward Facing POD (circular)	Low PODs	Desk, Chair	Desktop	1	4.2	45	
	Student Workstations #4	Back	Inward Facing POD (circular)	Low PODs	Desk, Chair	Desktop	1	4.2	45	
Sub-totals Departments							64	416.3	4436	

Meeting Rooms and Other	Spatial Position	Nature and Style	# of Occupants	# of Rooms	Furniture / Fixtures	Technology	Number of Occupants	Areas		Remarks
								m²	sf	
Small (Breakout Rooms)	Front x2 Middle x 1 Back x 1	Staff to client(s) meeting Staff to staff meeting Private setting for staff	1 to 4 occupants	4	Table x 1 Chairs x 4	Video Conferencing in 1 of 4 rooms	4	11.2 11.2 11.2 11.2	120 120 120 120	
Medium (Conference Rooms)	Middle	Internal Staff Group Meeting	1 to 12 occupants	2	Table x 1 Chairs x 12	Video Conferencing Treadmill Workstation	12	32.6	351	
Training Room	Middle / Back	Staff or Community Training (theatre or classroom	50	1	Table x 2 Chairs x 50	Video Conferencing Projector and Screen	50	89.4	962	
Large (Council Chambers)	Front	Council Near entrance due to after-hours requirements	11 Councillors + 7 Staff + 100 attendees (additional capacity 100) Max 218 occupants	1 room plus spill over area	11 Council Stations plus two Staff Stations 5 Workstations for staff Chairs for 100 to 200 (audience)	Video Conferencing Audio Live Streaming Projector and Screen	118 100	195.0 137.5	2099 1480	
EMO (dedicated or Training Room adaptability)	Middle / Back	Individual working stations	12 occupants	1	Low open stations	Video Conferencing	12	52.3	562	

Meeting Rooms and Other	Spatial Position	Nature and Style	# of Occupants	# of Rooms	Furniture / Fixtures	Technology	Number of Occupants	Areas		Remarks
								m²	sf	
Staff Lunchroom (connected to Breakout Room)	Back	Full-service lunchroom	20 occupants	1	Tables, chairs, appliances (stove, dishwasher, microwave, fridge,	N/A	20	41.1	442	
Staff Breakout Room (connected to Staff Lunchroom)	Back	Lounge–like area	20 occupants	1	Couch, chairs	TV	20	31.1	335	
Staff Fitness Area	Back	Small to medium fitness area.	6 occupants	1	Treadmill, stepper, rower,	TV Sound System	6	18.0	194	
Reception Counter	Front	Counter Entrance area	3 employees Accommodation of 1 to 12 clients	1 Common area	Counter Chairs x 3	TV (message screen for public)	3	14.0	151	
Client Waiting Area	Front	Open space for clients to wait for appointment or consultation.	Accommodation of 1 to 12 clients	1 Common area	Couch Chairs Coffee Tables Community Art	IPAD	12	23.5	253	
Server / Tech Room	Back	IT office and technology storage	Workspace / counter for 1 tech	1 room	Shelving and cabinets		1	11.8	127	
Rack Room		Room for servers	Space for racks	1 room	Racks/cooling syst.	Servers	1	11.0	118	
Printer Area(s)	Front / Middle / Back	Photocopier / Scanner Common area for staff	2 to 3 areas top service printing and scanning needs	2 to 3 areas	Photocopiers, storage for stationary, paper, etc.	Printers, Scanner, plotters, laminator, etc.	1 1 1	12.4 12.4 12.4	133 133 133	
Sub-totals Common Areas							361	726.7	7822	

Meeting Rooms and Other	Spatial Position	Nature and Style	# of Occupants	# of Rooms	Furniture / Fixtures	Technology	Number of Occupants	Areas		Remarks
								m²	sf	

							Number of Occupants	Areas		Remarks
								m²	sf	
Sub-totals Departments		**Sub-totals Departments**					64	416.3	4,436	
Sub-totals Common Areas		**Sub-totals Common Areas**					361	726.7	7,822	
TOTAL		**TOTAL**					425	1,143.0	12,258	

EXISTING BUILDING AREAS

	Areas		Remarks
	m²	sf	
Town of Windsor Administrative Building			
Basement	0.0	0	Fire Dept. areas not incl.
Ground Floor	228.0	2,454	Fire Dept. areas not incl.
2nd Floor	865.0	9,311	
Total	**1,093.0**	**11,765**	

West Hants Municipal Complex			
Basement	725.0	7,804	
Ground Floor	725.0	7,804	
Total	**1,450.0**	**15,608**	

Appendix B

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Regional Municipality of Windsor and West Hants

Building Name: **Windsor Town Hall**	Bldg Address: **100 King Street, Windsor**	Building Function: **Municipal Operations**	Type of Construction: **Concrete foundation, steel/concrete structure, masonry exterior**
Construction Date: **1960**	No. of Stories: **2 + Basement**	Gross Area: 2839 sq.m. (30,560 sq.ft.) Approximate	
Functional Data	Occupant: Town hall, RCMP, Fire Hall, Council Chambers		Occupancy: 30 (approximately)

Capitalization/Renovation History (date/scope)

1) 1960: Original building construction housing Town Hall & Fire Station
2) 1995: addition/renovation to house elevator and clock tower.

Major Maintenance Renovation History:

1) Basement windows scheduled for replacement, summer of 2020.
2) VRF heat pump and HRV system installed for second floor, 2008.
3) VRF heat pump and HRV system schedules for install on first floor, winter 2019.
4) Windows replaced on first/second floors, several years ago.
5) IT room AC installed within last 8 years
6) Gas-fired instantaneous hot water heater installed.
7) Diesel generator installed in 1992
8) Electrical upgrade in 2009

General Condition:

1) Fair to good overall

Problems:

1) Significant floor deflection and structure deterioration in fire hall. Many jack posts installed in basement to stabilize floor structure. Area in basement that houses posts only used for storage now, was bingo hall.
2) Hazmat assessment/report completed in 2005 identifying asbestos types and locations
3) First floor offices still utilizing window AC units
4) Radon testing should be carried out to ensure that radon levels are within acceptable limits.



Architectural Systems	Type / Age	Condition	P	F	G	Recap Period 0-5	5-10	10-15	15-20	20-25	Recap $
Roof	Observed as bitumen built-up roofing on steel deck roof.	Appears to be in good condition. No leaks reported.			√		√				$98,000 to replace roofing and upgrade insulation to R20.
•											
Exterior Walls Original	Brick cladding. Exact system composition not known.	Appear to be in good condition.			√				√		$10,000 for possible repointing and repairs.
•											

Exterior Doors / Windows	Observed different types of doors and windows, curtain wall, continuous windows and punch windows	Mostly in good condition. Basement windows scheduled to be replaced in the Summer of 2020.		√		√					$12,000 estimated basement window replacement.
•											
Ceiling Finishes	Lay-in acoustical tiles in t-bar framing system	In fair condition but aged. Acoustical value of existing lay-in tiles is low.		√		√					$10,000 estimated cost of acoustical tile replacement.
•											
Walls	Mostly gypsum board on stud framing	Mostly in good condition.			√			√			$5,000 estimated repairs and painting.
•											
Life Safety	No sprinkler system. Generator installed. Fire Alarm with pull stations/smoke detectors installed per NFPA.	In fair to good condition. Revisions only if re-design work is undertaken.			√				√		$5,000 estimated cost of maintenance.
•											
Exiting	2 existing exit stairs, one stair is not compliant with current building code.	In good condition but upgrades will be required to exiting if re-design work is undertaken.			√			√			$25,000 estimated cost to upgrade exit stairs.
•											

Structural Systems	Type / Age	Condition	P	F	G	Recap Period					Recap $
						0-5	5-10	10-15	15-20	20-25	
Foundation	Reinforced concrete – original to various construction periods	Good condition, minimal leaks			√					√	
•											
Floor Structure (Basement)	Concrete slab on grade	Good condition			√					√	
•											
Floor Structure (1st)	Steel/Reinforced	Fair condition		√						√	

	concrete – original to various construction periods										
•											
Floor Structure (2nd)	Steel/concrete slab – original to various construction periods	Good condition			√					√	
•											
Roof Structure	Steel/metal deck – original to various construction periods	Good condition			√					√	
•											
Stairs	Steel original	Good condition			√					√	
•											
Support Structure	Steel – original to various construction periods	Good condition			√					√	
•											

Mechanical Systems

Plumbing	Type / Age	Condition	P	F	G	Recap Period					Recap $
						0-5	5-10	10-15	15-20	20-25	
Domestic Water	Copper - original to construction period with upgrades as necessary	Fair in original building		√			√				
•											
Sanitary Drains	Cast iron in original, ABS/PVC used during reno's	Fair in original building		√				√			
• No sign of oil interceptor serving the Fire Hall vehicle storage area.											
Storm Drains	Cast iron	Fair condition		√				√			
• Roof drain domes appear to have been replaced when roof was re-done											
Fixtures	Vitreous china/stainless steel – age unknown	Fair condition		√				√			

•											
Backflow Preventor	None										$4000.00 to meet code
• Required by code ASAP at domestic water entrance, boiler make-up and commercial washing machine											
Water Heaters	1-Gas-fired instantaneous heater. 1- tank	Good condition			√				√		$2000.00 to meet code
• Installations do not meet Plumbing Code: they require expansion tanks and vacuum relief valves											
Valves	Combination of bronze ball/gate/check valves – age unknown	Fair in original building		√			√				
• We suspect that the older gate valves will not re-open once they are closed to service equipment/fixtures											

HVAC	Type / Age	Condition	P	F	G	Recap Period					Recap $
						0-5	5-10	10-15	15-20	20-25	
Ductwork	Galvanized sheet metal - original to various construction periods	Fair in original building. Good where reno's have occurred on 2nd floor and where new reno's are happening now		√	√			√		√	
•											
Diffusers / Grilles	Steel – original, new on second floor	Good condition			√				√		
•											
Terminal Units	Hot water baseboard/unit heaters/cabinet heaters - original to various construction periods	Fair in original building		√				√			$100,000 to replace existing terminal heating units
•											
Piping	Schedule 40 steel with treaded and Victaulic -	Fair in original building		√				√			$90,000 to replace piping in building

	original to various construction periods										
•											
AHU / RTU	HRV installed in 2008	Good condition			√			√			
•											
Humidifiers	None										
• Measured RH: 17.7% in reception, 18.1% on second floor											
Insulation	Fibre - original to various construction periods.	poor in original building distribution piping, some replaced over the years	√		√	√			√		$10,000 for asbestos abatement and reinsulating
• Hazmat report identifies type and location of asbestos insulation											
Controls	Dedicated per system	VRF system has new DDC controls, boilers have manual lead/lag system, rad's have older dedicated t'stats		√	√		√		√		
• The building does have an outdated pneumatic control system but no DDC Building Management system that integrates all mechanical systems											
AC Units (VRF System)	VRF Heat Pumps	Good condition			√				√		
• The window AC units will no longer be used once the new VRF system is completed on first floor.											•
Condensing Units	VRF roof-top condensing units installed in 2008 for 2nd floor. Additional units being installed now for first floor VRF.	Good condition			√				√		
•											
Heat Exchangers	Not Applicable										
•											
Boilers	2 oil-fired Weil-McLain hot water cast iron sectional boilers	good condition			√				√		
•											
Pumps	centrifugal pumps – re-built	Good condition			√				√		
•											
Oil Storage Tank	Aboveground	Good condition		√				√			$20,000 tank replacement cost
•											

Fire Protection	Type / Age	Condition	P	F	G	Recap Period					Recap $
						0-5	5-10	10-15	15-20	20-25	
Sprinklers	No sprinkler system										New wet pipe sprinkler system would cost $150,000
• Sprinkler system may be required should major renovation of building take place											
Fire Pumps	Not Applicable										
•											
Piping	No sprinkler system										
•											
Valves	No sprinkler system										
•											
Fire Extinguishers	Type ABC throughout – age unknown	Good condition, tests up to date			√			√			
• Must be tested annually											
Electrical Systems	**Type / Age**	**Condition**	**P**	**F**	**G**	**Recap Period**					**Recap $**
						0-5	5-10	10-15	15-20	20-25	
Transformers	Pole mount 3 phase/NSPower	Good condition			√				√		
•											
Service Entrance											
• Upgraded in 2009											
Fire Alarm		Fair to Good			√			√			
• Pull stations/smoke detectors installed per NFPA											
Emergency Lights		Good condition			√				√		
• Genset											
APU – generator, 75 kW, 208/120	Generac diesel genset/1992	Good condition			√				√		
•											
UPS	N/A										
•											
Switches	Mix of newer and older	Good condition			√				√		

	as changes have been made over the years										
•											
Main Distribution Panels	Upgraded in 2009	Good condition			√				√		
• Checked with infrared camera, no overheated circuits											
Main Distribution System	Mix of newer and older as changes have been made over the years	Good condition			√				√		
• Mix of EMT and BX											
Branch Panels	Mix of newer and older as changes have been made over the years	Good condition			√				√		
• Checked with infrared camera, no overheated circuits											
Branch Distribution System	Mix of newer and older as changes have been made over the years	Good condition			√				√		
• Mix of EMT and BX											
Grounding	Unknown	Good condition			√				√		
• What could be seen appears to be in good condition											
Lightning Protection	N/A										
•											
Surge Protection	N/A										
•											
Interior Lighting	Mix of older T8 and new LED	Good condition			√				√		
• T8 fluorescent strips in office areas, new LED in fire hall											
Exterior Lighting	Wall packs, newer	Good condition			√				√		
•											

Communications and Security Systems	**Type / Age**	**Condition**	**P**	**F**	**G**	**Recap Period**					**Recap $**
						0-5	5-10	10-15	15-20	20-25	
Telephone	By service provider										
•											

Data	By service provider										
•											
Intrusion Alarm	By service provider										
•											
Public Address	N/A										
•											

Regional Municipality of Windsor and West Hants

Building Name: **West Hants Municipal Building**	Bldg Address: **76 Morrison Dr., Windsor**	Building Function: **Municipal Operations**	Type of Construction: **Concrete foundation, steel/concrete floor structure, wood roof trusses, masonry exterior**
Construction Date: **1988**	No. of Stories: **1 + Basement**	Gross Area: 1482 sq.m. (15,947sq.ft.) Approximate	
Functional Data	Occupant: Town hall, Council Chambers, Public Works & Parks/Recreation	Occupancy: 20 (approximately)	

Capitalization/Renovation History (date/scope)

1) 1988: Original building construction housing Town Hall & municipal operations

Major Maintenance Renovation History:

1) Basement windows/wells upgraded last year.
2) Carrier Geothermal to DX refrigerant heat pumps installed 10 years ago.
3) Carrier zone VRF heat pumps and HRV system installed 10 years ago.
4) Olympian diesel generator installed approximately 25 years ago.
5) IT room and basement office area mini-splits added within last 5 years
6) Public Works/Parks area to have mini-splits installed next summer.
7) Existing humidifiers removed during heat pump upgrade.

General Condition:

1) Good overall

Problems:

1) Radon testing should be carried out to ensure that radon levels are within acceptable limits.
2) No CO/NOx detection/exhaust in garage. There is a CO detector in basement office area.



Architectural Systems	Type / Age	Condition	P	F	G	Recap Period 0-5	5-10	10-15	15-20	20-25	Recap $
Roof	Pitched roof with asphalt tiles on plywood on wood trusses.	Appear to be in good condition.			√				√		$37,000 estimated cost to replace tiles.
•											
Exterior Walls Original	Brick exterior cladding	Appear to be in good condition.			√				√		$5,000 estimated cost for repointing and repairs
•											
Exterior Doors / Windows	Aluminum and steel doors and windows.	Appear to be in good condition.			√				√		$5,000 estimated cost for repairs and maintenance.

•											
Ceiling Finishes	Acoustical lay-in tiles	Good condition			√				√		$15,000 estimated cost to replace lay-in tiles.
•											
Walls	Gypsum board on stud framing.	Good condition			√				√		$5,000 estimated cost to repair and paint.
•											
Life Safety	No sprinkler system. Fire alarm and pull stations/smoke detectors installed. Diesel generator installed	Good condition			√				√		
•											
Exiting	Stairs and exit doors in compliance with NBC.	Good condition			√				√		
•											

Structural Systems	Type / Age	Condition	P	F	G	Recap Period					Recap $
						0-5	5-10	10-15	15-20	20-25	
Foundation	Reinforced concrete – original to various construction periods	Good condition, minimal leaks			√					√	
•											
Floor Structure (Basement)	Concrete slab on grade	Good condition			√					√	
•											
Floor Structure (1st)	Steel/concrete – original to construction period	Good condition			√					√	
•											
Floor Structure (2nd)	N/A										
•											
Roof Structure	Wood trusses – original to construction period	Good condition			√					√	

•											
Stairs	Steel original	Good condition			√					√	
•											
Support Structure	Steel – original to construction period	Good condition			√					√	
•											

Mechanical Systems

Plumbing	Type / Age	Condition	P	F	G	Recap Period					Recap $
						0-5	5-10	10-15	15-20	20-25	
Domestic Water	Copper - original to construction period	Good condition			√				√		
•											
Sanitary Drains	ABS/PVC original to construction period	Good condition			√				√		
• No sign of oil interceptor serving the Fire Hall vehicle storage area.											
Storm Drains	N/A										
• Pitched roof											
Fixtures	Vitreous china/stainless steel – original to construction	Good condition			√				√		
•											
Backflow Preventor	None										$4000.00 to meet code
• Required by code ASAP at domestic water entrance											
Water Heaters	60 gallon electric	Good condition			√				√		$2000.00 to meet code

• Installation does not meet Plumbing Code: requires expansion tanks and vacuum relief valves											
Valves	bronze ball/gate/check valves – original	Good condition			√				√		
•											

HVAC	Type / Age	Condition	P	F	G	Recap Period					Recap $
						0-5	5-10	10-15	15-20	20-25	
Ductwork	Galvanized sheet metal - original to construction periods	Good condition			√				√		
• Much of the ductwork was re-used/or modified during the geothermal system upgrade											
Diffusers / Grilles	Steel – original	Good condition			√				√		
•											
Terminal Units	Electric baseboard/unit and cabinet heaters - original to construction period	Good condition			√				√		
• With the geothermal system, many BB heaters likely never come on.											
Piping	Copper Refrigerant tubing – 10 years old	Good condition			√				√		
•											
AHU / RTU	HRV's – 10 years old on main floor. 2 HRV's in basement original and fair condition	Good condition			√			√			Basement HRV replacement: $8000
•											
Humidifiers	None										
• Humidifiers removed when geothermal system installed. Measured RH: 23.2% in reception area.											
Insulation	Armaflex foam on refrigerant tubing	Good condition			√				√		
•											
Controls	Dedicated heat pump controllers, dedicated electric heat controls	Good condition			√				√		

• The building does not have a DDC Building Management system that integrates all mechanical systems											
AC Units (heat pumps)	Carrier Heat Pumps/10 years old. Mini-split HP's in basement	Good condition			√			√			
• The window AC units will no longer be used once the new VRF system is completed on first floor.											
Condensing Units	Mini-split condensing units/approx. 5 years old	Good condition			√				√		
•											
Heat Exchangers	Not Applicable										
•											
Boilers	Not Applicable										
•											
Pumps	centrifugal inline pumps – new 10 years ago	Good condition			√				√		
•											
Oil Storage Tank	Not Applicable										
•											

Fire Protection	Type / Age	Condition	P	F	G	Recap Period					Recap $
						0-5	5-10	10-15	15-20	20-25	
Sprinklers	No sprinkler system										New wet pipe sprinkler system would cost $90,000
• Sprinkler system may be required should major renovation of building take place											
Fire Pumps	Not Applicable										
•											
Piping	No sprinkler system										
•											
Valves	No sprinkler system										
•											
Fire Extinguishers	Type ABC throughout – age unknown	Good condition, tests up to date			√			√			
• Must be tested annually											

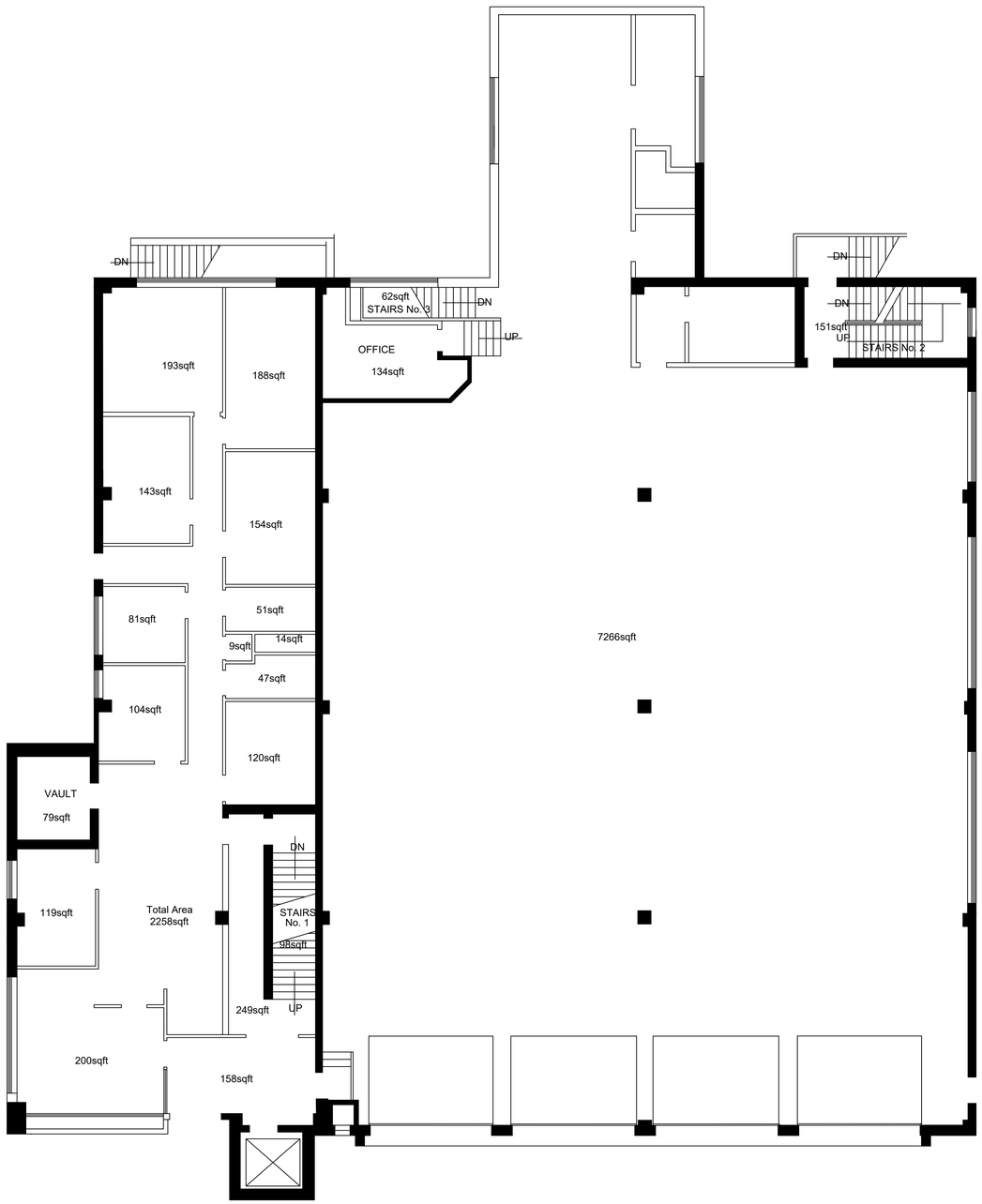
Electrical Systems	Type / Age	Condition	P	F	G	Recap Period					Recap $
						0-5	5-10	10-15	15-20	20-25	
Transformers	Pole mount 3 phase/NSPower	Good condition			√				√		
•											
Service Entrance	Westinghouse 400A, 120/208, 3ph, 60	Good condition			√				√		
•											
Fire Alarm		Good condition			√				√		
• Pull stations/smoke detectors installed per NFPA											
Emergency Lights		Good condition			√				√		
• Genset											
APU – diesel generator, 208/120	Olympian diesel genset/mid 1990's	Good condition			√				√		
•											
UPS	N/A										
•											
Switches	Mostly new for the Geothermal conversion (Cutler Hammer), Westinghouse original	Good condition			√				√		
•											
Main Distribution Panels	Westinghouse, original	Good condition			√				√		
• Checked with infrared camera, no overheated circuits											
Main Distribution System	Mix of newer and older as changes have been made	Good condition			√				√		
• Mix of EMT and BX											
Branch Panels	Mix of Westinghouse, original. Cutler hammer for geothermal upgrade	Good condition			√				√		
• Checked with infrared camera, no overheated circuits											
Branch Distribution System	Mix of newer and older as changes have been	Good condition			√				√		

	made										
• Mix of EMT and BX											
Grounding	Unknown	Good condition			√				√		
• What could be seen appears to be in good condition											
Lightning Protection	N/A										
•											
Surge Protection	N/A										
•											
Interior Lighting	T8 original	Good condition			√				√		
• Occupancy sensors installed in most areas.											
Exterior Lighting	Wall packs and light standrd	Good condition			√				√		
•											

Communications and Security Systems	Type / Age	Condition	P	F	G	Recap Period					Recap $
						0-5	5-10	10-15	15-20	20-25	
Telephone	By service provider										
•											
Data	By service provider										
•											
Intrusion Alarm	By service provider										
•											
Public Address	N/A										
•											

Appendix C

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1 / A-02 EXISTING FIRST FLOOR PLAN

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DRAFTSPERSON	A.L.	NR	10/12/2019
DESIGNER		NR	
CHECKER			
DESIGN COORD.			
RESP. ENG.			
LEAD DISC. ENG.			
ENG. MANAGER			
PROJ. MANAGER			

No.	DESCRIPTION	BY	CHK'D	DATE

REVISIONS

DRAWING APPROVAL STATUS:

DRAWING No.	DRAWING TITLE

REFERENCE DRAWINGS

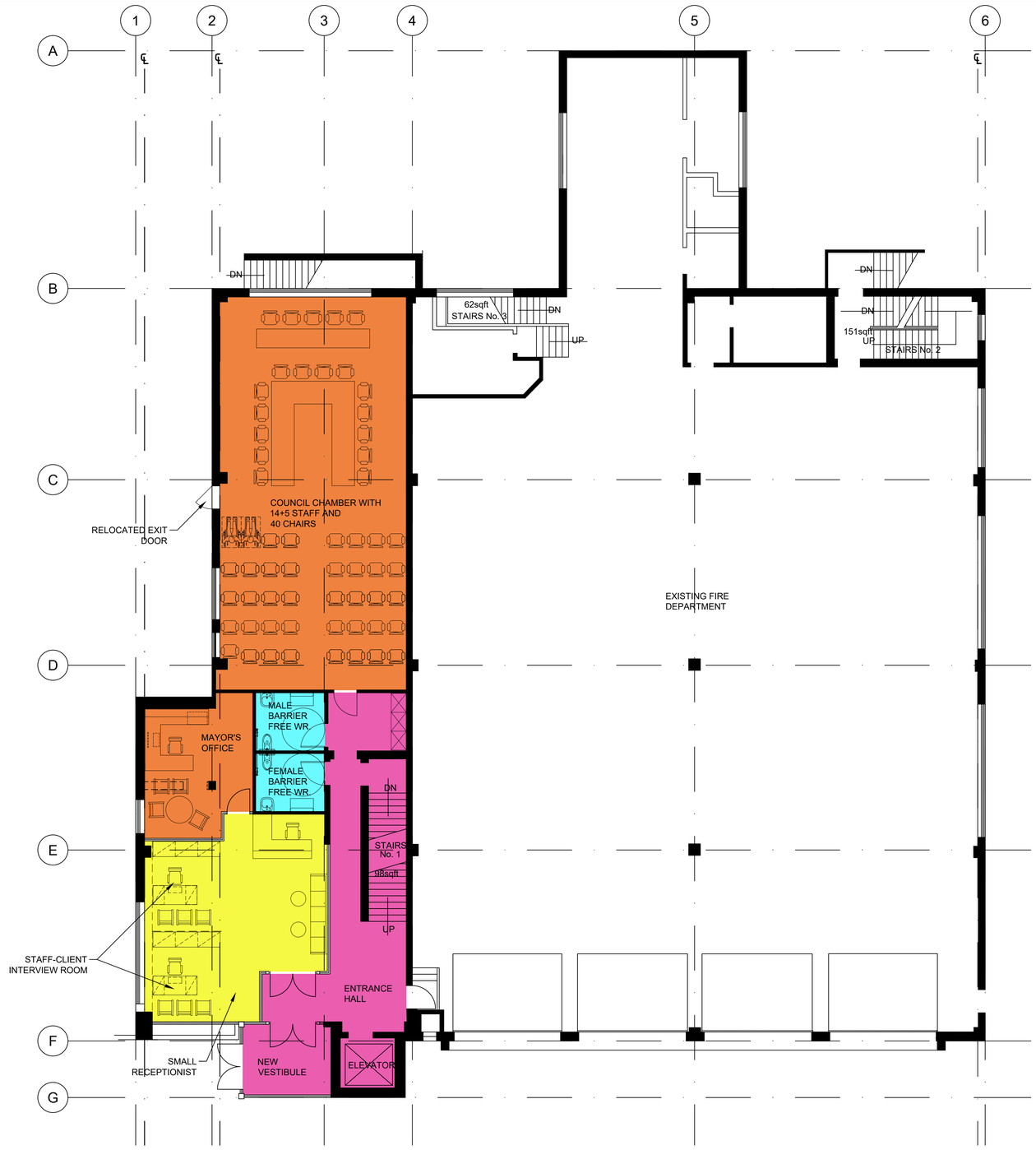
REGISTERED PROFESSIONAL

WINDSOR - WEST HANTS
MUNICIPAL COMPLEX RENOVATION

WINDSOR
EXISTING FIRST FLOOR PLAN

SCALE	DWG. No.	REV
1:100 OR AS NOTED	A-02	A

LORBERER, ANNA
12/12/2019 9:07 AM
C:\PWWORKING\HHATCHGLOBAL_LORB9661410D0634231W.B. STEPHENS - PROPOSED_GOOD.DWG



1 A-02 FIRST FLOOR PLAN - SPACE LAYOUT

SCALE: 1:100

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REVISIONS				

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DESIGNER		NR	
CHECKER			
DESIGN COORD.			
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LEAD DISC. ENG.			
ENG. MANAGER			
PROJ. MANAGER			
DRAWING APPROVAL STATUS:			

WINDSOR - WEST HANTS
MUNICIPAL COMPLEX RENOVATION

WINDSOR
PROPOSED FIRST FLOOR PLAN

SCALE: AS NOTED | DWG. No.: A-02 | REV: A

LORBERER, ANNA
8/26/2015 2:38 PM
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DWG. No.



EXISTING SECOND FLOOR

1 / A-03 EXISTING SECOND FLOOR PLAN

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DESIGNER		NR		
CHECKER				
DESIGN COORD.				
RESP. ENG.				
LEAD DISC. ENG.				
ENG. MANAGER				
PROJ. MANAGER				

WINDSOR - WEST HANTS
MUNICIPAL COMPLEX RENOVATION

WINDSOR
EXISTING SECOND FLOOR PLAN

DRAWING No.	DRAWING TITLE
REFERENCE DRAWINGS	

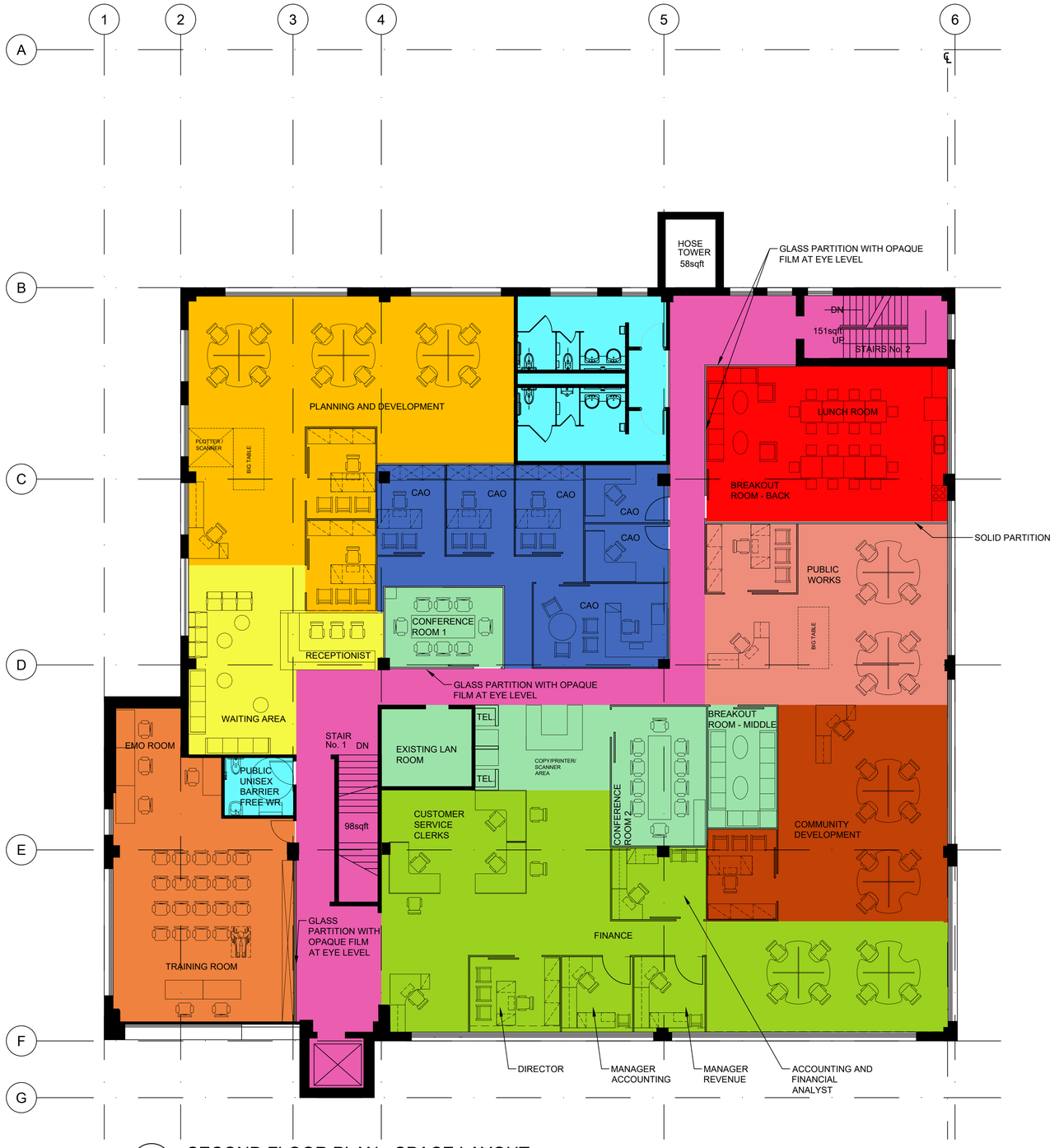
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No.	DESCRIPTION	BY	CHK'D	DATE
REVISIONS				

ROLE	NAME	SIGNATURE	DATE
DRAWING APPROVAL STATUS:			

SCALE	DWG. No.	REV
AS NOTED	A-03	A

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12/12/2019
9:07 AM
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LEGEND

- TRAINING/EMO
- PLANNING & DEVELOPMENT
- STAFF BREAK OUT AREAS
- FINANCE
- CAO
- COMMUNITY DEVELOPMENT
- PUBLIC WORKS
- COMMON AREAS
- CIRCULATION
- RECEPTION & STAFF/CLIENT INTERVIEW ROOM
- WASHROOMS

1 / A-02 SECOND FLOOR PLAN - SPACE LAYOUT

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CHECKER			
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ENG. MANAGER			
PROJ. MANAGER			

No.	DESCRIPTION	BY	CHK'D	DATE

DRAWING APPROVAL STATUS:

WINDSOR - WEST HANTS
MUNICIPAL COMPLEX RENOVATION

WINDSOR
PROPOSED FIRST FLOOR PLAN

DRAWING No.	DRAWING TITLE
REFERENCE DRAWINGS	REGISTERED PROFESSIONAL

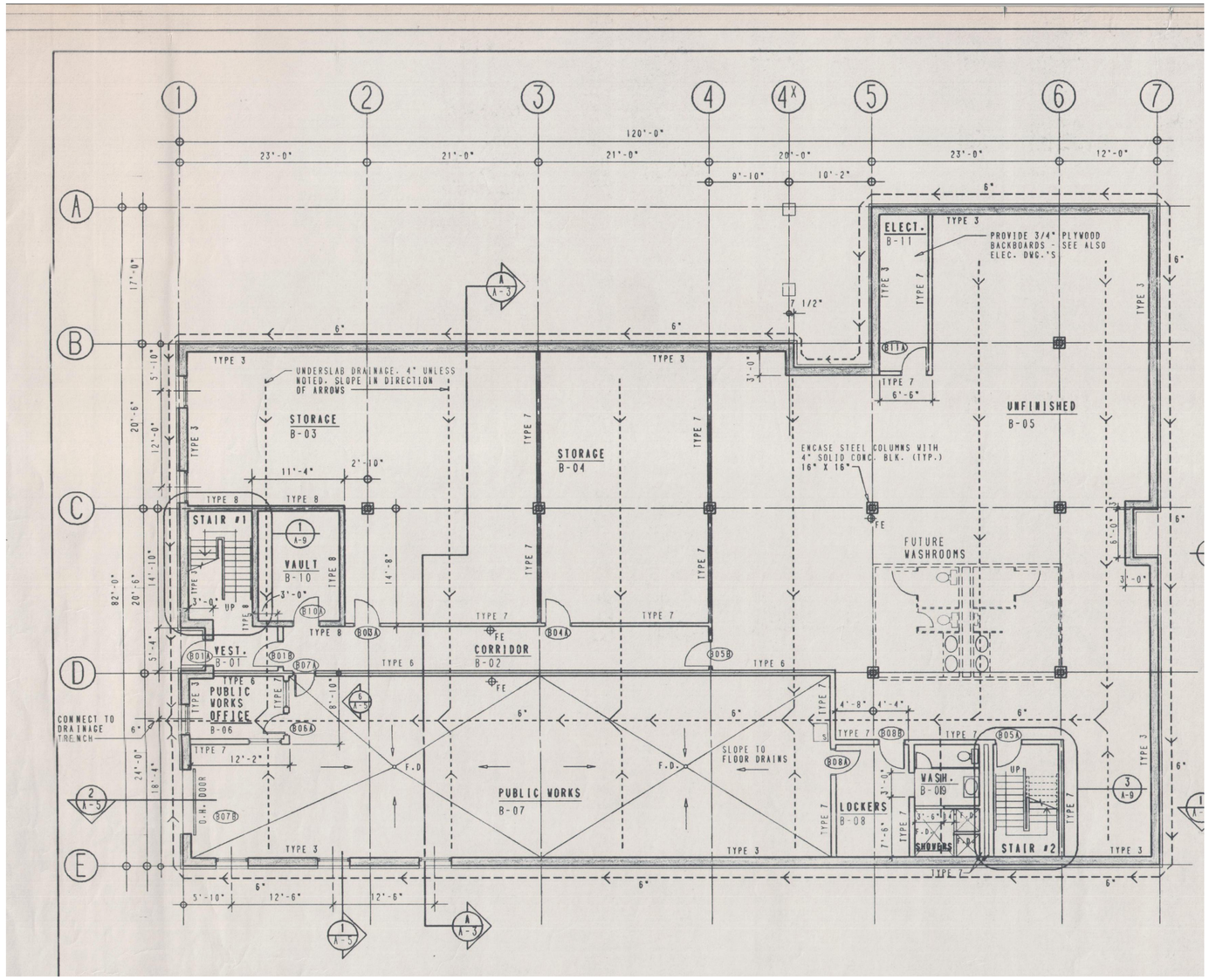
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DWG. No.: A-02

REV: A

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8/26/2015 2:38 PM
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DWG. No.



1 / A-01 EXISTING BASEMENT FLOOR PLAN

SCALE: 1:100

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DESIGNER		NR	
CHECKER			
DESIGN COORD.			
RESP. ENG.			
LEAD DISC. ENG.			
ENG. MANAGER			
PROJ. MANAGER			

DRAWING APPROVAL STATUS:

WINDSOR - WEST HANTS
MUNICIPAL COMPLEX RENOVATION

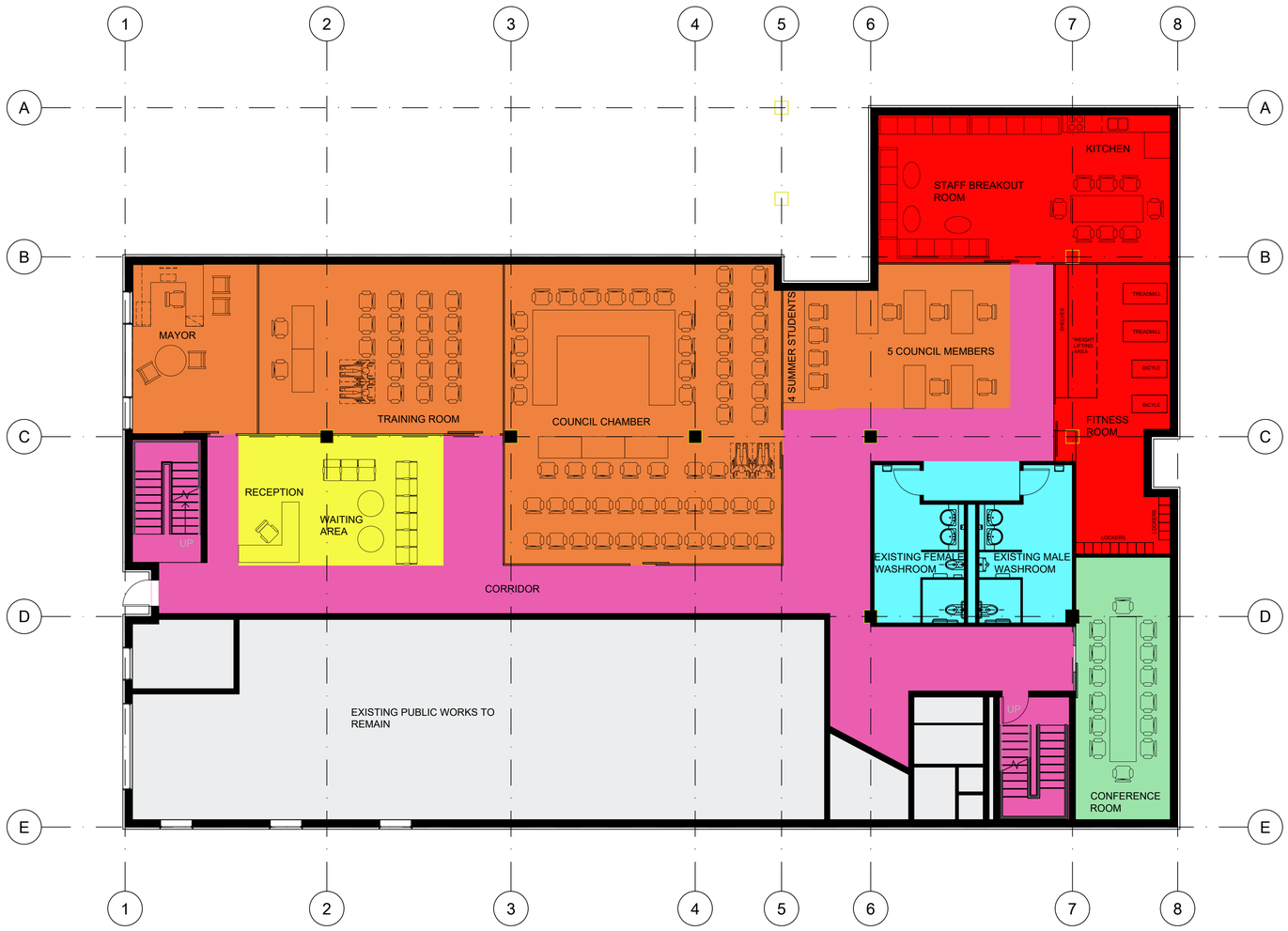
WEST HANTS
EXISTING BASEMENT PLAN

DRAWING No.	DRAWING TITLE
REFERENCE DRAWINGS	

REGISTERED PROFESSIONAL

SCALE	DWG. No.	REV
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8/9/2019 2:38 PM
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LEGEND ALL

- MAYOR/COUNCIL/TRAINING/EMO
- STAFF BREAK OUT AREAS
- COMMON AREAS
- CIRCULATION
- RECEPTION / WAITING AREA
- WASHROOMS
- EXISTING TO REMAIN

1 / A-01 PROPOSED BASEMENT FLOOR PLAN

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CHECKER			
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LEAD DISC. ENG.			
ENG. MANAGER			
PROJ. MANAGER			

WINDSOR - WEST HANTS
MUNICIPAL COMPLEX RENOVATION

WEST HANTS
PROPOSED BASEMENT FLOOR PLAN

DRAWING No.	DRAWING TITLE
REFERENCE DRAWINGS	

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No.	DESCRIPTION	BY	CHK'D	DATE
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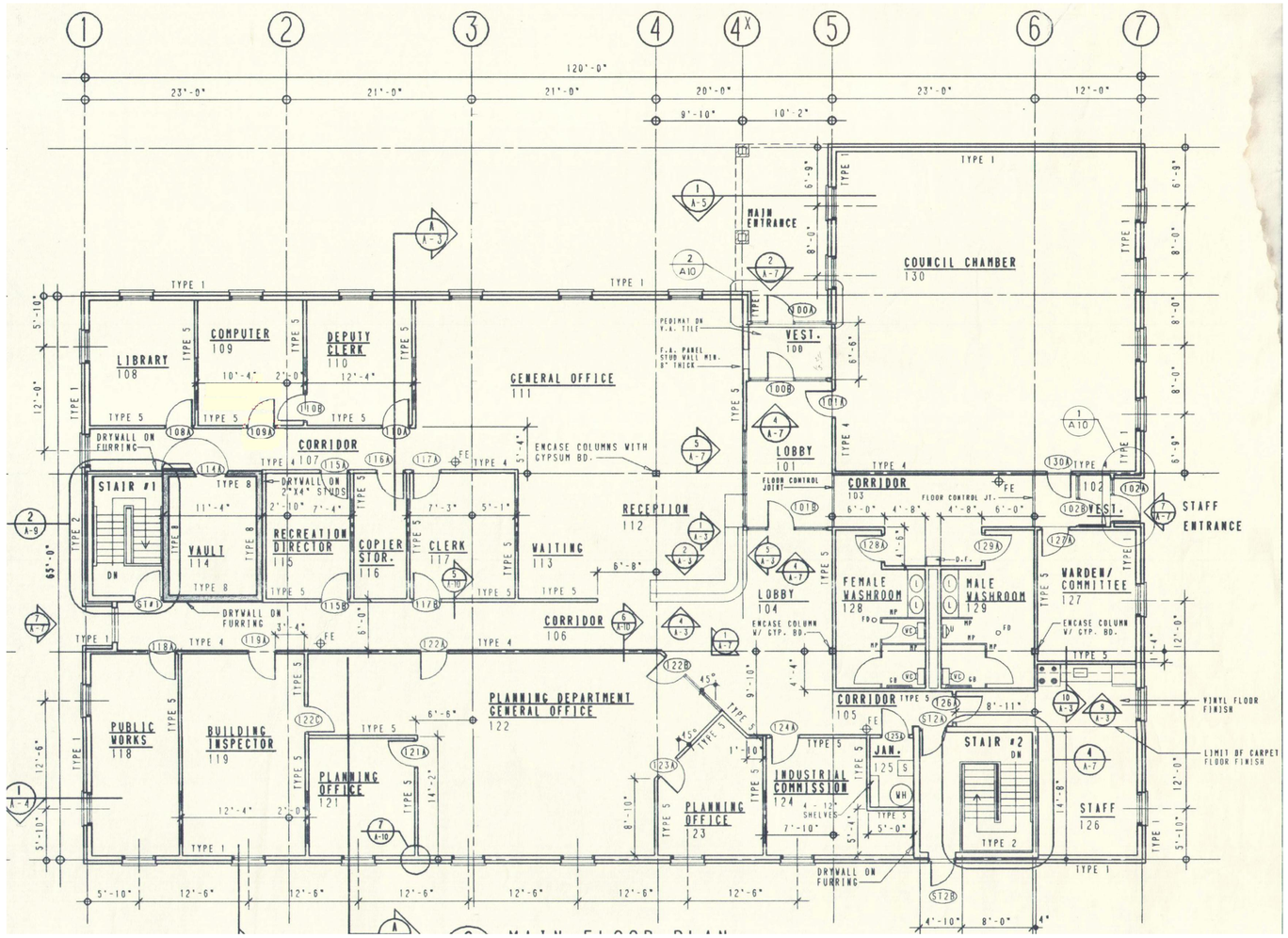
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1 / A-02 EXISTING FIRST FLOOR PLAN

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DESIGNER		NR	
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LEAD DISC. ENG.			
ENG. MANAGER			
PROJ. MANAGER			

No.	DESCRIPTION	BY	CHK'D	DATE

WINDSOR - WEST HANTS
MUNICIPAL COMPLEX RENOVATION

WEST HANTS
EXISTING FIRST FLOOR PLAN

DRAWING No.	DRAWING TITLE
REFERENCE DRAWINGS	REGISTERED PROFESSIONAL

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SCALE: OR AS NOTED

DWG. No.: A-02

REV: A

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DWG. No.



LEGEND

- PUBLIC WORKS
- COMMUNITY DEVELOPMENT
- FINANCE
- CAO
- PLANNING AND DEVELOPMENT
- COMMON AREAS
- CIRCULATION
- RECEPTION & STAFF/CLIENT INTERVIEW ROOM
- WASHROOMS

1 / A-02 PROPOSED FIRST FLOOR PLAN

SCALE: 1:100

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ROLE	NAME	SIGNATURE	DATE
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DESIGNER		NR	
CHECKER			
DESIGN COORD.			
RESP. ENG.			
LEAD DISC. ENG.			
ENG. MANAGER			
PROJ. MANAGER			

No.	DESCRIPTION	BY	CHK'D	DATE

DRAWING APPROVAL STATUS:

WINDSOR - WEST HANTS
MUNICIPAL COMPLEX RENOVATION

WEST HANTS
PROPOSED FIRST FLOOR PLAN

DRAWING No.	DRAWING TITLE
REFERENCE DRAWINGS	REGISTERED PROFESSIONAL

SCALE: AS NOTED

DWG. No.: A-02

REV: A

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Appendix D

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W.B. STEPHENS BUILDING
ENVIRONMENTAL RISK REGISTER

ID	Incident	Cause	Consequence	Existing safeguards	Pre-mitigation Probability	Impact	Weighted Cost	Mitigation Measure	Post-mitigation Probability	Impact2	Weighted Cost2	Comments
1	**Hazmat**											
	asbestos insulation and fire proofing	damage/exposure	Health	None	H	M	$ 2,500.00	Abatement	N/A	N/A	$ -	2006 Hazmat report Identifies locations
	asbestos pipe insulation	damage/exposure	Health	None	H	M	$ 2,000.00	Abatement	N/A	N/A	$ -	2006 Hazmat report Identifies locations
	asbestos Drywall	damage/exposure	Health	None	H	M	$ 2,500.00	Abatement	N/A	N/A	$ -	2006 Hazmat report Identifies locations
	asbestos ceiling tile	damage/exposure	Health	None	L	L	$ 1,000.00	Abatement	N/A	N/A	$ -	1960's building, testing if renovations occur
	asbestos floor tile	damage/exposure	Health	None	H	M	$ 2,500.00	Abatement	N/A	N/A	$ -	2006 Hazmat report Identifies locations
	PCBs	damage/exposure	Health	None	L	L	$ 1,000.00	Removal	N/A	N/A	$ -	1960's building, testing if renovations occur
	lead paint	handling	Health	None	L	L	$ 1,000.00	Removal	N/A	N/A	$ -	1960's building, testing if renovations occur
	mercury thermostats	damage/exposure	Health	None	L	L	$ 1,000.00	Removal	N/A	N/A	$ -	1960's building, testing if renovations occur
	refrigerants	damage/leaks	Respiratory	Annual testing	L	L	$ 1,500.00	Repair/recharge	L	L	$ -	
	ammonia gas in arenas	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	mould	exposure	Respiratory	None	L	L	$ 2,400.00	Abatement	L	L	$ -	
	corrosives, toxins, caustics	spills/exposure	Respiratory/Irritant	Air circulation	L	L	$ 200.00	Clean-up	L	L	$ 200.00	Proper handling/storage diminishes the potential
2	**Air quality**											
	CO	exposure	Respiratory/headache	Vehicle Exh. System	L	L	$ 200.00	Increase fresh air	L	L	$ -	Fire hall has vehicle exhaust capture system
	CO2	exposure	Respiratory/headache	HRV installed	L	L	$ 200.00	Increase fresh air	L	L	$ -	
	NOx	exposure	Respiratory/headache	Vehicle Exh. System	L	L	$ 200.00	Increase fresh air	L	L	$ -	Fire hall has vehicle exhaust capture system
	Radon	exposure	Respiratory	None	M	M	$ 1,000.00	Radon exhaust system	L	L	$ -	1960's building with basement
	VOCs	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	humidity	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	dirty filters	exposure	Respiratory/Irritant	Filter change	L	L	$ 200.00	Scheduled maintenance	L	L	$ -	Annual maintenance will prevent this
	legionella	exposure	Respiratory/Irritant	Clean AHU drain pans	L	M	$ 200.00	Scheduled maintenance	L	L	$ -	Annual maintenance will prevent this
	welding (Shop Areas)	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	carpentry (Shop Areas)	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	painting (Shop Areas)	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	fiberglass insulation	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Chlorine	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Methane gas	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
3	**Contaminated sites**											
	Fuel tanks	spills	Contamination	Visual inspectionn	L	L	$ 3,000.00	Clean-up	L	L	$ -	
	Propane tanks	leaks	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

WEST HANTS MUNICIPAL OFFICE
ENVIRONMENTAL RISK REGISTER

ID	Incident	Cause	Consequence	Existing safeguards	Pre-mitigation Probability	Impact	Weighted Cost	Mitigation measure	Post-mitigation Probability	Impact2	Weighted Cost2	Comments
1	**Hazmat**											
	asbestos insulation and fire proofing	damage/exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	asbestos pipe insulation	damage/exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	asbestos Drywall	damage/exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	asbestos ceiling tile	damage/exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	asbestos floor tile	damage/exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	PCBs	damage/exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	lead paint	handling	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	mercury thermostats	damage/exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	refrigerants	damage/leaks	Respiratory	Annual Leak Tests	L	L	$ 1,500.00	Repair/recharge system	L	L	$ 1,500.00	Annual maintenance will prevent this
	ammonia gas in arenas	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	mould	exposure	Respiratory	Cleaning/Air circulation	L	L	$ 2,400.00	Abatement	L	L	$ -	
	corrosives, toxins, caustics	spills/exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
2	**Air quality**											
	CO	exposure	Respiratory/Headache	Detector in office area	L	M	$ 5,000.00	Exhaust in garage	L	L	$ -	CO monitoring/exhaust system in garage will solve
	CO2	exposure	Respiratory/headache	HRV system	L	L	$ 200.00	Fresh-air ventilation	L	L	$ -	
	NOx	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Radon	exposure	Respiratory	None	L	M	$ 1,500.00	Radon exhaust system	L	L	$ -	
	VOCs	exposure	Respiratory/Irritant	Air circulation	L	L	$ 200.00	ventilation	L	L	$ -	
	humidity	exposure	Dryness	None	L	L	$ 4,000.00	Humidifier	N/A	N/A	N/A	Existing humidifiers were removed
	dirty filters	exposure	Respiratory/Irritant	Filter change	L	L	$ 200.00	Scheduled maintenance	L	L	$ -	Annual maintenance will prevent this
	legionella	exposure	Respiratory/Irritant	Clean AHU drain pans	L	H	$ 200.00	Scheduled maintenance	L	L	$ -	Annual maintenance will prevent this
	welding (Shop Areas)	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	carpentry (Shop Areas)	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	painting (Shop Areas)	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	fiberglass insulation	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Chlorine	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Methane gas	exposure	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
3	**Contaminated sites**											
	Fuel tanks	spills	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Propane tanks	leaks	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To:	Mayor Zebian and Members of West Hants Regional Municipality Council
Submitted by:	Saira Shah, Planner
Date:	2020-10-27
Subject:	File # 20-02C Cannabis in Hantsport

Background

On October 8, 2019 West Hants Council approved amendments to permit a variety of cannabis licenses in West Hants. On November 13th the Hantsport Area Advisory Committee (HAAC) asked staff to provide an overview on cannabis licenses and discuss similar amendments for Hantsport. On March 11, 2020 staff gave a presentation outlining the amendment options for cannabis. The HAAC agreed with the options proposed by staff. Staff recommended permitting all cannabis licenses in the Industrial (M) zone and permitting Cannabis Analytical Testing and Research in the Institutional (I) zone in Hantsport (Attachment A).

A Public Information Meeting (PIM) was held virtually on July 7, 2020 and broadcast live on the Municipal Facebook page to consider the amendments to permit the cannabis licenses *(*Attachment B*)*

Council held First Reading on September 22, 2020.

Hantsport Area Advisory Committee Recommendation

HAAC recommended in favour of the proposed cannabis amendments on September 1, 2020.

Planning Advisory Committee Recommendation

PAC recommended in favour of the proposed cannabis amendments on September 10, 2020.

Potential Motion

Should Council wish to approve the cannabis amendments, after the public hearing is complete, the following motion is in order:

that Council gives Second Reading to and approves the amendments to the Hantsport Municipal Planning Strategy and Land Use By-law to enable a variety of cannabis licenses in Hantsport, in a manner substantially the same as attached to the staff report to HAAC dated September 1, 2020 as Appendix A.

Attachments

Attachment A	2020-09-01 File #20-02 Cannabis in Hantsport Recommendation Report
Attachment B	2020-09-01 File#20-02 Public Information Meeting Notes July 7, 2020

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Attachment A
2020-09-01 File #20-02 Cannabis in Hantsport Recommendation Report

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To:	Members of Hantsport Area Advisory Committee
Submitted by:	Saira Shah, Planner
Date:	2020-09-01
Subject:	Cannabis in Hantsport Recommendation Report
File	20-02

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

Should HAAC wish to forward a positive recommendation, the following motion would be in order:

HAAC recommends that PAC recommend that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy and Land Use By-law to enable a variety of cannabis licenses in Hantsport, in a manner substantially the same as attached to the staff report to HAAC dated September 1, 2020 as Appendix A.

BACKGROUND

On October 8, 2019 West Hants Council approved amendments to permit a variety of cannabis licenses in West Hants. On November 13th the Hantsport Area Advisory Committee (HAAC) asked staff to provide an overview on cannabis licenses and discuss similar amendments for Hantsport. On March 11, 2020 staff gave a

presentation outlining the amendment options for cannabis. HAAC agreed, by consensus, with the staff suggestions however HAAC did not want a separation distance to apply for cannabis land uses. Staff have drafted amendments to the Hantsport Municipal Planning Strategy (HMPS) and Land Use By-law (HLUB) based on feedback received.

DISCUSSION

Based on the amendments, each license will be permitted in the following zones:

License	Zones
Standard Cultivation and Processing *Micro-Cultivation and Micro-Processing* Cannabis Nursery	Industrial (M)
Cannabis Analytical Testing and Research	Institutional (I)

The detailed amendments are attached as Appendix A

Analytical Testing and Research licenses will be permitted as uses accessory to cannabis operations in any zone that permits cannabis cultivation or processing. In Hantsport this would only be in the Industrial (M) zone.

HMPS General Criteria

Policy IM-3 of the HMPS states general criteria for any HLUB amendment. These criteria are examined in detail in Appendix B.

In summary, this is a text amendment and most of the considerations will depend on individual lots at the time of application for a specific use.

Municipal Climate Change Action Plan

This amendment has not been examined in relation to the Municipal Climate Change Action Plan (MCCAP).

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the HMPS and are consistent with the intent, objectives and policies of the HMPS. The amendments meet the general criteria for amendment to the HLUB. As a result, it is reasonable to consider approving the Hantsport Municipal Planning Strategy and Land Use By-Law amendments to allow a variety of cannabis licenses in Hantsport.



FINANCIAL IMPLICATIONS

There are no financial implications associated with this application

ALTERNATIVES

In response to the HAAC recommendation, PAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the HMPS amendments as drafted or as specifically revised by direction of HAAC; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Appendix A Draft Amendments

Appendix B General Criteria for Hantsport Land Use-By-law Amendment

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Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Appendix A
Draft Amendments

Text Amendments to the Hantsport Municipal Planning Strategy and Land Use By-law to allow for a variety of Federal cannabis licenses in Hantsport.

1. **Amend Part 3 of the Hantsport Municipal Planning Strategy, *General Land Use Policies,* by inserting section "3.2.5 Licensed Cannabis Uses" following Section 3.2.4 so that Section 3.2.5 reads as follows:**

3.2.5 Licensed Cannabis Uses

On October 17, 2018 the Federal government legalized the use of recreational cannabis in Canada. As of that date, in addition to the ability to produce cannabis for personal use, property owners can apply to Health Canada to obtain licenses to cultivate, produce and perform testing on cannabis for commercial and academic purposes. Currently there are seven (7) licenses available through Health Canada:

- Standard Cultivation license
- Standard Processing license
- Micro-Cultivation license
- Micro-Processing license
- Nursery license
- Analytical Testing license
- Research license

For the purposes of the Hantsport Municipal Planning Strategy and Land Use By-law, these licenses will be discussed as "*licensed cannabis land uses*".

Council wishes to encourage legal cannabis cultivation and processing in Hantsport. Council considers Standard Cultivation and Processing to be industrial in nature due to the size of facilities, the amount of power necessary for production and the security requirements established by Health Canada. Council considers Micro-Cultivation, Micro-Processing and Cannabis Nurseries to be compatible with industrial and agricultural uses. However, as there is no agricultural designation in Hantsport these licenses will only be permitted in industrial areas.

As a result, it shall be the policy of Council to:

Policy GP-8 Permit Analytical Testing and Research of cannabis in all zones as a use accessory to any licensed cannabis land use.

Policy GP-9 Permit Analytical Testing and Research of cannabis in the Institutional (I) Zone.

Policy GP-10 Consider Standard Cultivation and Processing of cannabis, Micro-Cultivation, Micro-Processing and Cannabis Nurseries as industrial land uses.

2. **Amend Part 5 of the Hantsport Land Use By-law, *General Provisions for all Zones,* by inserting section "5.22 Licensed Cannabis Uses" following Section 5.21 so that Section 5.22 reads as follows:**

   5.22 Licensed Cannabis Uses

   Permit Analytical Testing and Research of cannabis in all zones as a use accessory to any licensed cannabis use

3. **Amend the list of permitted uses in Part 10 of the Hantsport Land Use By-law, *Industrial (M) Zone,* by inserting the phrases "Licensed Cannabis Nurseries", "Licensed Micro-Cultivation of cannabis", "Licensed Micro-Processing of cannabis", and "Licensed Standard Cultivation and Processing of cannabis" so that Section 10.1 reads as follows:**

   Part 10 Industrial (M) Zone

   10.1 Permitted Uses

   The following uses are permitted in this zone:

   - Any manufacturing, industrial, assembly or warehousing operation
   - Any activity connected with the automotive trade, excluding salvage yards
   - Boat and Marine Supplies and Sales
   - Building supply and equipment depots including the bulk storage of sand or gravel
   - Licensed Cannabis Nurseries
   - Licensed Micro-Cultivation of cannabis
   - Licensed Micro-Processing of cannabis
   - Licensed Standard Cultivation and Processing of cannabis
   - Railway Uses
   - Recycling Collection and Storage Facilities, excluding salvage yards
   - Retail and office uses incidental to the main industrial use

7. **Amend the list of permitted uses in Part 11 of the Hantsport Land Use By-law, *Institutional (I) Zone,* by inserting the phrases "Licensed Analytical Testing of cannabis" and "Licensed Research of cannabis" so that Section 11.1 reads as follows:**

   Part 11 Institutional (I) Zone

11.1 Permitted Uses

The following uses are permitted in this zone:

- all institutional uses
- non residential daycare centre
- Licensed Analytical Testing of cannabis
- Licensed Research of cannabis

Appendix C
General Criteria for Hantsport Land Use By-Law Amendment

Policy IM-3 of the MPS "*In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider*":

	Cannabis Land Uses
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	As this is a text amendment, this consideration will depend on individual lots.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection;	As this is a text amendment, this consideration will depend on individual lots.
(iv) the impact on adjacent uses	As this is a text amendment, this consideration will depend on individual lots.
(v) the adequacy of road networks adjacent to, or leading to the development; and	This consideration is not applicable to this amendment.
(vi) the financial capacity of the Town to absorb any costs relating to the development.	No municipal costs related to this amendment are anticipated.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	This consideration is not applicable to this amendment.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	As this is a text amendment, this consideration will depend on individual lots.
(d) the pattern of development which the proposal might create;	The uses permitted will not create a pattern of development that is unusual for the area.
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;	As this is a text amendment, the criterion does not apply.
(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other	The proposed amendment meets all relevant municipal, provincial and federal regulations.

relevant municipal by laws and regulations; and	
(g) the impact of not only the use being proposed but all uses permitted in the zone	As this is a text amendment, the criterion does not apply.
(h) the site meets all of the zone requirements for the zone sought;	As this is a text amendment, the criterion does not apply.
(h) any other matter required by relevant policies of this Strategy.	There is no other matter to address.

Attachment B
2020-09-01 File# 20-02 Public Information Meeting Notes July 7, 2020

Public Information Meeting Notes
July 7, 2020
Cannabis in Hantsport

Meeting date and time	A public information meeting was held on July 7, 2020 beginning at 6:30p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: Deputy Mayor Morton Seven (7) Committee members: Angela Carver, Resident Member Greg Pace, Resident Member (Vice Chair) Bill Preston, Resident Member (Chair) Jane Davis, Resident Member Glenn Deering, Resident Member Elaine Warner, Resident Member Rob Frederick, Resident Member Director LeMay Planner Shah Planner Poirier Meeting Secretary Vanessa Lake As this meeting was held virtually there were no members of the public present.
Cannabis in Hantsport	Planner Shah outlined the request from the Hantsport Area Advisory Committee to amend the Hantsport Municipal Planning Strategy and Land Use By-law to permit a variety of cannabis licenses in Hantsport.
File Number	20-02
Comments	Comments from the public could be submitted by mail, drop-off at the Municipal Office, e-mail and telephone to Planner Shah. No written comments were received from the public. One (1) verbal comment was made by the public via telephone. The one (1) member of the public that made a comment had a concern with odour associated with cannabis production. Staff directed them to the Federal comment system to report an odour issue from any existing facility and informed them cannabis production would be permitted predominately in the industrial areas of Hantsport. The resident did not have an issue with permitting cannabis production in industrial areas.
Adjournment	The presentation portion of the PIM ended at 6:38 p.m.; comments could be submitted by the public by mail, drop-

	off at the Municipal Office, e-mail and telephone to Planner Shah until July 21, 2020.



Civic Addressing By-law
November 24, 2020
Council
Madelyn LeMay

Windsor and West Hants Civic Addressing By-laws

- each community had a Civic Addressing By-law; aligned over past 2 years
- one area of real difference: road naming in Windsor:
  - names must be based on list developed by West Hants Historical Society & approved by Council, or
  - name requested by applicant, researched by WHHS & approved by Council
- difference was retained in earlier Regional draft policy
- difference removed at request of PAC July 9

By-law Content

- establishes duties of Civic Addressing Coordinator:
  - assigning civic numbers to lots or buildings
  - keeping Civic Address File
  - reviewing & approving road names created through subdivision process and any existing unnamed roads
  - recommending to Council regarding changing the name of an existing Provincial or Regional road
- method of assigning civic numbers
- how & when civic numbers are assigned, refused or changed
- regulates posting of civic numbers
- processes for naming new or re-naming existing roads
- establishes criteria for naming roads and posting road signs

POLICY IMPACT

NO REGIONAL POLICY

- each former municipal unit's By-law will remain in force
- may create confusion for residents
- will require some differences in administration & time to process applications

REGIONAL POLICY

- rules consistent across the Region
- easier for residents to understand
- assured process for residents, staff & Council

PROCESS: By-law

Staff Review

▼

July 9: PAC Review; Change Requested

▼

September 9: PAC Review and Recommendation

▼

September 22, 2020: Regional Council First Reading

▼

Notice in paper and material on website November 3, 2020

▼

Regional Council Public Hearing & Second Reading (November 24, 2020)

▼

Notice of Approval in Local Paper

▼

Notice of Approval to Municipal Affairs and Housing

RECOMMENDATION

… that Council gives Second Reading to and approves the Civic Addressing By-law, RC-001, which is substantively the same as that included as Attachment A to the report entitled *Civic Addressing By-law* dated September 10, 2020.

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To:	Mayor Zebian and Members of West Hants Regional Municipality Council
Submitted by:	Madelyn LeMay, Director, Planning and Development
Date:	November 24, 2020
Subject:	File # 20-08C Civic Addressing By-law

Background

Staff recommended a Civic Addressing By-law for the Region to the Planning and Heritage Advisory Committee (PAC/HAC) on July 9, 2020.

Planning Advisory Committee Recommendation

PAC/HAC considered the proposed amendments on July 9, 2020 and requested that staff revise the proposal so that the road naming process for the former community of Windsor and the former community of West Hants be the same. The revised Civic Addressing By-law was considered by PAC/HAC on September 10, 2020 and PAC/HAC recommended in favour of the revised Civic Addressing By-law.

Possible Motion

Should Council wish to approve the recommended Civic Addressing By-law after completion of the public hearing, the following motion would be in order:

… that Council gives Second Reading to and approves the Civic Addressing By-law, RC-001, which is substantively the same as that included as Attachment A to the report entitled *Civic Addressing By-law* dated September 10, 2020.

Attachments

Attachment A Civic Addressing By-law Report September 10, 2020

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To:	Members of Planning Advisory Committee/Heritage Advisory Committee (PAC/HAC)
Submitted by:	_____ Madelyn LeMay, Director, Planning and Development
Date:	September 10, 2020
Subject:	Civic Addressing By-law File # 20-08A

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s.313

2.0 RECOMMENDATION

If PAC/HAC wishes to forward a positive recommendation the following motion would be in order:

PAC/HAC recommends that Council give First Reading and proceed to a Public Hearing regarding the Civic Addressing By-law, RC-001, which is substantively the same as that included as Attachment C to the report entitled *Civic Addressing By-law* dated September 10, 2020.

3.0 BACKGROUND

A proposed Civic Addressing By- law was considered by PAC/HAC at the July 9, 2020 meeting. During discussion members agreed that it would be preferable to recommend one system for naming roads throughout the Region and asked staff to prepare a draft which reflects this proposed change in policy.

4.0 DISCUSSION

The road-naming process is the only area of real difference between the Windsor and West Hants Civic Addressing By-laws: applicants in the community of Windsor are restricted when choosing a name for a road. Names must be based on a list developed by the West Hants Historical Society and were approved by Windsor Council, or the applicant could request Council approve a specific name which the applicant then had researched by the West Hants Historical Society.

This is the difference PAC/HAC asked to have eliminated from a revised draft, and which is included in the revised draft (Attachment A).

5.0 NEXT STEPS

The following process is being used for adoption of the proposed by-law:

Staff Review
▼
Planning Advisory Committee Review and Recommendation
▼
Regional Council First Reading
▼
Public Hearing
(notice in local paper once)
▼
Regional Council Public Hearing and Second Reading
▼
Notice of Approval in Local Paper
▼
Notice of Approval to Municipal Affairs and Housing

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing By-laws with the proposed By-law.

7.0 ALTERNATIVES

Should PAC/HAC not wish to recommend this draft By-law to Council, PAC/HAC may:

- recommend further specific amendments to the proposed draft;
- recommend that a Civic Addressing By-law for the Region is not needed at this time; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 ATTACHMENTS

Attachment A Revised Proposed Civic Addressing By-law, RC-001

Report Prepared by: 

Madelyn LeMay, Director, Planning and Development

Report Reviewed by: _____

Rhonda Brown, Municipal Clerk

ATTACHMENT A

1.0 TITLE

1.1 This By-law is made pursuant to the Municipal Government Act, RSNS 1998, as amended from time-to-time and hereinafter referred to as the "Act" and shall be known and may be cited as the Civic Addressing By-law.

2.0 DEFINITIONS

In this By-law:

(a) "building" means any structure used, or intended to be used, to support or shelter any use or occupancy, and includes an incomplete building once the footings have been constructed, but does not include a structure accessory to another structure on the same lot or a structure which, if it were now being built for the first time, would not require a Building Permit to authorize its construction;

(b) "civic address" means the combination of an assigned civic number, the road name and the community;

(c) "Civic Address File" means the database maintained by the Region containing geographically referenced civic address information including civic points, street network files, and community boundaries;

(d) "Civic Addressing Coordinator" means the person who administers this By-law;

(e) "civic number" means the number assigned to a lot or building by the Civic Addressing Coordinator in accordance with this By-law;

(f) "community" means a geographic area contained within the Region of Windsor and West Hants;

(h) "owner" has the same meaning as the owner of property in the Municipal Government Act or successor legislation from time to time;

(i) "private road" means any street, road, lane, bridge or other thoroughfare accessible to motor vehicles which is not a public road defined in clause 2.0 (k) and which serves as a principal vehicular access to three or more dwelling units;

(j) "property" means a lot of land;

(k) "public road" means a road or highway owned and maintained by the Region or the Province of Nova Scotia;

(l) "Region" Region" or "Region of Windsor and West Hants Municipality" means the Municipality incorporated by the Region of Windsor and West Hants Act, SNS 2018, c.26 irrespective of whether it has had its name changed by virtue of Section 11 of that Act or otherwise ;

(m) "road name" means the official name of a street, road, or highway as it appears in the Civic Address File.

3.0 DUTIES of CIVIC ADDRESSING COORDINATOR

The Civic Addressing Coordinator shall be responsible for:

(a) assigning or re-assigning civic numbers to lots or buildings and the keeping of the Civic Address File;

(b) reviewing and approving all proposed road names for new public and private roads created through the subdivision approval process;

(c) reviewing and approving all proposed road names for existing unnamed roads; and

(d) reviewing and recommending to Regional Council the acceptance or rejection of proposed road names submitted through the application process for changing an existing Provincial or Regional road name.

4.0 CIVIC NUMBERS

4.1 Existing Civic Numbers

A civic number that is recorded in the Civic Address File for a lot or building on the date of the first reading of this By-law is hereby assigned to that lot or building until such time as the Civic Addressing Coordinator, by written notice to an owner, directs otherwise.

4.2 Assignment of Civic Numbers

4.2.1 The Civic Addressing Coordinator may assign civic numbers to:

(a) buildings that have permanent or temporary occupancy or use; and

(b) vacant lots or developed sites and in the assignment of a number shall take into consideration the public use thereof which may require emergency services, such as parks, playgrounds and trails where public activity will occur.

4.2.2 The Civic Addressing Coordinator may assign more than one civic number to a lot or building.

4.2.3 The Civic Addressing Coordinator shall assign new civic numbers using a spatial formatting system which has all roads divided into intervals and numbers are assigned depending upon where the driveway intersects the road.

4.2.4 The Civic Addressing Coordinator may assign a new civic number with a spatial formatting system based on the surrounding civic numbers where an existing civic number prevents the use of the usual spatial formatting system.

4.2.5 The Civic Addressing Coordinator shall assign a new civic number where:

(a) a building permit has been issued; or

(b) there is no building permit issued, once a site inspection has been done by the Building Inspector or Civic Addressing Coordinator to confirm whether a civic number is required.

4.3 Deletion of Civic Numbers

Deletion of civic numbers shall be at the discretion of the Civic Addressing Coordinator.

4.4 Refusal of Civic Number

The Civic Addressing Coordinator shall not issue a civic number if they are made aware of an outstanding order against the property under the National Building Code, Fire Safety Act, or the Municipal Government Act.

4.5 Change and Reassignment of Existing Civic Numbers

(a) The Civic Addressing Coordinator may, by sixty (60) days written notice to an owner, change or reassign civic numbers where necessary to avoid potentially confusing numbering irregularities and to assure an adequate supply of civic numbers for existing and future development.

(b) The Region shall not be liable for any costs or damages whatsoever that may be incurred by an owner related to the reassignment of a civic number.

5.0 POSTING of CIVIC NUMBERS

5.1 Civic Number Specifications

The owner of a property for which a civic number is issued shall keep the assigned civic number posted on the lot or building in the following manner:

(a) civic numbers shall be in Arabic numerals;

(b) the numerals shall be right side up;

(c) the colour of the numerals shall clearly contrast with the background upon which the numbers are displayed;

(d) civic numbers shall either be composed of highly reflective material or be effectively illuminated during the hours of darkness;

(e) the bottom of the numbers shall be a minimum of 90 centimeters (36 inches) above grade;

(f) the height of the numerals shall not be less than 65 millimeters (2.5 inches);

(g) civic numbers shall be posted within 6 meters (20 feet) of the closest edge of the traveled portion of the public road or private road which forms part of the civic address for the lot or building;

(h) the civic number shall be posted on the building or on a gatepost, signpost, or other structure on the lot on which the building is situated, excluding a utility pole for electrical, telephone, or other utility service;

(i) civic numbers shall face towards the public road or private road upon which the lot or building is situated and which forms part of the civic address for the lot or building, except that double-sided signage may be used, in which event the civic number shall be on both sides of the sign and perpendicular to the public road or private road;

(j) civic numbers shall be posted in a location which is not obstructed from view when viewed from the closest place on the traveled portion of the public or private road upon which the lot or building is situated or from which it has access and from all points at least 10 meters (33 feet) in either direction from that place, except that an intervening tree trunk or a vertical pole or post shall not alone be considered an obstruction for purposes of this subsection; and

(k) no person shall post or permit to be posted a number that could be reasonably confused with a civic number as determined by the Civic Addressing Coordinator.

5.2 Occupancy Permit

An occupancy permit shall not be issued for a property unless a civic number is posted on that property.

6.0 ROAD NAMING

6.1 Application Process for Naming New Roads Created Through Subdivision Approval

(a) The applicant shall complete the "Application to Name a Road" form and submit it to the Civic Addressing Coordinator;

(b) The Civic Addressing Coordinator shall review the application;

(c) If the road name does not meet the evaluation criteria, the Civic Addressing Coordinator shall advise the applicant and provide an explanation for the rejection;

(d) If the road name meets the evaluation criteria, the Civic Addressing Coordinator shall approve the name;

(e) Within one week of notification of final approval of the plan of subdivision, the Civic Addressing Coordinator shall notify the appropriate agencies. Once the road is constructed the Civic Addressing Coordinator shall record the location of the road in the Civic Address File;

(f) If a subdivision plan creating a new road is repealed, all agencies notified of the new road name(s) shall be notified of the repeal; and

(h) The Civic Addressing Coordinator shall contact all property owners on the road(s) to inform them of the name of the new road(s).

6.2 Application Process for Naming an Existing Unnamed Road or Changing an Existing Road Name

(a) Application must be made by completing the "Application to Name a Road" form and submitting it to the Civic Addressing Coordinator. The application must be accompanied by a petition signed by the owners of seventy-five percent (75%) of the lots with frontage on the road;

(b) The Civic Addressing Coordinator shall review the application;

(c) If the road name does not meet the evaluation criteria, the Civic Addressing Coordinator shall advise the applicant and provide an explanation for the rejection;

(d) If the application meets the evaluation criteria, the Civic Addressing Coordinator shall:

(i) seek approval from the authority having jurisdiction over the road, if applicable, and approve the name; or

(ii) seek approval from Council when an existing Provincial or Regional Road name is to be changed.

(e) Within one week of the approval of the new road name, the Civic Addressing Coordinator shall record the new name in the Civic Address File and notify the appropriate agencies; and

(f) The Civic Addressing Coordinator shall contact all owners of property on the road to inform of the new road name. If a subdivision plan creating a new road is repealed, all agencies notified of the new road name(s) shall be notified of the repeal.

6.3 Road Naming Evaluation Criteria

(a) The name must be easy to pronounce and spell and have recognizable words or an acceptable combination of words;

(b) Consideration must be given to the long-standing local usage of the name by the local public;

(c) Road names must be in good taste;

(d) Qualifying words (such as Upper, Lower, New, Old, etc.) should be avoided, but may be accepted in cases where the qualifier has been applied in an official context (e.g., as found in the Nova Scotia Gazetteer);

(e) All names must have an associated road type and the road type must be checked against a standard list before the submitted name can be accepted;

(f) Road names must be alphanumeric (e.g. First Street); name submissions using a numeral (e.g. 1st Street) shall be rejected;

(g) Where a new road is a continuation of an existing road, wherever possible the new road shall be given the same name as the existing road;

(h) There must be no duplication of road names within the Region and, if possible, duplication of road names used in immediately adjoining municipal units shall be avoided;

(i) All road name submissions must be checked against the alias field in the road names database both for the community in question and its adjacent communities. If the suggested name appears as an alias, it must be rejected;

(j) There should be no like-sounding names within the Region;

(k) Official road names, including road type, must have no more than 35 characters (including special characters and spaces);

(l) If the road is named after a topographic feature, the name must reflect the official name found in the Nova Scotia Gazetteer;

(m) A personal name (given name and surname) should not be applied to a road unless such application is in the public interest. The person commemorated should have contributed significantly to the area where the road is located. The adoption of a personal name during the lifetime of the person concerned should only be made in exceptional circumstances and with the person's written consent;

(n) No formal titles of distinction may be associated with the personal name (e.g., Captain, Major);

(o) Company or commercial product names, as well as names associated with copyright or trademarks, shall be avoided;

(p) The spelling and accenting of names must agree with the rules of the language in which they are written; and

(q) Changes to established existing road names shall be discouraged unless there are recognized difficulties with the existing name.

7.0 POSTING ROAD SIGNS

7.1 Public Road Signs

Identification of provincially or municipally owned public roads is the responsibility of the respective jurisdiction.

7.2 Private Road Signs

The owners of a private road shall ensure that a road sign is erected and maintained according to specifications outlined in this Civic Addressing By-law.

7.3 Posting Private Road Signs through the Nova Scotia Department of Transportation (DTIR)

7.3.1 Private roads which intersect with public roads shall be identified only by an approved road name sign.

7.3.2 Private roads which intersect with public roads and are not already identified by an approved road name sign shall be provided with a road name sign upon the written request of one or more residents of the road subject to the following criteria:

(a) prior to approval of a sign by the Civic Addressing Coordinator the applicant(s) has paid to the Region one hundred percent (100%) of the fees charged by DTIR for such purchase; and

(b) the name of the road is to be that designated by the Civic Addressing Coordinator; and

(c) the administrative process developed by the Region from time-to-time shall be followed for the erection of private road signs.

7.3.3 When a private road sign requires repair, removal or replacement, costs shall be determined by DTIR and borne by the applicant.

7.4 Posting Private Road Signs by Applicant

7.4.1 The applicant shall erect, maintain in good condition and replace as necessary, a sign and signpost at the intersection of the private road and the public street in a manner consistent with any conditions attached to such permission and other lawful requirements; and

7.4.2 The residents of a private road shall apply for and obtain permission to erect an identifying sign and a signpost from any person or regulatory authority whose permission is required by law to erect an identifying sign and a signpost, subject to the following requirements:

(a) the cost of fabrication and installation of such sign shall be the responsibility of the residents;

(b) it shall be the residents' responsibility to install, maintain in good condition and replace as necessary the sign and signpost;

(c) the name of the road is to be that designated by the Civic Addressing Coordinator;

(d) to the extent possible, the signpost is to be located in an unobstructed line of sight for vehicles approaching the private road from either direction along the intersecting public street, and is to be set back a minimum of 5 feet (1.5 meters) from the outside edge of the travel lane of the intersecting public road;

(e) double-sided signage placed perpendicular to the intersecting road shall be used so that the name of the road is visible for vehicles approaching the private road from either direction;

(f) lettering of the private road name shall be 4 inches (100 millimeters) in height and in uppercase letters;

(g) the sign shall be painted with reflective paint with lettering in black against a white background;

(h) the bottom of the sign shall be between 5 feet (1.5 meters) and 8 feet (2.5 meters) above the road grade of the intersecting public road; and

(i) the signpost shall be made of pressure-treated lumber with cross-sectional dimensions not less than 3.3 inches (85 millimeters) by 3.3 inches (85 millimeters), or rigid non-ferrous metal, and sufficiently fastened to the ground to hold the sign rigidly in place and to prevent turning of the sign.

8.0 COMPLIANCE

8.1 Special Conditions

8.1.1 Upon application by an owner, the Civic Addressing Coordinator may provide written authorization for signage for civic numbers or road names to vary from the standards contained in this By-law, with or without conditions, when:

(a) compliance with the standards is not reasonably possible, due to the physical features of the site or other matters; or

(b) compliance with this By-law would not as effectively meet the objectives of this By-law as an alternative approach.

8.1.2 The Civic Addressing Coordinator may revoke or vary an authorization under this section. Owners shall comply with any conditions contained within authorizations granted under this section.

9.0 VIOLATIONS

9.1 It shall be an offence for a person to refuse or fail to comply with a written notice issued by the Civic Addressing Coordinator to an

owner which assigns, reassigns, or deletes a civic number of a lot or building.

9.2 Any person who violates any provision of this By-law shall be liable on summary conviction to a penalty of not less than $200.00 and not more than $5,000.00, and in default of payment to imprisonment for a period of not more than 90 days.

9.3 In the event of contravention of this By-law, the Region may:

(a) prepare and serve a notice in writing to an owner to undertake work including, but not limited to, the posting or re-posting of a civic number on a building or lot, the erection or re-erection of signage for a private road, or the removal of a civic number or signage for a private road;

(b) in the event that:

(i) required remedial work regarding a road sign has not been completed within thirty (30) days; or

(ii) required remedial work regarding a civic number has not been completed within fourteen (14) days,

of the date of service of the notice, enter upon the property of the owner and undertake the work, and the cost of the work with interest at the same rate as taxes from the date of completion until the date of payment, shall be a first lien on the property upon which, or for the benefit of which, the work was done.

9.4 The notice required to be served pursuant to this By-law may be served:

(a) in person;

(b) by regular mail to the address shown on the Assessment Roll;

(c) by electronic mail; or

(d) by facsimile.

A notice is deemed to have been served on the seventh (7th) day after it was sent.

10.0 REPEAL

10.1 The Town of Windsor Civic Addressing By-law dated November 19, 2019 and the Municipality of the District of West Hants Civic Addressing By-law dated November 27, 2018, C-003, are hereby repealed.

I, Rhonda Brown, Municipal Clerk of the Region of Windsor and West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Region of Windsor and West Hants at a meeting duly called and held on the ____ day of _____**,** 2020.

_____

R. N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	
Notice Published:	
Second Reading & Approval	
Final Publication	
Notice to Municipal Affairs	
Description:	

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Saira Shah, Planner

Date: 2020-11-24

Subject: File # 20-20C 426 Ashdale Rd

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230.

POSSIBLE MOTION

Should Council wish to approve the development agreement to permit an automotive repair shop at 426 Ashdale Rd. following completion of the Public Hearing, the following motion would be in order:

that Council gives Second Reading to and approves entering into a development agreement to allow an automotive repair shop at 426 Ashdale Rd., Ashdale which is substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated October 8, 2020.

BACKGROUND

An application was received on June 26, 2020 from Adrian and Nicole Parker to permit an automotive repair shop at 426 Ashdale Rd., Ashdale, West Hants. The West Hants Land Use By-law does not permit an automotive repair shop on their property as it is zoned Agricultural Priority Two (AR-2).

Policy 8.9.4 of the West Hants Municipal Planning Strategy enables Council to consider permitting an automotive repair shop at 426 Ashdale Rd. by development agreement.

A Public Information Meeting (PIM) was held virtually on September 21, 2020 and broadcast live on the Municipal Facebook page to receive public feedback on the application (Attachment A).

On October 8, 2020 staff presented a recommendation report to the Planning Advisory Committee (Attachment B).

PAC/HAC recommended in favour of the development agreement to permit an automotive repair shop at 426 Ashdale Rd. on October 8, 2020.

NEXT STEPS

Approval Process

Staff Review

▼

Public Information Meeting (notice in Chronical Herald; neighbours notified)

▼

PAC receives staff report and PIM Notes
Planning Advisory Committee Review and Recommendation

▼

Council First Reading

▼

Public Hearing (notice in Chronicle Herald twice; neighbours again notified)
Hearing adjourned to next meeting of Council to gather public comments

▼

Council completes Public Hearing and holds Second Reading

▼

Notice of Approval in Chronical Herald

▼

14 Day Appeal period

ATTACHMENTS

Attachment A	2020-10-07 File#20-20A Public Information Meeting Notes September 21, 2020
Attachment B	2020-10-08 File #20-20 426 Ashdale Rd Recommendation Report

Report Prepared by: _____
Saira Shah, Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

Attachment A
2020-10-07 File#20-20A Public Information
Meeting Notes September 21, 2020

Public Information Meeting Notes
September 21, 2020
426 Ashdale Rd.

Meeting date and time	A public information meeting was held on September 23, 2020 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: Councillor McLean Director LeMay Planner Shah Planner Poirier As this meeting was held virtually there were no members of the public present.
Applicant name and address **Site Location (Civic and PID)**	Planner Shah outlined the request from Adrian and Nicole Parker to permit an automotive repair shop at 426 Ashdale Rd., Ashdale.
File Number	20-20
Comments	No written or verbal comments were received from the public.
Adjournment	The presentation portion of the PIM ended at 6:23 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Planner Shah until October 6, 2020.

Attachment B
2020-10-08 File #20-20 426 Ashdale Rd Recommendation Report

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To:	Members of Planning Advisory Committee
Submitted by:	Saira Shah, Planner
Date:	2020-10-08
Subject:	426 Ashdale Rd Automotive Repair Shop Development Agreement
File:	20-20

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230.

RECOMMENDATION

In order to allow the requested development, staff recommends that the Planning Advisory Committee (PAC) forward a positive recommendation by passing the following motion:

that PAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a automotive repair shop at 426 Ashdale Rd., Ashdale which is substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated October 8, 2020.

BACKGROUND

An application was received on June 26, 2020 from Adrian and Nicole Parker to permit an automotive repair shop at 426 Ashdale Rd., Ashdale, West Hants. All necessary material for the application was submitted July 16th.

The property is approximately 5.5 acres and the automotive repair shop will be confined to within the existing garage. There will be up to five (5) parking spaces permitted on the site for the automotive repair shop.

DISCUSSION

The property is designated Agriculture on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1) and zoned Agricultural Priority Two (AR-2) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). The property is bound on all sides by properties zoned Agricultural Priority Two (AR-2).

An automotive repair shop is not permited in the Agricultural Priority Two (AR-2) zone.

Section 6.1 of the WHLUB, *Development Agreements*, states that "*The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:*

(s) Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone and the Agricultural Priority Three (AR-3) zone outside the Growth Centre, Village and Hamlet designations in accordance with Policies 8.9.4 and 8.10.5 respectively of the Municipal Planning Strategy;

Although there is no specific definition for a Resource Industrial (M-1) use, the best basis for determining what is considered a Resource Industrial (M-1) use is the list of permitted uses in that zone in the WHLUB. An automotive repair shop is a listed permitted use in the Resource Industrial (M-1) zone.

Part 8 of the WHMPS contains the overall intention for areas designated Agriculture in West Hants; Section 8.9 indicates the intention of Council for non-agricultural development in areas zoned Agricultural Priority Two (AR-2).

Development Agreements

A development agreement is a legal contract between the Municipality and a property owner that describes the type of development permitted on a property. Development agreements provide an opportunity for Council to exercise a greater degree of control over aspects of a development proposal and allow Council to consider uses that would otherwise not be permitted in the underlying zone. A development agreement is binding upon a property until the agreement is discharged by Council.

The draft development agreement can be found in Appendix C.

Applicant Requests

In the WHLUB an automotive repair shop is defined as: a commercial establishment for the repair or replacement of parts in automotive, farm or forestry vehicles, machinery or equipment. The applicant has specifically stated they have no plans to include farm or forestry vehicles in their business. A definition for minor automotive

repair shop based on what the applicant has requested is included in the development agreement.

For the hours of operation, the applicant has stated they intend to operate the business on a part-time basis to start and hope to turn it into a full-time operation. To ensure the applicant has flexibility, the development agreement permits the automotive repair shop to operate between the hours of 8 a.m. and 9 p.m. daily.

Staff discussed parking needs with the applicant and determined that five (5) parking spots for the automotive repair shop would be sufficient. In terms of signage, the number of signs permitted in the WHLUB is adequate for the applicant.

WHMPS Specific Criteria

Policy 8.9.4 of the WHMPS establishes Council's intention to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone. The above policy establishes the criteria to be considered by Council, which are examined in detail in Appendix A.

Policy 8.9.4 (a) requires an agrologist report to determine that the development site has little or no agricultural capability in accordance with Policy 8.6.1. However, the automotive repair shop will only take place in an existing garage not resulting in any new buildings and the parking will only be up to a maximum of five (5) spaces on unpaved surface to reduce potential impact on soil. Staff considered the challenges in obtaining an agrologist and determined that an agrologist report is not necessary for this application. Although this criterion has not been met staff is making a positive recommendation due to the application meeting the overall intent of Council's policies.

In summary, the remaining criteria are met since:

- the automotive repair shop will be in an existing building and the parking will be unpaved and will therefore have no new impact on agricultural capability;
- the automotive repair shop and accessory parking is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet; and
- Department of Transportation and Infrastructure Renewal confirmed the existing access is acceptable for the automotive repair shop.

WHMPS General Criteria

Policy 16.3.1 of the WHMPS states general criteria for any development agreement considered in West Hants. These criteria are examined in detail in Appendix B. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and

- the Fire Chief, Manager, Building and Fire Inspection, Director of Public Works and DTIR have no major concerns.

Municipal Climate Change Action Plan

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property.

Next Steps

As noted above, the proposed development has been considered within the context of both the specific and general policies of the WHMPS and is consistent with the intent, objectives and policies of the WHMPS. The development meets the intent of the specific and general criteria for development agreements as outlined in the WHMPS. As a result, it is reasonable to consider approving the development agreement to permit an automotive repair shop at 426 Ashdale Rd., Ashdale, West Hants.

Approval Process

Staff Review

▼

Public Information Meeting (notice in Chronical Herald; neighbours notified)

▼

PAC receives staff report and PIM Notes
Planning Advisory Committee Review and Recommendation

▼

Council First Reading

▼

Public Hearing (notice in Chronicle Herald twice; neighbours again notified)
Hearing adjourned to next meeting of Council to gather public comments

▼

Council completes Public Hearing and holds Second Reading

▼

Notice of Approval in Chronical Herald

▼

14 Day Appeal period

FINANCIAL IMPLICATIONS

There are no financial implications associated with this application.

ALTERNATIVES

In response to the application, PAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the Development Agreement as drafted or as specifically revised by direction of PAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1 Generalized Future Land Use Map

Figure 2 Existing Zoning Map
Appendix A Specific Criteria for Development Agreement
Appendix B General Criteria for Development Agreement
Appendix C Draft Development Agreement

Report Approved by: _____
Madelyn LeMay, Director of Planning and Development

FIGURE 1
GENERALIZED FUTURE LAND USE MAP

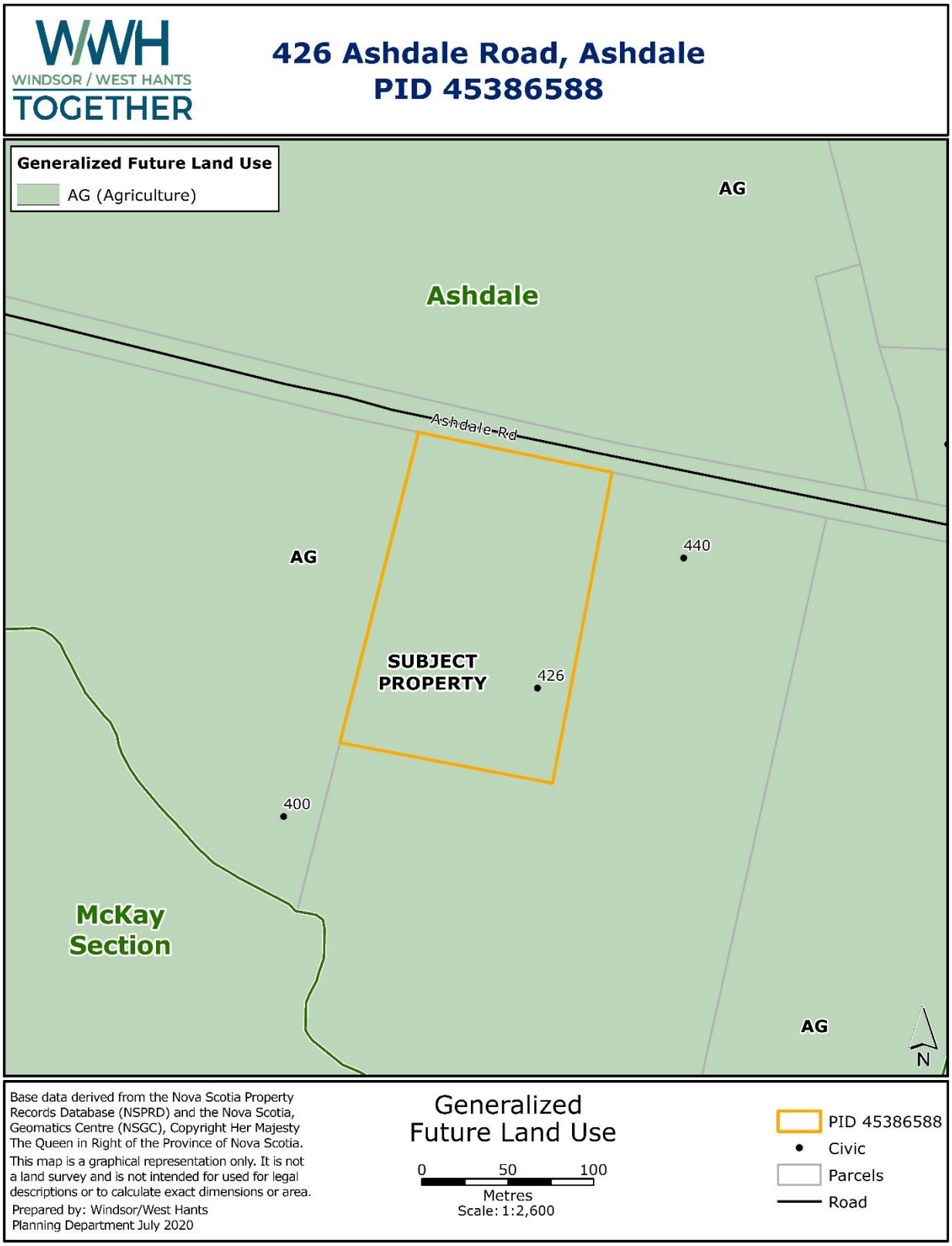
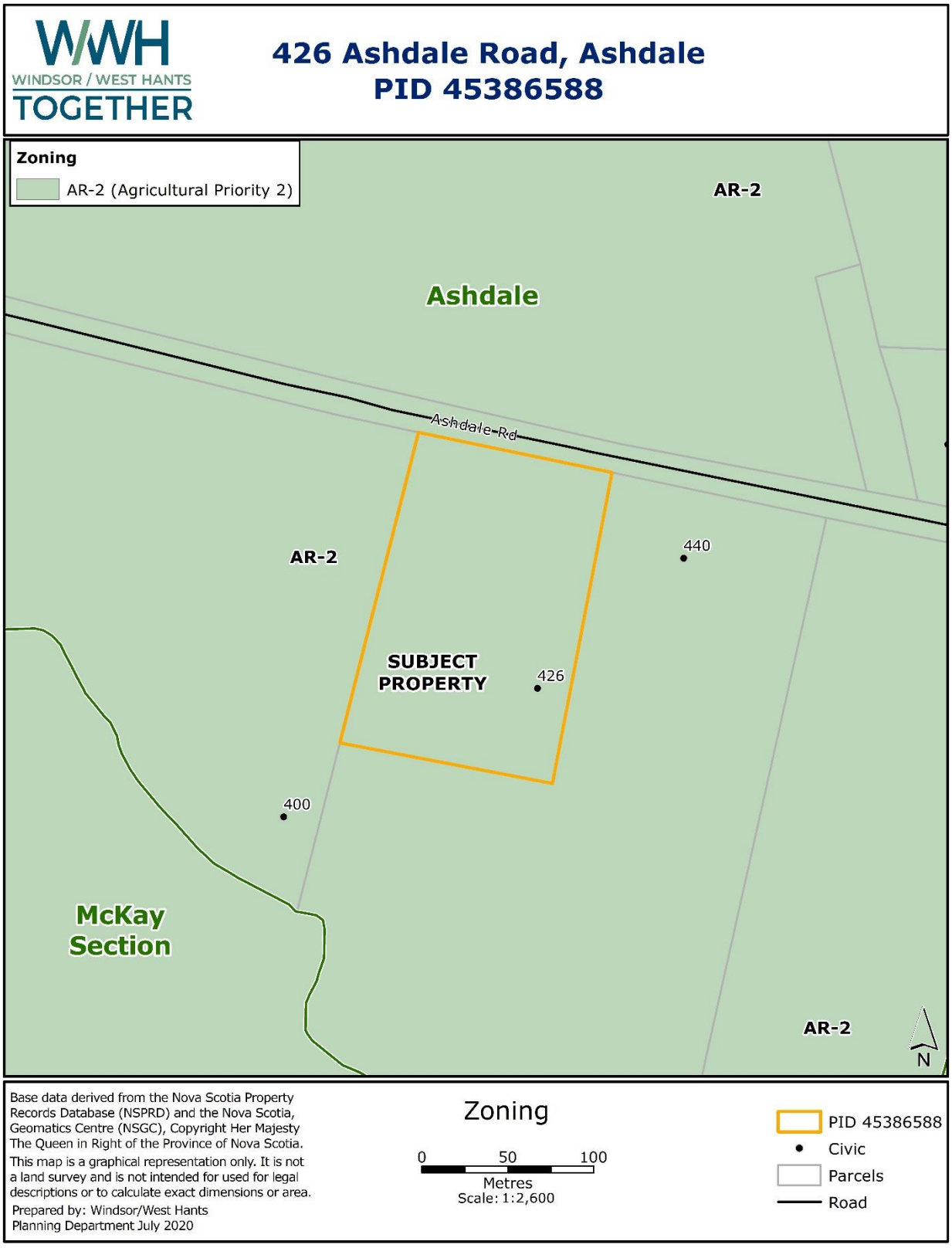


FIGURE 2
EXISTING ZONING MAP



APPENDIX A
SPECIFIC CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 8.9.4 *It shall be the intention of Council to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the AR-2 zone by development agreement subject to the following:*

CRITERIA	**COMMENT**
(a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;	An agrologist report which is required by Policy 8.6.1 was not provided as the automotive repair shop will be in an existing building and the parking will be limited to five (5) spaces on an unpaved surface. Therefore, there will be no new impact on agricultural capability.
(b) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;	The automotive repair shop will be contained in the existing garage and the parking will be limited to five (5) spaces on an unpaved surface. The uses will not compromise or adversely affect the operation or integrity of existing agricultural operations.
(c) the predominant agricultural character of the area will not be adversely affected;	The automotive repair shop will be contained in the existing garage and the parking will be limited to five (5) spaces on an unpaved surface. The uses will not impact the agricultural character of the area.
(d) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;	The automotive repair shop will be contained in the existing garage with the existing separation distances and the parking will be limited to five (5) spaces on an unpaved surface. The property is five and a half (5.5) acres and provides sufficient space between agricultural and non-agricultural uses.
(e) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;	The automotive repair shop is limited based on the size of the existing garage and the accessory parking is limited to a maximum of five (5) spaces.
(f) safe and efficient roadway access is provided;	Department of Transportation and Infrastructure Renewal confirmed the

	existing access is acceptable for the proposed future commercial use and a negative impact to the Provincial Road network is not anticipated.
(g) adequate on-site parking is provided;	Five (5) additional parking spaces are permitted in the development agreement for the automotive repair shop.
(h) the development is compatible with adjacent land uses with respect to:	
(i) traffic generation and traffic safety;	Please see 8.9.4 (f) for further details.
(ii) hours of operation;	The hours of operation are limited in the development agreement to 8 a.m. to 9 p.m. daily to ensure there are quiet hours for neighbours.
(iii) size and design of building(s);	The automotive repair shop will be in an existing garage.
(iv) signage; and	All signage must meet the requirements of the West Hants Land Use By-law.
(v) pedestrian circulation and safety;	No impact on pedestrian traffic or safety is anticipated.
(i) any other matter which may be addressed in a development agreement;	No other matters have been raised.
(j) Policy 16.3.1.	See Appendix B.

APPENDIX B
GENERAL CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 16.3.1 *In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

CRITERIA	**COMMENT**
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Director of Public Works stated that the property does not currently have municipal water or sewer, nor are there plans to extend services to the site. As a result, the applicant is responsible for determining adequate services for the proposed use. The applicant has been informed.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	The Manager, Building and Fire Inspection and Fire Chief for the area have no concerns with regards to fire protection and emergency services. The Manager, Building and Fire Inspection has noted that the garage is only 20 feet from one property line. The Building Code requires that when the applicant applies for their permit for the automotive repair shop the exterior wall that is only 20 feet from the property line will be required to have a one (1) hour Fire Rating with non-combustible cladding. The applicant has been informed.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	Please see 8.9.4 (f) for further details.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	No municipal costs related to this amendment are anticipated.
(b) whether the development is serviced, or capable of being serviced, by a potable water supply	As noted above in 16.3.1 (a) (i), the applicant will be responsible for the

and either central sewer or an approved on-site sewage disposal system;	provision of water and on-site sewage disposal.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Please see 8.9.4 (f) for further details.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	The property is five and a half (5.5) acres in area and has sufficient space for the intended use.
(e) the pattern of development which the proposal might create;	The use permitted by the development agreement will not create a pattern of development that is unusual for the area.
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;	Based on a preliminary visual assessment there are no evident concerns in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding. The MCCAP Inland and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property. The applicant will be responsible if any issues arise in terms of the suitability of the area for the proposed uses.
(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and	The proposed amendment meets all relevant municipal, provincial and federal regulations.
(h) any other matter required by relevant policies of this Strategy.	Please see Appendix A for further details.

APPENDIX C
DRAFT DEVELOPMENT AGREEMENT

DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2020.

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 -

Adrian and Nicole Parker, of 426 Ashdale Rd., Ashdale, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the "Owners")

OF THE SECOND PART

WHEREAS the Owners are the registered owners of a parcel of land located at 426 Ashdale Rd., Ashdale, (PID 45386588), hereinafter referred to as the "Property", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Agriculture on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (June 26, 2008) (the "Municipal Planning Strategy") and zoned Agricultural Priority Two (AR-2) on the Zoning Map of the West Hants Land Use By-law (June 26, 2008) (the "Land Use By-law"); and

WHEREAS the Owners have requested that the Municipality enter into a development agreement to permit an Minor Automotive Repair Shop on the Property (the "Development") and Section 6.1 (s) of the Land Use By-law enables Council to consider an Automotive Repair Shop as it is a listed permitted use in the Resource Industrial (M-1) zone; and

WHEREAS the Council of the Municipality, at a meeting held on (DATE), approved this request and adopted this Agreement by policy;

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 defined as follows:

"Minor Automotive Repair Shop" means a commercial establishment for the repair or replacement of parts in automotive machinery or equipment excluding farm and forestry vehicles.

1.2 Schedules

The following attached schedules shall form part of this agreement:

- Schedule A - Legal Description
- Schedule B –Site Layout

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

(a) *Municipal Planning Strategy* means the West Hants Municipal Planning Strategy, approved on May 13, 2008, as amended, or successor By-laws;

(b) *Land Use By-law* means the West Hants Land Use By-law, approved on May 13, 2008, as amended, or successor By-laws;

(c) *Subdivision By-law* means the West Hants Subdivision By-law, approved on May 13, 2008, as amended, or successor By-laws.

PART 2DEVELOPMENT REQUIREMENTS

2.1 Use

The Parties agree that uses on the Property shall be limited to the following:

(a) those uses permitted by the underlying zoning in the Land Use By-law; and

(b) Minor Automotive Repair Shop.

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

2.2 Development Location and Design

The proposed Minor Automotive Repair Shop use shall be located entirely within the existing garage located as shown on the Site Layout, Schedule B.

2.3 Access and Egress

The Owners shall maintain the existing driveway. The Development Officer, after consultation with the Municipal Engineer, may in their sole discretion approve minor incidental changes to the layout of the driveway.

2.4 Parking

A maximum of five (5) parking spaces may be used as part of the Minor Automotive Repair Shop. The parking shall not be constructed using a paved surface and is to be located approximately as shown on Schedule B.

2.5 Signs and Lighting

Signage and illumination shall be in accordance with sections 5.18 and 7.0 of the Land Use By-law 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 minimize light spilling, glare or light cast over neighbouring properties or the street.

2.8 Water and Sewer Services

The property is not serviced by municipal water and sewer. The Owners shall be responsible for ensuring adequate water and sewer services are available for the uses permitted.

2.9 Hours of Operation

The hours of operation for the Minor Automotive Repair Shop shall be limited to between 8 a.m. and 9 p.m. daily, Monday to Sunday, inclusive.

2.10 Maintenance

(a) The Owners shall keep the Property and buildings 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 Owners shall maintain the driveway to a level adequate to allow for access by emergency services vehicles.

PART 3CHANGES and DISCHARGE

3.1 The Owners 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 provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this agreement.

3.3 The following matters are substantive matters:

(a) the uses permitted on the property as listed in Section 2.1 *Use* of this agreement; and

(b) the development location on the property as listed in Section 2.2 *Development Location and Design* and Schedule B of this agreement.

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

3.5 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owners 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 Owners, 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 Owners, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.

3.6 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 Owners 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 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.

4.2 Material to be Provided

(a) The Owners shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within ten days of completion of any work which requires the engineered design.

(b) The Owners shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other Bylaws and Regulations

(a) Nothing in this Agreement shall exempt the Owners 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-law 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.

5.4 Municipal Responsibility

(a) The Municipality does not make any representations to the Owners about the suitability of the Property for the development proposed by this agreement. The Owners assume 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 Owners in writing. In the event that the Owners have 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 Owners shall pay all costs associated with the advertising required for this Agreement, the costs of 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 Owners 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 Owners personally or by ordinary mail which shall be deemed to have been received within three business days of mailing, addressed to Adrian and Nicole Parker, 426 Ashdale Road, Ashdale, Nova Scotia, B0N 2A0 or at any other address provided by the Owners.

(b) The Owners 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.

5.10 Full Agreement

This agreement constitutes the entire agreement and contract entered into by the Municipality and the Owners. 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**))))
_____ Witness	Per: _____) Abraham Zebian, Mayor)
_____ Witness	) Per: _____) Rhonda Brown, Municipal Clerk))))))))
_____ Witness	Per:_____) Adrian Parker))
_____ Witness	Per: _____) Nicole Parker)

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2020, 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 **THE 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 h presence.

_____
A Commissioner of the Supreme Court of Nova Scotia

ON THIS day of , A.D. 2020, 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 **THE 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 h presence.

_____
A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2020, 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**, ADRIAN PARKER**, one of the parties thereto, signed, sealed and delivered the same in h presence.

_____
A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2020, 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**, NICOLE PARKER,** one of the parties thereto, signed, sealed and delivered the same in h presence.

_____

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK
THE REGION OF WINDSOR AND WEST HANTS MUNICIPALITY

I, Rhonda Brown 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).

Sworn before me at _____, Nova Scotia,
this _____, 2020.

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

_____
RHONDA BROWN

I CERTIFY that on this date Rhonda Brown personally came before me and swore under oath the foregoing Affidavit.

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

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

We, Adrian Parker and Nicole Parker, the "Deponents", make oath and swear that:

1. **We acknowledge that we 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. We are nineteen years of age or older and are residents 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. We are the spouses of each other. Neither of us has any other spouse nor, with respect to the within property, any former domestic partner with the rights contemplated by Section 55 of the *Vital Statistics Act*, or any former spouse with rights under the *Matrimonial Property Act*. We consent to this disposition.

I certify that on this _____, 2020
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

_____
Adrian Parker

_____
Nicole Parker

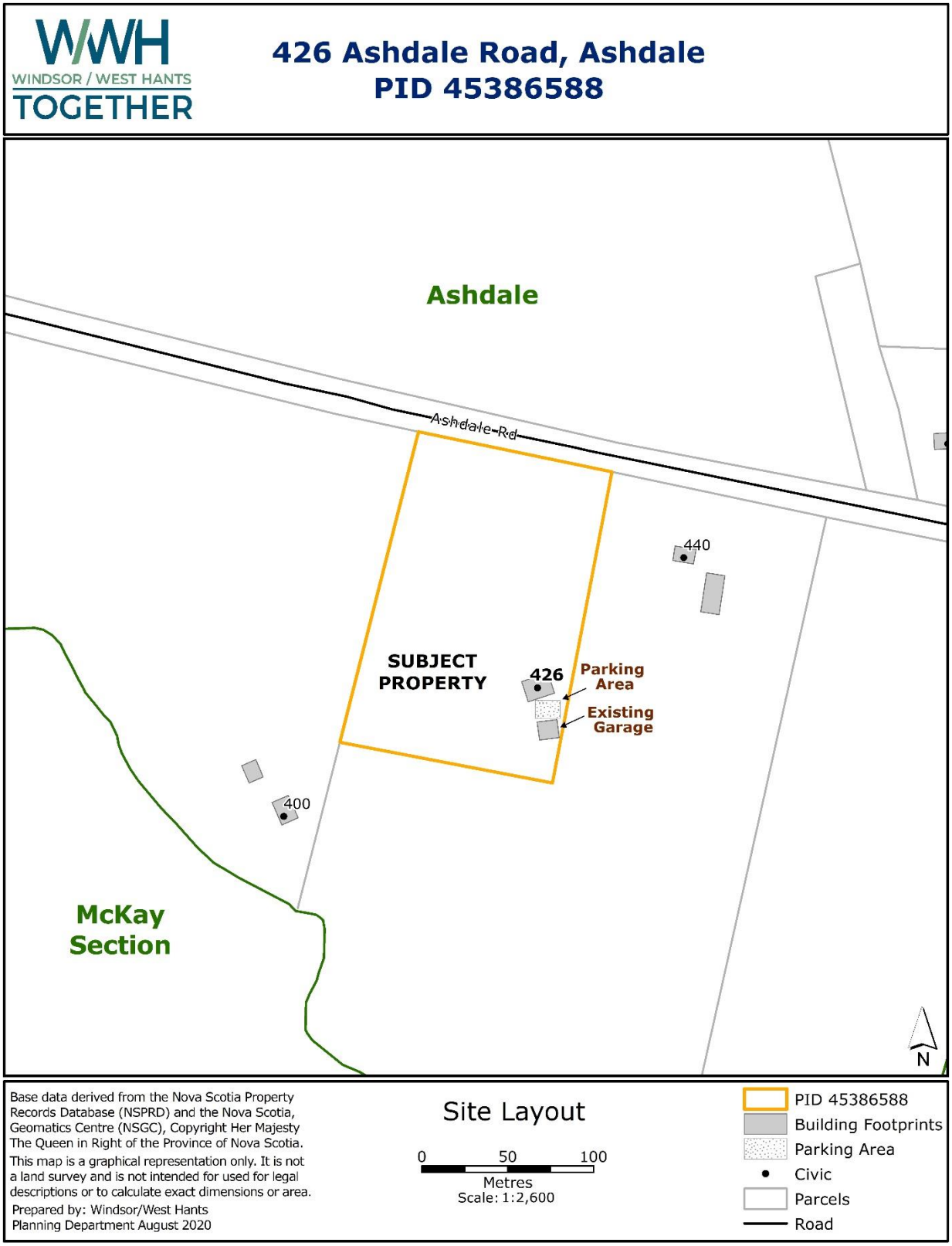
Schedule A
Legal Description – PID 45386588

Registration County: HANTS COUNTY
Street/Place Name: ASHDALE ROAD /ASHDALE
Title of Plan: PLAN OF S/D OF LOT P-1, LANDS CONVEYED TO ROSS EUGENE PARKER, ASHDALE RD, ASHDALE
Designation of Parcel on Plan: LOT P-1
Registration Number of Plan: 98914501
Registration Date of Plan: 2011-08-15 14:57:03

Subject to a Nova Scotia Power Inc. Easement, more fully described in Document #100457804, registered on April 12, 2012.

*** Municipal Government Act, Part IX Compliance ***
Compliance:
The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act
Registration District: HANTS COUNTY
Registration Year: 2011
Plan or Document Number: 98914501

Schedule B
Site Layout



WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information X	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Sara Poirier, Planner

Date: 2020-11-24

Subject: File # 20-17 D - 543 O'Brien Street, Windsor; PID 45055928

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210.

POSSIBLE MOTION

Should Council wish to approve the rezoning of 543 O'Brien Street to Highway Commercial (HC) following completion of the Public Hearing, the following motion would be in order:

…that Council gives Second Reading to and approves amending the zoning map of the Windsor Land Use By-law to enable the lot located at 543 O'Brien Street, Windsor, PID 45055928 to be rezoned from the General Commercial (GC) Zone to the Highway Commercial (HC) Zone, as shown on Figure 2 and amending the text of the Windsor Land Use By-law to ensure adequate separation and buffering is provided for residential uses abutting commercial uses in commercial zones, in a manner substantively the same as Attachment A, all as attached to the Windsor Area Advisory Committee report #20-17 dated October 1, 2020.

BACKGROUND

An application was received on June 3, 2020 from Clark Wilkins to rezone the property at 543 O'Brien Street, Windsor (PID 45055928) from General Commercial (GC) to Highway Commercial (HC) to permit an automobile service station and a drive-through restaurant. Policy 8.2.2 of the Windsor Municipal Planning Strategy enables Council to consider rezoning the property to Highway Commercial (HC).

A Public Information Meeting (PIM) was held virtually and broadcast live on the Municipal Facebook page on September 3, 2020 to consider the requested amendment (Appendix A).

On October 1, 2020 staff presented a recommendation report to the Windsor Area Advisory Committee (WAAC) (Appendix B). The WAAC recommended in favour of the application.

The Planning Advisory Committee / Heritage Advisory Committee (PAC/HAC) recommended in favour of the application on October 8, 2020.

Council held first reading on October 27, 2020.

NEXT STEPS

Staff Review

▼

Public Information Meeting – Sept 3

▼

WAAC Review and Recommendation – Oct 1

▼

PAC/HAC Review and Recommendation – Oct 8

▼

Council First Reading – Oct 27

▼

Public Hearing – Nov 24

▼

Council completes Public Hearing and holds Second Reading – Jan 26*

▼

Notice of Approval in Paper

▼

14 Day Appeal period

*anticipated dates; final dates will be set by Council

ATTACHMENTS

Appendix A	2020-10-01 Public Information Meeting Notes – File 20-17 A
Appendix B	2020-10-01 Staff Report - Land Use By-law Map Amendment: 543 O'Brien Street, Windsor; PID 45055928 – File 20-17

Report Prepared by: _____
Sara Poirier, Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

Appendix A

Public Information Meeting Notes
September 3, 2020
File 20-17 A
543 O'Brien Street, Windsor; PID 45055928

Meeting date and time	A virtual Public Information Meeting was held on September 3, 2020 beginning at 6:00 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Murley Four (4) Windsor Area Advisory Committee members: • Shelley Bibby • Denise Forand • Jamie O'Hanlon • John Wilson Three (3) members of staff: • Director LeMay • Planner Poirier • Meeting Secretary, Vanessa Lake As this meeting was held virtually there were no members of the public present.
Applicant: **Clark Wilkins** **Site Location:** **543 O'Brien Street, Windsor; PID 45055928**	Planner Poirier outlined the request from Clark Wilkins to amend the Land Use By-law to rezone the property at 543 O'Brien Street from General Commercial (GC) to Highway Commercial (HC) to permit a proposed automobile service station and drive-through restaurant.
Comments	Comments from the public were submitted to Planner Poirier by mail, e-mail and telephone between August 22 and September 23, 2020. Three (3) written comments were received and one (1) verbal comment was made by phone. The questions and comments from the public are summarized below. The full written comments are attached to this report. Staff responses are included in purple.

	Questions from the public included: • Is this truly just a proposal, and we as a community have the ability to have our voices heard? Yes, the PIM is one of the first steps in the application process and is the first invitation to have residents' comment on the proposal. The comments received are considered by WAAC prior to a recommendation (in favour or against) being made. • If we are not happy with the outcome of the meeting, will we have the opportunity to further discuss and follow up regarding the proposal? Yes, Council will host a Public Hearing prior to making their final decision. • What assurance is the municipality and committee offering to ensure that the community are being taken seriously on this matter? As staff, we evaluate an application based on the criteria in the Municipal Planning Strategy policy. When we receive comments from residents, we also compare those to the criteria. All comments and questions from residents are provided to the Area Advisory Committee and Council to review, discuss and consider prior to any decision being made. • What will the hours of operation be? Staff cannot restrict hours of operation through rezoning. The applicant commented that it would be normal gas bar / restaurant / coffee shop hours. • Why a service station in that location? Staff do not evaluate the application based on the business plan or viability of the business in the proposed location, only what is being requested by the property owner against the criteria of the policies. • How will this effect the tax base or the assessed value of my property? The assessed value of the subject lot will change if development occurs. The assessed values of surrounding properties should not change unless they are renovating, etc.

	• Is the property owner / applicant also the developer or is a large retailer (Irving, Ultramar, etc.) going to be developing the proposed uses? The applicant responded that "all options are open, but as of now, I'm the owner and developer with no commitment or affiliation to any other company." Discussion points included: • Resale value of property adjacent to a gas station • Potential contamination on site from the previous uses • Increased noise, odors, damage to property, increased traffic and commercial lighting, and quality of life of surrounding residents • Potential health and environmental impacts of living next to a gas station • The already existing service stations in Windsor • Potential other uses that could be developed on the property instead (i.e. affordable housing) The applicant responded to some of the discussion points and questions raised with the following: • He is aware of the history of the property and is working with an environmental consultant to ensure the remediation of the site meets the Department of Environment's requirements for the proposed uses. Additionally, 47 comments were received on the Municipal Facebook post. The responses are summarized below: • Six (6) in favour of development of the lot • Nine (9) opposed (either citing the amount of gas stations or drive-throughs already available, or emphasizing the need for affordable housing) • Some listed alternative uses such as affordable housing / apartments, a competitive/cheaper grocery store, a Walmart, a Giant Tiger, a meat

	market or possibly a craft brewery as more accepted uses • A concern regarding traffic on the corner however another commented that the previous use (Co-op) did not have any issues
Adjournment	The meeting was adjourned at 6:23 p.m.

Sara Poirier

From: Adam Myles [redacted]
Sent: Friday, August 28, 2020 9:09 AM
To: Sara Poirier
Subject: 543 O'Brien Street - RE-Zoning
Attachments: 543 O'Brien Street Re-Zone Response.pdf

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

Hello Sara,

I am writing to you, as a land owner within 500 feet, regarding the proposed rezoning and land use of 543 O'Brien Street. My household is in full opposition of this situation based on the suggested land use.

Please find our official letter in opposition attached, for review and discussion amongst the municipality and advisory committee.

I will be in virtual attendance of the September 3rd meeting, and want to ensure that the municipality and committee have understood our letter and opposition.

My questions to you, after you have read this letter, are as follows:

1) Is this truly just a proposal, and we as a community have the ability to have our voices heard? or is this a scenario where it is simply the committee doing its due diligence and "offering" to accept/receive concerns/questions and comments? I wish to ensure that this has not progressed beyond the stated stage.

2) If we are not happy with the outcome of the meeting, will we have the opportunity to further discuss and follow up regarding the proposal?

3) What assurance is the municipality and committee offering to ensure that the community and local residents are in fact being taken seriously on this matter?

Thank you for your time,
Adam Myles
515 O'Brien Street, Windsor.

Adam & Sally-Jo "Mick" Myles
[redacted] 515 O'Brien Street
Windsor, NS B0N2T0
[redacted]
[redacted]

August 27, 2020

To Sara Poirier,

RE: Public Information Meeting
543 O'Brien Street, Windsor (PID 45055928)

We are writing this letter to you, and the municipality, in strong opposition to the re-zoning and proposed land use of the aforementioned property, located directly adjacent our own home and property.

The re-zoning, and its proposed use, came as quite a surprise to us as we read through the letter recently received. Due to the proposed use of the property, pending re-zoning, there are quite a few serious concerns that we require the municipality of Windsor / West Hants to understand.

First and foremost please understand the personal situation we face with this proposal. It is well documented and discussed in the Real Estate Market that housing which surrounds and or connects with Gas Stations / Automobile Service Stations, do not hold as much market value as they would otherwise. It is one situation if someone purchases or rents property surrounding a service station, knowing quite well that this is the case, however being forced into a change of property and new construction that creates this problem after settling into a home is hurtful towards those who have invested in their family home.

We did not purchase the property and home beside any form of existing or functioning Service Station, and would not have done so if one had already existed. We are also well aware of the history of the property, as we received a written guarantee that the damage and polluting of the soil on the property in question did not in any way shape or form contaminate the property of 515 O'Brien Street before our purchase.

The decrease in property value will most definitely hurt any potential future sale of our home, however the simple existence of the Service Station alone is not all that we must be concerned of. With the construction comes a myriad of further issues we must contend with, both in the short and long term, such as construction noise, and traffic hold ups.

With an increase of vehicular traffic around our property, and on our road specifically, both during construction and when the property is "open for business", we are guaranteed to experience increased Noise, increased odors & smells (ozone issues and potential health risks), damage to property as well as increased difficulty entering and exiting our own property / driveway. This development will also increase foot traffic surrounding our property and home causing a further increase of noise and chances of crime and or damage to our property & home. All of this forced upon us by an unwanted development.

Despite all the modern health and safety guidelines they must follow, automobile service stations can still pose significant hazards to neighbors, especially children. Some of the major issues include ground-level ozone caused in part by gasoline fumes, groundwater hazards from petroleum products leaking into the

ground, and exposure hazards from other chemicals that might be used at the station if it's also a repair shop.

Ozone pollution is caused by a mixture of volatile organic compounds, some of which are found in gasoline vapors, and others, like carbon monoxide, that come from car exhaust. Most gas pumps today must have government-regulated vapor-recovery boots on their nozzles, which limit the release of gas vapors while you're refueling your car. A similar system is used by the station when a tanker arrives to refill the underground tanks. But if those boots aren't working properly, the nearly odorless hydrocarbon fumes, which contain harmful chemicals like benzene, can be released into the air. According to a 2004 study, published by the Globe and Mail, exposure to the chemical Benzene has previously been linked to leukemia in adults, but the link has now been made to children.

While the developer may provide what some consider a good rebuttal against the environmental hazards alone discussed within this letter, there is no absolute guarantee that this situation will be problem and health risk free for anyone. We once again repeat that we did not openly purchase our property and home beside an existing Automobile Service Station, and would not have done so.

It is also interesting to note that there currently exists 5 operational Automobile Service Stations, most of which contain a form of food sales, within a 5 minute driving distance of the property in question. If this location is being considered to potentially load balance the traffic, then we implore the town to consider opposition to the re-zoning and allowing of such an establishment. We would also like to make clear that we are not in opposition of development occurring, as long as the proposed use of the land makes sense, and does not create or cause complications for established residents. Many times throughout the past few years there have been multiple "rumors" as to land use opportunities, which included items such as apartments / condos, etc. And for the most part we have not felt such a strong opposition to the development moving forward, if the rumors were in fact true, as that form of land use could potentially be beneficial to the location. The same feelings occurred when we were made aware of the re-zoning for the old Windsor United Baptist Church, on King Street. The proposed re-zoning and land use made sense, caused no alarms and we did not voice any form of concern.

We close this letter with a final reiteration of the fact that we are in entire opposition to the currently proposed re-zoning and use of land. We are not, in any way shape or form, looking to entertain the idea of owning property, and living, adjacent to an automobile service station.

Sincerely,

Adam & Sally-Jo "Mick" Myles

Sources:

https://www.scientificamerican.com/article/is-it-safe-to-live-near-gas-station/
https://www.theglobeandmail.com/life/leukemia-rates-high-for-kids-living-near-gas-stations/article20434890/
https://www.lowestrates.ca/blog/homes/cemeteries-highways-gas-stations-can-decrease-property-value

Sara Poirier

From: [redacted]
Sent: Tuesday, September 1, 2020 9:07 PM
To: Sara Poirier
Subject: 543 O'Brien Street, Windsor Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

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

Dear Ms Poirier
Re 543 O'Brien Street, Windsor

We are the owners of 531 King Street, Windsor and wish to inform you we are against the rezoning of 546 OBrien Street Windsor to highway commercial.

The area currently has a number of residential properties and a service station/drive through restaurant would impact the quality of life with an increase in noise, traffic and commercial lighting. The addition of a service station/restaurant will further erode the character of the neighbourhood.

In the Windsor area there currently are 3 service stations on Wentworth Road. Nearby in Falmouth and Garlands Crossing there are 2 additional service stations. Windsor does not need a sixth service station when the trend is towards electric vehicles.

We also want to mention that to the best of our knowledge 543 OBrien Street, Windsor is contaminated from a fuel spill from the Coop gas bar. The environmental issues on the property have not been corrected - a full environmental cleanup is required on the site.

If you wish to speak with us, we can be contacted at [redacted]

Sincerely,

Greg and Alla Helpard

Sara Poirier

From: Rachael Smith [redacted]
Sent: Thursday, September 3, 2020 10:27 AM
To: Sara Poirier
Subject: Former Co-OP site 543 O'Brien Street

Follow Up Flag: Follow up
Flag Status: Flagged

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

Good morning Ms. Porrier,

I am writing to communicate my surprise at the proposed development at the former Co-OP site located at 543 O'Brien Street in Windsor. I do not believe we need another fast food restaurant and gas station in Windsor, especially at this near-central location.

I propose that the suggested plan be set aside in favor of affordable housing.

All through the province we are experiencing housing shortages as rental rates increase and need grows. I have been watching "For Rent" groups online for several years and people scramble and search to find adequate and affordable housing for themselves and/or their families for between 4 and 7 months, sometimes longer. Families are left with multiple people sharing bedrooms, members sleeping on couches in living rooms, having to "crash" with extended family and friends while putting belongings in storage or losing them completely. Single people on pensions who have no partner income to help support them are often left paying as much as 70% of their pension to have a roof over their heads. Medications and food at that point become neglected. Many single parent families are in the same situation.

I urge the Municipality to deny the application for development of the former Co-OP site and seek out a plan to provide housing options on the site instead.

Sincerely

Rachael Smith

Appendix B

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To:	Members of Windsor Area Advisory Committee
Submitted by:	_____ Sara Poirier, Planner
Date:	2020-10-01
Subject:	Land Use By-law Map Amendment: 543 O'Brien Street, Windsor; PID 45055928
File:	20-17

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To allow the requested development, staff recommends that the WAAC forward a positive recommendation by passing the following motion:

WAAC recommends that PAC recommend that Council give First Reading and hold a Public Hearing to consider amending the zoning map of the Windsor Land Use By-law to enable the lot located at 543 O'Brien Street, Windsor, PID 45055928 to be rezoned from the General Commercial (GC) Zone to the Highway Commercial (HC) Zone, as shown on Figure 2 and amending the text of the Windsor Land Use By-law to ensure adequate separation and buffering is provided for residential uses abutting commercial uses in commercial zones, in a manner substantively the same as Attachment A, all as attached to the Windsor Area Advisory Committee report #20-17 dated October 1, 2020.

BACKGROUND

A completed application was received on June 3, 2020 from Clark Wilkins to rezone the property at 543 O'Brien Street, Windsor (PID 45055928) from General Commercial (GC) to Highway Commercial (HC) to permit an automobile service station and a drive-through restaurant. The property is owned by 3331814 Nova Scotia Limited; Mr. Wilkins is the Director.

This site was once the location of the Co-op Atlantic store and gas bar which were demolished in 2011 and 2009, respectively. A development agreement from 1992 permitted *"a retail gas bar for members of the developer only and all accessory uses normally associated with a retail gas bar, business and professional office, existing dwelling, garden centre, and grocery store"* and prohibited the development of uses permitted in the underlying zone. The current property owner requested this development agreement be discharged and the discharge was approved by Council on June 23, 2020 and recorded at the Land Registry Office on August 27, 2020.

DISCUSSION

The lot is designated Commercial (C) on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy (WMPS). Part 8.0 of the WMPS contains the overall intention for properties designated Commercial (C) in Windsor.

The property is zoned General Commercial (GC) on the Zoning Map of the Windsor Land Use By-law (WLUB). Figure 1 shows the current zoning of the property. Automotive service stations and drive-through restaurants are not permitted in the General Commercial (GC) Zone.

The applicant requests that Council consider rezoning the property from General Commercial (GC) to Highway Commercial (HC) to permit the automobile service station and drive-through restaurant. If the application for rezoning is approved, any use permitted in the Highway Commercial (HC) Zone would be permitted on the lot as-of-right (Attachment B).

Previous Uses

The site is vacant but was once the site of the Co-op Atlantic store and gas bar. The gas bar was for members of the Co-op Atlantic only. The gas bar pump island and two associated underground storage tanks were decommissioned and removed in 2009 and the Co-op Atlantic building was demolished in 2011. The gas bar was permitted through a development agreement (1992) which has been discharged from the property.

Brownfield Development

In 2003, the National Roundtable on the Environment and the Economy published a report called *"Cleaning up the Past, Building the Future - A National Brownfield Redevelopment Strategy for Canada"*. This paper (2003) defines Brownfields as *"An abandoned, vacant, derelict or underutilized commercial or industrial property where past actions have resulted in actual or perceived contamination and where there is an active potential for redevelopment."* The report outlines that brownfield sites are the remnants of industrialization and the sites can *"pose threats to human health and environmental quality".* Once brownfield sites are remediated to an acceptable standard which is suitable for the proposed use, they can generate economic, environmental and often social benefits.

Potential Site Remediation

Staff reviewed the existing file for the subject lot which was compiled by the previous Windsor Planning Department. The Planning Department's file includes a copy of a Remedial Action Plan from 2011 written by CBCL which details potential remediation to be completed on 543 O'Brien Street. This CBCL report specifies that *"in 1994 fuel oil was discovered leaking from an underground storage tank".* The underground storage tank in question was removed from the property in 1994. The CBCL report discusses how the site should be remediated and the recommendations were accepted by the Nova Scotia Department of Environment in 2011. The letter from Department of Environment (2011) states that *"a final report must be prepared and submitted to the Department of Environment following the completion of the remedial program".*

Upon review of this information, staff contacted an Inspector with the Department of Environment who advised that *"There are no entries following the receipt of the Remedial Action Plan. The file would not be considered closed, following a regulatory process."* The Inspector added that they were *"unable to tell if the remedial action plan was ever implemented, and/or whether remediation was successful in reducing contaminants to an acceptable level."*

The Inspector could not *"speak to any restrictions for the site"* as *"it will depend on the location and concentration of contaminants remaining on the site."* They stated that *"the next steps for the property owner would be to hire a site professional to determine if Notification under the Contaminated Sites Regulations is required. A site professional will have to determine if the work completed meets the current requirements."*

Contaminated Sites

The Nova Scotia Department of Environment states that *"contamination normally refers to concentrations of chemicals in the soil, water and air that have been determined to exceed acceptable standards for the particular land use"*. In Nova

Scotia, a property owner assumes the responsibility to ensure any contamination is cleaned up in accordance with the Contaminated Sites Regulations (2013). The Regulations outline the process to remediate a contaminated site. The Regulations specify that only site professionals, who are either a geologist or engineer with experience in the management and remediation of contaminated sites, are qualified to manage the cleanup of contaminated sites. Once a site is remediated by a site professional in accordance with the Regulations, the Department of Environment would supply the property owner with closure documentation which could be in the form of a Certificate of Compliance, Record of Site Condition or Declaration of Property Condition.

Section 220 (5) of the *Municipal Government Act* specifies that

> *"where a municipal planning strategy so provides, a land-use by-law may*
>
> *(p) prohibit development on land that*
>
> *(v) is known to be contaminated within the meaning of the Environment Act"*

The planning documents for the community of Windsor do not discuss or prohibit development of contaminated or brownfield sites.

The applicant, Mr. Wilkins, became the owner of the property in 2019. Mr. Wilkins is aware of the history of the site, the potential contaminants, and the Nova Scotia Department of Environment standards and process for remediation that would need to be followed. He is also aware that the Municipality would not be able to issue building permits for any development on the lot until there was confirmation from the Department of Environment that the site is remediated to a standard suitable for the proposed use. Mr. Wilkins is working with an environmental consultant through the process. Mr. Wilkins has stated that it was his *"understanding that 543 O'Brien was cleaned to commercial guidelines and the final piece was a summer and winter monitoring well inspection."*

Mr. Wilkins is also the owner of the abutting property 555 O'Brien Street where a development agreement was entered into by the Town of Windsor Council in 2010 for a mixed-use development consisting of dwelling units in addition to commercial space. The development agreement specifically requires the site be remediated and a Certificate of Compliance be provided to the Development Officer prior to the Municipality being able to issue development permits for the proposed uses. Regarding the current application for rezoning at 543 O'Brien Street, Mr. Wilkins has stated that *"if there is any further site cleanup, it will be done in conjunction with my residential build out on the neighbouring site."*

Proposed Uses

O'Brien Street is an arterial road as shown on the Transportation Map (Map 2) of the WMPS and is a main thoroughfare to and from downtown Windsor. The subject lot is currently vacant and has been vacant for almost a decade. Any new uses, whether permitted in the underlying General Commercial (GC) zone or permitted through rezoning to Highway Commercial (HC), will generate traffic to the property. The Municipal Traffic Authority stated they had no concerns in regards to traffic impact or the ability to provide safe and efficient roadway access to the lot.

The applicant, Mr. Wilkins, would like to develop an automobile service station and a drive-through restaurant on the subject lot. Facilities where a petroleum product is sold or kept for sale require approval by the Nova Scotia Department of Environment. To avoid traffic problems and ensure safe product delivery, Council created specific requirements in the WLUB for automotive service stations (Section 5.2). There are also special requirements regarding stacking space for drive-through restaurants in Section 5.9 of the WLUB.

The permitted signage as outlined in Section 7.18 of the WLUB for the Highway Commercial (HC) zone is the same as that permitted in the General Commercial (GC) zone. Additionally, Section 7.17 of the WLUB states that automobile service stations are also permitted one ground sign exceeding the size permitted in Section 7.18 up to a maximum of 120 ft^2 (11.15 m^2) provided the sign is setback at least 15 ft from any property line. Signs are permitted to be illuminated as per Section 5.18 of the WLUB as long as the illumination is directed away from adjoining properties and any adjacent street.

The Development Officer has commented that due to the size of the subject lot there should be no problem in meeting the parking and loading space requirements in the WLUB.

Surrounding Neighbourhood

The subject lot directly abuts lots zoned General Commercial (GC) to the north, east and west, and lots zoned High Density Residential (R-4) to the south.

Table 1: Use Abutting Subject Lot by Direction

North	The former Windsor United Baptist Church which was recently rezoned to General Commercial (GC).
East	The lot directly abutting the subject lot to the east is owned by the applicant. It is currently vacant and has a development agreement (2010) for a mixed-use development consisting of dwelling units in addition to commercial space. The lot adjacent to that is the Lawtons Drugs and Medical Clinic.

South	The lots are zoned High Density Residential (R-4). Two of the buildings have four (4) dwelling units and the other building has two (2) dwelling units.
West	Two residential properties zoned General Commercial (GC) and the Baby Panda Chinese food restaurant.

Policy 8.2.2 allows Council to consider this request for rezoning to Highway Commercial based on specific criteria. Policy 8.2.2 (b) requires that the proposed use will not conflict with adjacent uses.

During the staff review, consideration was given to *Section 13 General Provisions for Commercial Zones* of the WLUB. Section 13 states that if a commercial use permitted in a commercial zone abuts a lot in a residential zone, the commercial use should provide a minimum 5 ft (1.52 m) planting strip along the part of the lot directly adjoining the residential zone. Additionally, if a commercial use permitted in the commercial zones abuts a lot in a residential or institutional zone, the commercial use must have a minimum 20 ft (6.10 m) side yard from the abutting lot line and no open storage or outdoor display is permitted in the abutting yard of the commercial use. These requirements decrease the potential for the commercial use to pose a conflict with the adjacent residential zones, however, do not currently benefit residential uses located outside of residential zones.

Staff recommend an amendment to the abutting zone and planting strip requirements to ensure they apply to commercial properties which abut any residential use as opposed to properties with residential zoning (Attachment A). This will ensure the application meets Policy 8.2.2 (b).

DOCUMENT REVIEW

Municipal Planning Strategy

For the lot to be used for the uses requested an amendment to the Zoning Map of the WLUB is required. Figure 2 shows the proposed changes to the Zoning Map.

Section 8.0 of the WMPS contains the commercial policies for Windsor. Policy 8.2.2 establishes Council's intention to *"consider the creation of new Highway Commercial zones in the Commercial and Industrial designations, excluding the Wentworth Road Gateway District and the designated Industrial Parks, by amendment to the Land Use By-law"*. The subject lot is designated Commercial and is not within the Wentworth Road Gateway District or the Industrial Parks, therefore the rezoning to Highway Commercial (HC) can be considered under this policy.

WMPS Specific Criteria

Policy 8.2.2 establishes Council's intention to *"consider the creation of new Highway Commercial zones in the Commercial and Industrial designations, excluding the*

Wentworth Road Gateway District and the designated Industrial Parks, by amendment to the Land Use By-law" and establishes the criteria to be considered by Council. These criteria are examined in detail in Attachment C. In summary, the criteria are met since:

- the subject lot has direct access to an arterial road;
- the proposed uses will not conflict with adjacent existing uses; and
- the proposal meets the WMPS general criteria.

WMPS General Criteria

The proposal meets the general criteria for amendment set out in WMPS Policy 16.3.1. These criteria are examined in detail in Attachment D. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated;
- the Fire Chief, Development Officer, Senior Building and Fire Official, Director of Public Works and Traffic Authority have no concerns.

Land Use By-law

Text Amendment

The definitions of the WLUB, although not directly applicable to the WMPS, can be used as a guide to the intent of the WMPS. On the subject lot, the applicant proposes to develop an automobile service station and drive-through resturaunt. Should the lot be amended from the General Commercial (GC) zone to the Highway Commercial (HC) zone, the proposed uses would be allowed "as-of-right", as they are each listed as a permitted use in the Highway Commercial (HC) zone (Attachment B).

Staff are recommending that the text of Section 13 of the WLUB be amended as part of this application to ensure the abutting zone and planting strip requirements apply to commercial properties which abut any residential use as opposed to properties with residential zoning (Attachment A).

Map Amendment

The proposed uses are not permitted in the General Commercial (GC) zone. There is a policy option to allow Council to consider rezoning the subject lot to the Highway Commercial (HC) zone. The proposed uses are permitted in the Highway Commercial (HC) zone. An amendment to the WLUB Zoning Map is required for this application. The proposed map amendment is shown in Figure 2.

MCCAP

This amendment has not been examined in relation to the Municipal Climate Change Action Plan (MCCAP).

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of both the specific and general policies of the WMPS and is consistent with the intent, objectives and policies of the WMPS. The amendment meets the specific and general criteria for amendment to the WLUB or WMPS. As a result, it is reasonable to amend the zoning of the lot located at 543 O'Brien Street, Windsor, PID 45055928 from the General Commercial (GC) Zone to the Highway Commercial (HC) Zone on the Zoning Map of the Windsor Land Use By-Law and the text of the WLUB to amend the abutting zone and planting strip requirements for the commercial zones.

Process

Staff Review
▼
Public Information Meeting
▼
Windsor Area Advisory Committee (WAAC) receives staff report and PIM Notes
WAAC Review and Recommendation
▼
Planning Advisory Committee Review and Recommendation
▼
Council First Reading
▼
Public Hearing
▼
Council Second Reading
▼
Notice of Approval in Local Paper
▼
14 Day Appeal period

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality in regard to this development.

ALTERNATIVES

In response to the application, WAAC may recommend that PAC:

- recommend that Council hold First Reading and authorize a Public Hearing to approve the WLUB amendment as drafted or as specifically revised by direction of WAAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A	Draft Amendments to the Windsor Land Use By-law
Attachment B	Highway Commercial (HC) Zone
Attachment C	Specific Criteria for Amendment
Attachment D	General Criteria for Amendment
Figure 1	Windsor Zoning Map – Existing
Figure 2	Draft Windsor Zoning Map – Proposed Amendment

Report Prepared by: _____

Sara Poirier, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Attachment A
Draft Amendments to the Windsor Land Use By-law

Text amendments to the Windsor Land Use By-law to ensure the abutting zone and planting strip requirements in Section 13 *General Provisions for Commercial Zones* apply to abutting residential uses not solely abutting residential zones.

1. **Amend Section 13.1 *Lots Abutting Residential and Institutional Zones* in Part 13 of the Windsor Land Use By-law, *General Provisions for Commercial Zones*, by replacing:**
   (a) the title "Lots Abutting Residential and Institutional Zones" with "Lots Abutting Residential and Institutional Uses", and
   (b) the phrase "Except in the Local Commercial (LC) zone, where the yard of a lot located in a commercial zone abuts a lot in a residential or institutional zone, the following standards apply" with "Except in the Local Commercial (LC) zone, where the yard of a lot located in a commercial zone abuts a lot with residential uses or uses permitted in the Institutional (I) zone, the following standards apply" so that it reads as follows:

13.0 GENERAL PROVISIONS FOR COMMERCIAL ZONES

Lots Abutting Residential and Institutional Uses

13.1 Except in the Local Commercial (LC) zone, where the yard of a lot located in a commercial zone abuts a lot with residential uses or uses permitted in the Institutional (I) zone, the following standards apply:

(a) the minimum side yard requirement for the commercial use from the abutting lot line shall be 20 ft (6.10 m); and

(b) no open storage or outdoor display shall be permitted in the abutting yard of the commercial use.

2. **Amend Section 13.2 *Planting Strip* in Part 13 of the Windsor Land Use By-law, *General Provisions for Commercial Zones*, by replacing: the phrase "Where a commercial use in a commercial zone abuts a residential zone, the part of the lot directly adjoining the residential zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to said lot line." with "Where a commercial use in a commercial zone abuts a residential use, the part of the lot directly adjoining the residential use shall be used for no purpose other than a planting strip having a**

minimum width of 5 ft (1.52 m) measured perpendicular to said lot line."

Planting Strip

13.2 Where a commercial use in a commercial zone abuts a residential use, the part of the lot directly adjoining the residential use shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to said lot line.

Attachment B
Highway Commercial (HC) Zone

18.0 HIGHWAY COMMERCIAL (HC)

Permitted Uses

18.1 The following uses shall be permitted in the Highway Commercial (HC) zone:

- Arts and crafts studios including photography
- Automobile service stations, car washes and repair centres
- Automobile, truck and motorcycle sales, service, or rental establishments
- Building supply establishments
- Day care centres, licensed and non-licensed
- Dry cleaning and laundry establishments
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farm equipment sales and service
- Farm markets
- Funeral homes
- Garden and nursery sales and supplies
- Hotels and motels
- Kennels
- Licensed liquor establishments
- Manufactured home sales
- Microbrewery, Microdistillery, Winery *(Amended WLUB 18-01 Effective January 29, 2019)*
- Offices (not on the ground floor)
- Recreational vehicle sales, service and rental establishments
- Recycling depots
- Repair and rental establishments
- Residential uses (not on the ground floor)
- Restaurants, including drive-through and take-out establishments
- Retail stores
- Self storage operations *(Amendment WLUB 10-02 Effective February 25, 2011)*
- Service shops
- Taxi, train and bus stations
- Veterinary clinics and animal hospitals
- Wholesaling and wholesale sales
- Existing residential uses

HC Zone General Requirements

18.2 In the HC zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	10,000 ft^2 (929.00 m^2)
Minimum lot frontage	100 ft (30.48 m)
Minimum front yard	40 ft (12.19 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	15 ft (4.57 m)
Maximum height of main building	3 storeys
Maximum height of accessory building	15 ft (4.57 m)

Open Storage and Outdoor Display

18.3 In the HC zone, open storage and outdoor display shall:

(a) be located at least 10 ft (3.05 m) from any lot line;

(b) be accessory to a permitted commercial use; and

(c) not be located in any required parking spaces or loading spaces.

Residential Uses

18.4 Residential uses as part of the same building as a commercial use are permitted provided the total floor area of the residential use does not exceed two-thirds (66 percent) of the total floor area of the building.

Access

18.5 Entrance to and exit from properties zoned HC shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot.

Attachment C
Specific Criteria for Amendment

8.0 COMMERCIAL

8.2 Highway Commercial

Policy 8.2.2 *It shall be the policy of Council to consider the creation of new Highway Commercial zones in the Commercial and Industrial designations, excluding the Wentworth Road Gateway District and the designated Industrial Parks, by amendment to the Land Use By-law subject to the following criteria:* *(Amendment WMPS 09-02 Effective September 3, 2009)*

CRITERIA	**COMMENT**
(a) the proposed use has direct access to an arterial road shown on the Transportation Map (Map 2);	O'Brien Street is an arterial road as shown on the Transportation Map (Map 2) of the Windsor Municipal Planning Strategy.
(b) the proposed use will not conflict with adjacent uses;	The lot is currently vacant and was once the location of the Co-op Atlantic store and gas bar. Any new uses, whether permitted in the underlying General Commercial (GC) zone or permitted through rezoning to Highway Commercial (HC), will generate traffic to the property. The Municipal Traffic Authority stated they had no concerns in regard to traffic impact or the ability to provide safe and efficient roadway access to the lot. Council has specific requirements in the WLUB for automotive service stations (Section 5.2) to avoid traffic issues and ensure safe product delivery. There are also special requirements regarding stacking space for drive-through restaurants in Section 5.9 of the WLUB. The permitted signage as outlined in Section 7.18 of the WLUB for the Highway Commercial (HC) zone is the same as that permitted in the General Commercial (GC) zone. Section 7.17 states that automobile service stations are also permitted one ground sign

	exceeding the size permitted in Section 7.18 up to a maximum of 120 ft2 (11.15 m2) provided the sign is setback at least 15 ft from any property line. Signs are permitted to be illuminated as per Section 5.18 of the WLUB as long as the illumination is directed away from adjoining properties and any adjacent street. The Development Officer does not have any concerns regarding any of the uses permitted in the Highway Commercial zone being located at this location. The lot is approximately two (2) acres in size and would meet the requirements of the Highway Commercial (HC) Zone. A planting strip and increased minimum side yard are required if the commercial use abuts a lot in a residential zone. However, this does not apply to residential uses in the General Commercial (GC) zone. Staff are recommending an amendment to ensure these requirements benefit all residential uses adjacent to the property regardless of the zone (Attachment A). The adjacent uses include the former Windsor United Baptist Church to the north, the vacant lot and Lawtons Drugs and Medical Clinic to the east, four (4) unit and two (2) unit dwellings on the south side of O'Brien Street, and two residential properties and the Baby Panda Chinese food restaurant to the west. Following the regulations in the WLUB for Highway Commercial (HC) uses, specifically automobile service stations and drive through restaurants, and the proposed amendments for planting strip and increased minimum side yards,

	potential areas of conflict with adjacent uses would be prevented.
(c) adequate parking and loading areas can be provided;	The Development Officer commented that this is a large lot of approximately two (2) acres and they do not anticipate any issues with regards to parking or a loading zone. They added that drive-through and take out restaurants require four (4) parking spaces for the first 200 sq. ft. of usable floor area plus one (1) parking space for each additional 200 sq. ft. of useable floor area and any other commercial use requires one (1) parking space for every 300 sq. ft. of commercial floor area. The Development Officer stated that a loading space is not required for any building less than 2,000 sq. ft. in floor area. Depending on the building size it may or may not require a loading space. If the commercial floor area is over 2,000 sq. ft. then one (1) loading space would be required of a minimum of 12' x 40' and minimum 14' height clearance. Loading spaces cannot be located in the required front yard or located within any yard which abuts a residential zone. Loading spaces must also have access to the street by means of a minimum 20' wide driveway.
(d) traffic flow and pedestrian safety will not be adversely affected;	The Municipal Traffic Authority stated they had no concerns in regard to traffic impact or the ability to provide safe and efficient roadway access to the lot.
(e) limited access and exit points can be provided;	The provisions of the Highway Commercial (HC) zone restricts the entrance to and exit from the lot to a maximum of two (2) driveways on any street. Section 5.2 of the Windsor Land Use By-law stipulates the driveway requirements for automobile service stations. The requirements state that the lot should have a minimum of 150

	ft (45.72 m) of frontage and be a minimum distance of 100 ft (30.48 m) from a street intersection. The subject lot has approximately 200 ft of frontage and driveway entrances would be further than 100 ft from the O'Brien Street and King Street intersection and the O'Brien Street and Wentworth Road intersection. Section 5.2 also states that the minimum distance between driveways shall be 30 ft (9.14 m) and the width of the driveways shall not be less than 25 ft (7.62 m). The Municipal Traffic Authority confirmed that the existing driveway is suitable as a commercial access for the property.
(f) any other matter which may be addressed in a Land Use By-law; and	All other matters have been addressed elsewhere in this report.
(g) the provisions of Policy 16.3.1.	See Attachment D.

Attachment D
General Criteria for Amendment

16.0 IMPLEMENTATION

16.3 Land Use By-law Amendments and Development Agreements

Policy 16.3.1 *In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

CRITERIA	**COMMENT**
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Director of Public Works confirmed that the lot has access to water and sewer services. They added that they do not have concerns regarding either the supply of water to the uses permitted in the Highway Commercial (HC) zone or effluent which may be discharged into the sewer service as long as all the rules and regulations and/or by-laws are followed.
(ii) the adequacy of school facilities;	Not applicable.
(iii) the adequacy of fire protection;	The local Fire Chief had no concerns with the possible future uses of the site. The Fire Chief mentioned that a site plan which takes into consideration items such as the location of bulk propane storage tanks and similar items, and apparatus access to the perimeter of the building(s) should be provided at the building permit stage to ensure any construction has adequate access for fire and emergency services.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	O'Brien Street is an arterial road as shown on the Transportation Map (Map 2) of the Windsor Municipal Planning Strategy. The Traffic Authority had no concerns in regard to the adequacy of

	road networks adjacent to, or leading to the development.
(v) the financial capacity of the Town to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Traffic Authority has confirmed that the existing driveway is suitable as a commercial access and has no concerns. There is a sidewalk along O'Brien street which abuts the front of the subject lot for pedestrian traffic. There is no rail transportation in this area.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that the lot is currently approximately two (2) acres and should be adequate in meeting the general requirements for Highway Commercial zone. The lot exceeds the minimum lot area of 10,000 sq. ft. and minimum lot frontage required in the Highway Commercial (HC) zone. The Development Officer would ensure any development on the lot met the minimum front yard, rear yard and side yard of the Highway Commercial (HC) zone when the property owner applies for development and building permits.
(d) the pattern of development which the proposal might create;	The Development Officer has no concerns as to the pattern of development which the proposal might create.
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;	The subject lot is relatively flat and is already partially paved from the previous uses. There are no watercourses, marshes or bogs identified on the mapping for the site.

	A small portion of the north side of the lot is within the Environmental Constraints area. Any new buildings proposed on that portion of the site would be required to meet Section 27.0 of the Windsor Land Use By-law. It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.
(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	The property owner is working with an environmental consultant to ensure the remediation of the site meets the Department of Environment's requirements for the proposed uses. Facilities where a petroleum product is sold or kept for sale require approval by the Nova Scotia Department of Environment. The property owner will have to meet the Department of Environments requirements prior to building and development permits being issued. All Municipal, Provincial and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	All other matters have been addressed elsewhere in this report.

Figure 1
Windsor Zoning Map – Existing

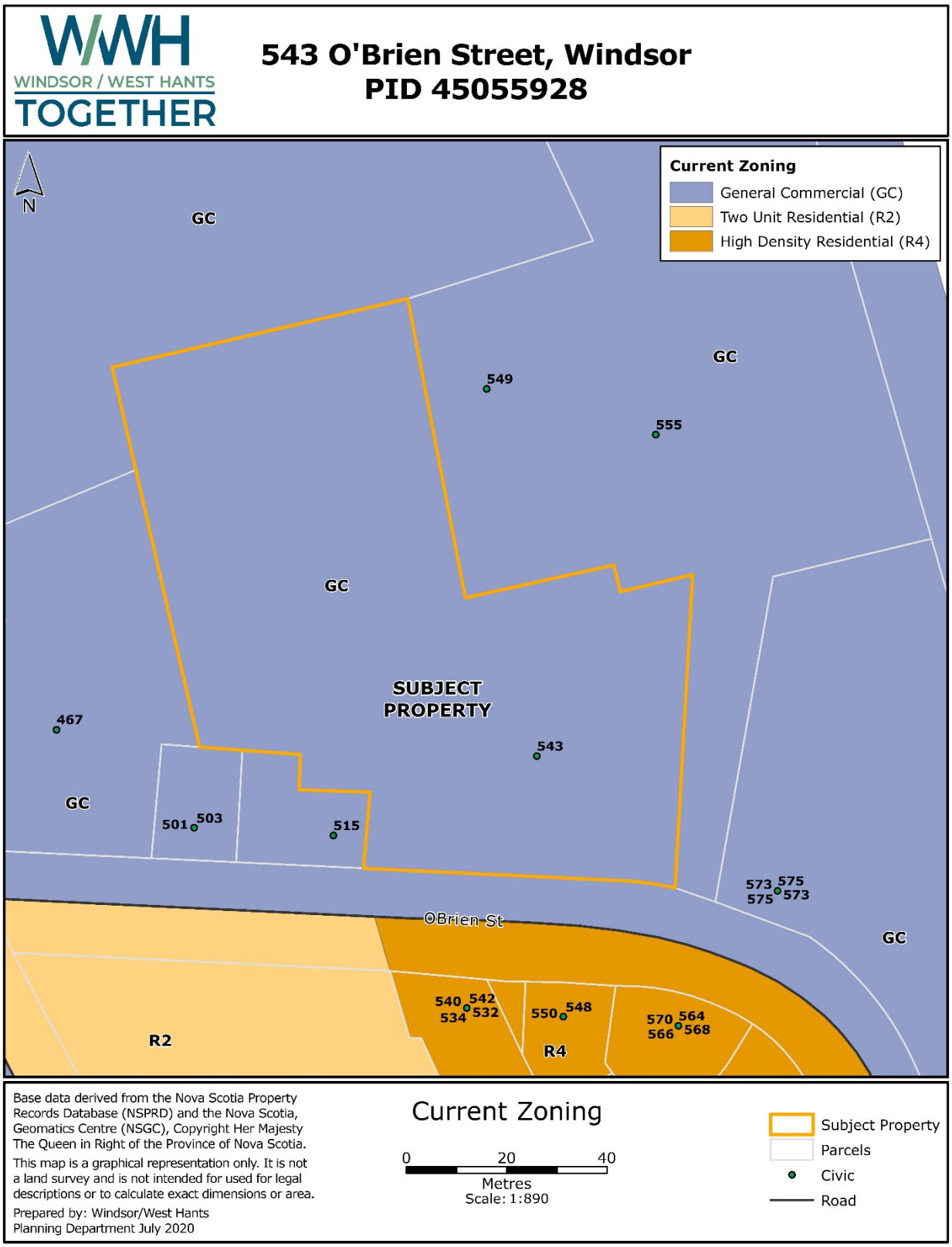
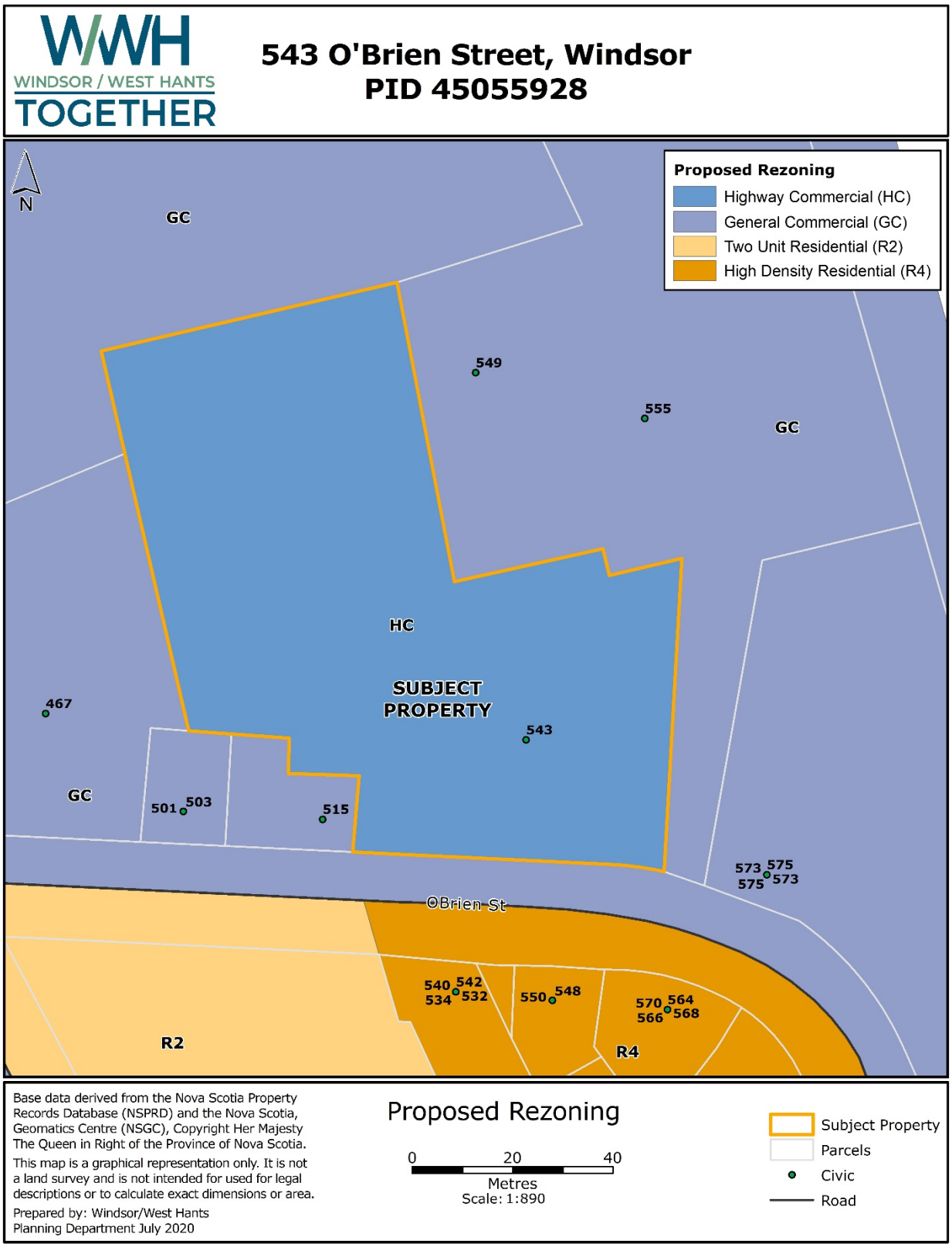


Figure 2
Draft Windsor Zoning Map – Proposed Amendment



WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Saira Shah, Planner

Date: 2020-11-24

Subject: File # 20-03C 583 Highway 236

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230.

RECOMMENDATION

Should Council wish to approve the development agreement to permit a licensed day care at 583 Hwy#236, following completion of the Public Hearing, the following motion would be in order:

that Council gives Second Reading to and approves entering into a development agreement to allow a licensed day care at 583 Hwy#236, Scotch Village, which is substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated October 8, 2020.

BACKGROUND

An application was received on April 7, 2020 from Sarah Hein to permit a licensed day care at 583 Hwy#236, Scotch Village, West Hants. A non-licensed day care is permited as a home-based business in the West Hants Land Use By-law. However, a non-licensed day care is limited to six or fewer children and the applicant wishes to operate a licensed day care with approxamtely 20 children. Policy 8.9.4 of the West Hants Municipal Planning Strategy enables Council to consider permitting a licensed daycare by development agreement.

A Public Information Meeting (PIM) was held virtually on September 23, 2020 and broadcast live on the Municipal Facebook page to receive public feedback on the application (Attachment A).

On October 8, 2020 staff presented a recommendation report to the Planning Advisory Committee (Attachment B).

PAC/HAC recommended in favour of the development agreement to permit a licensed day care at 583 Hwy#236 on October 8, 2020.

NEXT STEPS

Approval Process

Staff Review

▼

Public Information Meeting (notice in Chronical Herald; neighbours notified)

▼

PAC receives staff report and PIM Notes
Planning Advisory Committee Review and Recommendation

▼

Council First Reading

▼

Public Hearing (notice in Chronicle Herald twice; neighbours again notified)
Hearing adjourned to next meeting of Council to gather public comments

▼

Council completes Public Hearing and holds Second Reading

▼

Notice of Approval in Chronical Herald

▼

14 Day Appeal period

ATTACHMENTS

Attachment A	2020-10-07 File#20-03A Public Information Meeting Notes September 23, 2020
Attachment B	2020-10-08 File #20-03 583 Highway 236 Recommendation Report

Report Prepared by: _____
Saira Shah, Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

Attachment A
2020-10-07 File#20-03A Public Information
Meeting Notes September 23, 2020

Public Information Meeting Notes
September 23, 2020
583 Highway 236

Meeting date and time	A public information meeting was held on September 23, 2020 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: Councillor McLean Director LeMay Planner Shah Planner Poirier As this meeting was held virtually there were no members of the public present.
Applicant name and address **Site Location (Civic and PID)**	Planner Shah outlined the request from Sarah Hein to permit a licensed day care at 583 Hwy#236, Scotch Village.
File Number	20-03A
Comments	Comments from the public could be submitted by mail, drop-off at the Municipal Office, e-mail and telephone to Planner Shah. Two (2) written comments were received from the public and no verbal comments were submitted. The comments from the public were related to a day care operated by the applicant in Brooklyn. Staff have considered the concerns raised and determined they do not relate to the West Hants Municipal Planning Strategy policy criteria.
Adjournment	The presentation portion of the PIM ended at 6:36 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Planner Shah until October 6, 2020.

Attachment B
2020-10-08 File #20-03 583 Highway 236
Recommendation Report

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To:	Members of Planning Advisory Committee
Submitted by:	_____ Saira Shah, Planner
Date:	2020-10-08
Subject:	583 Hwy#236
File:	20-03

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230.

RECOMMENDATION

In order to allow the requested development, staff recommends that the Planning Advisory Committee (PAC) forward a positive recommendation by passing the following motion:

that PAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a licensed day care at 583 Hwy#236, Scotch Village, which is substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated October 8, 2020.

BACKGROUND

An application was received on April 7, 2020 from Sarah Hein to permit a licensed day care at 583 Hwy#236, Scotch Village, West Hants. All necessary material for the application was submitted July 30, 2020.

The property is approximately 2.8 acres and the day care will be confined to the existing building and 1,500 square feet of outdoor play space. There will also be a maximum of five (5) parking spaces for the day care.

DISCUSSION

The property is designated Agriculture on the Generalized Future Land Use Map of the MPS (Figure 1) and zoned Agricultural Priority Two (AR-2) on the Zoning Map of the WHLUB (Figure 2). The property is bound on all sides by properties zoned Agricultural Priority Two (AR-2).

A non-licensed day care is permited as a home-based business. However, a non-licensed day care is limited to six or fewer children and the applicant wishes to operate a licensed day care with approxamtely 20 children.

Section 6.1 of the WHLUB, *Development Agreements*, states that "*The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:*

(s) Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone and the Agricultural Priority Three (AR-3) zone outside the Growth Centre, Village and Hamlet designations in accordance with Policies 8.9.4 and 8.10.5 respectively of the Municipal Planning Strategy;

Although there is no specific definition for a Rural Commercial (RC) use, the best basis for determining what is considered a Rural Commercial (RC) use is the list of permitted uses in that zone in the WHLUB. A Licensed Day Care is a listed permitted use in the Rural Commercial (RC) zone.

Part 8 of the WHMPS contains the overall intention for areas designated Agriculture in West Hants; Section 8.9 indicates the intention of Council for non-agricultural development in areas zoned Agricultural Priority Two (AR-2).

Development Agreements

A development agreement is a legal contract between the Municipality and a property owner that describes the type of development permitted on a property. Development agreements provide an opportunity for Council to exercise a greater degree of control over aspects of a development proposal and allow Council to consider uses that would otherwise not be permitted in the underlying zone. A development agreement is binding upon a property until the agreement is discharged by Council.

The draft development agreement can be found in Appendix C.

Applicant Requests

The applicant requested the ability to have an outdoor play space for the day care up to 1,500 sq. feet. Outdoor play space is defined in the development agreement and must be located in the rear yard and not within 20 feet of a property line. An opaque fence is required to surround the outdoor play space to reduce noise for neighbours. A planting strip is typically required along the property line for a commercial business

and can be a combination of trees, bushes, and fences used as a buffer between commercial and residential uses. However, as the property is much larger than the outdoor play space and a fence is already required in the Nova Scotia Day Care Regulations (Section 22 (3) (c)) an opaque fence instead of a planting strip will be required around the outdoor play space. Several commercial zones in West Hants including Rural Commercial (RC) and Local Commercial (LC) have similar requirements for commercial businesses.

The applicant has stated they will not require a large amount of parking as they intend to have only two (2) staff and will stagger pick-up and drop-off times. A maximum of five (5) parking spaces are permitted in the development agreement and the parking area is outlined in Schedule B.

The applicant intends to operate the day care as an after-school facility during the school year and offer full-day service during summer, winter, and march break holidays. To ensure flexibility for the application the hours of operation shall be limited to 6:30 a.m. to 5:30 p.m. Monday to Friday daily.

WHMPS Specific Criteria

Policy 8.9.4 of the WHMPS establishes Council's intention to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses. Policy 8.9.4 establishes the criteria to be considered by Council, which are examined in detail in Appendix A.

Policy 8.9.4 (a) requires an agrologist report to determine that the development site has little or no agricultural capability in accordance with Policy 8.6.1. However, the day care will only take place in an existing garage not resulting in any new buildings. There will also be minimal parking consisting of up to five (5) spaces and an outdoor play space. The parking and the outdoor place space cannot be constructed of paved material to reduce potential impact on soil. Staff considered the challenges in obtaining an agrologist and determined that an agrologist report is not necessary for this application. Although this criterion has not been met staff is making a positive recommendation due to the application meeting the overall intent of Council.

In summary, the remaining criteria are met since:

- the day care will be in an existing building and the parking and outdoor play space will not be on a paved surface and will therefore have no new impact on agricultural capability;
- the day care and accessory parking and outdoor play space are not a use which, because of its size or nature would be more appropriately located in a Growth Centre, Village or Hamlet; and
- Department of Transportation and Infrastructure Renewal confirmed the existing access is acceptable for the day care.

WHMPS General Criteria

Policy 16.3.1 of the WHMPS states general criteria for any development agreement considered in West Hants. These criteria are examined in detail in Appendix B. In summary:

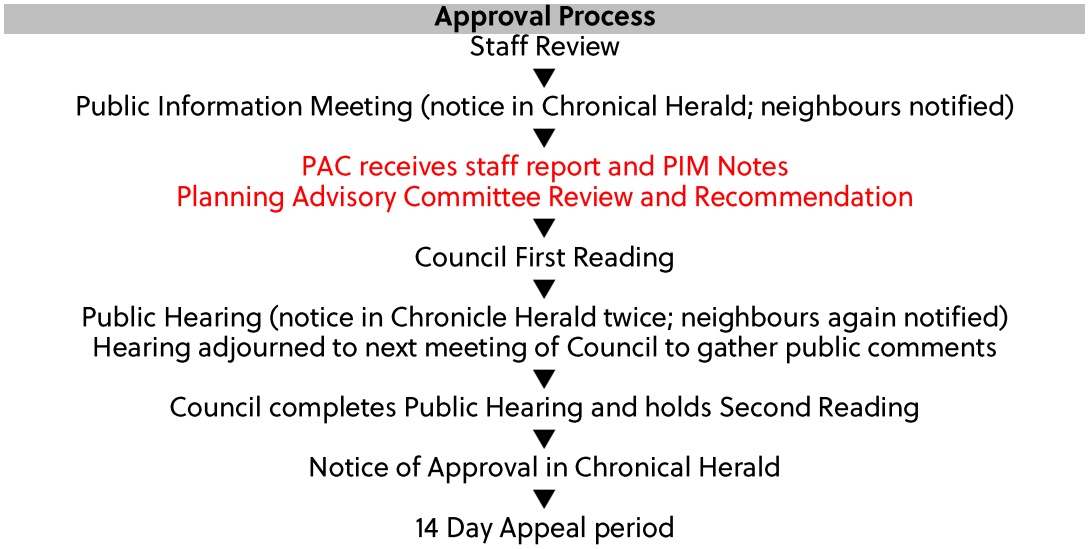
- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Senior Building Official, Director of Public Works and DTIR have no major concerns.

Municipal Climate Change Action Plan

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property.

Next Steps

As noted above, the proposed development has been considered within the context of both the specific and general policies of the WHMPS and is consistent with the intent, objectives and policies of the WHMPS. The development meets the intent of the specific and general criteria for development agreements as outlined in the WHMPS. As a result, it is reasonable to consider approving the development agreement to permit a licensed day care at 583 Hwy#236, Scotch Village, West Hants.



FINANCIAL IMPLICATIONS

There are no financial implications associated with this application.

ALTERNATIVES

In response to the application, PAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the Development Agreement as drafted or as specifically revised by direction of PAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1 Generalized Future Land Use Map
Figure 2 Existing Zoning Map
Appendix A Specific Criteria for Development Agreement
Appendix B General Criteria for Development Agreement
Appendix C Draft Development Agreement

Report Approved by: _____
Madelyn LeMay, Director of Planning and Development

FIGURE 1
GENERALIZED FUTURE LAND USE MAP

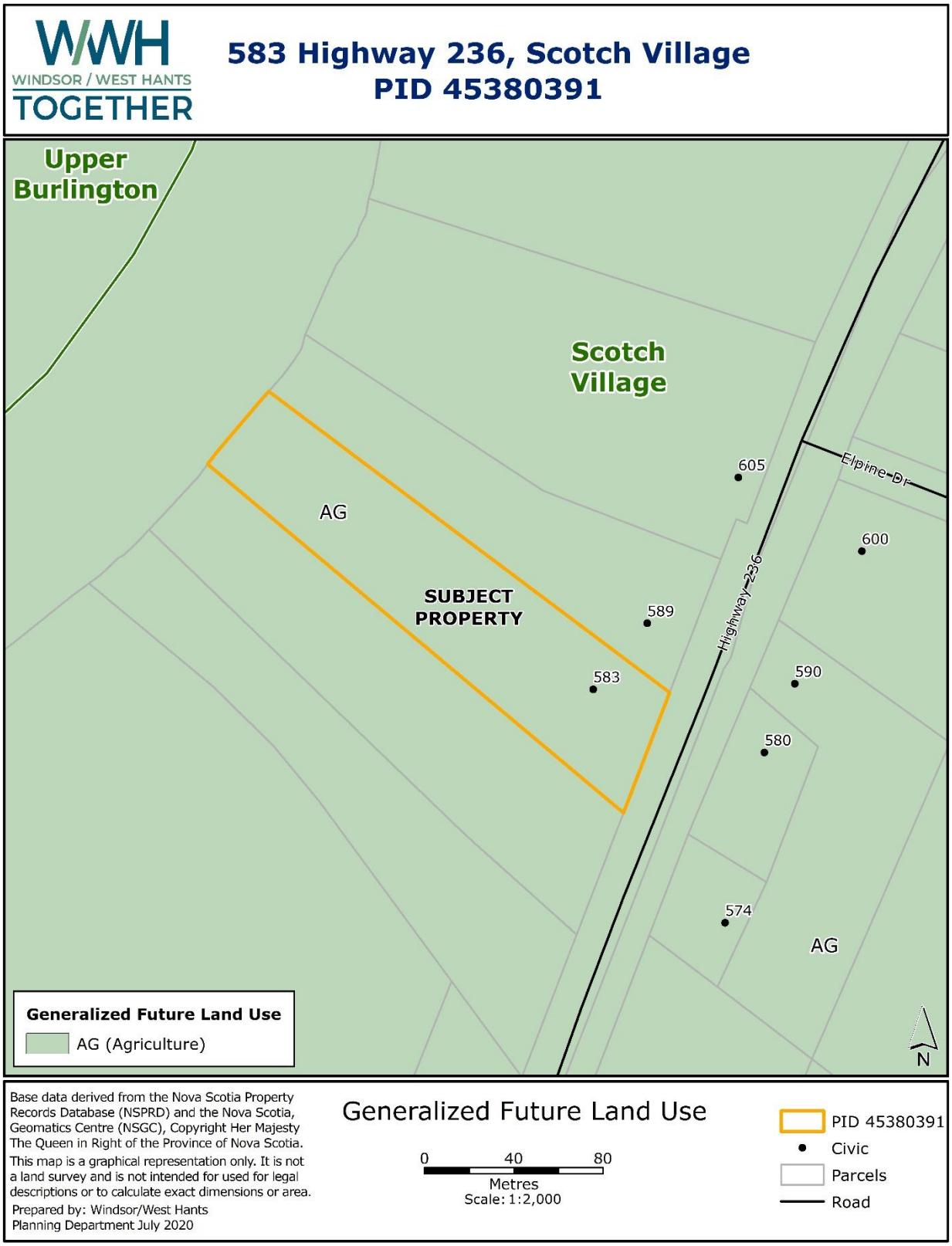
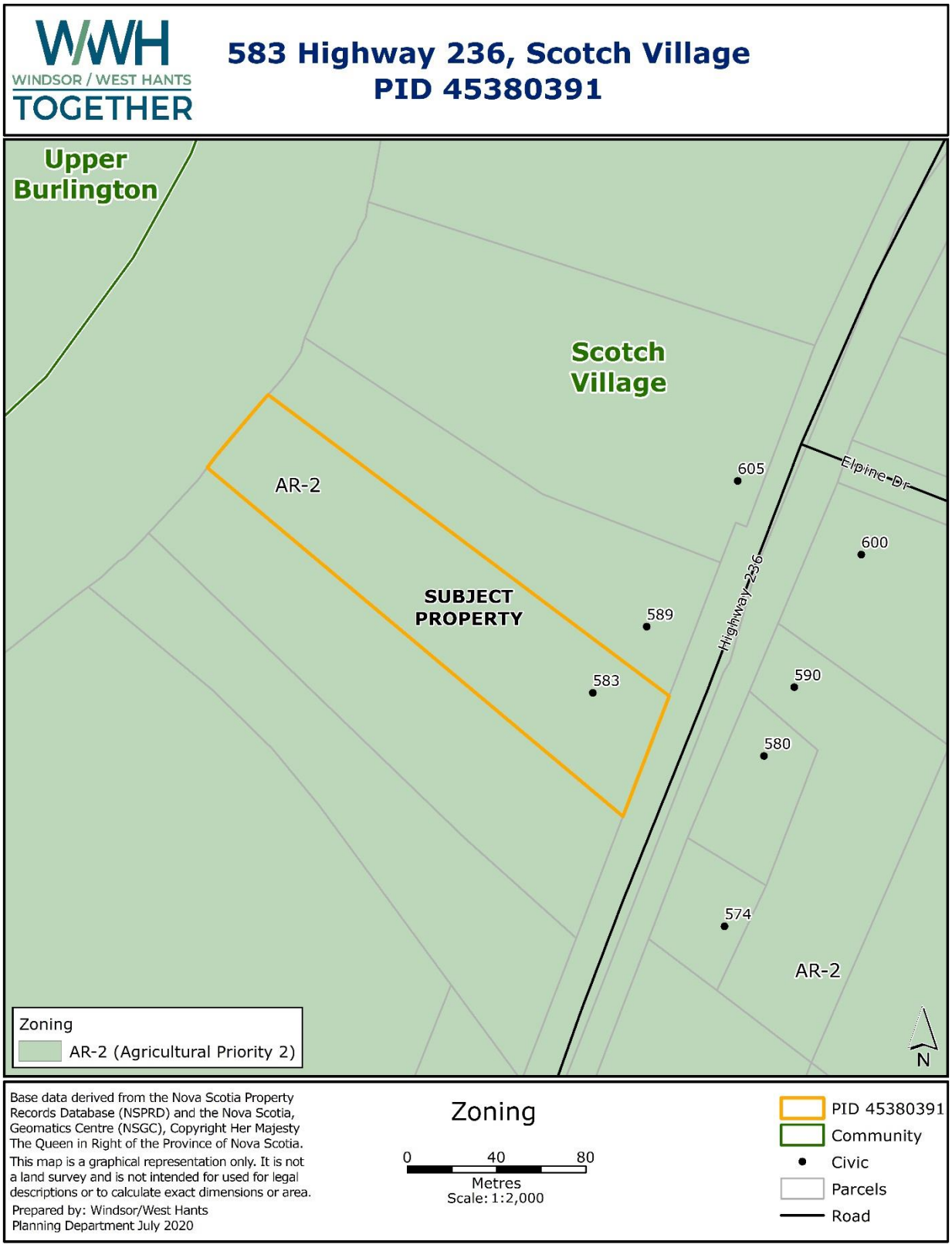


FIGURE 2
EXISTING ZONING MAP



APPENDIX A
SPECIFIC CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 8.9.4 *It shall be the intention of Council to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the AR-2 zone by development agreement subject to the following:*

CRITERIA	**COMMENT**
(a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;	An agrologist report which is required by Policy 8.6.1 was not provided as the day care will be in an existing building and the parking and outdoor play space will be on an unpaved surface. The uses will therefore have no new impact on agricultural capability.
(b) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;	The day care will be contained in the existing building and the parking and outdoor play space will be on an unpaved surface. The uses will not compromise or adversely affect the operation or integrity of existing agricultural operations.
(c) the predominant agricultural character of the area will not be adversely affected;	The day care will be contained in the existing building and the parking and outdoor play space will be on an unpaved surface. The uses will not impact the agricultural character of the area.
(d) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;	The day care will be contained in the existing building with the existing separation distances. The outdoor play space must be 20 feet from any property line and will be required to have an opaque fence surrounding the outdoor play space to ensure adequate separation.
(e) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;	The day care is limited based on the size of the existing building and the accessory parking is limited to five (5) spaces. The outdoor play space is limited to 1,500 sq. feet.
(f) safe and efficient roadway access is provided;	Department of Transportation and Infrastructure Renewal confirmed the

	existing access is acceptable for the proposed future commercial use and a negative impact to the Provincial Road network is not anticipated.
(g) adequate on-site parking is provided;	Five (5) parking spaces are permitted for the day care in the development agreement.
(h) the development is compatible with adjacent land uses with respect to:	
(i) traffic generation and traffic safety;	Please see 8.9.4 (f) for further details.
(ii) hours of operation;	The hours of operation are limited in the development agreement to 6:30 a.m to 5:30 p.m. Monday to Friday daily.
(iii) size and design of building(s);	The day care will be in an existing building.
(iv) signage; and	All signage must meet the requirements of the West Hants Land Use By-law.
(v) pedestrian circulation and safety;	No impact on pedestrian traffic or safety is anticipated.
(i) any other matter which may be addressed in a development agreement;	No other matters have been raised.
(j) Policy 16.3.1.	See Appendix B.

APPENDIX B
GENERAL CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 16.3.1 *In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

CRITERIA	**COMMENT**
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Director of Public Works stated that the property does not currently have municipal water or sewer, nor are there plans to extend services to the site. As a result, the applicant is responsible for determining adequate services for the proposed use. The applicant has been informed.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	The Manager, Building and Fire Inspection and Fire Chief for the area have no concerns with regards to fire protection and emergency services. The Manager, Building and Fire Inspection has noted that if the day care includes infants a sprinkler system would be required by the Building Code. The applicant has been informed.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	Please see 8.9.4 (f) for further details.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	No municipal costs related to this amendment are anticipated.
(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;	As noted above in 16.3.1 (a) (i), the applicant will be responsible for the provision of water and on-site sewage disposal.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Please see 8.9.4 (f) for further details.

(d) the adequacy of the dimensions and shape of the lot for the intended use;	The property is almost three (3) acres in size and has sufficient space for the intended uses.
(e) the pattern of development which the proposal might create;	The uses permitted by the development agreement will not create a pattern of development that is unusual for the area.
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;	Based on a preliminary visual assessment there are no evident concerns in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding. The MCCAP Inland and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property. The applicant will be responsible if any issues arise in terms of the suitability of the area for the proposed uses.
(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and	The proposed amendment meets all relevant municipal, provincial and federal regulations.
(h) any other matter required by relevant policies of this Strategy.	Please see Appendix A for further details.

APPENDIX C
DRAFT DEVELOPMENT AGREEMENT

DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2020.

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 -

Sarah, Judith, and Erik Hein, of Newport and Tantallon, in the County of Hants and Halifax, Province of Nova Scotia,

(Hereinafter referred to as the "Owners")

OF THE SECOND PART

WHEREAS the Owners are the registered owners of a parcel of land located at 583 Hwy#236, Scotch Village, (PID 45380391), hereinafter referred to as the "Property", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Agriculture on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (June 26, 2008) (the "Municipal Planning Strategy") and zoned Agricultural Priority Two (AR-2) on the Zoning Map of the West Hants Land Use By-law (June 26, 2008) (the "Land Use By-law"); and

WHEREAS the Owners have requested that the Municipality enter into a development agreement to permit a Licensed Day Care on the Property (the "Development") pursuant to Section 6.1 (s) of the Land Use By-law which enables Council to consider a licensed day care as it is a listed permitted use in the Rural Commercial (RC) zone; and

WHEREAS the Council of the Municipality, at a meeting held on (DATE), approved this request and adopted this Agreement by policy;

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 defined as follows:

"Outdoor Play Space" means an area of land used for outdoor recreation accessory to a Licensed Day Care.

1.2 Schedules

The following attached schedules shall form part of this agreement:

- Schedule A - Legal Description
- Schedule B – Site Layout

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

(a) *Municipal Planning Strategy* means the West Hants Municipal Planning Strategy, approved on May 13, 2008, as amended, or successor By-laws;

(b) *Land Use By-law* means the West Hants Land Use By-law, approved on May 13, 2008, as amended, or successor By-laws;

(c) *Subdivision By-law* means the West Hants Subdivision By-law, approved on May 13, 2008, as amended, or successor By-laws.

PART 2DEVELOPMENT REQUIREMENTS

2.1 Use

The Parties agree that uses on the Property shall be limited to the following:

(a) those uses permitted by the underlying zoning in the Land Use By-law; and

(b) Licensed Day Care.

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

2.2 Development Location and Design

(a) The proposed Licensed Day Care shall be located entirely within the existing building located as shown on the Site Layout, Schedule B.

(b) Outdoor Play Space of up to approximately 1,500 sq. feet in area shall be permitted in the rear yard of the property as shown on Schedule B. The Outdoor Play Space shall not be within 20 feet of a property line. A fence with a minimum height of 4 ft. (1.2 m) shall surround the Outdoor Play Space and be opaque. The Outdoor Play Space shall not be constructed using a paved surface.

2.3 Access and Egress

The Owners shall maintain the existing driveway. The Development Officer, after consultation with the Municipal Engineer, may in his/her sole discretion approve minor incidental changes to the layout of the driveway.

2.4 Parking

A maximum of five (5) parking spaces may be used as part of the Licensed Day Care. The parking shall not be constructed using a paved surface and shall be located as shown on Schedule B.

2.5 Signs and Lighting

Signage and illumination shall be in accordance with sections 5.18 and 7.0 of the Land Use By-law 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 minimize light spilling, glare or light cast over neighbouring properties or the street.

2.6 Water and Sewer Services

The Owners shall be responsible for ensuring adequate water and sewer services are available for the uses permitted.

2.7 Hours of Operation

The hours of operation for the Licensed Day Care shall be limited to 6:30 a.m. to 5:30 p.m. daily, Monday to Friday.

2.8 Maintenance

(a) The Owners shall keep the Property and buildings 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 Owners shall maintain the driveway to a level adequate to allow for access by emergency service vehicles.

PART 3 CHANGES and DISCHARGE

3.1 The Owners 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 provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this agreement.

3.3 The following matters are substantive matters:

(a) the uses permitted on the property as listed in Section 2.1 *Use* of this agreement; and

(b) the development location on the property as listed in Section 2.2 *Development Location and Design* and Schedule B of this agreement.

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

3.5 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owners 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 Owners, 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 Owners, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.

3.6 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 Owners 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 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.

4.2 Material to be Provided

(a) The Owners shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within ten days of completion of any work which requires the engineered design.

(b) The Owners shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other Bylaws and Regulations

(a) Nothing in this Agreement shall exempt the Owners 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-law 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.

5.4 Municipal Responsibility

(a) The Municipality does not make any representations to the Owners about the suitability of the Property for the development proposed by this agreement. The Owners assume 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 Owners in writing. In the event that the Owners have 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 Owners shall pay all costs associated with the advertising required for this Agreement, the costs of 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 Owners 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 Owners personally or by ordinary mail which shall be deemed to have been received within three business days of mailing, addressed to Sarah Hein 98 Millard Court Newport, NS B0N 2A0 and Erik & Judith Hein 15 Inlet Drive Tantallon, NS B3Z 2L3, or at any other address provided by the Owners.

(b) The Owners 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.

5.10 Full Agreement

This agreement constitutes the entire agreement and contract entered into by the Municipality and the Owners. 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**))))
_____ Witness	) Per: _____) Abraham Zebian, Mayor)
_____ Witness	) Per: _____) Rhonda Brown, Municipal Clerk))))))))
_____ Witness	) Per:_____) Sarah Hein))
_____ Witness	) Per: _____) Judith Hein))
_____ Witness	) Per:_____) Erik Hein

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2020, 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 **THE 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 h presence.

_____
A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2020, 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 **THE 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 h presence.

_____
A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2020, 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**, SARAH HEIN,** one of the parties thereto, signed, sealed and delivered the same in h presence.

_____
A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2020, 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**, JUDITH HEIN**, one of the parties thereto, signed, sealed and delivered the same in h presence.

_____
A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2020, 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**, ERIK HEIN**, one of the parties thereto, signed, sealed and delivered the same in h presence.

_____
A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK
WEST HANTS REGIONAL MUNICIPALITY

I, Rhonda Brown 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).

Sworn before me at _____, Nova Scotia,
this _____, 2020.

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

_____
RHONDA BROWN

I CERTIFY that on this date Rhonda Brown personally came before me and swore under oath the foregoing Affidavit.

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

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

I, Sarah Hein, 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 _____, 2020
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

Sarah Hein

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

We, Judith Hein and Erik Hein, the "Deponents", make oath and swear that:

1. **We acknowledge that we 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. We are nineteen years of age or older and are residents 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. We are the spouses of each other. Neither of us has any other spouse nor, with respect to the within property, any former domestic partner with the rights contemplated by Section 55 of the *Vital Statistics Act*, or any former spouse with rights under the *Matrimonial Property Act*. We consent to this disposition.

I certify that on this _____, 2020
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

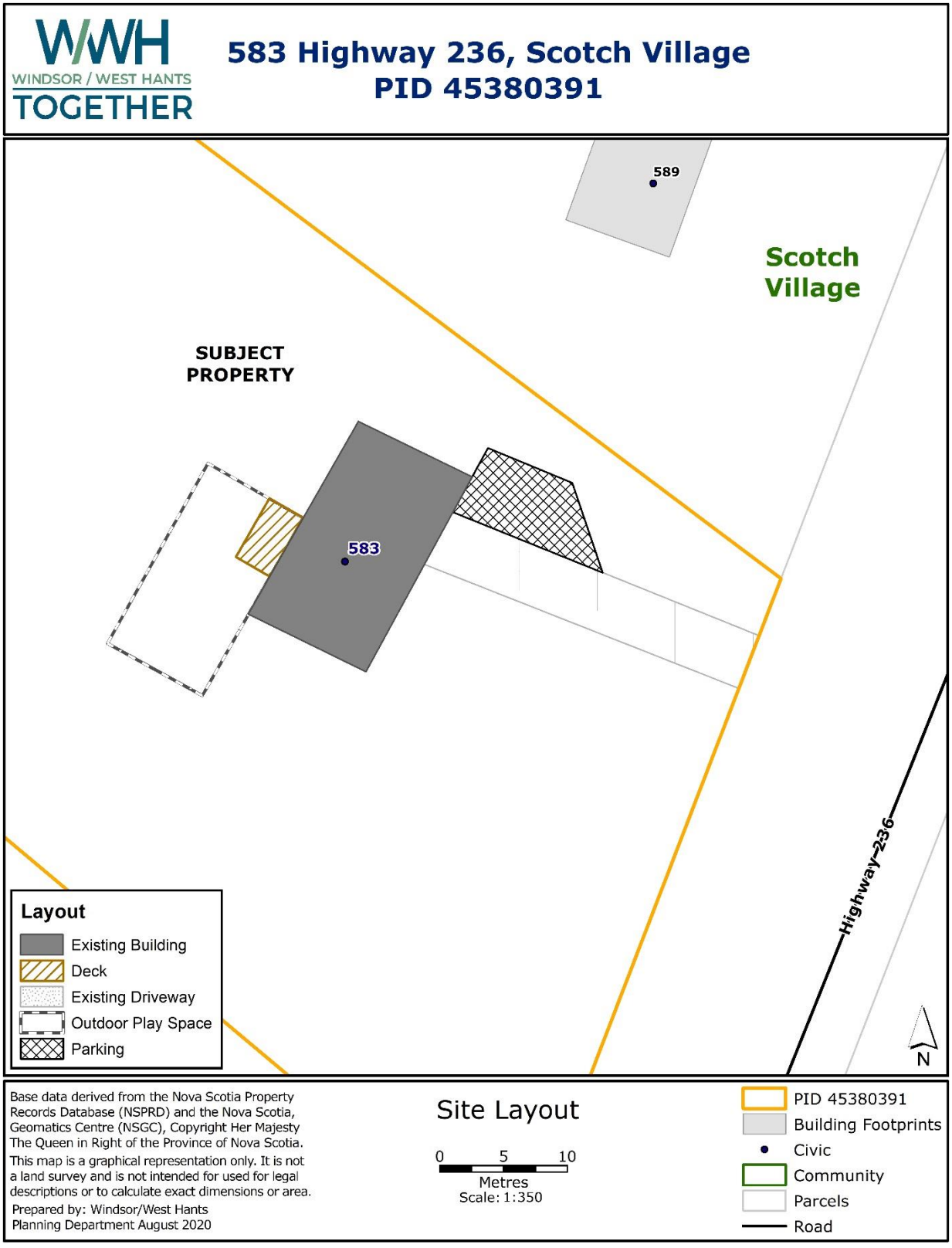
_____
Judith Hein

_____
Erik Hein

Schedule 'A'
Legal Description – PID 45380391

Registration County: HANTS COUNTY
Street/Place Name: NO 236 HIGHWAY /SCOTCH VILLAGE
Title of Plan: PLAN OF S/D OF LOTS C-3, C-4 & C-5, LANDS OF ELIZABETH A CROCKETT, NO 236 HWY, SCOTCH VILLAGE
Designation of Parcel on Plan: LOT C-3
Registration Number of Plan: 95010766
Registration Date of Plan: 2009-12-29 13:09:29

Schedule 'B'
Site Layout



Committee of the Whole Excerpts
November 10, 2020

Grants and Contribution Policy

The Grants and Contribution Policy provides project-specific funding to eligible non-profit organizations and charities. The Policy provides a fair and reasonable access to funds approved annually by Council and maximum funding limits depending on the category of grant.

Council will approve most grants annually. Staff will approve grants for sponsorship advertising and donation of prizes as requests arise, within the budget set by Council. The list of grant recipients will annually be made public. Due to requirements of some funding sources, bulk purchase of items for common grant request is not possible.

The recommended motion was:

... that Council adopt the West Hants Regional Municipality Grants and Contributions Policy for implementation for the fiscal year 2021/2022.

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: West Hants Regional Municipality Committee of the Whole

Submitted by: **Kathy Kehoe, Director, Community Development**

Date: November 5, 2020

Subject: **West Hants Regional Municipality Grants & Contributions Policy**

LEGISLATIVE AUTHORITY

Municipal Government Act

Section 65, Power to expend money

RECOMMENDATION or DECISION REQUEST

Committee of the Whole recommend that Council adopt the West Hants Regional Municipality Grants and Contributions Policy for implementation for the fiscal year 2021/2022.

BACKGROUND

Property☐	Public Opinion☐	Environment☐	Social☐	Economic X	Councillor Activity ☐

Staff initiated a review of the current Grants and Contributions Policy and the process for awarding of grants and in-kind contributions.

DISCUSSION

For the 2019/20 fiscal year staff primarily followed the former West Hants Municipality Grants and Contributions Policy when awarding grants to community organizations.

The Grants and Contributions Policy applies to members of Municipal Council and Municipal Staff and provides project-specific funding to eligible non-profit organizations and charities.

To apply fair and reasonable access to the limited funding approved annually by Council, staff are recommending the policy that includes maximum funding limits and clearer funding categories.

Combining the CAO Grants and Community Development Grants in one application will also make the application process clearer for community organizations.

In the creation of this policy consideration was also given for requests received on an ongoing basis for sponsorship advertising/donation of prizes. Staff have identified this as a form of a grant that will have budgeted funds approved by Council on an annual basis however, the approval process will take place at the staff level. Grants will only be awarded to the extent the current fiscal budget permits.

The attached policy, if adopted by Council, will provide clearer direction to staff, and will assist in the fair allocation of grant funds.

There is an annual requirement for the Municipality to disclose a list of organizations and grants/contributions received and the frequency and timing of the disclosure. This practice has been included in this policy to reinforce the mandatory requirements of the legislation.

NEXT STEPS

Staff will annually implement the Grants and Contributions Policy.

FINANCIAL IMPLICATIONS

All funding considerations will be on an annual basis and presented with the Municipal Operating Budget for the approval of Council.

ALTERNATIVES

1. Committee of the Whole may choose to amend the policy as it is presented prior to recommending Council consider adopting the policy.
2. Committee of the Whole may choose to not approve the policy which would result in a less structured process.

ATTACHMENTS

RCOFN-012.00 Grants and Contributions Policy - draft

Community Development In-Kind Contribution Grant Guidelines

Community Trail Funding Program Guidelines

Youth Travel Assistance Program Guidelines

CHIEF ADMINISTRATIVE OFFICER REVIEW

Not Applicable

Report Prepared by: _____
Kathy Kehoe, Director, Community Development

Report Reviewed by: _____
Carlee Rochon, Director, Financial Services

Report Approved by: 
Mark Phillips, Chief Administrative Officer

1.0 PURPOSE

The West Hants Regional Municipality wishes to recognize the valuable contributions provided through the volunteer efforts of community organizations and agencies on behalf of its residents. This policy demonstrates and formalizes Council's commitment to assist organizations which provide beneficial programs, services or projects to the community while, at the same time, recognizing the financial constraints affecting the Municipality's ability to provide funding to these groups.

This policy will establish eligibility requirements, identify types of funding available, explain how this is established each year and outline application, monitoring and reporting requirements. Application forms and guidelines will be developed by the Administration in support of the policy intent.

2.0 POLICY OBJECTIVE

The objective of this policy is to treat all organizations fairly, equitably and reasonably, within the parameters established by Council as follows:

a) Youth development
b) Senior support and services
c) Public safety
d) Provincial events
e) Heritage and Culture

On an annual basis Council will determine the amount of funding during the budget process.

3.0 AUTHORITY

Authority is provided under Section 65, Municipal Government Act, as amended. The total of the amounts paid for grants in a fiscal years' operating budget will not normally exceed one percent of the taxes for general municipal purposes levied by the municipality.

4.0 ORGANIZATIONAL ELIGIBILITY

Pursuant to Section 65 of the *Municipal Government Act,* grants or contributions may be expended where required by the Municipality to:

- a society within the meaning of the Children and Family Services Act,
- a mental health clinic in receipt of financial assistance from the Province,
- an exhibition held by an educational institution in the

Municipality,
- a club, association or exhibition within the meaning of the Agriculture and Marketing Act,
- any charitable, nursing, medical, athletic, educational, environmental, cultural, community, fraternal, recreational, religious, sporting or social organization within the Province
- a day care licensed under the Day Care Act,
- a registered Canadian charitable organization,
- a volunteer fire and emergency services providers, as defined in Municipal Government Act, who are registered with the Municipality.

Heritage Property Act

Heritage designated properties within the boundaries of the West Hants Regional Municipality may be eligible for municipal grants and contributions not included within this policy.

5.0 TYPES OF GRANTS OR CONTRIBUTIONS AND MAXIMUM FUNDING ALLOCATION

Grants are generally provided in the form of funds, while contributions may be through in-kind support using municipal resources, both tied to a specific outcome. Both sources of support must be reported annually by the Municipality, as is required by legislation. Council has the authority to fund projects outside of the maximum approved funding allocations stated in this Policy.

5.1 Operating grant – Maximum contribution $1,500
- Operating funding for not-for-profit community groups to assist with general operating expenses, including administrative costs and program related expenses.

5.2 Community Capital Project grant Maximum contribution $2,500
- To provide assistance for the expansion or improvement of an indoor or outdoor cultural, social, heritage and recreation facilities and/or equipment for projects under $2,500. *Funding will not be granted to purchasing recreation equipment that the Municipality can reasonably expect individuals or groups to buy for themselves.*
- A separate agreement may be required depending on the nature and value of the asset for which the funds are provided.

5.3 Public Safety Grants – Maximum contribution of $7,500, up to the amount set in the fiscal operating budget.

- Grants under this category are for non-profit organizations registered with the Municipality that provided or ensure public or community safety.

5.4 Community Recreation Program grant – Maximum contribution $1,000

- Recurring community recreation programs which Council has determined provide significant benefit to the broad community and are open to all members of the public.
- Assistance provided to groups interested in the creation, expansion and improvement or recreational opportunities in their communities.

5.5 Community Event grant – Maximum contribution $1,000

- Community Events that are of a cultural, social or recreational significance to the community.

5.6 Special Events Operations & Promotion grant – Maximum contribution $5,000

- To provide assistance for special events operations and promotions that will see participants and spectators attend from outside the West Hants Regional Municipality. This funding will support events that foster good community relations, support culture, develop the local economy and tourism industry and enrich the quality of life for residents and visitors.

5.7 Leadership grant – Maximum contribution - $1,000
Grants available for recreation groups

- Seeking help to provide supervision and leadership to implement a program.
- Wanting to have representatives attend leadership training that will improve the function of the group or the quality of leadership.

5.8 Sponsorship Advertising/Donation of Prizes Requests – Maximum contribution per organization per year $100. - Grants will only be awarded to the extent the current fiscal budget permits.

- To provide assistance for advertising to local not-for-profit organizations for projects, events or initiatives that benefit residents and are within the mandate of the Municipality.

5.9 Youth Travel Assistance – Maximum Contribution Limits apply – Grants will only be awarded to the extent that the current fiscal budget permits.

- The Youth Travel Assistance Grant Program applies to residents of the West Hants Regional Municipality, 22 years of age or under, involved in non-profit minor sports or cultural activities, who have qualified to compete in sport championships/cultural events.

5.10 Community Trail Funding Program **–** Maximum contribution - $2,500
- The trail funding program supports community organizations in the maintenance and development of trails for public use.

5.11 Major Capital Project grant

- To provide assistance for the expansion or improvement of an indoor or outdoor cultural, social, heritage and recreation facilities and/or equipment for capital projects
- A separate agreement may be required depending on the nature and value of the asset for which the funds are provided.
- Depending on the funding source identified by staff, additional requirements may be necessary to maintain eligibility.
    - Gas Tax funding requirements:
        - Agreement to abide by the Municipal agreement with the Province of Nova Scotia.
        - Community Energy Systems - $2,500 limit
        - Cultural Infrastructure - $5,000 limit
        - Tourism Infrastructure - $5,000 limit
        - Recreational Infrastructure - $5,000 limit
        - Broadband Connectivity - $5,000 limit
        - Trails - $2,500 limit

5.12 In-kind Contributions
- The provision of Municipal property/facilities, materials or resources to support a service, program, project or event.

6.0 FUNDING ELIGIBILITY

An applicant organization must meet the following criteria in order to be considered for a Grant or Contribution.

6.1 There can only be maximum of two applications per organization per fiscal year.

6.2 Grant applicants should be able to demonstrate active fundraising efforts to support the continuation of a program, project or service. The West Hants Regional Municipality should not be considered as a primary source of funding for the organization. (This Section 6.2 is not applicable to those applicants who provide volunteer services on behalf of the Municipality in lieu of the Municipality providing the services directly, i.e. Volunteer Fire Societies.)

6.3 Funding requests can be defined as events/projects/programs which support, sustain, promote, inform, educate, celebrate, preserve, and/or

provide access to the arts, culture, environment, heritage, safety and/or health activities for a specific or general demographic or geographic group.

6.4 Requests for financial assistance for events of a Municipal, Provincial or National significance which would be expected to bring economic and/or public relations benefit to the Municipality.

6.5 The applicant must demonstrate a commitment to all of the following principles:

a) Accessibility (open to all Municipal residents)

b) Effectiveness (funding supports specific Municipal goals or objectives)

c) Accountability (through sound management and financial practices)

7.0 GENERAL INFORMATION

7.1 Municipal Council sets the funding limits and annual budget allotments within this Grants and Contributions Policy.

7.2 Applicants will complete the appropriate Municipal application form and supply the requested documentation.

7.3 Application deadlines and expiry periods may apply.

7.4 All applications except for youth travel and sponsorship/donations are approved by Council and applicants will be notified by letter of approval or denial. The letter will state any terms and conditions that apply to the grant approvals.

7.5 Applications for youth travel and sponsorship/donations are reviewed and approved by either the Director of Community Development or the Chief Administrative Officer.

7.6 Applicants should demonstrate community support, fundraising efforts, and efficient use of resources, sound business practices and development of volunteers.

7.7 A financial statement and pertinent documentation must be filed with the Municipality annually.

7.8 The Municipality reserves the right to deny any application it deems not within its' mandate.

7.9 All proposed work must comply with Municipal, Provincial and Federal regulations.

7.10 The following are the evaluation criteria that will be applied when reviewing grant applications:

a. Project/program fits within the mandate (vision/mission) of the Municipality.

b. The organization is a not-for-profit and in good standing with the Registry of Joint Stock Companies.

c. The application is for a program, event, facility is for public community purpose.

d. A financial need is demonstrated.

e. The organization is sourcing other funding partners.

f. The project is economical.

g. The project/program brings value to the residents of the Municipality.

h. The funding provided by the Municipality will enable the organization to leverage dollars from other funding agencies.

i. The facility, program or event provides a good return on investment. The applicant has demonstrated that they will recognize the Municipality's contribution.

j. The organization has demonstrated long-term sustainability.

k. The applicant has demonstrated its own commitment to the project (ie. In-kind donations, financial contribution etc.)

7.11 Individuals are not eligible for funding under the Grants and Contributions Policy except with written authorization through recognized organizations or where legislation allows the Municipality to do so.

7.12 Funding will not be provided to offset accumulated deficits or funding shortfalls. Funding consideration is based only on budgeted revenues and expenditures in the year for which the assistance is requested.

7.13 The applicant organization must spend or allocate grant funding within the current fiscal year for which it has been approved and for the sole purpose under which it has been granted unless approved by the Municipality.

8.0 **APPLICATION PROCESS**

8.1 Requests for funding under this program must be submitted on or before the deadlines stated by Municipal Administration. Public notification will be provided of the submission dates and requirements for all grant programs.

8.2 All applications must be accompanied by the required documentation to be considered complete when received.

8.3 Incomplete or late applications received after the deadlines set by Administration will not be processed.

8.4 Applicants receiving a grant or contribution under the Grants and Contribution Policy will not be eligible to receive a grant or contribution under any other grant program established by Council in the same fiscal year. This does not apply to organizations exempted under the Property Tax Exemption policy.

9.0 GENERAL TERMS

9.1 Granting of assistance in any one year or over several years is not a commitment to future funding.

9.2 Applications for in-kind support will be forwarded to the respective department for review and a separate report to Council will be prepared for consideration and approval during the approval process.

10.0 THE ROLE OF ADMINISTRATION

10.1 The Administration of West Hants Regional Municipality will set application deadlines, receive and process written and complete submissions by applying established parameters, within the budget approved by Council.

10.2 Grant applicants determined to be ineligible for funding will be notified, in writing as soon as is practically possible.

10.3 The Chief Administrative Officer will provide a written report to Council on the recommended disposition of funds, annually.

10.4 Requests for grants, contributions or in-kind support received outside of the established grant application period will only be considered should sufficient funding be available in the current fiscal year.

10.5 Successful applicants will be notified with an official letter with instructions and reporting requirements.

10.6 Pursuant to the Municipal Government Act, Section (65C), a list of grants approved by West Hants Regional Municipality to community organizations will be published annually on the municipal website. The information will include the name of the applicant, name of the organization and grant funding approved.

11.0 RELATED PROGRAMS & INFORMATION

11.1 Youth Travel Assistance Program Guidelines

11.2 Community Trail Funding Program Guidelines

11.3 Community Development In-kind Contribution Grant

11.4 Grants to Recognized Fire Services

11.5 Registered Heritage Properties Grant

12.0 REPEAL

12.1 The Grants and Contribution Policy, COUNCIL-01-003, dated February 10, 2015 of the former Municipality of the District of West Hants is hereby repealed.

I, Rhonda Brown, Municipal Clerk of the West Hants Regional Municipality, in the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the _____day of _____(month), _____(year).

_____

R.N Brown
Municipal Clerk

Adoption	
Notice to Council:	*Date*
Approval:	*Date*
Description:	

West Hants Regional Municipality
COMMUNITY DEVELOPMENT DEPARTMENT
2021 IN-KIND CONTRIBUTION GRANT APPLICATION

Application Due Date:

This grant application form is to be used for requests of municipal in-kind services such as fee rentals for municipally owned community parks and facilities or for staff time for set up or payment for use of municipal equipment such as transport of picnic tables or the rental of equipment etc. The value of the in-kind contribution must be less than $1000.00.

Organization:_____

ContactPerson:_____

Phone: Fax/email:_____

In-Kind Amount Requested: $_____

The information provided in this application will be reviewed by Municipal staff. Successful recipients will be published in Council minutes and on the West Hants Regional Municipality's website.

Conditions of Grant:
I/we agree that we have reviewed and are familiar with the Community Grant Program Information and Guidelines and this information has formed the basis for this in-kind contribution grant application.

Actual amounts allocated for community grants will be based upon available funding. Unless otherwise approved by Council no grant funding will be paid until such time as the annual municipal budget has been approved. I/we understand that there may be no in-kind contribution granted or that I/we may receive only a portion of the services requested.

Commitments made by an applicant prior to, or in anticipation of, official written notification that a grant has been approved are done at the applicant's risk.

In the event that an application is rejected, the West Hants Regional Municipality will not be responsible for expenditures already incurred.

Any municipal in-kind contribution grant that has not been spent/utilized in the year that it is awarded shall remain with the municipality and the organization must re-apply. Grants awarded must be spent/utilized for the sole purpose for which it was awarded.

I/We certify that the information in the application is true and correct, INCLUDING FINANCIAL INFORMATION SUBMITTED. I/We agree that we will provide any additional information as requested. I/We have read the eligibility criteria for Community Grants and confirm that the organization complies with all requirements. In addition, I/we agree that if successful a follow up report will be provided, as per the municipality's specification, including financial report within 3 months of the completion of the event/activity.

Authorized Signatures (two signatures):

Applicant Signature: _____ Date:_____

Print Name:_____ Position/Title:_____

Applicant Signature: _____ Date:_____

Print Name:_____ Position/Title:_____

In accordance with the Nova Scotia Freedom of Information and Protection of Privacy Act, all information gathered will be used for the purpose of selection of applications for community recreation grants. The applicant hereby consents to disclosure of information contained in this submission, pursuant to The Nova Scotia Freedom of Information and Protection of Privacy Act. The identity of successful applicants as well as the community grant level of funding awarded will be available to the public on the municipal website and through budget reports.

Application Process

Community Development Department
c/o Kathy Kehoe, Director of Community Development , P.O. Box 3000, Windsor, N.S. B0N 2T0
(902) 798-8391 ext.123 or by email at kkehoe@westhants.ca or fax 902-798-8553

DEADLINE TO RECEIVE GRANT APPLICATIONS:

WEST HANTS REGIONAL MUNICIPALTY
COMMUNITY TRAIL FUNDING PROGRAM
GUIDELINES

Purpose
The Community Trail Funding program supports community organizations in the maintenance and development of trails for public use.

Eligibility
Eligible applicants are incorporated, non-profit, community organizations with a mandate that includes the development and maintenance of a recreational trail for public use and may include the development and maintenance of recreational trails development by schools and parental support groups.

For maintenance projects, eligible project costs include labour, materials, expenses, and minor and major repairs to keep the trail operational.

For capital projects, eligible project costs include trail planning, new trail construction, trail promotional products (such as brochures, maps and signs), and upgrading and replacement of trail facilities.

An organization may apply for both maintenance funding and capital funding in a given year, but must submit separate applications.

Applicants must have general liability insurance coverage for existing trails for which funding is being requested.

Projects must follow the guidelines in the manual Developing Recreation Trails in Nova Scotia: Planning, Design, Construction, Maintenance and Management. (Available from Nova Scotia Trails Federation)

Evaluation Criteria
Applications will be assessed on the basis of the following criteria:

- Demonstrated on-going community support for the trail;
- Plans to ensure long term sustainability of the trail;
- The ability of the organization to complete the project within the timeline indicated;
- Demonstrated need for financial assistance.

Priority will be given to projects which are most consistent with the Town of Windsor or Municipality of the District of West Hants Integrated Community Sustainability Plans (2010), Town of Windsor – Municipalities for Green Mobility (2009), Municipality of the District of West Hants Trails Plan (2013), Active Living Strategy 2018-2022, and the Active Transportation Plan (2015) and the Parks & Open Space Plan (2016) or the Municpal Council Procedural Policy (2017).

Funding
The Municipality will contribute up to 2,500 of the total cost of approved projects.

Applicants may use in-kind contributions, donations (labour, materials, equipment), as well as cash contributions and grants for other sources for their contribution.

The Municipality's role under this program is as a funding agent for community based projects. The Municipality, at its discretion and based on the Trails Plan, may increase its role in a community project.

The Municipality may consider funding a phased capital project under this policy, up to a three year period.

Funding will be awarded based on the number of requests meeting pre-determined criteria and the amount of funding available.

Documentation Required

Applicants must include the following:

- Completed application form;
- Description of proposed project including objectives, map showing existing/proposed trail location, type and length of trail, intended users, etc.
    - For maintenance projects: Also describe existing trail conditions, work to be completed during this project, and materials, labour and equipment required.
    - For Capital projects: Also describe existing trail conditions (if applicable), work completed to date (if any), work to be completed during this project, and planning/design, material, labour and equipment requirements.
- Description of plans for the long term sustainability of the trail, i.e., how the trail will be maintained and managed in the long term;
- Evidence of community support for the project;
- Detailed budget (cost estimates and funding sources – approved or pending) for the project;
- Written quotes (three if possible) on contracted work form certified contractors or suppliers for projects totalling $2,500 or more;
- Financial statements for your organization from the last fiscal period;
- Copy of deed, lease, license or written landowner agreement for land involved in the project;
- Proof of current general liability insurance coverage (for existing trail);
- Proposed work plan and estimated budget for all phases of a multi-year capital project.

Receipts of previous work should not be submitted, but retained by the applicant as a record of the work completed.

Application Process

In accordance with the Nova Scotia Freedom of Information and Protection of Privacy Act, all information gathered under this application will be used for the purpose of awarding funding from the Recreation Grant Program. The applicant hereby consents to disclosure of information contained in this submission, pursuant to the Nova Scotia Freedom of Information and Protection of Privacy Act. The identify of successful applicants as the value of the grant/contribution awarded will be available to the public through the municipal website, budget reports and advertised in the local paper, as required by legislation.

WEST HANTS REGIONAL MUNICIPALITY
YOUTH TRAVEL ASSISTANCE GRANTS

Purpose:

The Youth Travel Assistance Grant Program applies to residents of the West Hants Regional Municipaltiy, 22 years of age or under, involved in non profit minor sports or cultural activities, who have qualified to compete in sport championships/cultural events. Grants are intended to assist with the cost of travel to and from the event location only, where round trip travel exceeds 450 kilometers.

Criteria:

- Individuals or team members applying must be 22 years of age or under
- Individuals or team members applying must be residents of the West Hants Regional Municipality
- All team/group applications must have the majority of their team/group residents from the West Hants Regional Municipality.
- Grants will only be provided to non-profit minor sports teams that are registered and are in good standing with the Nova Scotia Registry of Joint Stocks Companies.
- Individuals or teams must have been selected and/or won their way to compete in a sanctioned event at a Provincial, Eastern Canadian, National or International level.
- The event must be a recognized provincial, national or international championship/event.
- Individuals or non-profit groups involved in cultural activities ie. Dance, music etc are eligible to apply.
- Individuals or non-profit groups involved in cultural activities must have achieved a level or standard of skill, as established by the recognized governing body of the activity, to qualify to participate in the event for which a travel grant is requested.
- Grants will only be provided where round trip travel to a competition exceeds 450 kilometers.
- An individual or team/group member will be eligible for one grant per calendar year.
- Individuals or team/group members participating for an educational institution (school team) are not eligible to apply.
- A total budget must accompany the application showing both revenue and expenditures.

Allowable amounts

Individuals or teams will be eligible for up to the following amounts, based on the location of the competition they are attending.

- **Nova Scotia/New Brunswick/Prince Edward Island**
  Up to $75 individual / $300 per team
- **Newfoundland/Quebec/Ontario/ U.S. Eastern Time Zone**
  Up to $150 individual / $400 per team
- **Manitoba/ Saskatchewan/Alberta/ British Columbia/ All other U.S.**
  Up to $200 individual/$500 per team
- **Yukon/Northwest Territories/Nunavut/ Other International**
  Up to $250 individual/ $750 per team

Annually the Municipality will budget money to assist with groups or individuals under the Youth Travel Assistance Fund. These requests are to be made directly to the Community Development Department and are not considered part of the Recreation Grant process. Grants will only be awarded to the extent that the current fiscal budget permits. When funds in this account are exhausted, no further grants will be reviewed until the next annual budget is approved.

Committee of the Whole Excerpts
November 10, 2020

Hantsport Food Bank

The proposed new Hantsport Fire Department station will use land currently occupied by the Hantsport Food Bank. The Hantsport Food Bank serves Hantsport and surrounding areas including areas of Kings County but tries to help and work with other organizations if needed. The location of 10 Foundry Rd has been proposed for the relocation of the Hantsport Food Bank. Renovation costs to make the building usable is estimated at $47,000 if contracted out. Food banks are an essential service to many residents that should be available to all.

The recommended motion was:

… that Council support Hantsport Food Bank for the entire amount up to $47,000 to make the Food Bank Operational by April 1, 2020 with funds to come from the Hantsport Infrastructure Capital Reserve.

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: West Hants Regional Council - COTW

Submitted by: Mark Phillips, Chief Administrative Officer

Date: November 10, 2020

Subject: Hantsport Foodbank

BACKGROUND

Information has been provided by the Hantsport Foodbank with respect to their history, coverage area, historic location as well as their perspective on their future location.

Property☐	Public Opinion☐	Environment☐	Social☐	Economic☐	Councillor Activity ☐

DISCUSSION

Coverage Area / Jurisdiction

The Hantsport Foodbank is being relocated due to the construction of the new Hantsport Fire Station and the requirement for the removal of the existing facility on Oak Street. The Foodbank services the immediate area of Hantsport and surrounding area including areas of Kings County extending into Avonport and southward to Glooscap 1st Nations. Foodbanks do not fall under the mandatory jurisdiction of municipal government but have traditionally been supported by the Municipality. It is for Council to explore the level of commitment and jurisdictional requirement to facilitate and support this relocation.

Traditionally West Hants has provided the provision of space at the current location with the Foodbank paying rent at the level of $300.00 per month netting a level of support after expenses and revenue of approximately $4,800.00 per year. It is assumed the Regional Municipality will continue with this level of operating support.

The current cost discussions surrounding the Foodbank surround the level of financial support Council wishes to provide to facilitate their relocation to 10 Foundry Road. Staff have met with representatives and discussed wants and needs. The Foodbank has expressed their wants and needs in their presentation and staff have performed preliminary research to understand the level of costs associated with the move. The following items have been identified as wants and needs:

Garage doors studded in with windows	Wide Door for deliveries
Interior Wall	Interior doorways
Flooring (anti fatigue)	Bathroom renos
Ramp	Electrical
Heating Upgrades	Painting and Shelving

FINANCIAL IMPLICATIONS

Current Level of Support to the Hantsport Foodbank	
Hantsport Foodbank, 3 Oak Street, Hantsport, NS	
Building Cost Analysis - 2019	
Expenses	
2019 Facility related costs (all-in)	$8,427.39
Revenue	
2019 Rent ($300.00 per month)	$3,600.00
Net Surplus / (Deficit)	($4,827.39) *level of annual support*

Capital Related – 10 Foundry Road, Hantsport	
Expenses	
Building Requirements for Occupancy	$25,000 to $35,000
Additional Improvements	$12,000
(flooring, added heat pumps, extra shelves)	
Total Estimated Costs	up to $47,000
Possible Funding Sources	
1. Proceeds from the Sale of 20 Main Street (former Hantsport Town Hall)	$210,000 (before decommissioning)
2. West Hants Building Capital Reserve	$170,058
3. Hantsport Infrastructure Capital Reserve	$722,050 (preferred option)

ALTERNATIVES

It is assumed that Council will support the provision of space to the Foodbank at the 10 Foundry, Hantsport Location.

1. Support to the Foodbank at the level of $47,000.
2. Support to the Foodbank at the level of $35,000 (preferred option)
3. Support to the Foodbank at the level of $25,000.
4. Support to the Foodbank at a level set by Council.
5. No financial support to the Foodbank beyond the provision of space.

ATTACHMENTS

Report Prepared by: _____

Mark Phillips, Chief Administrative Officer

WINDSOR / WEST HANTS TOGETHER

Committee of the Whole Excerpts
November 10, 2020

Hantsport Municipal Office Surplus

The Hantsport Municipal Office is no longer used for a municipal purpose as a result of the Consolidation. The property consists of two properties PID 45043312 and 45043304 with the building being constructed in 1996. An appraisal was conducted, and the market value is $210,000 with additional operational cost savings. All revenues obtained through the sale would be used for capital projects in Hantsport.

The recommended motion was:

... that the property formerly known as the Hantsport Town Hall, 20 and 22 Main Street, Hantsport NS (PIDS # 45043312 and 45043304), be deemed as surplus property and that the property be listed for sale at market value.

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: WHRM Committee of the Whole

Submitted by: _____
Mark Phillips, Chief Administrative Officer

Date: November 10, 2020

Subject: Former Hantsport Town Hall – Surplus Building

LEGISLATIVE AUTHORITY

Allows for sale of land at market value when property not needed - MGA 50 (5)(b)
Allows for sale of land at less than market value to non-profit – MGA 51
***Note: If Market value is above $10,000 and want to sell below market value then a Public Hearing is required.

RECOMMENDATION or DECISION REQUEST

…That Committee of the Whole recommend to Council that the property formerly known as the Hantsport Town Hall, 20 and 22 Main Street, Hantsport NS (PIDS # 45043312 and 45043304), be deemed as surplus property and that the property be listed for sale at market value.

BACKGROUND

Property☐	Public Opinion☐	Environment☐	Social☐	Economic☐	Councillor Activity ☐

The former Hantsport Town Hall has transitioned from the primary municipal complex for the former Town to a satellite office used by the former West Hants Municipality, housing members of the Public Works Department, leading up to consolidation in April 2020. As a result of consolidation, staff no longer reside at the Hantsport location leaving the facility vacant. The building remains in good condition and is visited frequently to ensure security is maintained as well as the overall upkeep. The building still contains furniture and some historic files associated with administration and EMO that are being inventoried and moved as part of the decommissioning process.

The two noted properties, PIDs # 45043312 and 45043304 are a combined 10,400 ft.². The parcels are landscaped with sodding and decorative trees and concrete walkways around the building the asphalt paved parking area and driveways over the two parcels connect to both Main Street and Prince Street.

The building was constructed in 1996 and its architectural style is defined as modern. It's exterior façade is made of brick and is an one-story building with a full basement, each level consisting of 2,082 sq ft. For a complete detailed description of the property and building, including pictures refer to the attached commercial valuation report / appraisal.

DISCUSSION

As the Regional Municipality moves forward it must evaluate the use and existence of municipal properties and buildings to ensure the highest level of efficiencies are sought in relation to costs, and that "right sizing" is achieved to reflect the Region's operational needs. This property is no longer required to support the direct needs of the Region administratively or operationally.

In recent months there have been inquiries from the business community and the Hantsport Foodbank about future occupancy. In advance of this report an appraisal of the property was carried out revealing the market values applicable to leasing or selling the property. It is believed that the building will have interest for leasing as well as purchasing at market value. It is also important to note that Council does not have to sell or lease at market value to a not-for-profit organization. Below market values can be considered in these cases, however they will likely lead to a degree of subsidization provided by the Region to the not-for-profit tenant.

In addition to the comments noted above, it is felt that the property can help to serve as an economic stimulus and to revitalize the core business area due to its prime location on Main Street and welcoming facade. It is hopeful that Council will have the opportunity to review more than one buyer's proposal.

With respect to leasing, it is not recommended as the preferred option. Leasing would not achieve the highest level of financial efficiency provided as an option as it would require the continued ownership by the municipality. Further, becoming a landlord can require additional staff time and ongoing costs and liabilities associated with established leases as well as unknown leasehold improvements that may need to be negotiated.

NEXT STEPS

Pending Council approval of the recommendation.

1. Municipal staff complete the decommissioning of the building.
2. Await the outcome of the rezoning application process.
3. Assign a Commercial Realtor (immediately).
4. Establish a Request for Proposal document.
5. Negotiate offers for Council consideration.

FINANCIAL IMPLICATIONS

Sale Price at Market Value	$210,000
Annual leasing potential	$24,372 per annum
Potential Annual Commercial Tax Revenue	$8,862 per annum
2019-20 Actual Operating Costs (savings)	-$30,581.13 per annum
Net Budget to budget savings for WHRM	$38,582 (reduced operating costs plus taxes)
*Decommissioning Expenses (one-time cost)	$35,000 approx. (expensed through sale value)

*Note: Decommissioning expenses are related to technology relocation associated with community security cameras and public wifi.

All proceeds from the sale of a former Town of Hantsport asset as per the dissolution agreement are placed in a reserve to be used within the former Town of Hantsport boundaries.

ALTERNATIVES

1. Council may elect to retain the property.
2. Council may elect to retain the property and lease the space at market value to a 3rd party.
3. Council may elect to retain the property and lease the space below market value to a not-for-profit or charitable organization.
4. Council may elect to donate the property to a not-for-profit or charitable organization.

ATTACHMENTS

Commercial Form Valuation Report 20-22 Main Street, Hantsport – 28th August, 2020.

CHIEF ADMINISTRATIVE OFFICER REVIEW

N/A – Report submitted by Chief Administrative Officer

Report Prepared by: _____
Mark Phillips, Chief Administrative Officer

Report Reviewed by: _____
Carlee Rochon, Director of Finance

Report Reviewed by: _____
Todd Richard, Director of Public Works

Commercial Form Valuation Report
20 – 22 Main Street, Hantsport
Hants County, Nova Scotia

TURNER DRAKE & PARTNERS LTD

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E-Mail: tdp@turnerdrake.com

COMMERCIAL FORM VALUATION REPORT
(Summary Report)

VALUATION OF

PID #45043312 AND 45043304
20 – 22 MAIN STREET
HANTSPORT
NOVA SCOTIA

OWNED BY

MUNICIPALITY OF THE DISTRICT OF WEST HANTS

PREPARED FOR

WEST HANTS REGIONAL MUNICIPALITY

AS OF

28TH AUGUST 2020

BY

RICHARD J. ESCOTT

TURNER DRAKE & PARTNERS LTD.
HALIFAX - NOVA SCOTIA

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Regulated by RICS

Our Ref: 2014518:HQ/RE

24 September 2020

Mr. Mark Phillips
Chief Administration Officer
West Hants Regional Municipality
PO Box 3000
76 Morison Drive
Windsor NS B0N 2T0

Dear Mr. Phillips:

Re: 20 – 22 Main Street, Hantsport, Hants County, Nova Scotia, PID #45043312 and 45043304

In accordance with your request of the 24th August 2020, we have completed a valuation of the above property on the basis of its **Market Value (Highest & Best Use) and Market Rent (Net Absolute).**

This report is intended only to be used for Lease and Sale purposes and for no other purpose; and only by West Hants Regional Municipality our client for this assignment. Use of the report for other purposes or by other parties may invalidate the conclusions. The RICS Valuation Standards require that we prepare a new report if the client, intended user, date, or purpose of the assignment, is changed.

Type of Property

The property comprises a commercial building formerly used as the Hantsport Town offices and was held as an operational asset.

Scope of Work

(i) Property identification – we took as our source the legal description from the deed conveying the property to the present owner together with the Provincial on-line mapping service. We utilised the foregoing, together with aerial imagery, to identify the property boundaries during our on-site inspection.

(ii) Property inspection – we undertook a detailed inspection of the property including the interior and exterior of all buildings that had a material impact on the property value.

...2

(iii) Data research – we obtained the assessment, zoning, planning and other pertinent data from the appropriate sources. Some sales information is available from government sources and was utilised for this assignment. However, it was incomplete and sketchy and required processing by our CompuVal® Information Platform to render it usable. Further sales information was compiled from vendors, purchasers, brokers, appraisers, Multiple Listing Services® and other sources we deemed reliable. It was analysed and utilised to compute the Land and Building Value using the Direct Comparison Approach, and the rents and capitalisation rates for the Income Approach. Income and expense data were derived from comparable properties and industry benchmarks.

(iv) Analyses applied – there are three methods traditionally used to arrive at the value of real estate: the Direct Comparison, Cost and Income Approaches. We utilised the Direct Comparison and Income Approaches since this was necessary to properly value the property.

The following **Executive Summary** provides an overview of our findings and describes the extent of our investigations and document research.

Quality Standards

Turner Drake's quality assurance system, which covers the conduct of all our operations, is registered to the ISO 9001:2015 standard. This assignment has been conducted in accordance with our quality assurance system, the Code of Professional Ethics and the Royal Institution of Chartered Surveyors' Valuation Standards [2017 Edition] (RICS Red Book), the International Valuation Standards (IVS), the Uniform Standards of Professional Appraisal Practice (USPAP) [1][Appraisal Report], and the Canadian Uniform Standards of Professional Appraisal Practice.

Observed Condition of Building

Whilst our inspection of the property should not be construed as a structural survey, and we did not undertake any tests of the heating, plumbing, electrical, air conditioning or other systems we found no major defects other than normal wear and tear consistent with the property's age and use.

Building Measurement

We did measure the Gross Floor Areas of the building.

Environmental Contamination

No hazardous materials or environmental concerns were observed or brought to our attention during our inspection of the property.

The property has been valued on the assumption that it is environmentally "clean".

Climate Change Considerations

Climate change resulting from global warming exposes property to the increased risk of flooding from pluvial (rain), fluvial (watercourses) and coastal (storm surge) sources. Most municipal infrastructure for water dispersal was not designed to accommodate the heavier rainfalls that are a consequence of a warming climate. Former and current National Building Codes do not contemplate the present regime of climate change which is resulting in higher winds, temperature and rainfall. Excessive rainfall has a concomitant, adverse, impact on the ability of watercourses to function without overflowing their banks. Excess precipitation, coupled with a storm surge, conspire to elevate the danger of flooding for coastal property since both are the outcome of a hurricane. Where they exist, flood plain maps are often outdated or inaccurate.

1 Contains all of the information significant to the solution of the appraisal problem.

Since no Climate Risk and Vulnerability Assessment Report was available to us for the property, we restricted our investigation to our on-site inspection, enquires of the present owner or occupier, an Internet search, and our general knowledge of the property and the neighbourhood. Flood Risk Assessment Maps were not available. We did not observe any immediate risks from flooding, nor were any brought to our attention.

Zoning

We have reviewed the uses permitted under the current Zoning By-Law. The current use of the property is permitted. More complete details are included in the Zoning section of this report.

Since it is outside the mandate of this assignment, we have not verified that the building meets all of the site-specific requirements of the current Zoning By-Law such as set back and building envelope constraints.

Income Data and Expense Data

We relied upon on the operating history of subject, data on file on comparable properties, and industry benchmarks.

Investment Assumptions

We have utilised a ten-year investment horizon Overall Capitalisation model employing the Ellwood Mortgage Equity Technique. Our investment assumptions are described in the Income Approach section of this report. The Overall Capitalisation Rate has been validated by reference to a sales analysis of investment type properties.

Sales & Marketing History

To the best of our knowledge the property has not been actively marketed for sale during the past three years and no offers to purchase have been received. We understand that the Town of Hantsport office was closed in 2017 and the property is in the process of being declared surplus and will be offered on the market. We understand that the client has recently had some market interest in the property.

Most Probable Purchaser

In our experience the most probable purchaser for this property would be an owner-occupier or local investor.

Covid-19 Considerations

As of the date of this report Canada and the Global Community is experiencing unprecedented measures undertaken by various levels of government to curtail health related impacts of the Covid-19 Pandemic. The duration of this event is not known. While there is potential for negative impact with respect to micro and macro-economic sectors, as well as upon various real estate markets, it is not possible to predict such impact at present, or the impact of current and future government countermeasures. There is some risk that the Covid-19 Pandemic increases the likelihood of a global recession, however without knowledge of further anticipated government countermeasures at the national and global levels it is not possible to predict any impact at this point in time. Accordingly, this point-in-time valuation assumes the continuation of current market conditions, and that current longer-term market conditions remain unchanged.

Market Value

In our opinion, the Market Value of the Fee Simple Interest in the subject property, premised on the basis that it will be utilised for its Highest and Best Use with vacant possession as of the 28th August 2020, subject to the Limiting Conditions and Assumptions contained herein and a Reasonable Exposure Time of 6 to 18 months, is the sum of $ 210,000

TWO HUNDRED TEN THOUSAND DOLLARS

Market Rent

As requested, we have also considered the Market Rent for the Subject Property. Our analysis and conclusion are detailed in the Income Approach section of our report. In our opinion the Market Rent of the subject property, on a **net absolute to landlord basis** (i.e. assuming that the lessee pays for the property taxes and all operating expenses other than structural repairs and management) and includes the use of the basement finished space, for a typical term of 5 years. Having regard to the attributes of the subject property and the foregoing we have estimated the market rent for the ground floor space (2,082 ft.^{2}) at $10.00/ft.^{2}. The market rent for the finished office space (915 ft.^{2}) is estimated at 30% or 3.00/ft.^{2} and $ 1.00//ft.^{2} (10%) for the remaining basement storage space. The total Market Rent is estimated at $24,732 or $11.89 /ft.^{2} of ground floor area.

In our opinion the Market Rent of the subject property of the 28th August 2020, subject to the Limiting Conditions and Assumptions contained herein and a Reasonable Exposure Time of 6-18 months, is the sum of **$24,732 per annum.** (i.e. $11.89/ft.^{2} of ground floor area).

Yours truly,

TURNER DRAKE & PARTNERS LTD.

RICHARD J. ESCOTT
Senior Manager
Valuation Division

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SUBJECT PROPERTY



FRONT ELEVATION



REAR ELEVATION

SUBJECT PROPERTY



BASEMENT - FINISHED AREA



MAIN FLOOR - OFFICE AREA

PURPOSE OF VALUATION

The purpose of this valuation is to estimate the **Market Value** (Highest & Best Use) and **Market Rent** (Net Absolute) of the subject property.

INTENDED USE

This report is intended only to be used for Lease and Sale purposes. The report is not intended to be utilised for any other purpose.

In view of the purpose and intended use of the valuation, this report conforms to the Royal Institution of Chartered Surveyors' Valuation Standards [2017 Edition] (RICS Red Book), the International Valuation Standards (IVS), the Uniform Standards of Professional Appraisal Practice (USPAP) [2][Appraisal Report], and the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP).

INTENDED USERS

This report is intended for use only by West Hants Regional Municipality our client for this assignment. This report is not intended to be utilised by any other party.

PROPERTY RIGHTS VALUED

Fee Simple Interest with vacant possession.

DEFINITION OF VALUE

Market Value is defined in CUSPAP as:

"the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer whereby:

(1) buyer and seller are typically motivated;
(2) both parties are well informed or well advised, and acting in what they consider their best interests;
(3) a reasonable time is allowed for exposure in the open market;
(4) payment is made in terms of cash in Canadian dollars or in terms of financial arrangements comparable thereto; and
(5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

Market Value is premised on the basis that the Subject Property will be utilised to its Highest and Best Use.

[2] Contains all of the information significant to the solution of the appraisal problem.

LOCATION MAP



Market Rent is defined as:

> "the estimated amount for which a property, or space within a property, should lease on the date of valuation between a willing lessor and a willing lessee on a net absolute to landlord basis (i.e. assuming that the lessee pays for the property taxes and all operating expenses other than structural repairs and management) for a typical lease term of 5 years in an arm's-length transaction, after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion."

EXPOSURE TIME

A Reasonable Exposure Time is defined as:

> "the estimated length of time the property would have been exposed on the open market prior to the effective date of the valuation in order to achieve a sale or lease at Market Value or Rent. Implicit in this definition are the following characteristics:
>
> (1) The property would have been actively exposed and aggressively marketed to potential purchasers or tenants through marketing channels commonly used by buyers and sellers or tenants and landlords of similar type properties.
> (2) The property would have been offered at a price reflecting the most probable mark-up over market value or rent used by sellers or landlords of similar type properties.
> (3) A sale or lease would have consummated under terms and conditions of the definition of market value or rent as outlined in this report."

EFFECTIVE DATE OF VALUATION

The effective date of valuation is the 28th August 2020.

DATE OF INSPECTION

The property was inspected on the 28th August 2020.

IDENTIFICATION OF PROPERTY

The property location is identified on the Location Map on the opposite page.

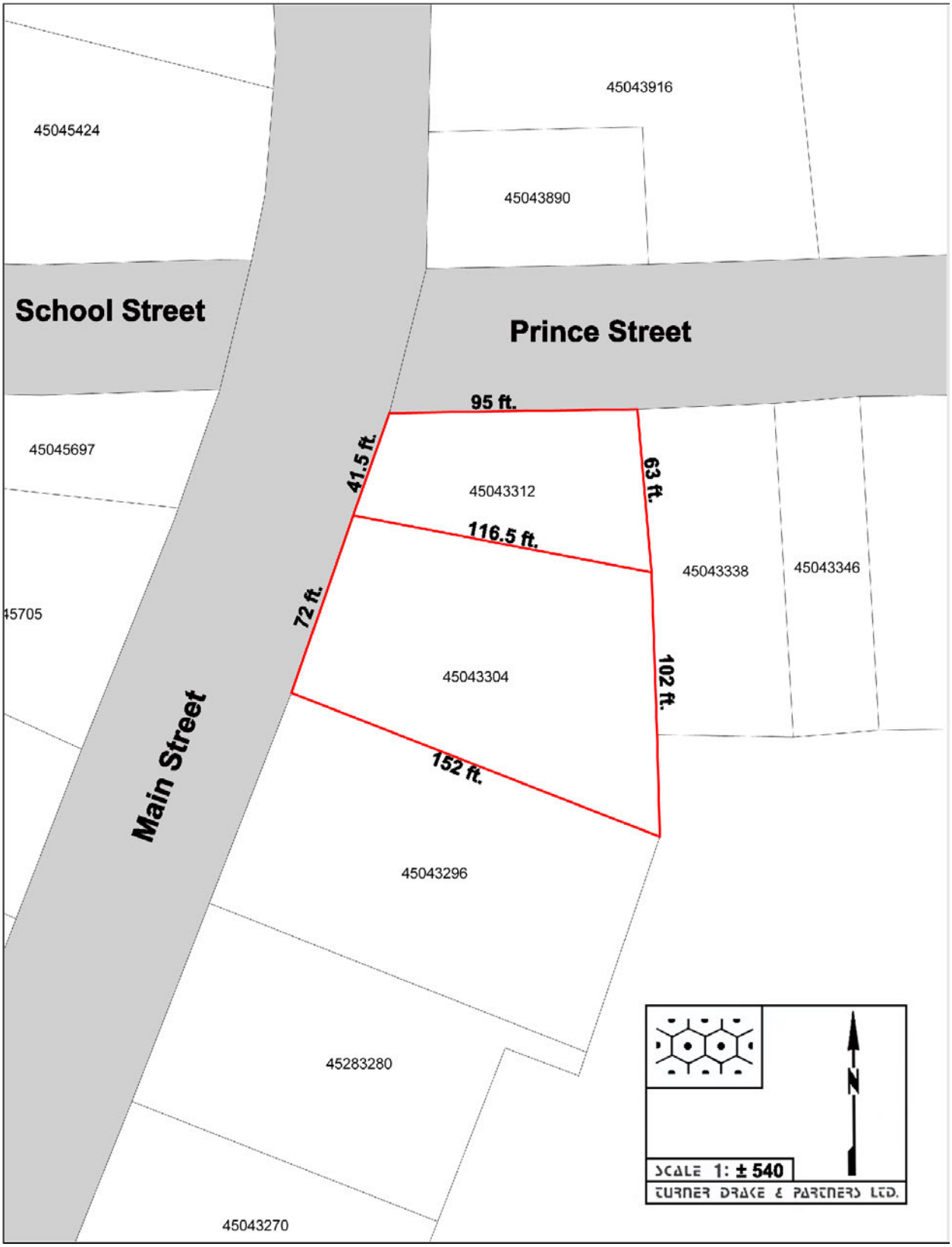
TIMEFRAME

This is a Current Value Opinion.

NEIGHBOURHOOD DATA

The subject is located within the former town of Hantsport. The neighbourhood is bordered on the north by William Street, the south by Prince and School Street, the east by Davison Street and the west by Chittick Avenue. It is a mixed-use neighbourhood in nature. Industrial uses are located to the east. Local commercial uses are dotted along Main Street and the remainder comprises mixed residential uses. In terms of its life cycle, the neighbourhood is static. There is some vacant land available and consequently there is medium pressure on land values.

SITE PLAN


45043916
45045424
45043890
School Street
Prince Street
95 ft.
45045697
41.5 ft.
63 ft.
45043312
116.5 ft.
45043338
45043346
45705
72 ft.
45043304
102 ft.
Main Street
152 ft.
45043296
45283280
45043270
N
SCALE 1: ± 540
TURNER DRAKE & PARTNERS LTD.

SITE AND BUILDING DATA

Municipal Data

Assessed Owner: Municipality of The District of West Hants.

Assessment (2020): PID #45043312: $ 4,600 (Commercial Exempt)
PID #45043304: $ 228,000 (Commercial Exempt)
Total $ 232,600

Taxes (2020): $ Nil.

Zoning: SEOF: Services & Office Zone.

Site Description (see Site Plan opposite page)

The subject property comprises two adjoining parcels (PID 45043312 and 45043304) at the corner of Main and Prince Streets which make up the building site, amenity area and parking lot. The over

PIDs: 45043312 and 45043304

Total Road Frontage: Main Street: 113.5ft; Prince Street 95 ft.

Average Depth: 123 ft.

Area: PID 45043312: 3,200 ft.²
PID 45043304: 7,200 ft.²
Total: 10,400 ft.²

Corner Lot: Yes.

Topography: Level.

 # Parking Spaces: Unmarked Spaces.

Site Improvements & General Comments: The parcels are landscaped with sodding and decorative trees and concrete walkways around the building. The asphalt paved parking area and driveways over the two parcels connect to both Main Street and 5043312Prince Street.

Building Description

Former Town Hall Building

Architectural Style	-	Modern.
# Storeys	-	1 Storey.
Total Basement Area	-	2,082 ft.²
Basement Unfinished Area	-	1,167 ft.²
Basement Finished Area	-	915 ft.²

Above Grade Area		-	2,082 ft.²
Year Built		-	1996.

Brief Specifications

Exterior:

Foundation		-	Concrete.
Walls		-	Brick.
Roof		-	Asphalt shingles.
Insulation	- Walls	-	Batt.
	- Roof	-	Batt.
Loading Docks		-	None.

Observed Condition:

Exterior Structure		-	
	Window System	-	Good.
	Roof	-	Good.
	Fuel Storage	-	None.
	Paintwork	-	Good.
Interior Condition		-	
	Electrical	-	Adequate.
	Service Entrance	-	Original.
	HVAC	-	Good.
	Paintwork	-	Good.

Interior:

Basement (Finished Area)

Floor	-	Vinyl Tiles
Walls (finish)	-	Painted Gyproc.
Ceilings (finish)	-	Painted Gyproc.

Basement (Unfinished Area)

Floor	-	Painted Concrete.

Walls (finish)	-	Painted Gyproc.
Ceilings (finish)	-	Painted unfinished.
Main Floor		
Floor	-	Mostly vinyl tiles with ceramic tiles to lobby and hardwood flooring to boardroom.
Walls (finish)	-	Painted Gyproc.
Ceilings (finish)	-	Painted Gyproc.
Plumbing (# Washrooms)	-	2 x 2-piece washroom.
Heating	-	Heat-pump & hot-water in-floor heating to basement.
Airconditioning	-	Heat-pump.
Electrical		
Service Entrance	-	200 amps.
Sprinkler System	-	None.
Fire Protection	-	Smoke/heat detectors.
Elevators	-	None.
Fixed Equipment	-	Sump pump and town clock.

AGE/LIFE ANALYSIS - The building has an actual age of 25 years. It appears to be in good condition: this is at par with its actual age. Accordingly, its effective age is equal to its actual age.

VALUATION METHODOLOGY

Scope

The objective of this assignment is to render an opinion as to the **Market Value** (Highest and Best Use) and **Market Rent** of the fee simple interest in the property for Lease and Sale purposes.

We inspected the site and the interior and exterior of the improvements located thereon. We also interviewed the property owner and others knowledgeable of the property. We analysed the available financial data and validated it by comparing the information with that for comparable properties and industry benchmarks. We obtained and reviewed the assessment, zoning information and other pertinent municipal data. We undertook a full background analysis and valuation of the property. Our findings, analysis and conclusions are set out in this form report.

Methodology

It was necessary to proceed through several steps in order to achieve the foregoing objective. Valuation is by nature often experiential, in which the output of one stage results in re-computing the input to a prior stage so that the final figure is arrived at by an iterative process: rather than by rigidly proceeding in a mechanical fashion through a series of steps in fixed order. Thus, whilst we have described the steps below in ordinal sequence, the reader should bear in mind that this has been done purely for administrative convenience and readability.

(i) **Highest and Best Use -** this is the use for the property which will produce the greatest net return for the foreseeable future. The use must be (1) physically possible, (2) legally permissible, (3) financially feasible, and (4) maximally productive. It is determined by considering the various alternate purposes for which the property can legally be used, having regard not only to existing zoning and other legal constraints, but also to any probable modification of them. The use which generates the highest value is, ipso facto the Highest and Best Use. Unless the property comprises vacant (i.e. unimproved) land we must consider two different scenarios of Highest and Best Use: the vacant site, and the property improved with the present buildings. This can result in two different Highest and Best Uses:

(a) **Cleared Site –** as at the effective date of the valuation, the Highest and Best Use of the property as a cleared site was land for commercial development.

(b) **As Presently Improved –** as at the effective date of the valuation, the property was vacant. However it was formerly used for commercial office use. Based on our analysis, we are of the opinion that the Highest and Best Use of the property is continuation of a commercial office use and it has been valued on that basis.

(ii) **Land Value -** this is the value of the site, cleared of all buildings and site improvements, available for development for its Highest and Best Use. However, we did not value the site in this instance because the property is fully developed with a potential income producing building with a substantial remaining economic life. The highest and best use of the property is for commercial use with the present building, rather than as a site for redevelopment. The Income Approach and the Direct Comparison approaches are the appropriate methods to utilise in valuing the property and since these are to only approaches that have been used, the value of the cleared site is not a useful input in the valuation process.

(iii) **Property Value -** this is the value of the property (land, building and site improvements) under its Highest and Best Use.

Potentially, three alternate approaches are available for measuring the value of an improved property:

(a) **Cost Approach -** the justification for this approach as a method of valuation rests on two, classical theory underpinnings. First there is the argument that market values in the long run should equal the costs of production. Second, there is the position that reproduction costs represent a ceiling for market values since investors should not be willing to pay more for an improvement than the cost of obtaining a substitute in the marketplace.

Under this approach, value is measured by adding to the land value (found by Direct Comparison) the cost, in current prices, of reproducing the structure and site improvements, and then subtracting any loss in value due to physical depreciation, functional and external obsolescence.

We did not use the Cost Approach because it was not a reliable indicator of value in this instance since the building is 24 years old and potential purchasers for this type of property would not consider the cost to rebuild the structure in their purchase considerations.

(b) **Income Approach -** this approach is based on the assumption from neoclassical theory that the market value of an interest in real property is equal to the present value of future benefit flows. This approach first estimates the expected future benefit flows from a property. These benefit flows are then converted into a market value through a variety of alternative mathematical techniques for capitalisation.

(c) **Direct Comparison Approach -** this approach relies on marginal demand theory and derives the market value of a particular interest in real property through the analysis of the sale prices of **similar** properties. The underlying idea is that the marginal demand should be the same for two similar properties in a real estate market. Therefore, the fact that one sold for a certain price should indicate that the other property, if offered for sale, would sell for approximately the same amount (provided that market conditions have not changed). The approach utilises market information on the prices and characteristics of recently sold properties to determine the value of the subject property.

(iv) Reconciliation and Final Estimate of Value

This is a reconciliation of the values indicated by the various Approaches, in which the alternate value indications are considered, the relative significance of each is carefully weighed, and a final estimate of value is then computed. Although reconciliation necessarily involves judgement, the latter results from a careful logical analysis of the procedures leading to each indication of value. The analysis is based on several criteria, (appropriateness, accuracy and quantity of evidence) which result in the formation of a meaningful and defensible conclusion about the final value estimate.

MARKET ANALYSIS AND EXPOSURE TIME

Exposure time is the estimated length of time the property interest being valued would have been offered on the market prior to the hypothetical consummation of a sale or lease at market value or rent on the effective date of the valuation. Since it is a retrospective opinion based upon an analysis of past events, assuming a competitive and open market, it can only be estimated after an analysis of the market.

Market Analysis

Prior to, and at the effective date of the valuation, the supply of this category of property in the area was fair. During that same period demand was fair.

Exposure Time

Based on the foregoing Market Analysis, and evidence of sales and listings of similar properties, our estimate of Exposure Time is 6 to 18 months.

INCOME APPROACH

Methodology

The Income Approach is based on the premise that the value of the property to an investor is the present worth of the income stream it is capable of generating.

The income stream (net operating income) has been calculated by estimating the potential rental income on a net absolute to landlord basis, as if fully leased, and then deducting therefrom an allowance for vacancy and credit loss, structural allowance and cost of vacancy.

The income stream has been expressed on a “stabilised” basis i.e. the projected income has been adjusted to reflect a normal or average year reflective of the remaining economic life of the property.

The income stream has been converted into a market value by using an Overall Capitalisation Rate. The latter is an income rate which represents the ratio of a single year's income amount to capital value.

Analysis and Conclusion

(1)	**Estimated Net Rental Income**				
	Basement:	Unfinished Space	1,167 ft.² @ $ 1.00/ft.²		$ 1,167
		Finished Space	915 ft.² @ $ 3.00/ft.²		$ 2,745
	Ground Floor:	Finished Space	2,082 ft.² @ $10.00 /ft.²		$ 20,820
	Total Potential Net Rental Income				$ 24,732
(2)	Less Vacancy & Credit Loss @ 10%				$ 2,473
	Estimated Effective Gross Income (EGI)				$ 22,259
	Less Outgoings				
(3)	Structural Allowance @ 5% of EGI			$ 1,113	
(4)	Cost of Vacancy			$ 2,536	
	Total Outgoings			$ 3,649	$ 3,649
	Net Operating Income				$ 18,610
(5)	Overall Capitalisation Rate @ 9%				÷ 0.09
	Capital Value				$ 206,778
	Rounded to				**$ 207,000**

Notes:

(1) Estimated Net Rental Income

The rental rates are based on an analysis of comparable properties, details of which are included on the Space Rental Schedule on the following pages. We have analysed the rents on a “net absolute to landlord” basis, i.e. the tenant pays all outgoings, including real estate taxes.

The rental rates range for $6.13 to $15.00/ft.² on a net absolute basis. The average is $9.93/ft.². Indices #s 1, 4 and 8 provide the most reliable indication of the ground floor office space in the building and indicate a range of $8.00/ft.² to $10.27/ft.². The lower end of the range represents renovated office space located in Kentville; the high end of the range represents office space located in a high-profile building in Kentville. Office rental rates in nearby downtown Windsor show a range of $6.13 to $10.27/ft.². The rental rates for finished retail spaces range from $8.00/ft.² to $11.00/ft.². We would expect that the market rent for the subject would fall within this range. Having regard to the attributes of the subject property and the foregoing we have estimated the market rent for the ground floor space at $10.00/ft.². The market rent for the finished basement office space is estimated at 30% or 3.00/ft.². and $ 1.00//ft.² (10%) for the remaining basement storage space. The total Market Rent is estimated at $24,732 or $11.89 /ft.² of ground floor area.

(2) Vacancy and Credit Loss

We have adopted a vacancy and credit loss allowance of 10% of Total Potential Net Rental Income. based on our observations of similar type properties in the locality

(3) Structural Allowance

The Structural Allowance is utilised to finance a sinking fund to cover major capital repairs and is estimated at 5% of the EGI (i.e. $0.53/ft2 of ground floor area) based on our experience with similar properties.

(4) Cost of Vacancy

The Cost of Vacancy is the estimated non- recoverable operating costs for the property as a result of vacancy. The operating cost are based on a review of the operating history of the subject as well as analysis of comparable properties.

Real Estate Taxes	-		$ 8,000
Insurance	-		$ 1,500
Water & Sewer	-		$ 1,000
Management	-	5% x EGI $ 22,259	$ 1,113
Electricity	-	2,082 ft.² @ $5.00/ft.²	$10,410
Repairs & Maintenance	-	15 % x EGI $22,259	$ 3.339
Total Operating Expenses			$25,362
Vacancy @ 10%			X 10%
Cost of Vacancy			$ 2,536

(5) Overall Capitalisation Rate

The Overall Capitalisation Rate has been computed using the Ellwood Mortgage Equity Technique and the following assumptions:

(a) Mortgage Financing:

Type of Loan	- Conventional Loan Canadian Funds
Loan to Value Ratio	- 70%
Interest Rate (Stated Annual Rate)	- 5%
Amortisation Period	- 20 years

(b) Equity Data:

Equity Investment	- 30% of Market Value
Equity Yield Rate	- 15%
Time Horizon	- 10 years

(c) Capital Growth:

Annual Compound Appreciation/Depreciation - 0%

(d) *Overall Capitalisation Rate:

Rounded to -9%

*The Overall Capitalisation Rate has been verified by comparison with the sales of other income producing properties, a selection of which are detailed on the Capitalisation Rate Analysis Schedule on the following pages. The Indices have the most comparable risk profile to the Subject Property since they comprise single and multiple tenant commercial properties and are similar in size to the Subject Property. Their small market locations are similar to the Subject Property: the quality of their tenant covenant is similar. The average indicated capitalization rate is 9.07%. Having regard to all of the foregoing we are of the opinion that their Overall Capitalisation Rates reflect a similar level of risk than the Subject Property. We are therefore satisfied that our computed Overall Capitalisation Rate is supported by the market.

SPACE RENTAL SCHEDULE

Space No.	Tenant & Location	*Tenant Class	Rentable Area (ft.²)	Rent Starts	Rent Ends	Current Income Per ft.²				Estimated Market Rent (Net Absolute)		Comments
						Base Rent	Landlord's Operating Costs	Overage Rent	Net Absolute Rent	Per ft.²	Total	
1.	[redacted]Water St. Windsor, NS	F	799	1 Feb. 18	31 Jan. 23	$12.23	$2.02	---	$10.21	---	---	Two storey retail/office building.
2.	[redacted]Morison Dr. Windsor, NS	F	2,432	19 June 17	19 May 22	$10.27	---	---	$10.27	---	---	Single storey flex building comprised of finished retail space and unfinished warehouse/shop space. [redacted]
3.	[redacted]Gray St. Windsor, NS	O	2,318	Current	---	$11.13	$5.00 (est)	---	$ 6.13	---	---	Asking rent. Finished 2nd floor office space. Rent quoted on gross basis. Tenant pays own heat.
4.	Gerrish St. Windsor, NS	R	4,000	Current	---	$18.00	$8.00	---	$10.00	---	---	Asking rent. Rent quoted on gross basis. Ground floor turnkey restaurant space.
5.	[redacted]Cornwallis St. Kentville	O	6,533	Current	Current	$15.00	$9.38	---	$15.00	---	--	Class B office space. Corner location.
6.	[redacted]Cornwallis St. Kentville	O	4,170	Current	Current	$10.00	± $2.00	---	$ 8.00	---	---	Renovated office space.
7.	[redacted]Commercial St. New Minas	O	1,968	1 Apr. 11	31 Mar. 21	$12.50	U/K	---	± $12.50	---	---	Office space currently on gross basis. Landlord operating costs uncertain.
8.	[redacted]Aberdeen Street Kentville	O	1,150	1 Jan. 19	31 Dec. 24	$18.10	± $6.00	--	$12.10	--	--	Landlord pays for CAM, utilities and taxes. The tenant pays HST.

***Tenant Class**
A = Additional Revenue.
I = Industrial.
F = Flex Space (Industrial – Retail – Office).
L = Locker Storage.
M = Mixed Office/Warehouse.
O = Office Space.
R = Restaurant.
S = Retail Store.
W = Warehouse (Storage Space).

CAPITALISATION RATE ANALYSIS SCHEDULE

No.	Location Vendor/Purchaser	Bldg. GFA (ft2)	Date of Sale	Sale Price	Sale Price/ft.²	Overall Cap. Rate (Year 1)	Comments
1.	[redacted] Commercial Street New Minas Kings County, NS [redacted]	28,710	Sept. 2016	$4,000,000	$ 139.32	9.01%	Multi-tenant strip mall located in New Minas. Located along a major commercial thoroughfare.
2.	[redacted] Main Street Yarmouth Yarmouth County, NS [redacted]	7,317	Feb. 2018	$ 630,000	$ 86.10	9.00%	Three separate commercial buildings converted into one. Older commercial buildings.
3.	[redacted] Crescent Drive New Minas Kings County, NS [redacted]	3,488	Sept. 2019	$ 200,000	$ 57.33	8.14%	Ground floor retail with two apartments above.
4.	[redacted] Church Street Amherst Cumberland County, NS [redacted]	39,336	Aug. 2017	$2,299,000	$ 58.45	8.00%	[redacted] Three-storey building built in 1907 and refurbished in 1989. In good condition. Has HVAC heat pump systems for each unit.
5.	[redacted] Main Street Wolfville Kings County, N.S. [redacted]	24,655	June 2015	$2,200,000	$ 89.23	12.45%	[redacted] Mixed-use plaza including free-standing pad, retail strip and second floor residential units.

CAPITALISATION RATE ANALYSIS SCHEDULE

No.	Location Vendor/Purchaser	Bldg. GFA (ft2)	Date of Sale	Sale Price	Sale Price/ft.²	Overall Cap. Rate (Year 1)	Comments
6.	[redacted]St. Margarets Bay Road Upper Tantallon [redacted]	25,523	Apr. 2016	$4,300,000	$168.48	7.79%	Single-tenant industrial building, pre-engineered steel frame with metal panel exterior walls and roof. Grade level loading doors and 22 ft. clear heights.
6.	[redacted]Robie Street Truro Colchester County, NS [redacted]	8,781	Apr. 2013	$1,200,000	$136.66	7.86%	The site is improved with a single storey commercial building.
7.	[redacted]Kings Road Sydney [redacted]	34,271	Dec. 2015	$4,130,000	$120.51	7.50%	Modern two storey [redacted]
8.	[redacted]Horseshoe Lake Drive Halifax [redacted]	22,646	Jan. 2015	$6,800,000	$300.27	6.95%	Total Sales Price. [redacted]

DIRECT COMPARISON APPROACH

Methodology

The Direct Comparison Approach is based on the premise that properties with the same characteristics will transact at the same selling price since knowledgeable purchasers "comparison shop" when buying property.

Essentially this Approach is a systematic procedure for carrying out comparative shopping in which the Subject Property is “priced” by comparing it with other, similar properties (Indices) that have sold, been subject to offer or are listed for sale. With most “improved” property, building size is taken as the unit of comparison because most of the property’s value usually resides in the structure, rather than the land. Based on our experience working with property sales data, we have determined that the five most significant independent variables influencing value are **Time** (Date of Sale), **Location**, **Quality** (Fit for Purpose), **Motivation** and building **Size**. The unit price (ft.² Gross Floor Area) of each Index (comparable transaction) has first been adjusted, when applicable, for the **Time** variable. These time adjusted unit prices have then been utilised to value the Subject Property. The weight placed on each Index as a predictor for the Subject Property value, is a function of its comparability in terms of **Location**, **Quality**, **Motivation** and **Size**.

Discussion of Building Sales

We have researched the sales, offers, and listings of comparable We have researched the sales, offers, and listings of comparable retail and commercial properties in the Hantsport and Hants County area. The data was collected from vendors, purchasers, brokers, appraisers, MLS®, public and other sources deemed to be reliable. It was not necessary to adjust the prices in the Building Sales Schedule to the date of valuation because our research found that prices were static.

In analysing this data, we have divided the total selling, offer or asking price by the building gross floor area to provide an indication of the sale, offer or asking price on a building unitised basis.

These unitised figures vary considerably depending on the size, type, location, physical condition and revenue of the building, in addition to the circumstances of the particular transaction. None of them prove conclusively the value of the Subject Property. However, they do paint the background against which the Subject Property can be viewed. Valuation in this instance is by way of interpolation and synthesis.

We have also investigated whether there have been any prior offers, sales, options, Agreements of Sale or listings of the Subject Property within the past three years. We understand that there has been no such activity.

Our analysis is included in the Building Sales Schedule on the following pages. The Indices are discussed in greater detail below:

Index #1

This property was sold in May 2019, approximately 1year 3 months before the effective date of valuation. Sales data indicates that prices were stable **[time].** The property is situated on the periphery commercial area on an interior lot. The location is considered to be inferior to that of the subject property **[location].** The building is a one storey structure [redacted]. The building remains vacant. The building has a masonry façade and side and rear elevations. It was built in 2002. It is in average condition. The building is of similar quality to the subject property **[quality].** We are not aware of any factors that would give rise to an adjustment for motivation **[motivation].** The building was approximately $^{2}/_{3}$ the size of the Subject Property: smaller buildings typically command higher prices per ft.² because they attract a wider pool of purchasers [size].

We consider this Index to be a good indicator of value on a unit basis for the Subject Property.

Index #2

This property was sold in August 2018, approximately 2 years before the effective date of valuation. Sales data indicates that prices were stable **[time]**. The property is situated on the periphery commercial area on an interior lot. The location is considered to be inferior to that of the subject property **[location].** The building is a one storey building originally built as a [redacted] The building has a hardboard siding exterior finishes. It was built in 2012. It is in fair condition. The building is of similar quality as the subject property **[quality]**. The property previously sold in receivership in 2014 for $130,000. It has been vacant for several years and sold privately **[motivation]**. The building was approximately ¾ the size of the Subject Property: smaller buildings typically command higher prices per ft.² because they attract a wider pool of purchasers **[size]**.

We consider this Index to be an average indicator of value on a unit basis for the Subject Property.

Index #3

This property was sold in July 2020, approximately 2 months before the effective date of valuation. Sales data indicates that prices were stable **[time].** The property is situated in the commercial area on an interior lot. The location is considered to be similar to that of the subject property **[location].** The building is a one storey structure formerly used [redacted] The building remains vacant. The building has masonry façade and side and rear elevations. It was built in 1982. It is in average condition. The building is of similar quality to the subject property **[quality].** We are not aware of any factors that would give rise to an adjustment for motivation **[motivation].** The building was approximately 1.3 times the size of the Subject Property: larger buildings typically command lower prices per ft.² because they attract a smaller pool of purchasers **[size]**.

We consider this Index to be an average indicator of value on a unit basis for the Subject Property.

Index #4

This property was sold in June 2017, approximately 3years 3 months before the effective date of valuation. Sales data indicates that prices were stable **[time].** The property is situated on the periphery commercial area on an interior lot. The location is considered to be inferior to that of the subject property **[location].** The building is a two-storey wood frame structure formerly used for two commercial units and ground floor storage. The building has a wood siding façade and side and rear elevations. It is an older structure which was renovated around 2010. It is in average condition. The building is of inferior quality to the subject property **[quality].** We are not aware of any factors that would give rise to an adjustment for motivation **[motivation].** The building was approximately 1.5 times the size of the Subject Property: larger buildings typically command lower prices per ft.² because they attract a smaller pool of purchasers **[size]**.

We consider this Index to be a fair indicator of value on a unit basis for the Subject Property.

Index #5

This property was sold in September 2018, approximately 2 years before the effective date of valuation. Sales data indicates that prices were stable **[time].** The property is situated on the periphery commercial area on an interior lot. The location is considered to be inferior to that of the subject property **[location].** The building is a one storey structure formerly [redacted] The building was extensively renovated to a modern design residence and resold for $195,000. The building has a wood siding and masonry façade and wood siding side and rear elevations. It was built in the 1950's. It was in average condition. The building is of inferior quality to the subject property **[quality].** We are not aware of any factors that would give rise to an adjustment for motivation **[motivation].** The building was approximately ½ the size of the Subject Property: smaller buildings typically command higher prices per ft.² because they attract a wider pool of purchasers **[size]**.

We consider this Index to be a fair indicator of value on a unit basis for the Subject Property.

Index #6

This property was sold in June 2020, approximately 2 months before the effective date of valuation. Sales data indicates that prices were stable **[time].** The property is situated in a mixed highway commercial area on an interior lot. The location is considered to be superior to that of the subject property **[location].** The building is a one storey wood frame commercial building. It was a [redacted] with a 2-bedroom basement apartment. The building has vinyl siding façade and side and rear elevations. It was built in the 1960's and fully modernized and renovated since 2012. It is in good condition. The building is of similar quality to the subject property **[quality].** We are not aware of any factors that would give rise to an adjustment for motivation **[motivation].** The building was approximately the same size of the Subject Property: similar buildings typically command similar prices per ft.² because they attract a similar pool of purchasers **[size]**.

We consider this Index to be a good indicator of value on a unit basis for the Subject Property.

Index #7

This property was sold in January 2020, approximately 8 months before the effective date of valuation. Sales data indicates that prices were stable **[time].** The property is situated in a moderate visibility location on an interior lot. The location is considered to be somewhat inferior to that of the subject property **[location].** The building is a one storey wood frame commercial building. It was [redacted] The building has vinyl siding façade and side and rear elevations. It was built in the 1992. It had been vacant for 3 years and was in fair condition. The building is of inferior quality to the subject property **[quality].** We are not aware of any factors that would give rise to an adjustment for motivation **[motivation].** The building was approximately the 2.5 times the size of the Subject Property: larger buildings typically command lower prices per ft.² because they attract a smaller pool of purchasers **[size]**.

We consider this Index to be an average indicator of value on a unit basis for the Subject Property.

Conclusion

The unit prices for all of the Indices range from $45.00 to $ 114.75 with a median of $50 per / ft.². Having regard to all of the variables (**time**, **location**, **quality**, **motivation**, **size**) we are of the opinion that Indices # 1,2, 6 are the most reliable indicators of value for the Subject Property. Their time adjusted unit prices range between $79.37 and $114.75 and have an arithmetic mean of $93.11/ft.². In our opinion the unit value of the ground floor area of the Subject Property lies near the average of this range. We have utilised this unit value to price the finished basement space in the Subject Property using the unit rent as the modifier.

Based on our analysis it is our opinion that the indicated value of the Subject Property is as follows:

Building Value

Basement			
Unfinished Space	GFA	1,167 ft.² @ $ 10/ft.²	$ 11,670
Finished Space	GFA	915 ft.² @ $25/ft.²	$ 22,875
Ground Floor			
Finished Space	GFA	2,082 ft.² @ $ 85/ft.²	$ 176,970
Total GFA		4,164 ft.²@$ 51/ft.²	$ 211,515
Rounded to			**$ 212,000**

Note: Site Improvements are included in the building value.

BUILDING SALES SCHEDULE

No.	Location Vendor/Purchaser	Date of Sale	Sale Price	Land Area (ft.²)	Bldg. GFA (ft.²)	Bldg. Value/ft.² GFA At Date of Sale	 Adjusted to Date of Valuation @ 0.0% p.a.	Comments
1.	[redacted]Chittick Ave. Hantsport Hants County, NS [redacted]	May 2019	$125,000	19,016	1,467	$85.21	$85.21	Commercial building previously used as a [redacted] Built in 2002.
2.	[redacted]Chittick Ave. Hantsport Hants County, NS [redacted]	Aug. 2018	$127,000	25,685	1,600	$79.37	$79.37	Wood frame office building [redacted] Built 2012. Previously sold in receivership 2014 for $130,000..
3.	[redacted]Main Street Hantsport Hants County, NS [redacted]	July 2020	$132,500	7,978	2,700	$49.07	$49.07	Office building previously [redacted] Built in 1982
4.	[redacted]Station Street Hantsport Hants County, NS [redacted]	June 2017	$135,000	8,063	3,000	$45.00	$45.00	Commercial building previously occupied by [redacted] With shortage space on main floor and basement.

BUILDING SALES SCHEDULE

No.	Location Vendor/Purchaser	Date of Sale	Sale Price	Land Area (ft.²)	Bldg. GFA (ft.²)	Bldg. Value/ft.² GFA At Date of Sale	 Adjusted to Date of Valuation @ 0.0% p.a.	Comments
5.	[redacted]William St. Hantsport Hants County, NS [redacted]	Sept. 2018	$ 55,000	15,421	1,112	$49.46	$49.46	Older one storey office building with a partially finished basement. The building has since been renovated, repurposed, and sold as a single-family house.
6.	[redacted]Wentworth Rd Windsor Hants County, NS [redacted]	Jun. 2020	$235,000	12,000	2,048	$115.75	$114.75	Renovated one storey wood frame building. [redacted] with finished two-bedroom basement apartment. On-site parking.
7.	[redacted] Payzant Drive. Windsor Hants County.NS [redacted]	Jan.2020	$280,000	156,380	5,712	$49.02	$49.02	One storey wood frame building. Built 1992. [redacted] On- site parking, [redacted] Listed on market for 3 years.

RECONCILIATION AND FINAL ESTIMATE OF VALUE

Summary

The market value indicated by the various approaches is as follows:

Income Approach	$207,000
Direct Comparison Approach	$212,000

Reliability of the Various Approaches as an Indicator of Value

The strengths and weaknesses of the valuation approaches utilised in this assignment are as follows:

Income Approach - The Income Approach can provide a reliable indicator of value for properties which are acquired as investment vehicles. The value of the property is determined by its ability to generate revenue.

This approach is less reliable when applied to properties which are not likely to be rented to a tenant. When the property is to be utilised by an owner/occupier the Income Approach may not produce the most reliable indicator of value.

Direct Comparison Approach - The Direct Comparison Approach can provide a reliable indicator of value when there is comparable sales data available.

This approach is less reliable when sales data is sparse or when the various sales are not truly comparable to the subject thereby requiring extensive adjustments.

Reconciliation and Final Estimate of Value

We place the equal weight on the Income and Direct Comparison Approaches in this instance because the Income Approach reflects the income potential for the property as an investment to a potential purchaser. The Direct Comparison Approach is also reliable as there is good quality recent market data available for analysis to estimate the value of the subject property.

Final Estimate of Value **$210,000**

LIMITING CONDITIONS AND ASSUMPTIONS

(1) No responsibility is assumed for matters of a legal nature, nor do we render any opinion as to the title which is assumed to be good. Unless otherwise noted in this report, existing mortgages, liens, encumbrances and special assessments, if any, have been disregarded and the property has been valued as though free and clear.

(2) We have not undertaken a survey of the property nor have we verified the site boundaries with the legal description. The lot dimensions contained in this report were obtained from sources we thought to be reasonably reliable; however, we accept no responsibility for their accuracy. We have assumed that the entire building, driveways, fixtures and appurtenances lie within the property boundary and that the land is not subject to encroachment by others, but we make no warranty therewith.

(3) It is assumed that there are no hidden or non-apparent conditions of the property, subsoil or structures that would render it more or less valuable. No responsibility is assumed for such conditions or for engineering studies that might be required to discover these factors.

(4) The distribution of value between the land and buildings applies only to the property as utilised at the date of valuation and is invalid if the valuation is used for any other purpose.

(5) This report must be used in its entirety, since parts taken out of context may be misleading. The report, or any parts thereof, may not be used for any purpose other than that for which it was undertaken and is furnished for the exclusive use of the client. **All liability to any party other than the client is hereby denied**.

(6) Information in this report furnished by others such as the assessment, zoning, etc. is believed to be reliable, although no responsibility is assumed for its accuracy: it has not been independently verified.

(7) This valuation is based on the assumption that there is an adequate supply of potable water to the property at all times. We have not undertaken any tests ourselves and make no warranty therewith.

(8) This valuation is based on the assumption that there is a fully functioning sewage disposal system. We have not undertaken any tests ourselves and make no warranty therewith.

(9) Unless otherwise noted in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyls, petroleum leakage, agricultural chemicals, radon gas, urea-formaldehyde foam insulation, or other potentially hazardous substances, which may or may not be present on the property, or molds, mildews and other environmental conditions, were not called to our attention nor did we become aware of them during our inspection. We are not qualified to detect such substances or conditions and the client is urged to retain an expert in this field, if desired. The presence of such hazardous substances or environmental conditions on, or in the proximity to the property, may affect the value of the property. Whilst we have valued the property on the assumption that it does not, and never has, contained such hazardous substances or environmental conditions, and is not in such proximity to another contaminated property as to cause a loss in value to the property the subject of this report, we do not warrant that this is the case and accept no liability in this regard.

(10) Unless otherwise expressly stated in this report, it has been assumed that all oil or other storage tanks, whether above or below ground, are in good condition, free of leaks and other defects, have been registered with the Department of the Environment, are legally permissible and meet all environmental standards. We have not undertaken any investigation, do not warrant that this is the case and accept no liability in this regard.

(11) Climate change, particularly global warming, is a continuous process which increasingly impacts real estate, often in an adverse manner. It can significantly increase the risk of flooding from pluvial (rainfall), fluvial (watercourses) and coastal (storm surge) sources. If a Climate Risk and Vulnerability Assessment was not made available to us for the property we have undertaken a very preliminary investigation of the flooding risk for the purpose of this report. However such investigation is not tendered as a substitute for a detailed Climate Risk and Vulnerability Assessment Report and any party relying on this report is encouraged to undertake their own investigations. Climate change risk is not yet fully "priced" into sales transactions and our estimate of Market Value reflects it only to the degree that it is recognised by the market.

(12) We have not inspected woodwork or other parts of the structure which are covered, unexposed or inaccessible and we are therefore unable to report that such parts of the property are free of rot, beetle or other defects.

(13) We have not inspected those parts of the structure or site improvements which were covered by snow, ice, etc. nor have we inspected basement crawl or attic spaces and are therefore unable to report that such parts of the property are free of defects and make no warranty therewith.

(14) Unless noted in this report, we have assumed that there are no encroachments, zoning or building code violations or other restrictions affecting the property. We have undertaken no investigations in this regard and make no warranty therewith. These factors may affect the market value of the property and the client is therefore advised to investigate them if desired.

(15) Where the building falls under the jurisdiction of the Rent Review Act, we have assumed that the rents included in this report are "registered" rents or are rents that could otherwise be legally charged under the Act. The reader is cautioned that, because of time and cost constraints and the confidentiality of the Rent Review Commission's records, we have made no independent investigations in this regard and make no warranty therewith.

(16) Where the property is in condominium ownership we have assumed that the Condominium Corporation is competently and prudently managed. However the reader is cautioned that we have not made any investigations of the Condominium Corporation as to the adequacy or competency of its management; or the adequacy of any financial reserves (such as reserve or contingency funds) that may or may not have been set aside for future maintenance or other matters. Nor have we inspected the common areas of the building such as the roof, furnace room, exterior elevations, etc. that are under the direct control of the Condominium Corporation. Nor do we make any warranty with respect to the adequacy of the foregoing matters.

(17) We have assumed that the requisite occupancy permits have been issued by the appropriate authority and that, unless otherwise stated in this report, the present occupancies represent legal uses of the property. The reader is cautioned that, because of time and cost constraints and the policy of the municipal authority, we have made no investigations in this regard and make no warranty therewith.

(18) This valuation is not a structural survey and no tests have been carried out on the heating; plumbing; electrical; airconditioning; fire, smoke or carbon monoxide detectors; or other systems. Unless otherwise noted in this report, they are assumed to be in good working order for the purpose of this valuation. Our inspection of the property was limited by time and cost constraints and it does not purport to identify all of the construction or other defects that would be observable if a full structural survey was undertaken. For example, certain makes of brick are too porous for the maritime climate and are susceptible to spalling due to the freeze/thaw cycle. It is often difficult, if not impossible to identify this brick, without undertaking a full structural survey. Nor have we undertaken any soil tests and unless otherwise noted in this report the subsoil is assumed to be stable. It is accordingly recommended that the client retain the services of a reputable inspection service.

(19) We have not undertaken any investigation with the zoning and planning authority, fire department, building inspector, health department or any other regulatory agency because of time, cost and confidentiality constraints. The subject property must comply with such government regulations and non-compliance therewith may affect its market value. The client is therefore advised to undertake further investigation to ensure compliance with these regulations.

(20) Market conditions can, and do, change rapidly because of economic, social and political reasons. The market value expressed in this report pertains only to the date of the valuation. It must not be relied on to estimate the market value as of any other date. HST, GST and other tax or expenses due on acquisition or disposition, have not been deducted from, or added to the market value. If the market value is based upon the prospect of future growth in rental and/or capital values, the reader is cautioned that these projections may not occur and values can fall as well as rise.

(21) Turner Drake & Partners Ltd. retain the copyright to this report. Reproduction in whole or in part, or any reference thereto, or to the valuation figures contained therein, or to the name and professional affiliation of the author of the report, is prohibited without their written permission and is a contravention of the Copyright Act. The report may be subject to Extraordinary Assumptions and/or Hypothetical Conditions: reference to the report in any published document without an adequate contemporaneous reference to these Extraordinary Assumptions or Hypothetical Conditions would be misleading and is prohibited.

(22) As of the date of this report Canada and the Global Community is experiencing unprecedented measures undertaken by various levels of government to curtail health related impacts of the Covid-19 Pandemic. The duration of this event is not known. While there is potential for negative impact with respect to micro and macro-economic sectors, as well as upon various real estate markets, it is not possible to predict such impact at present, or the impact of current and future government countermeasures. There is some risk that the Covid-19 Pandemic increases the likelihood of a global recession, however without knowledge of further anticipated government countermeasures at the national and global levels it is not possible to predict any impact at this point in time. Accordingly, this point-in-time valuation assumes the continuation of current market conditions, and that current longer-term market conditions remain unchanged.

CERTIFICATION

Re: PID #45043312 and 4504330420 – 22 Main Street, Hantsport, Hants County, Nova Scotia.

I certify that, to the best of my knowledge and belief:

the statements of fact contained in this report are true and correct;

the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions;

neither I, nor Turner Drake & Partners Ltd., have any past, present or prospective material involvement with the property that is the subject of this report, other than this assignment;

neither I, nor Turner Drake & Partners Ltd., have received any fees, in connection with the purchase of the property the subject of this report, within twelve months preceding the date of valuation. Turner Drake & Partners Ltd. have not received, nor will they receive, an introductory, mortgage financing or any other fees in connection with such a purchase. They have not negotiated the purchase on behalf of the client;

neither I, nor Turner Drake & Partners Ltd., have any past, present or prospective material involvement with the customer, client, or any parties contemplated to be involved in any transaction resulting from this assignment;

neither I, nor Turner Drake & Partners Ltd., share any fiduciary interest with the client. Turner Drake & Partners Ltd. has a prior relationship with the client;

during the twelve months preceding the date of valuation the total fees paid by the client to Turner Drake & Partners Ltd. represented a minimal (< 5%) proportion of Turner Drake & Partners Ltd.'s gross income;

my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favours the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this report;

my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Royal Institution of Chartered Surveyors' Valuation Standards [2017 Edition] (RICS Red Book), the International Valuation Standards (IVS), the Uniform Standards of Professional Appraisal Practice (USPAP), and the Canadian Uniform Standards of Professional Appraisal Practice;

I have made a personal inspection of the property that is the subject of this report;

no one provided significant professional assistance to the person signing this report;

I have sufficient current local, national and international knowledge of the market, and the skills and understanding, to undertake this valuation in a competent manner;

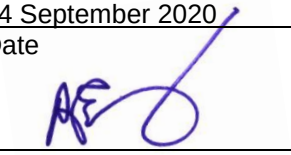
all Extraordinary Assumptions and/or Hypothetical Conditions detailed in this report were agreed with the party to whom this report is addressed;

I certify that the use of this report is subject to the requirements of the professional institutes of which I am a member, relating to review by their duly authorised representatives;

as of the date of this report, I have completed the requirements of the continuing education programs of the professional institutes of which I am a member;

that the **Market Value** of the Fee Simple Interest in the subject property, premised on the basis that it will be utilised for its Highest and Best Use with vacant possession as of the 28th August 2020 , subject to the Limiting Conditions and Assumptions contained herein and a Reasonable Exposure Time of 6-18 months, is the sum of $210,000

24 September 2020
Date



RICHARD J. ESCOTT, BES, MRICS, AACI
NSREAA #213480

TERMS OF E NGAGEMENT

Our Ref: 2014518:LNW/RE

TURNER DRAKE & PARTNERS LIMITED
TERMS OF ENGAGEMENT

THIS AGREEMENT made the 24th day of August, A.D. 2020.

BETWEEN Turner Drake & Partners Ltd.
hereinafter referred to as "TURNER DRAKE" OF THE FIRST PART

and

West Hants Regional Municipality
hereinafter referred to as the "CUSTOMER" OF THE SECOND PART

WITNESSETH THAT for consideration, TURNER DRAKE agrees to provide, subject to the terms and conditions set forth in this Agreement, the services described below and any additional services as may be requested by the CUSTOMER and accepted by TURNER DRAKE in the course of this Agreement.

1.01 The CLIENT for this assignment is West Hants Regional Municipality.

1.02 TURNER DRAKE shall prepare and provide to the CUSTOMER 1 electronic copy in pdf format, of a summary valuation report on the Fee Simple interest in PID 45043304 and 45043312, 20-22 Main Street, Hantsport, Nova Scotia (hereinafter referred to as the "PROPERTY") for the purpose of establishing its value for Lease and Sale purposes with vacant possession. Use of the valuation report for other purposes or by other parties may invalidate the conclusions. The RICS Valuation Standards require that we prepare a new report if the CLIENT, intended user, date, or purpose of the assignment, is changed.

1.03 Since the purpose of a draft valuation report is frequently misinterpreted by the CLIENT (the party relying upon the final valuation report referred to in Paragraph 1.02), the valuation report will not be prepared initially in "draft" format.

1.04 The effective date of the valuation of the PROPERTY is to be date of inspection 2020. The value will be expressed in Canadian currency.

1.05 The PROPERTY comprises a commercial building formerly used as the Hantsport Town offices.

1.06 The basis of the valuation is **Market Value** (Highest and Best Use) and **Market Rental Value**.

1.07 The reported analyses, opinions and conclusions will be developed in accordance with the Royal Institution of Chartered Surveyors' Valuation Standards [2017 Edition] (RICS Red Book), and the International Valuation Standards (IVS). The valuation report will conform with the Uniform Standards of Professional Appraisal Practice (USPAP). The conduct of the assignment and the preparation of the report will also comply with the Canadian Uniform Standards of Professional Appraisal Practice. The report and assignment will be subject to the requirements of the Code of Professional Ethics of the professional institutes of which the author of the report is a member, which include provision for peer review.

1.08 The Valuer responsible for the assignment will have sufficient current local, national and international knowledge of the market, and the skills and understanding, to undertake the valuation in a competent manner, and will act as an External Valuer.

1.09 TURNER DRAKE will undertake a detailed on-site inspection of the PROPERTY and the neighbourhood including the exterior and interior of the building situated thereon that impact the value of the PROPERTY.

...2

TURNER DRAKE & PARTNERS LTD.

1.10 TURNER DRAKE will undertake such fiscal, physical and legal investigations as are necessary and prudent to arrive at the value of the PROPERTY. This research will not include an investigation of title, a property survey, engineering or environmental studies of the land and structures, or tests to determine whether there is a supply of potable water or that the property has, or will support, a fully functioning sewage disposal system. The PROPERTY will be valued on the assumption that it is not, and never has been, subject to environmental contamination, and that it is not in such proximity to another contaminated property as to adversely impact the value of the subject PROPERTY.

TURNER DRAKE anticipates utilising the Direct Sales Comparison and Income Approaches to value, on this assignment.

1.11 TURNER DRAKE, in order to value the PROPERTY, will undertake such investigations as are necessary and prudent to verify that information supplied by the CUSTOMER, the CLIENT and other parties, is reliable and accurate. However, these investigations may be limited by privacy legislation and the absence of publicly available, verified, sales and rental data. It will be necessary, in part, to rely upon hearsay data.

1.12 TURNER DRAKE has no material involvement (past, current, or future) with the PROPERTY other than the assignment contemplated by these TERMS OF ENGAGEMENT.

1.13 TURNER DRAKE has no material involvement (past, current, or future) with the CLIENT, the CUSTOMER, or any parties contemplated to be involved in any transaction resulting from these TERMS OF ENGAGEMENT other than previous valuation assignments for the client.

2.01 The valuation report will contain such confidential information as is necessary to support the analyses, opinions and conclusions contained therein. It may also be subject to Extraordinary Assumptions and/or Hypothetical Conditions: reference to the report in any published document without an adequate contemporaneous reference to these Extraordinary Assumptions or Hypothetical Conditions would be misleading and is prohibited. For these reasons, and to protect the integrity of the report, TURNER DRAKE will retain copyright to the report; reproduction in whole or part will be prohibited without their written permission.

2.02 The valuation report has to be used in its entirety since parts taken out of context may be misleading. Use of the report will be subject to the statements, limited conditions, assumptions and other terms set forth in the report. The report, or any parts thereof, may not be used for any purpose other than that for which it is undertaken and will be furnished for the exclusive use of the CLIENT. **All liability to any party other than the CLIENT will be denied.**

2.03 Turner Drake & Partners Ltd. (TURNER DRAKE) is regulated by RICS (Royal Institution of Chartered Surveyors) for the provision of surveying i.e. property consulting, services. This means we agree to uphold the RICS Rules of Conduct for Firms and all other applicable mandatory professional practice requirements of RICS, which can be found at www.rics.org As an RICS regulated firm we have committed to cooperating with RICS in ensuring compliance with its standards. The firm's nominated RICS Responsible Principal is Mark Blair Turner, President, Email: markturner@turnerdrake.com
. TURNER DRAKE's complaints handling procedure, available upon request, is governed by a quality system registered to the international ISO 9001:2015 standard. In addition, TURNER DRAKE is subject to provincial licencing with respect to its appraisal and brokerage services.

2.04 These TERMS OF ENGAGEMENT will be included in and form part of the valuation report.

3.01 The CUSTOMER, for the performance of the services referred to in Article 1 shall pay to TURNER DRAKE:

(a) A fee of $3,250. This fee does not include H.S.T.
(b) Disbursements, to be invoiced at actual cost, are included in the above fee.
(c) A retainer in the amount of $NIL.
(d) All accounts are payable on receipt and interest is charged at 2% per month (24% per annum) on outstanding invoices.

TURNER DRAKE & PARTNERS LTD.

Accepted by:-
TURNER DRAKE & PARTNERS LTD.
Per: _____

Title: Senior manager

Date: August 28 2020

The above is agreed to by the CUSTOMER.

Per: _____
Authorised Signing Officer

Title: CFO

Date: August 25, 2020

PO #: 575

TURNER DRAKE & PARTNERS LTD.

WINDSOR / WEST HANTS TOGETHER

Committee of the Whole Excerpts
November 10, 2020

Repeal of Police Advisory Board By-laws

The Police Advisory Board (PAB) provides advice to Council about law enforcement, maintenance and prevention; it does not have jurisdiction over complaints, discipline, personnel or internal management of the RCMP. The PAB is required under the *Police Act*. A Municipal by-law for the PAB is only required if additional authority or duties are being requested and this needs to be approved by the Department of Justice. Neither of the current PAB By-laws for the former District of West Hants and Town of Hantsport requested additional authority from that provided in the Police Act, therefore they are not required.

The current Police Advisory Board established by the Municipality would remain in existence under the provisions of the *Police Act* and Police Regulations.

The recommended motion was:

... that Council give First Reading and proceed to a Public Hearing for the Repeal of Police Advisory Board By-laws, REPEAL-002 as recommended in the report entitled Repeal of Police Advisory Board By-laws to the Committee of the Whole dated November 10, 2020.

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Committee of the Whole

Submitted by: Rhonda Brown

Rhonda Brown, Municipal Clerk

Date: November 10, 2020

Subject: Repeal of Police Advisory Board By-laws

LEGISLATIVE AUTHORITY

Police Act, Sections 57 - 68

Municipal Government Act, Section 168

Police Regulations, Section 82 - 84

RECOMMENDATION or DECISION REQUEST

… Committee of the Whole recommends that Council give First Reading and proceed to a Public Hearing for the Repeal of Police Advisory Board By-laws, REPEAL-002 as recommended in the report entitled Repeal of Police Advisory Board By-laws to the Committee of the Whole dated November 10, 2020.

BACKGROUND

Property X	Public Opinion☐	Environment☐	Social☐	Economic☐	Councillor Activity ☐

Section 57-68 of the *Police Act* prescribes that all municipalities receiving policing service from the Royal Canadian Mounted Police (RCMP) or a provincial police service shall have a Police Advisory Board (PAB). The purpose of the PAB is to provide advice to Council about law enforcement, maintenance and prevention, it does not have jurisdiction over complaints discipline, personnel or internal management of the RCMP. The *Police Act* and Police Regulations outlines the formation and duties of the PAB. Section 68(2) of the Police Act also allows a Municipality, by by-law, to set additional or

specific roles and responsibilities of the PAB; and rules governing the proceedings of the advisory board.

Both the former Municipality of the District of West Hants (MWH) and former Town of Hantsport (Hantsport) have a current PAB By-laws (or similar titled by-law). PAB By-laws and repeals of such, require approval from both the Department of Municipal Affairs and Housing and the Department of Justice.

MWH has twice attempted to repeal the Hantsport 2008-4 RCMP Advisory Board By-law which MWH had on file. The first attempt in 2016 was not approved as By-law 2008-4 had not been filed with the Province. The second attempt at the repeal was made in September 2019 by adding a generic clause to repeal all previous Hantsport RCMP Advisory Board By-law or similar By-laws, however approval of the repeal was still pending as of Consolidation on April 1, 2020 and the Province could not approve a by-law of a municipal unit which did not exist.

The former Town of Windsor repealed their Police Services Advisory Committee By-law in 2006. The former Town's PAB had been functioning successfully under the Police Act and Police Regulations since 2006.

DISCUSSION

A PAB may be established base on the provisions in the Police Act and Police Regulations, a by-law is not required for establishment. Both the PAB By-laws of MWH and Hantsport provided no additional or specific roles for the PAB and other than items such as meeting times and position title names it did not specify rules governing procedure different than that of any other committee. As the current PAB By-laws only re-state what is already provided for in the Provincial documents, they are not required.

It is the intent to establish a new five-member PAB for the Regional Municipality based solely on the provisions in the Police Act and Police Regulations. Repealing the current PAB By-laws would eliminating any confusion there may be between the current PAB By-laws and actual practice of the new PAB. If Council wishes to have PAB By-law which adds additional roles or meeting rules for the PAB, then a new by-law would be recommended which repeals both the former PAB By-laws.

NEXT STEPS

Should the Repeal of Police Advisory Board By-laws be recommended to Council the following process would be followed:

Staff Review

▼

Committee of the Whole and Recommendation

▼

Council First Reading

▼

Notice in newspaper of Public Hearing

▼

Council Public Hearing and Second Reading

▼

Notice to Municipal Affairs and Housing (they notify Justice for approval)

▼

Notice of Approval in newspaper

A call for resident members for the Police Advisory Board has been issued and will come before Council soon for appointments.

FINANCIAL IMPLICATIONS

There are no financial implications for the repeal of the Police Advisory Board By-laws of the former Municipality of West Hants and Town of Hantsport.

ALTERNATIVES

Committee of the Whole could not recommend that Council give first reading of REPEAL-002 proceed with a Public Hearing and Second Reading. This is not recommended and would mean both current By-laws would remain in effect.

ATTACHMENTS

1. Repeal of Police Advisory Board By-laws, REPEAL-002
2. Police Advisory Board By-law, P-001 Consolidated, of the former Municipality of the District of West Hants
3. RCMP Advisory Board By-law, 2008-4, of the former Town of Hantsport

CHIEF ADMINISTRATIVE OFFICER REVIEW

Not Applicable.

Report Prepared by: Rhonda Brown
Rhonda Brown, Municipal Clerk

Report Reviewed by: _____
Carlee Rochon, Director of Finance

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

REPEAL OF POLICE ADVISORY BOARD BY-LAWS

1. AUTHORITY

Pursuant to Section 68 (2) of the Police Act, Council may adopt a By-law prescribing the additional or specific roles and responsibilities of Police Advisory board and the rules governing proceedings of the advisory board.

Repeal of a Municipal by-law is subject to the same requirements as the legislative authority that established the by-law. Section 168 of the *Municipal Government Act* outlines the adoption procedures of a by-law.

2. TITLE

This By-law is entitled the "Repeal of Police Advisory Board By-laws".

3. PURPOSE

3.1. By-law REPEAL-002 hereby repeals the Police Advisory Board By-law, P-001, dated September 13, 2016 as amended to September 12, 2017 of the former Municipality of the District of West Hants.

3.2. By-law REPEAL-002 hereby repeals the RCMP Advisory Board By-law, 2008-4, dated April 1, 2008 and all previous such Police Advisory Board By-laws of the former Town of Hantsport.

4. EFFECTIVE DATE

This By-law is effective upon publication of passage of the By-law.

I, Rhonda Brown, Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of _____, _____.

_____
R. N. Brown
Municipal Clerk

By-law Adoption	
First Reading:	
Notice Published:	
Second Reading & Approval	
Final Publication	
Notice to Municipal Affairs	
Description: Initial approval of Repeal of Police Advisory Board By-laws, REPEAL-002.	

MUNICIPALITY OF THE DISTRICT OF WEST HANTS

A By-law Respecting the West Hants Police Advisory Board (Consolidated)

1. Citation

1.1. This By-law may be cited as the Police Advisory Board By-law.

2. Legislative Authority

2.1. This By-law has been prepared in accordance with the provisions of Sections 57 to 68 of the Police Act, S.N.S. 2004, c31 and amendments thereto and may be cited as the Police Advisory Board By-law.

2.2. This By-law is subordinate to the *Police Act* and *Regulations* made under that *Act*, including any amendments to the *Act* or *Regulations* from time to time affecting Police Advisory Boards. The Advisory Board created by this By-law is bound by the *Police Act* and *Regulations* and, except only to the extent of any inconsistency with the *Act* and *Regulations*, by the provisions of this By-law.

3. Definitions

3.1. "Advisory Board" means the Police Advisory Board established by the Municipality of the District of West Hants.

3.2. "Chief Officer" means the commanding officer for the Windsor District Detachment of the Royal Canadian Mounted Police.

3.3. "Chief Administrative Officer" means the Chief Administrative Officer of the Municipality of the District of West Hants.

3.4. "Council " means the Municipal Council of the Municipality of the District of West Hants.

3.5. "Municipality " means the Municipality of the District of West Hants.

3.6. "Minister" means the Minister of Justice

3.7. "*Police Act*" means *An Act Respecting Policing in Nova Scotia*.

3.8. "Regulations" means the Police Regulations made under Section 97(1) of the Police Act.

4. Purpose and Function

4.1. The over all purpose of the Advisory Board is to provide advice to Council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the Municipality, but the Advisory Board does not exercise jurisdiction relating to the complaints, discipline, personnel conduct or the internal management of the Royal Canadian Mounted Police.

4.2. Subject to applicable police contract(s) or police agreement(s), and without limiting the generality of section 4.1, the function of the Advisory Board is to :

a) Determine, in consultation with the Chief Officer or the Chief Officer's designate, priorities, objectives and goals respecting police services in the community;
b) Ensure the Chief Officer establishes programs and strategies to implement the priorities objectives and goals respecting police services;
c) Ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;
d) Ensure that police services are delivered in a manner consistent with community values, needs and expectations;
e) Act as a conduit between the community and the police department;
f) Recommended policies, administrative and organizational direction for the effective management of the police departments; and
g) Review with the chief officer or the chief officer's designate information provided by the chief officer respecting complaints and internal discipline.

5. General Membership

5.1. The Advisory Board shall be comprised of five (5) members as follows:

a) Two members of Council appointed by resolution of Council,
b) Two citizen members appointed by resolution of Council, who are neither members of Council or employees of the Municipality, and
c) One member appointed by the Minister.

5.2. The Chief Officer and the Chief Administrative Officer, or their designates, must receive notice of the meetings of the Advisory Board and are entitled to attend such meetings, but not to vote.

5.3. A member of the Advisory Board may be dismissed by

a) The Minister, if the Minister appointed the member; or
b) Resolution of Council, if the Council appointed the member.

5.4. The citizen members shall be persons who have residency within one of the municipal polling districts of the Municipality, or have considerable interest in serving on the advisory board.

5.5. An Advisory Board member appointed by Council who ceases to meet the residency requirements or has no interest in serving on the Advisory Board or is otherwise unable to carry out his or her duties as a member of the Advisory Board, ceases to be qualified to serve as a member of the Advisory Board; and Council shall, by resolution, fill such vacancy with an interim appointment.

6. Qualifications of Board Members

6.1. The selection process used by Council for appointing members to the Advisory Board shall be consistent with the *Police Act* and *Regulations.*

6.2. To be a candidate for appointment as an Advisory Board member, a person shall demonstrate all the qualifications and meet all requirements to the satisfaction of the Council as specified in the *Regulations*.

6.3 To be a candidate for appointment as a citizen member on the Advisory Board, a person may not be a member of Council, employee of the Municipality, nor be a current member of any police force.

6.4. Each member of the Advisory Board shall take an oath of office or affirmation as prescribed by the *Regulations* and adhere to the code of conduct prescribed in the *Regulations*.

6.5. All members of the Advisory Board shall make themselves available and participate in training that may be provided for members of the board or required by the Minister or by *Regulations*.

6.6. An Advisory Board member must not make public any matter of a confidential nature, including any matter inadvertently discussed in open session at a meeting or in private conversation.

6.7. Subject to paragraph 5.3 and 5.5, or any other direction of Council, the appointment of Advisory Board members shall be:

a) For Council members, two year; and
b) For citizen members, two years

7. Meetings

7.4. The Chair and Vice-Chair of the Advisory Board shall be chosen by the members of the Advisory Board, annually, at the first meeting in each year.

7.5. The Advisory Board shall hold meetings every three months which may be called by the Chair whenever the Chair deems it advisable, and the Chair or the Vice –Chair, in the Chair's absence, illness or inability to act, shall call additional meetings of the Advisory Board whenever requested in writing to do so by a majority of the members of the Advisory Board.

7.6. The Vice-Chair shall have the same authority as the Chair when presiding at a meeting in the Chair's absence.

7.7. Any other member of Council may attend the meetings of the Advisory Board, but may not vote and may only take part in any discussion or debate of the Advisory Board with the permission of the majority of the Advisory Committee members present. Other members of Council shall not attend in-camera sessions of the Advisory Board.

7.8. Meetings of the Advisory Board are open to the public, but all matters relating to discipline, personnel conduct, contract negotiations and security of police operations shall be conducted in private.

8. Voting

8.4. All members of the Advisory Board shall vote at the meeting, and any members not indicating their votes will be considered as voting in the negative.

9. Quorum

9.4. The quorum for the Advisory Board shall be a majority of the members.

9.5. Where no quorum is present within twenty minutes after the hour set for the Advisory Board meeting, the secretary shall take down the names of members present and the Chair shall adjourn the meeting.

10. Decorum and Parliamentary Procedure

10.4. The Chair shall preserve order and decorum at Advisory Board meetings and decide all questions of order, subject to an appeal to the Advisory Board upon motion which may be made at any time and shall be put to the meeting immediately and decided

forthwith. Where the Chair is called upon to decide a point of order or practice, the Chair shall state the question without unnecessary comment and decide the issue citing the rule or authority applicable hereto.

10.5. Every member upon speaking to a question, motion, or matter, shall address himself/herself to the Chair.

10.6. A citizen member, who without leave of the Advisory Board, is absent from three consecutive meetings of the Advisory Board during their term of appointment, ceases to be qualified to serve as a citizen member of the Advisory Board.

10.7. All meetings of the Advisory Board shall be conducted pursuant to the rules of order for the Municipality and defaulted to the most current edition of Bourinot's Rules of Order.

11. Remuneration and Expenditures

11.4. Upon submission of a travel expense report, the two citizen members appointed to the Advisory Board by Council shall be reimbursed for meeting attendance and travel cost pursuant to the Municipality's prevailing policies and rates, and for other activities approved by the Advisory Board as may be required.

11.5. Members of Council appointed to the Advisory Board shall be compensated according to the Municipality's budget for general government services and other prevailing policies and rates.

12. Repeal

12.4. All previous Police Advisory Board By-laws are hereby repealed.

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the **13th** day of **September, 2016**.

_____
R.N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	August 9, 2016
Notice Published:	August 29, 2016
Second Reading & Approval	September 13, 2016
Final Publication	September 11, 2018
Notice to Municipal Affairs	September 19, 2016
Description: Approval of P-001 Police Advisory Board By-law and repeal of all previous Police Advisory Board By-laws.	
First Amendment	
First Reading:	July 11, 2017
Notice Published:	August 29, 2017
Second Reading & Approval	September 12, 2017
Final Publication	September 11, 2018
Notice to Municipal Affairs	September 14, 2017
Description: Amendments provided as outined in P-002 First amendment to the Police Advisory Board By-law.	

TOWN OF HANTSPORT

BY-LAW 2008-4

RESPECTING THE MEMBERSHIP AND RESPONSIBILITIES OF THE RCMP ADVISORY BOARD

The Council of the Town of Hantsport, in the Province of Nova Scotia, enacts as follows:

Short Title:

1. This By-Law shall be known as and may be cited as the " RCMP Advisory Board By-Law".

Interpretation:

2. In this By-Law:

2.1 "Board" means the Hantsport RCMP Advisory Board, a body to provide advice to Council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the Town of Hantsport
2.2 "Code of Conduct" means the Code of Conduct for the members of the Board adopted by Council
2.3 "Chief Officer" means the District Commander in the Windsor District RCMP
2.4 "NCO" means the Non-Commissioned Officer in charge of the Hantsport Community office.
2.5 "Minister" means the Minister of Justice
2.6 "RCMP" means the Royal Canadian Mounted Police.

3. Membership

3.1 The Board shall be composed of five members:

(a) Two members of Council appointed by Council
(b) Two members appointed by Council who are neither members of Council nor employees of the Town of Hantsport, and
(c) One member appointed by the Minister
(d) The CAO must receive notice of the meetings and is entitled to attend but does not have a vote.

3.2 A Chair and Vice-Chair shall be chosen by the members of the Board at the

first meeting in each year.

3.3 Each member of the Board shall take an oath of office, or affirmation, as prescribed by regulation and adhere to the Code of Conduct.

3.4 Where a member of the Board is unable to carry out the duties as a member of the Board by reason of illness, absence or any other reason, the person or the body that made the initial appointment may appoint some other person to act as or be a member of the Board in the place or stead of the absent member.

3.5 A Board member shall undergo any training that may be provided for members of the Board or required by the Minister or by regulation.

3.6 A member of the Board may be dismissed by:

(a) The minister, if the Minister appointed the member; or
(b) Resolution of Council, if Council appointed the member.

3.7 Members other than the ex officio members and Councilors, may serve for no more than three consecutive years, but may be reappointed after an absence of at least one year.

4. Member Selection

4.1 Council shall follow the following procedure in appointing a Board member:

(a) Advertise the vacancy;
(b) Solicit applications for the vacancy;
(c) Establish a panel to review applications; and.
(d) Submit each application to the panel for review.

4.2 A person must demonstrate all of the following qualifications, to the satisfaction of Council: to be a candidate for appointment as a member of the Board:

(a) Residence in the Town of Hantsport
(b) Knowledge of community issues;
(c) A good character
(d) The skills and abilities to make the commitment of time and effort required to carry out board responsibilities

4.3 A person must consent to criminal and background checks to be a candidate for appointment as a member of the Board

4.4 No person shall be appointed as a member of the Board if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of Council, would reasonably be expected to have a negative impact on their acting as a Board member or on the Board generally.

5. Meetings

5.1 Regular meetings of the Board shall be held at the Council Chambers on the second Thursday of each of the months of January, April, July and October of each year, commencing at 1800 hours or at such other time or place as the Board shall determine, provided that there shall be at least one such meeting every three months.

5.2 Board meetings shall be open to the public, except as to all matters relating to discipline, personnel conduct, contract negotiations and security of police operations which may be conducted in private.

5.3 The Non-Commissioned Officer in charge of the Hantsport Community Office or the Chief Officer shall attend all meetings of the Board.

5.4 A majority of the voting members of the Board shall constitute a quorum.

5.5 The Chief Administrative Officer of the Town or his or her designate shall be the non-voting secretary of the Board.

6. Responsibilities of Members:

The role of a member of the Board includes the following responsibilities subject to the police contract or policing agreement:

(a) Determine in consultation with the Chief Officer, or the Chief Officer's designate, priorities, objectives, and goals respecting police services in the community;
(b) Ensure the Chief Officer establishes programs and strategies to implement the priorities, objectives and goals respecting police services;
(c) Ensure that community needs and values are reflected in policing priorities objectives, goals, programs and strategies;
(d) Ensure that police services are delivered in a manner consistent with community values, needs and expectations;
(e) Act as a conduit between the community and the police;
(f) Recommend policies, administrative and organizational direction for the effective management of the police department; and
(g) Review with the chief officer, or the chief officer's designate, information provided by the chief officer respecting complaints and internal discipline.
(h) On behalf of the Board, the Board Chair may, in accordance with an agreement made pursuant to clause 36(1)(b) of the Police Act, give advice in writing to the Chief Officer, but not to other members of the police department and, for greater certainty, no other member of the board shall give advice or direction to a member of the police department.

(i) To provide annually to Council and the NCO an evaluation of the policing services within the Town with reference to the Policing Goals and Objectives as stated.

7. Role of Board Chair

The role of a Chair of a Board includes the following responsibilities:

(a) To preside over the Board and to manage, organize, set agendas for and attend meetings, ensuring that all policies developed by the Board are appropriately implemented;

(b) To develop an operations and policy manual that will assist in the orientation of new appointees and direct acting Board members regarding their roles and responsibilities;

(c) To ensure that Board members are informed of matters within the Board's jurisdiction;

(d) To act as the sole spokesperson for the Board;

(e) In conjunction with Board members and in consultation with the CAO of the Town of Hantsport, to evaluate the performance of the Chief Officer on a yearly basis.

8. Code of Conduct for Board members

8.1 Council may adopt and amend by policy a Code of conduct for the members of the Board.

8.2 The Chair or the majority of the Board may determine that a Board member has breached the Code of Conduct for Board members

8.3 The Board shall record any breach of the code of Conduct by a member of the Board in the Board's minutes.

8.4 On determining that a Board member has breached the Code of Conduct for Board members, the Board may take one or more of the following actions:

(a) Issue a reprimand to the Board member;

(b) Order a period of suspension for the Board member;

(c) Recommend to the Minister or the council that the Board member be dismissed under subsection 57(7) of the Police Act.

9. Member Complaint

Any public or internal complaint respecting a member of the RCMP assigned to the Hantsport Community Office including the Non-Commissioned Officer in charge shall be dealt with only as prescribed by the RCMP.

10. Expenditures and Credit

10.1 Neither the Board nor any member of the Board has any power to authorize any expenditure to be charged to the Town or to pledge the credit of the Town for any member.
10.2 Each member of the Board is entitled to reimbursement of expenses actually incurred when attending Board business or for attending meetings.

11. Repeal
All former Policing By-Laws and amendments of the Town of Hantsport are hereby repealed.

I, Jeffrey A. Lawrence, Chief Administrative Officer for the Town of Hantsport, do hereby certify that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Town Council of the Town of Hantsport and held on the day of

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Town this day of .
JEFFREY A. LAWRENCE Chief Administrative Officer



Criteria for Inclusion in the Municipal Heritage Registry
Council November 24 2020
Madelyn LeMay

HERITAGE PROPERTY BY-LAW

- establishes a Registry of Municipal Heritage Properties & specifies management



BENEFITS of REGISTRATION

Include:

- an increased feeling of pride in the property
- having a heritage plaque on the property
- heritage value may be maintained after the present owner leaves property
- opportunity for some advice from Provincial departments
- potential for Provincial grants or rebates
- possibility of Municipal grants



WHY CRITERIA FOR INCLUSION?

- good practice to ensure fair treatment of properties
- provides guidance to staff, HAC and Council
- West Hants and Windsor have each had criteria for 10+ years
- now no difference between the sets of criteria
- reasonable to create one set of criteria for the Region



WHAT DO WE DO WITH IT???

Criteria used:

- only when owner requests their property be registered as a Municipal Heritage Property
- information about the property is measured against each criterion & scored
- ensures properties are of local heritage significance before registration



PROPOSED CRITERIA

- no changes from present criteria for each community
- graduated, arbitrary, system of scoring
- scoring used to try to create consistent standard for recommendation
- no automatic pass unless related to Mi’kmaw or Acadian (1675-1755) periods



3 sections to the scoring framework:

1: CONTEXT/ENVIRONMENT

- does it have importance as a visual landmark?
- does it contribute to the historical/architectural character of the area?
- is the structure on the original site?
- has it been altered?



2: HISTORY & CULTURE

- has it been owned, occupied or cared for by descendants of original owner/developer?
- what period does it date from??
- is it associated with a person, group, or event that made a significant contribution to the community, province or nation?





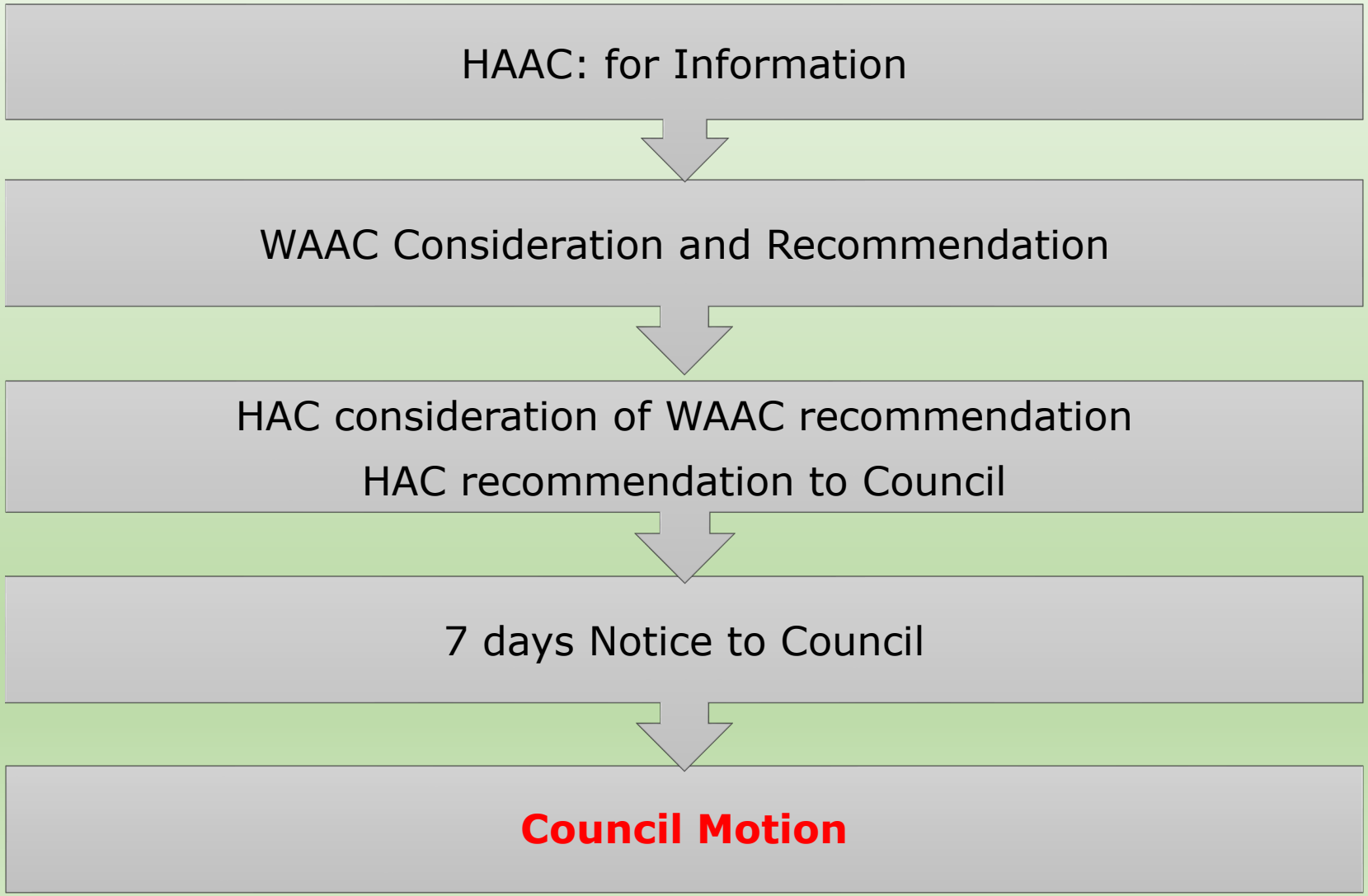
3:ARCHITECTURE

- how rare is the style compared to recognized historical building styles?
- is it an example of an architect/builder's work that is considered very rare or the work of an architect/builder of exceptional interest?
- what is the structural condition & state of repair?



POLICY PROCESS

- Criteria are a policy of Council



PAC/HAC RECOMMENDATION

... that Council approve the *Criteria for Inclusion in the Municipal Registry of Heritage Properties* in a manner substantively the same shown in Attachment C to the report to WAAC entitled *Criteria for Inclusion in the Municipal Registry of Heritage Properties* dated November 5, 2020.

WEST HANTS REGIONAL MUNICIPALITY

Recommendation Report

To: Members of Council

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: November 24, 2020

Subject: Criteria for Inclusion in the Municipal Registry of Heritage Properties
File # 20-11C

Background
Staff recommended *Criteria for Inclusion in the Municipal Registry of Heritage Properties* for the Region to the Windsor Area Advisory Committee (WAAC) on November 5, 2020.

Windsor Area Advisory Committee Recommendation
WAAC recommended in favour of the proposed *Criteria for Inclusion in the Municipal Registry of Heritage Properties* on November 5, 2020.

Planning Advisory Committee Recommendation
PAC/HAC recommended in favour of the proposed *Criteria for Inclusion in the Municipal Registry of Heritage Properties* on November 12, 2020.

Possible Motion
Should Council wish to approve the recommended *Criteria for Inclusion in the Municipal Registry of Heritage Properties*, the following motion would be in order:

…that Council approve the *Criteria for Inclusion in the Municipal Registry of Heritage Properties* in a manner substantively the same shown in Attachment C to the report to WAAC entitled *Criteria for Inclusion in the Municipal Registry of Heritage Properties* dated November 5, 2020.

Attachments
Appendix A *Criteria for Inclusion in the Municipal Registry of Heritage Properties* Report November 5, 2020; File # 20-11

Report Approved by: _____
Mark Phillips, CAO

ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To:	Hantsport Area Advisory Committee (HAAC) Windsor Area Advisory Committee (WAAC)
Submitted by:	_____ Madelyn LeMay, Director, Planning and Development
Date:	November 3, 2020 HAAC November 5, 2020 WAAC
Subject:	Criteria for Inclusion in the Municipal Registry of Heritage Properties File # 20-11

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s.313

2.0 RECOMMENDATION

If WAAC wishes to forward a positive recommendation the following motion would be in order:

… that WAAC recommends that PAC/HAC recommend that Council approve the *Criteria for Inclusion in the Municipal Registry of Heritage Properties* in a manner substantively the same shown in Attachment C to the report to WAAC entitled *Criteria for Inclusion in the Municipal Registry of Heritage Properties* dated November 5, 2020.

3.0 BACKGROUND

Windsor and West Hants each have *Criteria for Inclusion in the Municipal Registry of Heritage Properties* which applies to the respective community. Over the past two years the *Criteria* have been aligned by each Council in order to make it easier to develop one document which will apply to the entire Region.

4.0 DISCUSSION

The *Criteria* is used only when an owner asks to have their property registered as a Municipal Heritage Property. Information about the property is measured against each criterion and then scored. This ensures that properties really are of local heritage significance before being registered. The benefits to being registered include an increased feeling of pride in the property, having a heritage plaque on the property, the likelihood of the heritage value of the property being maintained after the present owner has moved on from the property, the opportunity for some advice from Provincial departments, and the possibility of Municipal grants.

There is no difference between the Windsor and West Hants *Criteria.* The *Criteria* have been in place in each community for over ten years; within the past two years changes were made to each document that:

- added criteria related to "association", "continuity of ownership" and "condition";
- assigned a graduated, but arbitrary, system of scoring similar to that used in other municipal units;
- provided specific periods within the History and Culture section, developed in conjunction with a local historian, in order to assist in consistent application of the criteria.

Having one *Criteria for Inclusion in the Municipal Registry of Heritage Properties* will make it easier for residents to understand and staff to administer.
Should Council not approve the *Criteria for Inclusion in the Municipal Registry of Heritage Properties,* each former municipal unit's *Criteria* will remain in force.

5.0 NEXT STEPS

Nothing further is required of WAAC; PAC/HAC recommendation and Council approval of the recommendation is needed to put *Criteria for Inclusion in the Municipal Registry of Heritage Properties* in place for the Region.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing *Criteria for Inclusion in the Municipal Registry of Heritage Properties* with the proposed *Criteria for Inclusion in the Municipal Registry of Heritage Properties.*

7.0 ALTERNATIVES

Should WAAC not wish to recommend the draft *Criteria for Inclusion in the Municipal Registry of Heritage Properties* to PAC/HAC, it may:

- recommend specific amendments to the proposed draft;
- recommend that *Criteria for Inclusion in the Municipal Registry of Heritage Properties* for the Region is not needed at this time; or

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A Windsor Criteria for Inclusion in the Municipal Registry of Heritage Properties

Attachment B West Hants Criteria for Inclusion in the Municipal Registry of Heritage Properties

Attachment C Proposed Region of Windsor and West Hants Criteria for Inclusion in the Municipal Registry of Heritage Properties

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Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

ATTACHMENT A
TOWN OF WINDSOR
Criteria for Inclusion in the Municipal Registry of Heritage Properties Guidelines

The following criteria will be used by the Windsor Heritage Advisory Committee when recommending inclusion of a property in the municipal heritage registry. Points will be awarded as noted below.

Property Name, Address and PID:
Initial Scoring By: Date:

CONTEXT/ENVIRONMENT

Landmark
Importance as a visual landmark:
(15) Symbol of provincial importance
(10) Symbol of county or regional importance
(5) Symbol of community importance
(0) Little or no symbolic value

Environment
The extent the property contributes to the historical/architectural character of the area:
(15) Essential to maintaining the dominant character
(10) Important to maintaining the dominant character
(5) Compatible with the dominant character
(0) Incompatible with the dominant character

Integrity
(10) On the original site with few or minor exterior alterations
(7) On the original site with major exterior alterations
(5) Building or structure has been relocated and has minor exterior alterations
(0) Building or structure has been relocated and has major exterior alterations

HISTORY &

CULTURE Continuity
(10) Owned, occupied or cared for by descendants of original owner or developer



Period

Building, structure or evident relationship dates from:

(automatic) Mi'kmaq
(automatic) 1675-1755 Acadian
(15) 1756-1800 New England Planter/United Empire Loyalist migration
(12) 1801-1840 General development of education & transportation
(10) 1841-1900 Age of Sail – rise of coastal communities
(7) 1901-1914 Economic development and prosperity
(5) 1915-1939 WWI – Interwar
(5) 1940+ WWII to present

Association

Association with the life or activities of a person, group, organization, institution or event that has made a significant contribution to the community, province or nation.

(25) Intimately connected to a person, group, event, etc. of primary importance
(20) Loosely connected to a person, group, event, etc. of primary importance
(15) Intimately connected to a person, group, event, etc of secondary importance
(10) Loosely connected to a person, group, event, etc. of secondary importance
(0) No known connection to a person, group, event, etc. of importance

ARCHITECTURE

Style

In comparison to recognized historical building styles the style is considered a:

(10) Very rare example or contains a very rare element
(7) Rare example or contains a rare element
(5) Common example
(0) Very common example

ARCHITECTURE

Construction type/building technology

The type of construction or building technology used is considered:

(10) Very rare or early example
(7) Rare or fairly early example
(5) Common example
(0) Very common example



Architect/builder

The property is an example of an architect/builder's work that is considered:

(20) Very rare or work from an architect/builder of exceptional interest
(15) Rare or work from an architect/builder of special interest
(5) Common or architect/builder of little interest
(0) Very common or architect/builder of no interest or unknown

Condition

The building's structural condition and state of repair is:

(10) Excellent
(7) Very good
(5) Fair
(0) Poor

Additional points may be assigned if there is a commitment to repair.

____ TOTAL

ATTACHMENT B
MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Criteria for Inclusion in the Municipal Registry of Heritage Properties

The following criteria will be used by the West Hants Heritage Advisory Committee in recommending inclusion of a property in the municipal heritage registry. Points will be awarded as noted below.

Property Name, address and PID:
Initial Scoring By: Date:

CONTEXT/ENVIRONMENT

Landmark
Importance as a visual landmark:
(15) Symbol of provincial importance
(10) Symbol of county or regional importance
(5) Symbol of community importance
(0) Little or no symbolic value

Environment
The extent the property contributes to the historical/architectural character of the area:
(15) Essential to maintaining the dominant character
(10) Important to maintaining the dominant character
(5) Compatible with the dominant character
(0) Incompatible with the dominant character

Integrity
(10) On the original site with few or minor exterior alterations
(7) On the original site with major exterior alterations
(5) Building or structure has been relocated and has minor exterior alterations
(0) Building or structure has been relocated and has major exterior alterations

HISTORY & CULTURE

Continuity
(10) Owned, occupied or cared for by descendants of original owner or developer

Period
Building, structure or evident relationship dates from:
(automatic) Mi'kmaq
(automatic) 1675-1755 Acadian
(15) 1756-1800 New England Planter/United Empire Loyalist migration
(12) 1801-1840 General development of education & transportation
(10) 1841-1900 Age of Sail – rise of coastal communities
(7) 1901-1914 Economic development and prosperity
(5) 1915-1939 WWI – Interwar
(5) 1940+ WWII to present

Association
Association with the life or activities of a person, group, organization, institution or event that has made a significant contribution to the community, province or nation.

(25) Intimately connected to a person, group, event, etc. of primary importance
(20) Loosely connected to a person, group, event, etc. of primary importance
(15) Intimately connected to a person, group, event, etc of secondary importance
(10) Loosely connected to a person, group, event, etc. of secondary importance
(0) No known connection to a person, group, event, etc. of importance

ARCHITECTURE

Style
In comparison to recognized historical building styles the style is considered a:
(10) Very rare example or contains a very rare element
(7) Rare example or contains a rare element
(5) Common example
(0) Very common example

ARCHITECTURE

Construction type/building technology
The type of construction or building technology used is considered:
(10) Very rare or early example
(7) Rare or fairly early example
(5) Common example
(0) Very common example

Architect/builder
The property is an example of an architect/builder's work that is considered:
(20) Very rare or work from an architect/builder of exceptional interest
(15) Rare or work from an architect/builder of special interest
(5) Common or architect/builder of little interest
(0) Very common or architect/builder of no interest or unknown

Condition
The building's structural condition and state of repair is:
(10) Excellent
(7) Very good
(5) Fair
(0) Poor
Additional points may be assigned if there is a commitment to repair.

____ TOTAL

I, (Municipal Clerk Name), Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the Guideline as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the ____day of _____(month), _____(year).

(Signature of Municipal Clerk)___
(Typed name of Municipal Clerk)

Adoption	
Notice to Council:	*Date*
Approval:	*Date*
Description:	

POLICY

ATTACHMENT C
WEST HANTS REGIONAL MUNICIPALITY
Criteria for Inclusion in the Municipal Registry of Heritage Properties

The following criteria will be used by the Heritage Advisory Committee of West Hants Regional Municipality in recommending inclusion of a property in the Municipal Heritage Register. Points will be awarded as noted below.

Property Name, address and PID:
Initial Scoring By: Date:

CONTEXT/ENVIRONMENT

Landmark
Importance as a visual landmark:
(15) Symbol of provincial importance
(10) Symbol of county or regional importance
(5) Symbol of community importance
(0) Little or no symbolic value

Environment
The extent the property contributes to the historical/architectural character of the area:
(15) Essential to maintaining the dominant character
(10) Important to maintaining the dominant character
(5) Compatible with the dominant character
(0) Incompatible with the dominant character

Integrity
(10) On the original site with few or minor exterior alterations
(7) On the original site with major exterior alterations
(5) Building or structure has been relocated and has minor exterior alterations
(0) Building or structure has been relocated and has major exterior alterations

HISTORY & CULTURE

Continuity
(10) Owned, occupied or cared for by descendants of original owner or developer

Period
Building, structure or evident relationship dates from:

(automatic)	Mi'kmaq
(automatic)	1675-1755 Acadian
(15)	1756-1800 New England Planter/United Empire Loyalist migration
(12)	1801-1840 General development of education & transportation
(10)	1841-1900 Age of Sail – rise of coastal communities
(7)	1901-1914 Economic development and prosperity
(5)	1915-1939 WWI – Interwar
(5)	1940+ WWII to present

Association
Association with the life or activities of a person, group, organization, institution or event that has made a significant contribution to the community, province or nation.

(25)	Intimately connected to a person, group, event, etc. of primary importance
(20)	Loosely connected to a person, group, event, etc. of primary importance
(15)	Intimately connected to a person, group, event, etc. of secondary importance
(10)	Loosely connected to a person, group, event, etc. of secondary importance
(0)	No known connection to a person, group, event, etc. of importance

ARCHITECTURE

Style
In comparison to recognized historical building styles the style is considered a:

(10)	Very rare example or contains a very rare element
(7)	Rare example or contains a rare element
(5)	Common example
(0)	Very common example

Construction type/building technology
The type of construction or building technology used is considered:

(10)	Very rare or early example
(7)	Rare or fairly early example
(5)	Common example
(0)	Very common example

POLICY

Architect/builder

The property is an example of an architect/builder's work that is considered:

(20) Very rare or work from an architect/builder of exceptional interest
(15) Rare or work from an architect/builder of special interest
(5) Common or architect/builder of little interest
(0) Very common or architect/builder of no interest or unknown

Condition

The building's structural condition and state of repair is:

(10) Excellent
(7) Very good
(5) Fair
(0) Poor

Additional points may be assigned if there is a commitment to repair.

____ TOTAL

I, Rhonda Brown, Municipal Clerk of the West Hants Regional Municipality, Province of Nova Scotia, do hereby certify that this is a true copy of the Policy adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____day of _____(month), _____(year).

*(Signature of Municipal Clerk)*___
Rhonda Brown

Adoption	
Notice to Council:	*Date*
Approval:	*Date*
Description:	



Heritage Conservation Work Grant Policy

EXISTING GRANT GUIDELINES FRAMEWORK

- Windsor: no grant policy
- West Hants: Grant Guidelines (policy) since 2016; amended in 2018 and 2019
  - provides limited financial assistance to owners of registered municipal heritage properties to help preserve the property as a resource for the community
  - grant is provided on a 50% cost sharing basis applicant / Council
  - limited by the budget established annually by Council
  - motion of Council is required for each grant provided

EXISTING GRANT GUIDELINES APPLICATION

- 6 properties with municipal heritage registration in community of West Hants eligible for a grant

- 5 properties with municipal heritage registration located within the community of Windsor not eligible for a grant

- if the proposed policy for the Region is not approved the existing West Hants *Guidelines* will still apply to heritage properties within the community of West Hants


Dimock House

EXISTING GRANT GUIDELINES CONTENT

West Hants Grant Guidelines established:

- general project requirements
- eligible and ineligible work & materials
- project evaluation
- application review process
- grants and applications
- conditions of approval & payment



Duncanson House

PROPOSED GRANT POLICY CONTENT

Eligible owners

- not-for-profit organizations incorporated under the Societies Act of Nova Scotia

- private owners



Duncanson House

PROPOSED GRANT POLICY CONTENT

General Project Requirements

- application must be completed and an estimate provided from one contractor
- grants are at discretion of Council
- no grant for work started before the grant is approved
- work completed and final claim made by March 31 of the year the work is done

PROPOSED GRANT POLICY CONTENT

Eligible Work and Materials

- projects related to architectural elements which support the designation of the property including:
  - preservation, replacement or restoration (as appropriate, depending on condition) of architectural elements such as windows, doors, cladding, roof, foundation, and trim
  - replacement or repair of structural elements which support the building or structure



Dimock House

PROPOSED GRANT POLICY CONTENT

Ineligible Work and Materials

- work carried out prior to approval of the grant
- modern materials unless required to meet Building Code Act By-law
- short-term routine maintenance
- landscaping or repairs to minor structures
- poor or defective work
- electrical, heating or plumbing work
- additions
- accessory buildings
- new windows and doors that do not support the heritage character
- owner's labour

PROPOSED GRANT POLICY CONTENT

Project Evaluation

- priority given to:
  - first-time applicants
  - structural or weatherproofing elements
  - applications supported by a Building Conservation Plan

➢ evaluated using Standards and Guidelines for the Conservation of Historic Places in Canada

GRANTS and APPLICATIONS

Background

- proposed policy differs from the West Hants Guidelines
- West Hants only three applications since 2016
- apparent issue: Guideline: "*The maximum number of grants for a property is one (1) per fiscal year and two (2) in any five (5) year fiscal period.*"
- maximum grant per year is $5,000.00
- total grant in a five (5) year period is $10,000.00.

GRANTS and APPLICATIONS

Applicant comments

- easier & more beneficial to apply more often within the 5 year period with total possible grant remaining at $10,000.00

- some applicants may wish to apply for smaller/less costly projects more often

- others may have a major project which would require the entire grant & may wish to apply only once during the five-year period

Conclusion

- middle approach reasonable: permit up to 2 applications per year each year within the 5 year period and not limit annual amount

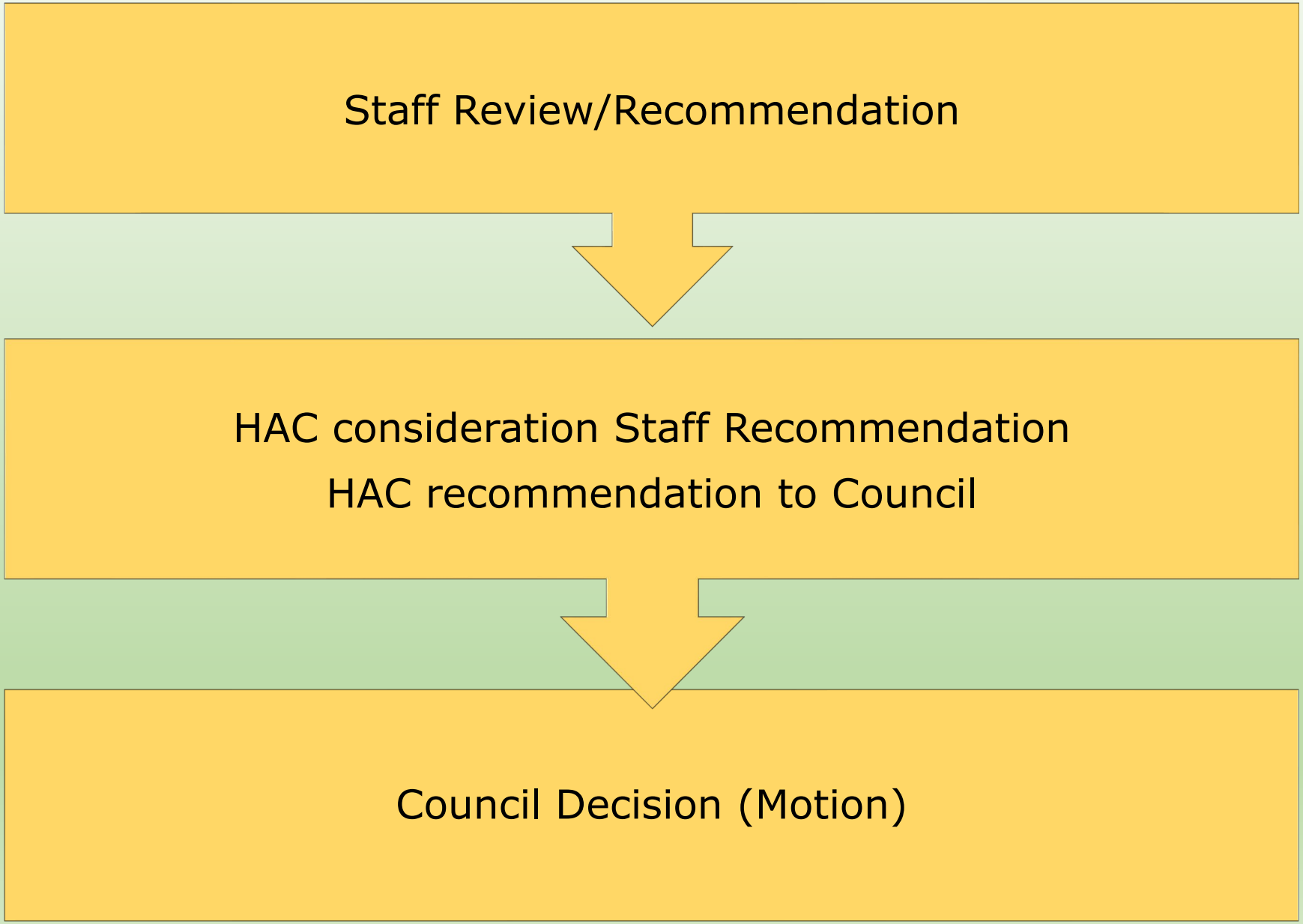
- included within the proposed Policy for the Region

CONDITIONS of APPROVAL and PAYMENT

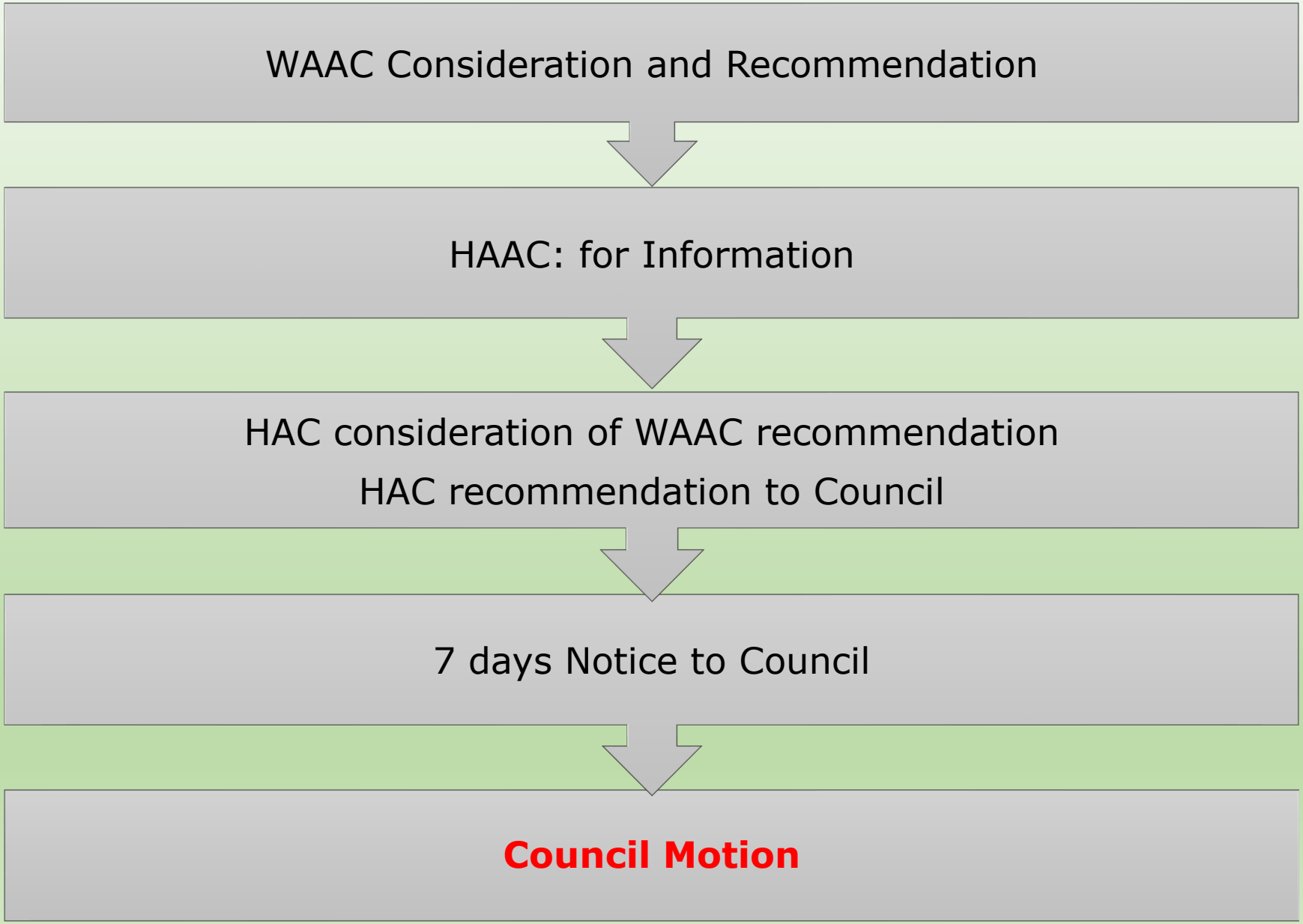
- work must be completed within the fiscal year for which it was approved (can be extended by CAO)
- grants conditional on completion of the approved work and submission of receipts and paid invoices
- deadline for submission of receipts and paid invoices: March 31
- any proposed changes to the approved work must receive Council approval before the work is done
- grants only given for work approved



GRANT APPLICATION REVIEW PROCESS



POLICY PROCESS



PAC/HAC RECOMMENDATION

…that Council approve the *Municipal Heritage Property Conservation Work Grant Policy*, in a manner substantively the same as that included as Attachment B to the report to WAAC entitled Heritage Conservation Work Grant Policy dated November 5 2020.

WEST HANTS REGIONAL MUNICIPALITY

Recommendation Report

To: Members of Council

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: November 24, 2020

Subject: Heritage Conservation Work Grant Policy
File # 20-12C

Background

Staff recommended a *Heritage Conservation Work Grant Policy* for the Region to the Windsor Area Advisory Committee (WAAC) on November 5, 2020.

Windsor Area Advisory Committee Recommendation

WAAC recommended in favour of the proposed *Heritage Conservation Work Grant Policy* on November 5, 2020.

Planning Advisory Committee Recommendation

PAC/HAC recommended in favour of the proposed *Heritage Conservation Work Grant Policy* on November 12, 2020.

Possible Motion

Should Council wish to approve the recommended Heritage Conservation Work Grant Policy, the following motion would be in order:

…that Council approve the Municipal Heritage Property Conservation Work Grant Policy, in a manner substantively the same as that included as Attachment B to the report to WAAC entitled Heritage Conservation Work Grant Policy and dated November 5, 2020.

Attachments

Appendix A Heritage Conservation Work Grant Policy Report November 5, 2020; File # 20-12

Report Approved by: _____
Mark Phillips, CAO

ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To:	Members of Hantsport Area Advisory Committee (HAAC) Members of Windsor Area Advisory Committee (WAAC)
Submitted by:	_____ Madelyn LeMay, Director, Planning and Development
Date:	HAAC November 3,2020 WAAC November 5, 2020
Subject:	Heritage Conservation Work Grant Policy File # 20-12

1.0 LEGISLATIVE AUTHORITY

MGA 65

2.0 RECOMMENDATION

If WAAC wishes to forward a positive recommendation the following motion would be in order:

…that WAAC recommends that PAC/HAC recommend that Council approve the *Municipal Heritage Property Conservation Work Grant Policy*, in a manner substantively the same as that included as Attachment B to the report to WAAC entitled Heritage Conservation Work Grant Policy and dated November 5, 2020.

3.0 BACKGROUND

The *Municipal Heritage Property Conservation Work Grant Guidelines* for municipal heritage properties was adopted by West Hants Council in 2016 and amended in 2018 and 2019. A similar policy was not ever considered by Windsor. Although entitled "Guidelines", it is a policy and the document for the Region will be called a policy.

4.0 DISCUSSION

4.1.1 Existing West Hants Guidelines

The West Hants *Guidelines* provides limited financial assistance to owners of registered municipal heritage properties to help owners preserve the property as a resource for the community. The grant is provided on a 50% cost sharing basis between the applicant and Council and is limited by the budget established annually by Council. A motion of Council is required for each grant provided.

The West Hants Guidelines established:

- general project requirements;
- eligible and ineligible work & materials;
- project evaluation;
- application review process;
- grants and applications;
- conditions of approval & payment.

4.1.2 Proposed Policy

The topics now covered by the West Hants Guidelines are included in the proposed policy for the Region. Content of the proposed policy is summarized below.

4.1.2(a) *Eligible owners*

- not-for-profit organizations incorporated under the Societies Act of Nova Scotia
- private owners

4.1.2(b) G*eneral Project Requirements*

- work must be done and final claim made by March 31 of the year the work is done;
- application must be completed and an estimate provided from one contractor
- grants are at discretion of Council
- no grant for work started before the grant is approved

4.1.2(c) *Eligible and Ineligible Work and Materials*

Eligible

- projects related to architectural elements which support the designation of the property including:
- preservation, replacement or restoration (as appropriate, depending on condition) of architectural elements, such as windows, doors, cladding, roof, foundation, and trim;
- replacement or repair of structural elements which support the building or structure.

Ineligible

- modern materials unless required to meet Building Code Act By-law;
- short-term routine maintenance
- landscaping or repairs to minor structures
- work carried out prior to approval of the grant;
- poor or defective work;
- electrical, heating or plumbing work;
- additions;
- accessory buildings;
- new windows and doors that do not support the heritage character of the building
- owner's labour

4.1.2(d) *Project Evaluation*

- evaluated using criteria of Standards and Guidelines for the Conservation of Historic Places in Canada
- priority given to:
  - first-time applicants;
  - structural or weatherproofing elements; and
  - applications supported by a Building Conservation Plan

4.1.2(e) *Application Review Process*

- takes approximately three (3) months
- staff review>HAC review and recommendation>Council decision

4.1.2(f) *Grants and Applications*

Since adoption in 2016, the West Hants *Guidelines* has been used in response to only three applications. One issue was quickly apparent when reviewing each of the applications. The Guidelines states: "*The maximum number of grants for a property is one (1) per fiscal year. and two (2) in any five (5) year fiscal period."* In addition, the maximum grant per year is $5,000.00; the total grant in a five (5) year period is $10,000.00.

Applicants have commented that it would be both easier and more beneficial for them to be able to apply for a grant more often within the five (5) year period (with the five (5) year period beginning on the date of the first grant approved) with the total possible grant remaining at $10,000.00. Since cash flow can be a problem, some applicants may wish to make application for smaller and less costly projects more often. Others may have a major project which would require the entire grant; they may wish to apply only

once during the five-year period. It seems reasonable to take a middle approach and permit up to two applications per year each year within the five (5) year period and not limit the annual amount. This ability has been included within the proposed Policy for the Region (Attachment B).

4.1.2(g) *Conditions of Approval and Payment*

- work must be completed within the fiscal year for which it was approved (can be extended by CAO)
- grants conditional on completion of the approved work and submission of receipts and paid invoices;
- Deadline for submission of receipts and paid invoices is March 31 each year;
- any proposed changes to the approved work must receive Council approval before the work is done
- grants only given for work approved

4.2 Application of Existing Guidelines

There are six (6) properties with municipal heritage registration in the Region that are now eligible for a grant. There are five (5) additional properties with municipal heritage registration located within the community of Windsor that are not now eligible for a grant. If the proposed policy for the Region is not approved the existing West Hants *Guidelines* will still apply to heritage properties within the community of West Hants.

5.0 NEXT STEPS

Nothing further is required of WAAC or PAC/HAC; Council approval of the PAC/HAC recommendation is needed for the *Municipal Heritage Property Conservation Work Grant Policy* to be effective throughout the Region.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing *Guidelines* with the proposed policy, as the total amount given in grants each year is limited by the budget established by Council. The change recommended regarding applications could at a maximum increase the workload on the Finance Department by one (1) application per property per year.

7.0 ALTERNATIVES

Should WAAC not wish to recommend this policy to PAC/HAC, it may:

- recommend specific amendments to the proposed draft;
- recommend that one *Municipal Heritage Property Conservation Work Grant Policy* for the Region is not needed at this time; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A	West Hants Municipal Heritage Property Conservation Work Grant Guidelines
Attachment B	Proposed Municipal Heritage Property Conservation Work Grant Policy for the Region

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Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

Report Approved by: 
Mark Phillips, CAO

Report Reviewed by: _____
Rhonda Brown, Municipal Clerk

Report Reviewed by: _____
Carlee Rochon, Director, Finance

GUIDELINE COPL-004.05

ATTACHMENT A

MUNICIPALITY OF THE DISTRICT OF WEST HANTS

Municipal Heritage Property Conservation Work Grant Guidelines

Objective

To provide information for private owners of Municipal Heritage properties regarding the financial assistance program which supports conservation of this important resource.

Eligible Applicants

The program provides eligible owners of Municipal Heritage properties with access to financial assistance comparable to that available to Provincially registered heritage properties. Within the limits of the annual budget, the Heritage Funding Program provides a maximum grant of $5,000 for eligible conservation work.

Eligible owners include only not-for-profit organizations incorporated under the Societies Act of Nova Scotia and private owners.

General Project Requirements

- all work must be completed and the final claim made by March 31 of the budget year;
- an application and an estimate from one contractor for the proposed work must be completed;
- grants are provided at the discretion of Council, and no grant will be provided for work started before the grant is approved.

Eligible Conservation Work & Materials

Projects related to exterior architectural elements including:

- **Preservation** of existing exterior architectural elements, including but not limited to, repair of windows, doors, cladding, roof, foundation, and architectural trim.
- **Replacement** of architectural elements which still exist but which are beyond preservation or repair, including doors, windows, cladding, roofing, foundation materials, and architectural trim, using materials and configurations similar to the original.
- **Restoration** of significant architectural elements which have been lost but for which the appearance can be determined from physical evidence or documentary sources such as historic drawings or photographs.
- Replacement or repair of structural elements which support the building or structure.

Ineligible Work & Materials

- Modern materials or elements such as vinyl or aluminum clad windows, steel doors, vinyl siding, or synthetic cladding unless required to meet the requirements of the West Hants Building Code By-law.

- Short-term routine maintenance, including minor repairs to non-original cladding or roofing.
- Landscaping features and repairs to minor structures such as fences and retaining walls which do not support the building.
- Work carried out prior to approval of the grant.
- Poor or defective work.
- Electrical, heating, or plumbing work.
- Construction of an addition.
- Construction of an accessory building.
- New windows and doors that do not support the heritage character of the building.
- Owner's labour.

Project Evaluation

The project will be evaluated using criteria established under the Standards and Guidelines for the Conservation of Historic Places in Canada.
Priority will be given to:

- first-time applicants
- work on structural or weatherproofing elements
- applications supported by a Building Conservation Plan (a drawing or a report which reasonably illustrates all intended work) prepared by an architect, building official, engineer, or restoration professional.

Application Review Process

The process for review of an application takes approximately three (3) months.

Application Received
↓
Report to HAC prepared by staff
↓
HAC recommends to Council
↓
Council decision

All eligible applications may not receive approval due to limited funds.

Grants & Applications

- Grants are awarded on a 50% cost-sharing, matching basis.
- The maximum annual grant is $5,000. per property.
- The minimum annual grant is $500. per property.
- The maximum number of grants per property is one (1) per fiscal year. and two (2) in any five (5) year fiscal period.

- Grants are based on eligible expenses; in-kind contributions are not included in calculating the grant.

Conditions of Approval & Payment of Funds

- Projects must be completed within the fiscal year for which they were approved, unless exceptional circumstances arise following initial approval. Approval for extending the grant into a second fiscal year must be requested from the Chief Administrative Officer as soon as the need is known.
- Grants are conditional on completion of the approved and submission of receipts and paid invoices.
- Deadline for submission of receipts and paid invoices is March 31 each year.
- The applicant shall notify the Municipality of any proposed changes to the approved work and shall receive approval from Council before doing the work.
- Grants are tied to the work approved and will not be given for work which was not approved.

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the Guideline as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the **8th** day of **May, 2018**.

_____

R.N. Brown
Municipal Clerk

Adoption	
Notice to Council:	April 19, 2018
Approval:	May 8, 2018
Description: Initial approval of the Municipal Heritage Property Conservation Work Grant Guidelines, COPL-004.05.	
First Amendment	
Notice to Council:	January 17, 2019
Approval:	February 12, 2019
Description: Added not-for-profit organization as eligible owners, and that grant extensions are requested by the Chief Administrative Officer as soon as possible.	

Original Guideline signed by Rhonda Brown, Municipal Clerk

ATTACHMENT B
WEST HANTS REGIONAL MUNICIPALITY
Municipal Heritage Property Conservation Work Grant Guidelines

Objective

To provide information for owners of Municipal Heritage properties regarding the financial assistance program which supports conservation of this important resource.

Eligible Applicants

The program provides eligible owners of Municipal Heritage properties with access to financial assistance comparable to that available to Provincially registered heritage properties. Within the limits of the annual budget, the Heritage Funding Program provides a maximum grant of $10,000 within a five (5) year period for eligible conservation work.

Eligible owners include only not-for-profit organizations incorporated under the Societies Act of Nova Scotia and private owners.

General Project Requirements

- all work must be completed and the final claim made by March 31 of the year in which the work is done;
- an application must be completed and an estimate must be provided from one contractor for the proposed work;
- grants are provided at the discretion of Council and no grant will be provided for work started before the grant is approved.

Eligible Conservation Work & Materials

Projects related to architectural elements which support the designation of the property including:

- **Preservation** of existing architectural elements, including but not limited to, repair of windows, doors, cladding, roof, foundation, and architectural trim;
- **Replacement** of architectural elements which still exist but which are beyond preservation or repair, including doors, windows, cladding, roofing, foundation materials, and architectural trim, using materials and configurations similar to the original;
- **Restoration** of significant architectural elements which have been lost but for which the appearance can be determined from physical evidence or documentary sources such as historic drawings or photographs; and
- **Replacement or repair of structural elements** which support the building or structure.

Ineligible Work & Materials

- modern materials or elements such as vinyl or aluminum clad windows, steel doors, vinyl siding, or synthetic cladding unless required to meet the requirements of the Building Code Act By-law;
- short-term routine maintenance, including minor repairs to non-original cladding or roofing;
- landscaping features and repairs to minor structures such as fences and retaining walls which do not support the building;
- work carried out prior to approval of the grant;
- poor or defective work;
- electrical, heating or plumbing work;
- construction of an addition;
- construction of an accessory building;
- new windows and doors that do not support the heritage character of the building; and
- owner's labour.

Project Evaluation

The project will be evaluated using criteria established under the Standards and Guidelines for the Conservation of Historic Places in Canada.

Priority will be given to:

- first-time applicants;
- work on structural or weatherproofing elements; and
- applications supported by a Building Conservation Plan (a drawing or a report which reasonably illustrates all intended work) prepared by an architect, building official, engineer, or restoration professional.

Application Review Process

The process for review of an application takes approximately three (3) months.

Application Received
↓
Report to HAC prepared by staff
↓
HAC recommends to Council
↓
Council decision

All eligible applications may not receive approval due to limited funds.

Grants & Applications

- Grants are awarded on a 50% cost-sharing, matching basis;

- The minimum grant is $500. per property;
- The maximum number of grants per property is two (2) per fiscal year and ten (10) in any five (5) year fiscal period;
- Grants are based on eligible expenses; in-kind contributions are not included in calculating the grant.

Conditions of Approval & Payment of Funds

- Projects must be completed within the fiscal year for which they were approved unless exceptional circumstances arise following approval. Approval for extending the grant into a second fiscal year must be requested from the Chief Administrative Officer as soon as the need is known;
- Grants are conditional on completion of the approved and submission of receipts and paid invoices;
- Deadline for submission of receipts and paid invoices is March 31 each year;
- The applicant shall notify the Municipality of any proposed changes to the approved work and shall receive approval from Council before doing the work;
- Grants are tied to the work approved and will not be given for work which was not approved.

Adoption	
Notice to Council:	
Approval:	
Description: A pproval of the Municipal Heritage Property Conservation Work Grant Guidelines for West Hants Regional Municipality	





Heritage Permits and Alterations to Registered Heritage Properties

REGISTERED PROPERTIES

- registrations include entire properties, not just a building
- heritage value may lie only in one building on the lot

SUBSTANTIAL ALTERATION

- HPA and WHRM Heritage Property By-law:

  "Substantial Alteration" means any action that affects or alters the character-defining elements of a property.

- anyone intending to work on a registered property should complete a heritage permit application

- staff review the proposal and determine whether the work is a substantial alteration

- substantial alterations must be considered through the heritage permit process

- other (non-substantial) alterations do not require a heritage permit

APPLICATION REVIEW PROCESS

Non-Substantive Alteration

Staff Review

Letter to Applicant: no Heritage Permit Required



Substantive Alteration

Staff Review/Recommendation

HAC consideration Staff Recommendation

HAC recommendation to Council

Council Decision (Motion)

Statements of Significance

- description required for any property which was designated and added to the pan-Canadian heritage website "historicplaces.ca" from ~2001 to ~2009
- properties registered before or after these dates may not have a SOS
- really helpful to have one done at the time of designation; one is done for any requested registration now
- SOS has several elements:
  - Description of Historic Place: a brief description of the property
  - Heritage Value: a description of the importance of the property
  - Character-Defining Elements: a list of the items that are of particular importance to and contribute to the heritage value of the property.



Pictou Curling Club

LAWSON HOUSE





Description of Historic Place

Lawson House is located at the southeast corner of the intersection of St. John and King Streets in the town of Windsor, NS. Set among several grand historic homes on King Street, Lawson House stands out as a distinctive part of the streetscape. The land and building are included in the municipal designation.

HERITAGE VALUE

Lawson House is valued as one of two buildings in Windsor **designed by William Critchlow Harris** and for its **association with prominent Windsor residents** H.B. Tremain and W. Medford Christie. It is one of **the first buildings where Harris incorporated round towers with conical roofs - a later trademark** of his style.

On October 20, 1897, the "Hants Journal" reported the advance of a great fire that ended with Walter Lawson's house on King Street. In 1898 Lawson, a banker, commissioned Harris to design a new home to be built on the same site. Harris was also working on St. John's Roman Catholic Church and Presbytery further north on King Street.

HERITAGE VALUE

In 1903 the house was sold to Hadely Brown Tremain, a barrister and Member of Parliament for Hants (1911 to 1921). Tremain is credited with having the 112th Battalion of the Canadian Expeditionary Forces stationed at Fort Edward, Windsor.

It was circa 1898 that Harris began to incorporate towers in his designs. The **towers, along with the arched veranda, decorative scalloped shingles on the second storey, the large hipped dormer and decorative leaded and stained glass windows distinguish Lawson House from any other dwelling in Windsor**. In 1907 Lawson House was sold to W. Medford Christie, a Town Solicitor and the house remained in the Christie family until 1971.

A third tower was added with a single storey addition on the south end of the house in the 1980s. While this tower is sympathetic to the original design in its use of decorative shingles and an archway, it does detract from the symmetry of the original design.

CHARACTER-DEFINING ELEMENTS

Character-defining elements of Lawson House include:

- wood frame construction;
- original location;
- two original round towers with conical roofs;
- clipped gable roof;
- wood shingle exterior with scalloped shingles on upper storeys;
- large hipped dormer;
- central doorway;
- partially enclosed veranda with archways.



POTENTIAL NON-SUBSTANTIAL ALTERATIONS

Why a list??

- provides assurance to staff who administer the By-law
- speeds (and lighten up) up the process for work on heritage property

Can you add to the list?

- future requests for an item staff considers to be non-substantial not on the list would be recommended as additions to the list
- members of PAC/HAC or Council may suggest additions



Fort Point Lighthouse, Liverpool

PROPOSED LIST

- in place in Windsor and West Hants for several years
- two differences:
  - size of an accessory building considered non-substantial; the floor area has been replaced by the phrase *"which do not require a building permit"*
  - an additional level of detail in the Windsor list regarding when shingles may be replaced with cladding and cladding with shingles; this has been maintained in the proposed list
- items on the list do not conflict with the requirements of the Windsor Architectural Design Manual or affect the heritage value of properties



Manning Block Parrsboro

PROPOSED LIST

- replacement of or repair to any element of the exterior or public building interior where no change is intended;
- items which staff considers to be maintenance;
- changes in storm windows from painted wood to aluminum;
- use of vinyl (or other material) window inserts within the existing opening;
- replacement of shingles with clad board with the same exposure, or clad board with shingles unless cladding is specified as a character-defining element;
- replacement of doors or storm doors with doors within the existing opening;
- replacement of non-traditional elements with traditional (i.e. clad or replace concrete steps with wood; shingle a wall now covered in plywood);

PROPOSED LIST

- installation of wooden gutters;
- addition of utilities such as air-conditioning vents and “Selkirk” chimneys to walls which are not visible from the public street;
- installation of solar panels on any roof surface;
- addition of minor accessory structures which do not require a building permit;
- alteration of existing minor accessory structures which do not require a building permit;
- placement of commercial advertising signs;
- construction and repair of fences;
- landscaping elements such as ground level “patios” or stairways which are not connected to the main building.

PAC/HAC RECOMMENDATION

… that Council approve the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial,* included as Attachment D to the report to WAAC entitled *Heritage Permits and Alterations to Registered Heritage Properties* dated November 5, 2020.

WEST HANTS REGIONAL MUNICIPALITY

Recommendation Report

To: Members of Council

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: November 24, 2020

Subject: Heritage Permits and Alterations to Registered Heritage Properties
File # 20-13C

Background

Staff recommended a *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* for the Region to the Windsor Area Advisory Committee (WAAC) on November 5, 2020.

Windsor Area Advisory Committee Recommendation

WAAC recommended in favour of the proposed *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* on November 5, 2020.

Planning Advisory Committee Recommendation

PAC/HAC recommended in favour of the proposed *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* on November 12, 2020.

Possible Motion

Should Council wish to approve the recommended List of Alterations to Heritage Properties which are to be Considered Non-Substantial, the following motion would be in order:

…that Council approve the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial,* included as Attachment D to the report to WAAC entitled *Heritage Permits and Alterations to Registered Heritage Properties* dated November 5 2020.

Attachments

Appendix A Heritage Permits and Alterations to Registered Heritage Properties Report November 5, 2020; File # 20-12

Report Approved by: _____
Mark Phillips, CAO

ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To:	Hantsport Area Advisory Committee (HAAC) Windsor Area Advisory Committee (WAAC)
Submitted by:	_____ Madelyn LeMay, Director, Planning and Development
Date:	November 3, 2020 HAAC November 5, 2020 WAAC
Subject:	Heritage Permits and Alterations to Registered Heritage Properties
File #	20-13

1.0 LEGISLATIVE AUTHORITY

Heritage Property Act 13(b) and 17

2.0 RECOMMENDATION

If WAAC wishes to forward a positive recommendation the following motion would be in order:

… that WAAC recommends that PAC/HAC recommend that Council approve the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial,* included as Attachment D to the report to WAAC entitled *Heritage Permits and Alterations to Registered Heritage Properties* dated November 5 2020.

3.0 BACKGROUND

3.1 Registered Properties

The Heritage Property Act allows municipalities to identify and protect buildings, public-building interiors, streetscapes, cultural landscapes or areas which are of heritage significance to the Municipality. Following request from the owner

and investigation by the PAC/HAC, in the past Windsor Council registered five (5) properties and West Hants registered seven (7) properties (Attachment A).

As was common practice in Nova Scotia, registrations use wording which included not only the building but the entirety of the property, or lot, on which a building is located, even though the heritage value may rest only in the building. As a result, any change on the property must be considered through a heritage permit process.

3.2 **Substantial Alteration**

Once a property is registered as a municipal heritage property, no "substantial alteration" to the property can take place unless a heritage permit has been issued.

In the Heritage Property Act, "substantial alteration" is defined as "*any action which affects or alters the character defining elements of a property."*

A description termed a "Statement of Significance" (SOS) was required for any property which was designated and added to the pan-Canadian heritage website "historicplaces.ca". This process was in place in Nova Scotia from about 2001 to about 2009, with provincial funding provided only for a portion of this period. Properties designated before or after these dates may not have a SOS, but it is really helpful to have one done at the time of designation. An SOS is made up of several elements:

- Description of Historic Place: a brief description of the property
- Heritage Value: a description of the importance of the property
- Character-Defining Elements: a list of the items that are of particular importance to and contribute to the heritage value of the property.

For example, the character-defining elements of one property listed on the Register are:

- *position of the building as to the apex of the upper and lower business districts, and proximity to the Annapolis Basin;*
- *irregular massing of the building;*
- *gable end to the street;*
- *all Greek Revival elements including window size, proportion and pattern; original boxed cornice and frieze with paired brackets; and plain pilasters on the corners and across the front with the Doric capitals;*
- *original and historic wood clapboard, wood trim, and wood finish elements;*
- *originally styled wood and glass doors;*

As a result, the impact of a change requested to any of the items listed above, such as the style of the doors, would be a substantial alteration and would have to be considered and then determined by Council.

3.3 **Heritage Advisor**

"Heritage Advisor" is the term used across Nova Scotia for any staff member who provides advice on heritage matters. The term is not used in the Heritage Property Act.

3.4 **Application Process**

Once an application is made to alter a municipally registered heritage property, the Heritage Advisor reviews each application and determines whether the proposed change is considered a substantial or non-substantial alteration.

If the Heritage Advisor is unable to determine whether a proposed change is substantial or non-substantial, the application must follow the process for a substantial alteration. A report is also required if the proposed change is determined to be substantial.

If the proposed change is determined by the Heritage Advisor to be non-substantial, a letter would be sent to the applicant advising that a heritage permit is not required.

Whether a change is considered substantial or not, a development and/or building permit may be required.

3.5 **Non-Substantial Alterations**

In order to provide assurance to staff who administer the Heritage Property By-law, WAAC and PAC/HAC may recommend that Council approve a list of alterations which Council has determined are not substantial. When a request is made in future for an item that the Heritage Advisor considers to be non-substantial but is not on the list, the Heritage Advisor would recommend that that type of alteration be added to the list. Having a list of alterations which Council has determined to be not substantial speeds up the process for work on heritage property.

Windsor and West Hants each approved a *List of Alterations to Heritage Properties which are to be Considered Non-Substantial*. Over the past three years the lists have been aligned as closely as possible in order to make it easier to develop one list for the Region.

The changes listed as non-substantial do not conflict with the requirements of the Windsor Architectural Design Manual or affect the heritage value of properties.

4.0 DISCUSSION

There are only two very small areas of difference between the Windsor and West Hants *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* (Attachments A and B). One is the size of an accessory building which would be considered non-substantial. Each intends to refer to a building which

does not require a building permit, so the number has been replaced by the phrase *"which do not require a building permit"*. The second is an additional level of detail in the Windsor list regarding when shingles may be replaced with cladding and cladding with shingles. This detail has been included in the proposed list for the Region (Attachment C).

Should Council not approve the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial*, each former municipal unit's list will remain in force.

A single *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* will ensure registered properties are all treated the same way across the Region.

5.0 NEXT STEPS

Nothing further is required of WAAAC; PAC/HAC recommendation and Council approval of the recommendation is needed for the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* to be effective.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing lists with the proposed new list.

7.0 ALTERNATIVES

Should WAAC not wish to recommend this draft list to PAC/HAC, it may:

- recommend specific amendments to the proposed draft;
- recommend that one List of Alterations to Heritage Properties which are to be Considered Non-Substantial for the Region is not needed at this time; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A	Registered Windsor and West Hants Municipal Heritage Properties
Attachment B	West Hants List of Alterations to Heritage Properties which are to be Considered Non-Substantial
Attachment C	Windsor List of Alterations to Heritage Properties which are to be Considered Non-Substantial
Attachment D	Proposed Region of Windsor and West Hants List of Alterations to Heritage Properties which are to be Considered Non-Substantial

Report Prepared by: _____

Madelyn LeMay, Director, Planning and Development

Report Approved by: 

Mark Phillips, CAO

ATTACHMENT A

Registered Windsor and West Hants Municipal Heritage Properties

Updated: April 2, 2020

West Hants

PID	Civic	Name
45061421	652 New Ross Road Leminster	All Saints Anglican Church
45167269	744 Highway 236 Scotch Village	Dimock House
45179900	5959 Highway 215 Kempt Shore	Kempt Shore Presbyterian Church
45041894	1015 No. 14 Highway	South Waterville Hall
45005402	4839 Highway 1 Three Mile Plains	The Plains Community Hall (School Section No. 36.) AKA Five Mile Plains Community Hall
45036001	376 Falmouth Dyke Road, Falmouth	Greenwood
45249406	419 Gabriel Road, Falmouth	Sainte Famille Cemetery

WINDSOR REGISTERED HERITAGE PROPERTIES

PID	Civic	Name
45054145	653 King Street, Windsor	Lawson House
45059607	543 King Street, Windsor	Christ Church Anglican Church
45056058	281 King Street, Windsor	West Hants Historical Society Museum
45050598	646 King Street, Windsor	Thornton House
45059573	1291 King Street, Windsor	Old Parish Burying Ground

ATTACHMENT B
WEST HANTS 2017

List of Alterations to Municipally Designated Heritage Properties which are to be Considered Non-Substantial

- replacement of or repair to any element of the exterior where no change is intended;
- items which the Heritage Advisor considers to be maintenance;
- changes in storm windows from painted wood to aluminum;
- use of vinyl (or other material) window inserts within the existing opening;
- replacement of shingles with clad board with the same exposure, or clad board with shingles;
- replacement of doors or storm doors with doors within the existing opening;
- replacement of non-traditional elements with traditional (i.e. clad or replace concrete steps with wood; shingle a wall now covered in plywood);
- installation of wooden gutters;
- addition of utilities such as air-conditioning vents and "Selkirk" chimneys to walls which are not visible from the pubic street;
- installation of solar panels on any roof surface;
- addition of minor accessory structures which are less than 215 sq. ft. in area;
- alteration of existing minor accessory structures which are less than 215 sq. ft. in area;
- placement of commercial advertising signs;
- construction and repair of fences; or
- landscaping elements such as stairways or ground level "patios" which are not connected to the main building.

ATTACHMENT C
WINDSOR 2019

List of Alterations to Municipally Designated Heritage Properties which are to be Considered Non-Substantial

- replacement of or repair to any element of the exterior where no change is intended;
- items which the Heritage Advisor considers to be maintenance;
- changes in storm windows from painted wood to aluminum;
- use of vinyl (or other material) window inserts within the existing opening;
- replacement of shingles with clad board with the same exposure, or clad board with shingles unless cladding is specified as a character-defining element;
- replacement of doors or storm doors with doors within the existing opening;
- replacement of non-traditional elements with traditional (i.e. clad or replace concrete steps with wood; shingle a wall now covered in plywood);
- installation of wooden gutters;
- addition of utilities such as air-conditioning vents and “Selkirk” chimneys to walls which are not visible from the pubic street;
- installation of solar panels on any roof surface;
- addition of minor accessory structures which are less than 200 sq. ft. in area;
- alteration of existing minor accessory structures which are less than 200 sq. ft. in area;
- placement of commercial advertising signs;
- construction and repair of fences; or
- landscaping elements such as stairways which are not connected to the main building or ground level “patios”.

ATTACHMENT D

WEST HANTS REGIONAL MUNICIPALITY 2020

List of Alterations to Municipally Designated Heritage Properties which are to be Considered Non-Substantial

- replacement of or repair to any element of the exterior or public building interior where no change is intended;
- items which the Heritage Advisor considers to be maintenance;
- changes in storm windows from painted wood to aluminum;
- use of vinyl (or other material) window inserts within the existing opening;
- replacement of shingles with clad board with the same exposure, or clad board with shingles unless cladding is specified as a character-defining element;
- replacement of doors or storm doors with doors within the existing opening;
- replacement of non-traditional elements with traditional (i.e. clad or replace concrete steps with wood; shingle a wall now covered in plywood);
- installation of wooden gutters;
- addition of utilities such as air-conditioning vents and "Selkirk" chimneys to walls which are not visible from the public street;
- installation of solar panels on any roof surface;
- addition of minor accessory structures which do not require a building permit;
- alteration of existing minor accessory structures which do not require a building permit;
- placement of commercial advertising signs;
- construction and repair of fences; or
- landscaping elements such as ground level "patios" or stairways which are not connected to the main building.



Heritage Property By-law
Council November 24 – First Reading

PRESENT HERITAGE PROPERTY BY-LAWS

- West Hants: September 18, 2018 Minister of Municipal Affairs approval
- Windsor: April 13, 1994 Ministerial approval
  January 2020 Council approval; not approved by Minister

Intent of Process: one by-law for WHRM



HERITAGE PROPERTY BY-LAW

- establishes Heritage Advisory Committee
- establishes a Registry of Municipal Heritage Properties & specifies management



HERITAGE ADVISORY COMMITTEE

- may advise Council respecting:
  - inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the Registry;
  - application for permission to substantially alter or demolish a Municipal Heritage Property;
  - preparation, amendment, revision or repeal of a Conservation Plan & By-law;
  - administration of Heritage Conservation Districts
  - application for a certificate related to a Conservation Plan and Conservation By-law
  - any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act

REGISTRATION

Federal: importance to the nation as a whole
"The Blockhouse is a Classified Federal Heritage Building because of its historical associations, and its architectural and environmental value…"



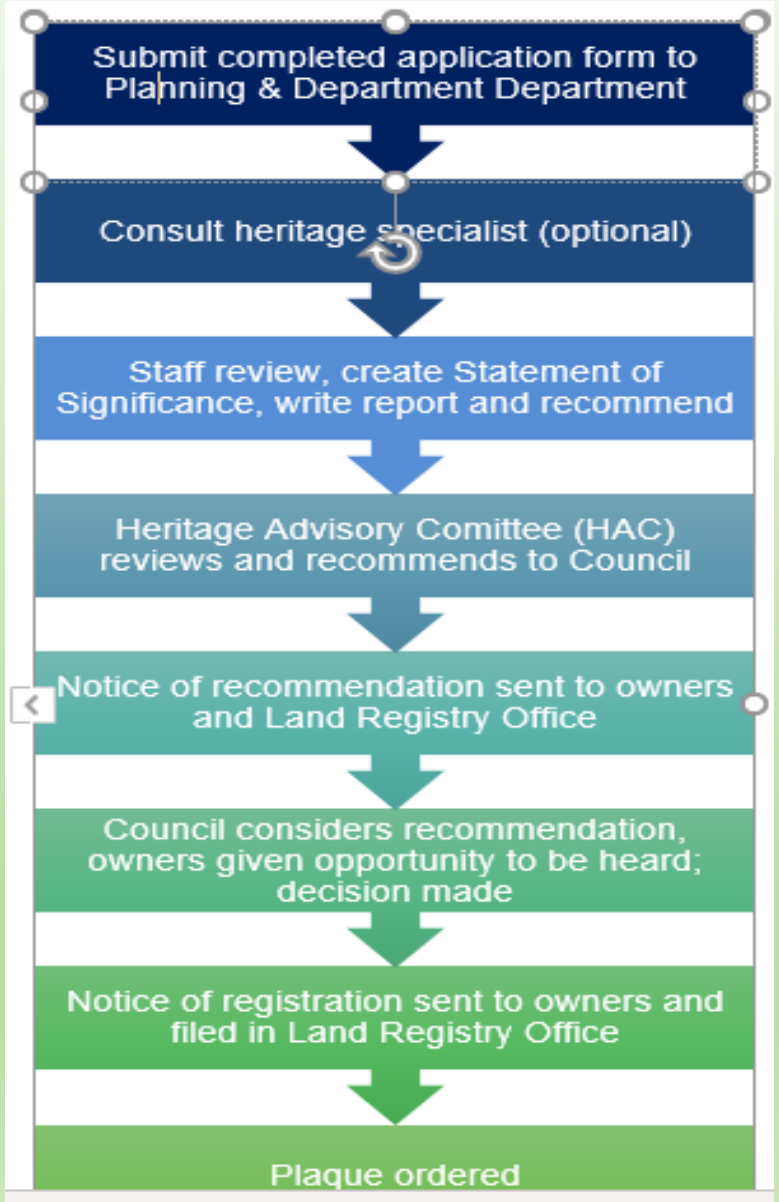
Provincial: importance to the Province
The Clockmaker's Inn is valued for its association with Rufus Curry, a significant Nova Scotian industrialist in the late nineteenth and early twentieth centuries...



Municipal: importance primarily to local area
All Saints Anglican Church is valued for its role as a church and focal point in the community of Leminster as well as a representation of Gothic Revival architecture



PROCESS FOR REGISTRATION



DEREGISTRATION

- Municipality may deregister a Municipal Heritage Property at request of owner or on its own
- process:
  - 30 days notice
  - public hearing

- reasons:
  - property destroyed or damaged by any cause
  - property has lost heritage value (identified in the notice of recommendation) except when caused by neglect, abandonment or other action/inaction of owner



HERITAGE PROPERTY ACT
2010 CHANGES

- purpose of Act broadened: identification, designation, preservation, conservation, protection and rehabilitation of *"buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value"*

- added definition of *"substantial alteration"* which clarifies intent & application: *"any action that affects or alters the character-defining elements of a property"*



ALTERATION OR DEMOLITION

- substantial alteration requires Council approval: *"any action that affects or alters the character-defining elements of a property" (includes demolition)*

- application in writing required
- staff report to HAC
- within 30 days>HAC recommends to Council
- Council: decision within 3 years
- decision: grant heritage permit with or without conditions or refuse



REFUSAL

HPA:

"Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application"

- prior to 2010, the time frame was at any time after 1 year from the date of the application but not more than 2 years from the date of application



RESULT OF “REFUSAL”

Sept 2020 Application: Heritage House to add front porch

Report and Recommendation to HAC

HAC recommendation to Council

January 2020 Council refuses permission

September 2023- September 2024

(former: Sept 2021-Sept 2022)

Heritage House may add front porch

REGISTRY INFORMATION

For each Registered property:

- Notice of Recommendation
- Notice of Registration

filed in the Registry of Deeds/LRO

- information now inaccurate for any Notice of Registration filed before December 2010

- to ensure owners have correct information, Notice of Registration for each property should be replaced with a Notice bearing the correct time frames

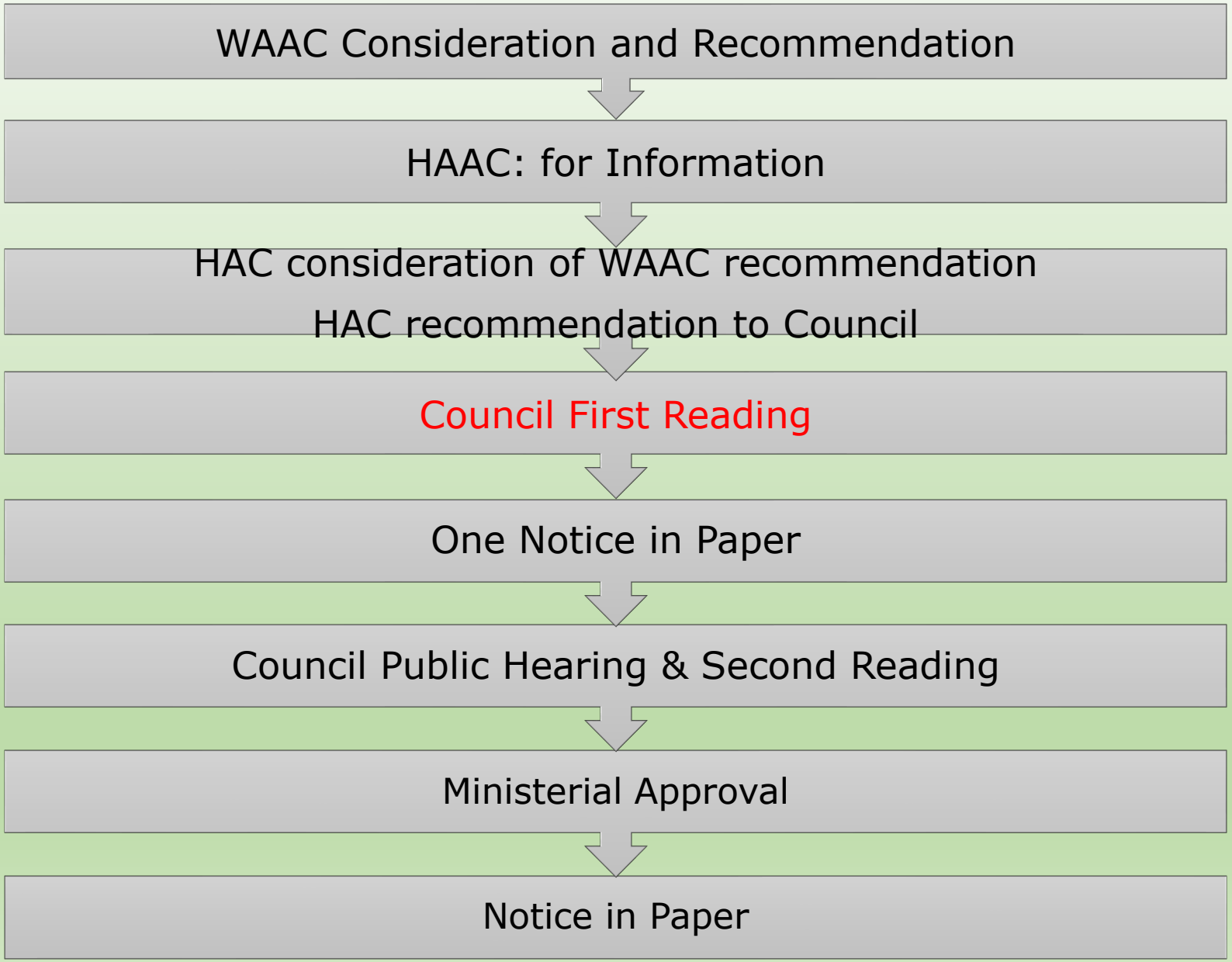
- PAC/HAC has recommend that Notices be removed from By-law and that Notices be corrected

REGIONAL HERITAGE PROPERTY BY-LAW

- one By-law for the Region reasonable
- ensure that regulations and opportunities regarding heritage are the same across the Region



BY-LAW ADOPTION PROCESS



PAC/HAC RECOMMENDATIONS

.. that Council hold a public hearing to consider replacing the existing Heritage Property By-laws for the former Town of Windsor and Municipality of West Hants with the Heritage Property By-law (RH-001) contained in Appendix C of the November 5, 2020 report to the Windsor Area Advisory Committee.

WEST HANTS REGIONAL MUNICIPALITY

Recommendation Report

To: Members of Council

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: November 24, 2020

Subject: Heritage Property By-law
File # 20-10C

Background
Staff recommended a *Heritage Property By-law* for the Region to the Windsor Area Advisory Committee (WAAC) on November 5, 2020.

Windsor Area Advisory Committee Recommendation
WAAC recommended in favour of the proposed *Heritage Property By-law* on November 5, 2020.

Planning Advisory Committee Recommendation
PAC/HAC recommended in favour of the proposed *Heritage Property By-law* on November 12, 2020.

Possible Motion
Should Council wish to approve the recommended Heritage Property By-law, the following motion would be in order:

..that Council hold a public hearing to consider replacing the existing Heritage Property By-laws for the former Town of Windsor and Municipality of West Hants with the Heritage Property By-law (RH-001) contained in Appendix C of the November 5, 2020 report to the Windsor Area Advisory Committee.

Attachments
Appendix A Heritage Property By-law Report November 5, 2020; File # 20-10

Report Approved by: _____
Mark Phillips, CAO

ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To:	Members of Hantsport Area Advisory Committee (HAAC) (information only) Members of Windsor Area Advisory Committee (WAAC)
Submitted by:	_____ Madelyn LeMay, Director, Planning and Development
Date:	HAAC November 3, 2020 WAAC November 5, 2020
Subject:	Heritage Property By-law File #20-10

1.0 LEGISLATIVE AUTHORITY

Nova Scotia Heritage Property Act

2.0 RECOMMENDATIONS

If WAAC wishes to forward positive recommendations the following motions would be in order:

..that WAAC recommends that PAC/HAC recommend that Council hold a public hearing to consider replacing the existing Heritage Property By-laws for the former Town of Windsor and Municipality of West Hants with the Heritage Property By-law (RH-001) contained in Appendix C of the November 5, 2020 report to the Windsor Area Advisory Committee.

…that WAAC recommends that PAC/HAC recommend that Council approval the replacement of the present Notice of Registration in the Land Registry Office with a Notice bearing the corrected time frames for each of the five (5) Windsor Municipally Registered Heritage Properties.

3.0 BACKGROUND

The former Town of Windsor and the former Municipality of West Hants each have a Heritage Property By-law in place which applies to the respective geographic

area. In order to ensure that regulations regarding heritage are the same across the Region, it would be reasonable to have one Heritage Property By-law for the Region.
There are other heritage related issues which need to be addressed for the Region; these will be addressed in individual reports.

4.0 DISCUSSION

4.1 West Hants

On September 18, 2018, the Minister of Municipal Affairs approved a revised Heritage Property By-law for West Hants which had been approved by Council on July 10, 2018. The revised By-law had followed the usual West Hants process of review and recommendation by the Planning/Heritage Advisory Committee.
The changes from the 1992 By-law were primarily changes to reflect the 2010 amendments to the Heritage Property Act which need to appear in the By-law.

The changes made to the Act that are reflected in the revised West Hants By-law (Appendix B) included:

- broadening the By-law to include the identification, designation, preservation, conservation, protection and rehabilitation of *"buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value"* rather than just *"buildings, streetscape and areas"* to incorporate all elements enabled by the Provincial legislation.

  Since interiors can be the reason for registration of public buildings, the word "exterior" was removed throughout the By-law

- adding the definition of *"substantial alteration"* as *"any action that affects or alters the character-defining elements of a property"* to provide direction to Council on what constitutes a substantial alteration.

- The 2010 amendments to the Heritage Property Act allow municipality to take up to three (3) years to consider an application to substantially alter a municipal heritage property. If following consideration Council refuses the request to alter, the property owner may make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application. Prior to 2010, the time frame was at any time after one year from the date of the application but not more than two years from the date of application. For some owners this a significant change.

4.2 West Hants Notices

One additional change was made in 2018 to the West Hants Heritage Property By-law which was not required by the Heritage Property Act. The time frame for

altering a property following Council's refusal of a permit is stated in both Form A and B of the Heritage Property By-law. Since there is no requirement that the Forms be part of the By-law, they can be attached as templates to be used without forming part of the official By-law. This would make changes to the Forms easier to accomplish in the future.

There are six (6) West Hants Municipally Registered Heritage properties. These each had inaccurate information attached to them in the Land Registry office. To ensure that owners and potential purchasers had the correct information, the Notice of Registration for each property was replaced with a Notice bearing the correct time frames.

4.3 Windsor By-law

On January 28, 2020, Windsor Town Council approved a revised Heritage Property By-law which was intended to be identical in content (although somewhat different in form) to the 2018 West Hants Heritage Property By-law. The Council-approved By-law had followed the usual process of review and recommendation by the Heritage Advisory Committee. The By-law was submitted to Municipal Affairs by the Windsor Clerk, but was not approved by the Minister prior to the April 1 consolidation of Windsor and West Hants. It could not be approved following consolidation as the Town no longer exists. As a result, the April 13, 1994 Heritage Property By-law is still in place for the community of Windsor.

The Council-approved changes to the By-law included all of those listed above for West Hants; there were no substantive additional changes.

4.4 Windsor Notices

There are five (5) Windsor Municipally Registered Heritage properties. These each have inaccurate information attached to them in the Land Registry Office. To ensure that owners and potential purchasers have the correct information, it is recommended that the Notice of Registration for each property be replaced with a Notice bearing the correct time frames.

4.5 Heritage Advisory Committee

Municipal Affairs has advised that the Committee of the Whole cannot be named as the Heritage Advisory Committee. As a result, the Planning Advisory Committee is now the only existing committee that can also be named as the Heritage Advisory Committee. An entirely separate committee which contains both Council and resident members may be established if Council prefers.

5.0 NEXT STEPS

The following process is being used for adoption of the proposed by-law:

Staff Review

▼

Hantsport Area Advisory Committee for Information

▼

Windsor Area Advisory Committee Review and Recommendation

▼

Planning Advisory Committee Review and Recommendation

▼

Regional Council First Reading

▼

Public Hearing
(notice in local paper once)

▼

Regional Council Public Hearing and Second Reading

▼

Notice of Approval in Local Paper

▼

Notice of Approval to Municipal Affairs and Housing

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing By-laws with the proposed new By-law.
The cost of replacement of the Notice of Registration for each property in the Land Registry files will be approximately $1,375.00 for the five (5) Windsor Municipally registered properties. This money is included within the budget.

7.0 ALTERNATIVES

WAAC may recommend that PAC/HAC:

- not recommend in favour of the Heritage Property By-law included as Attachment C;
- not recommend in favour of replacing the Notices in the Land Registry Office;
- provide alternate direction such as requesting further information on a specific topic.

8.0 ATTACHMENTS

Attachment A	Windsor Heritage Property By-law
Attachment B	West Hants Heritage Property By-law
Attachment C	Proposed Heritage Property By-law, RH-001

Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

Report Reviewed by: _____
Rhonda Brown, Municipal Clerk

ATTACHMENT A

TOWN OF WINDSOR
BYLAW # 25
HERITAGE PROPERTY BYLAW

Town of Windsor, NS

Walter B. Stephens Building, PO Box 158, 100 King Street,

Windsor, NS B0N 2T0

.....

HERITAGE PROPERTY BYLAW

.....

Approved April 13, 1994

Hon. Sandy Jolly, Minister of Municipal Affairs

Province of Nova Scotia

APPENDIX A

TOWN OF WINDSOR

HERITAGE PROPERTY BYLAW,

Approved 15 February 2001

25.01 This Bylaw shall be known and may be cited as the *Heritage Property Bylaw.*

25.02 In this Bylaw:

(a) "Act" means the Heritage Property Act;

(b) "Applicant" means the person, persons or organization, requesting registration of a property for municipal heritage status under this Bylaw;

(c) "Area" includes such visibly physical features as cemeteries, historical gardens, statues and monuments, where they are of architectural, historical or cultural value;

(d) "Council" means the Town Council of the Town of Windsor;

(e) "Clerk" means the Clerk of the Town of Windsor;

(f) "Committee" means the Heritage Advisory Committee, established pursuant to this Bylaw;

(g) "Town" means the Town of Windsor;

(h) "Municipal Heritage Property" means a building, streetscape or area registered in a Municipal Registry of Heritage Property;

(i) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Registry of Deeds, and includes a person assessed with respect to the occupancy of the land;

(j) "Registry" means the Municipal Registry of Heritage Property, within the meaning of the Act;

25.03 There shall be established for the Town of Windsor, a Municipal Registry of Heritage Property, where all prescribed documents relating to the registration of heritage property under this Bylaw shall be filed.

25.04 The maintenance of the Registry shall be the responsibility of the Town Clerk.

25.05 The Heritage Advisory Committee shall be appointed by Council, in accordance with the following criteria:

(a) all members of the Windsor Planning Advisory Committee shall be members, and two other members shall be selected from residents of the Town who are not Council members and have a demonstrated interest in heritage properties;

(b) following the coming into force of this Bylaw, Council shall appoint the members of the Committee as follows;

(i) the members of the Planning Advisory Committee shall serve for the same period as they are members of the Planning Advisory Committee.

(ii) on the initial appointment of the two additional members, one shall serve a term of approximately two years, such term to expire in the November following one full year of appointment, and one shall serve a term of approximately three years, such term to expire in the November following two full years of appointment; thereafter each member shall serve for two years;

and Council shall on or before the last day of November of each and every succeeding year make appointments in accordance with this paragraph to fill vacancies created by the termination of any term of office.

(c) Council may at any time upon determining that a vacancy or vacancies exist on the Committee appoint one or more individuals to fill said vacancies. Such individual or individuals shall serve the remainder of the term of the individual or individuals to be replaced;

(d) a member of the Committee may be reappointed upon the expiry of the member's term of office;

(e) all members of the Committee including those that are members of Council shall be appointed with no remuneration by the Town for attendance at Committee meetings, except for the position of secretary;

(f) all members appointed shall remain members only during such time as they continue to be residents of Windsor.

25.06 The Heritage Advisory Committee shall operate under the following rules of procedure:

(a) the committee shall appoint a chair and vice-chair from amongst its members at the first meeting of the committee;

(b) a secretary shall be appointed to the committee who shall be responsible for the recording and keeping of minutes of committee meetings;

(c) if a committee member is absent for three successive meetings, that member shall cease to be a member;

(d) the committee shall meet monthly, when required, to discuss applications for registration of properties, applications to substantially alter or demolish a Municipal Heritage Property, or discuss the criteria for evaluation of a heritage property, or other matters necessary for the effective carrying out of the intent of the Bylaw; such meetings generally to be held on the same evening as the Planning Advisory Committee meeting; special meetings may be held as and when determined by the committee chair or on request of the majority of committee members;

(e) quorum shall be five committee members;

(f) a member of the Town's Planning Staff shall serve as advisor to the committee.

25.07 The Committee may advise the Town Council respecting:

(a) the inclusion of buildings, streetscapes and areas in the Registry of Heritage Property;

(b) an application for permission to substantially alter or demolish a Municipal Heritage Property;

(c) building or other regulations that affect the attainment of the intent and purposes of this Bylaw;

(d) any other matters conducive to the effective carrying out of the intent and purpose of this Bylaw.

25.08 The Committee may recommend to the Town that a building, streetscape or area be registered as a Municipal Heritage Property in the Registry.

25.09 (a) The Town shall cause notice of the recommendation of the Committee, in the format of Form "A" appended hereto, to be served upon each registered owner, of the building, streetscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

(b) The notice shall contain:

(i) a statement that the building, streetscape or area described in the notice has been recommended for registration in the Municipal Registry of Heritage Property;

(ii) a brief statement of the reasons for the recommendation;

(iii) a summary of the consequences of registration;

(iv) a statement that no person shall substantially alter the exterior appearance of or demolish the building, streetscape or area for one hundred and twenty (120) days after the notice is served unless the Town sooner refuses to register the property; and

(v) notification of the right of the owner to be heard and of the date, time and place of the hearing.

(c) No person shall substantially alter the exterior appearance of or demolish a building, streetscape or area for one hundred and twenty (120) days after notice respecting the building, streetscape or area has been served pursuant to Subsection (a) except in those cases where, prior to the expiration of one hundred and twenty (120) days, the Town refuses to register the property.

(d) A copy of the notice served pursuant to Subsection (a) shall be deposited at the Registry of Deeds at Windsor, Nova Scotia.

25.10 (a) The Town may register, in the format of the notice in Form "B" appended hereto, the building, streetscape or area as a Municipal Heritage Property in the Municipal Registry of Heritage Property at anytime not less than thirty (30) days nor more than one hundred and twenty (120) days after service of the notice pursuant to Section 25.09 hereof and on the advice of the Heritage Advisory Committee.

(b) No registration pursuant to Subsection (a) shall take place until the Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after service of the notice pursuant to Subsection (a).

(c) Notice of the registration shall be sent to each registered owner of the building, streetscape or area and a copy thereof shall be deposited at the Registry of Deeds at Windsor, Nova Scotia.

25.11 (a) On the application of an owner of a Municipal Heritage Property or on its own motion, the Town may deregister a Municipal Heritage Property where:

(a) the property has been destroyed or damaged by any cause; or

(b) the continued registration of the property appears to the Council to be inappropriate;

after holding a public hearing to consider the proposed deregistration.

(b) Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

(c) Where a Municipal Heritage Property is deregistered, Council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited at the Registry of Deeds at Windsor, Nova Scotia.

25.12 Council shall require fees associated with:

(a) the costs required by the Registry of Deeds for registration of documents prescribed in this Bylaw; and

(b) the costs of a public hearing for the registering and de-registering of municipal heritage property;

be payable by the applicant.

25.13 (a) A Municipal Heritage Property shall not be substantially altered in exterior appearance or demolished without the approval of the Town.

(b) An application for permission to substantially alter the exterior appearance of or demolish Municipal Heritage Property shall be made in writing to the Town.

(c) Upon receipt of the application, the Town shall refer the application to the Heritage Advisory Committee for its recommendations.

(d) Within thirty (30) days after the application has been referred by the Town, the Heritage Advisory Committee shall submit a written report and recommendation to the Town, respecting the Municipal Heritage Property.

(e) The Town may grant the application either with or without conditions or may refuse it.

(f) The Town shall advise the applicant of its determination.

25.14 Notwithstanding Section 25.13, where the owner of Municipal Heritage Property has made an application for permission to alter the exterior appearance of or demolish the property and the application is not approved, the owner may make the alteration or carry out demolition at any time after one (1) year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two (2) years after the date of the application.

25.15 The Town may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property, with the cost of the sign, plaque or other marker to be borne by the Town.

25.16 (a) Service of any notice required to be made by this Bylaw shall be sufficient if served upon the person by registered mail at the person's last known address.

(b) Where a person upon whom service should be made cannot be identified or the address is not known, service shall be sufficient if notice is affixed in a conspicuous place on the building, streetscape or area and a copy is delivered to any occupant of the property.

FORM "A"

TOWN OF WINDSOR

NOTICE OF RECOMMENDATION TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

1. Under the Heritage Property Bylaw, the Town of Windsor hereby gives notice that the property of (*insert name of owner)* located at (*insert brief description and address)* has been recommended for registration in the Municipal Registry of Heritage Property for the Town of Windsor.

2. The property has been recommended for registration for the following reasons: (*describe reasons for recommendation)*

3. The Heritage Property Act provides that no person shall substantially alter the exterior appearance of or demolish a building, streetscape or area for 120 days from the date of service of this notice upon you, unless the Town Council sooner refuses to register the property.

4. Take notice that you have the right to be heard concerning the recommended registration, and this hearing shall take place at the Council Chambers, 100 King Street, Windsor, Nova Scotia on (*insert date)* at the hour of (*insert time).* You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.

5. The Heritage Property Bylaw provides that if a property is registered as a Municipal Heritage Property:

    a. the property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;

    b. an application for permission to substantially alter the exterior appearance or to demolish a property may be made to the Town;

    c. the Heritage Advisory Committee shall be given an opportunity to comment on any application;

    d. the Town may grant or refuse permission or attach conditions;

    e. if the application is not approved, the alteration or demolition may take place at least one (1) year but not more than two years after the date of the application;

    f. penalties for violation of the Bylaws are a maximum fine of $10,000.00 for individuals and $100,000.00 for corporations;

    g. the Town has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the Bylaw, or for an Order directing the restoration of the property or for any other

Order to enforce the provisions of this Bylaw and as to costs and the recovery of expenses;

h. a copy of this notice has been recorded at the Registry of Deeds at Windsor, Nova Scotia.

FORM "B"

TOWN OF WINDSOR

NOTICE OF REGISTRATION
OF
MUNICIPAL HERITAGE PROPERTY

1. Under Section 25.10 of the Heritage Property Bylaw, the Town of Windsor hereby gives notice that the property of (*insert name of owner),* located at (*insert brief description and address),* has been registered in the Municipal Registry of Heritage Property for the Town of Windsor.

2. The Heritage Bylaw provides that where a property is registered as Municipal Heritage Property:

   (a) the property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;

   (b) an application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Town;

   (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;

   (d) the Town may grant or refuse permission or attach conditions;

   (e) if the application is not approved, the alteration or demolition may take place at least one (1) year but not more than two (2) years after the date of the application;

   (f) penalties for violation of the Bylaw are a maximum fine of $10,000.00 for individuals and $100,000.00 for corporations;

   (g) the Town has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the Bylaw, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this Bylaw and as to costs and the recovery of expenses.

3. A copy of this notice has been registered at the Registry of Deeds at Windsor, Nova Scotia.

THIS IS TO CERTIFY that I, Larry A. Armstrong, Town Administrator of the Town of Windsor, in the County of Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the resolution to amend the Town of Windsor Heritage Property By-law passed by a majority of the whole Council of the Town of Windsor at a meeting duly called and held on the **18th** day of **December, 2000.**

GIVEN under the hand of the Town Administrator and under the corporate seal of the Town of Windsor this **20th day of December, 2000.**

Lawrence A. Armstrong

LAWRENCE A. ARMSTRONG
TOWN ADMINISTRATOR

Service Nova Scotia
and Municipal Relations
Recommended for
approval of the Minister
Kathleen O'Grady
Department Solicitor
APPROVED this 16 day
of February 18 2000
Minister of Service Nova Scotia and Municipal Relations

WEST HANTS
NOVA SCOTIA

BY-LAW H-001

MUNICIPALITY OF THE DISTRICT OF WEST HANTS

Heritage Property By-law

1.0 Title and Definitions

1.1 This By-law is made pursuant to the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as amended from time to time, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law".

1.2 This By-law shall be administered in accordance with the Heritage Property Act, R.S.N.S. 1989.

1.3 In this By-law:

(a) "Act" means the Heritage Property Act;

(b) "Area" includes such physical features as cemeteries, historical gardens, statues and monuments;

(c) "Council" means the Municipal Council of the Municipality of the District of West Hants;

(d) "Committee" means the Heritage Advisory Committee, established pursuant to this By-law;

(e) "Municipality" means the Municipality of the District of West Hants;

(f) "Municipal Heritage Property" means a building, public-building interior, streetscape, cultural landscape or area registered in the West Hants Municipal Registry of Heritage Property;

(g) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Land Registry Office, and includes a person assessed with respect to the occupancy of the land;

(h) "Registry" means the Municipal Registry of Heritage Property of the Municipality;

(i) "Substantial Alteration" means any action that affects or alters the character-defining elements of a property.

2.0 Registry

2.1 The Municipality shall establish and maintain a Municipal Registry of Heritage Property where all prescribed documents relating to the registration of Municipal Heritage Property pursuant to the Act or this By-law shall be filed.

2.2 The Registry shall contain information with respect to recommendations, registrations and deregistrations, recording particulars of documents required to be lodged at the Land Registry Offices, and true copies of all notices required by the Act;

2.3 The Registry shall be accessible to the public at no charge during regular business hours of the Municipality.

3.0 Heritage Advisory Committee

3.1 Council shall appoint either of the following as the Heritage Advisory Committee:

(a) the Committee of the Whole; or

(b) the Planning Advisory Committee.

3.2 The Heritage Advisory Committee shall be governed, where not inconsistent with the Act or this By-law, by the general rules of procedure applicable to Committees contained in the Council Procedural Policy.

3.3 The Committee may advise Council respecting:

(a) The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the in the Registry;

(b) an application for permission to substantially alter or demolish a Municipal Heritage Property;

(c) the preparation, amendment, revision or repeal of a Conservation Plan and Conservation By-law;

(d) the administration of Heritage Conservation Districts pursuant to the provisions of the Act;

(e) an application for a certificate that is required by this Act or the referral

of a Conservation Plan and Conservation By-law to Council for a public hearing; and

(f) any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act.

4.0 Notice of Recommendation

4.1 The Municipality shall cause the Notice of Recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

One copy of the Notice of Recommendation shall be deposited in the Land Registry Office and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.

4.2 The notice shall contain:

(a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the Registry;

(b) a brief statement of the reasons for the recommendation;

(c) a summary of the consequences of registration;

(d) a statement that no person shall demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area for one hundred and twenty (120) days after the notice is served unless the Municipality sooner refuses to register the property;

(e) the location of the building and the extent of the recommendation; and

(f) notification of the right of the owner to be heard and of the date, time and place where they may be heard.

5.0 Registration and Notification

5.1 Council may register a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the

provisions of the Act and notice of the registration shall include all of the information set out in Section 4.2 above.

5.2 Notice of such registration shall be:

(a) served upon each registered owner;

(b) deposited with the Land Registry Office; and

(c) filed in the Municipal Registry of Heritage Property.

5.3 The Municipality may register the building, public-building interior, streetscape, cultural landscape or area in the Registry at any time not less than thirty (30) days nor more than one hundred and twenty (120) days after the service of the notice required by Section 5.2 above.

5.4 No registration pursuant to Section 5.1 shall take place until Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after the service of the notice required by Section 5.2.

6.0 Deregistration

6.1 The owner of a Municipal Heritage Property may apply to, or the Municipality on its own motion, may deregister a Municipal Heritage Property after holding a public hearing to consider the proposed deregistration where:

(a) the property has been destroyed or damaged by any cause; or

(b) the continued registration of the property appears to the Council to be inappropriate as a result of the loss of the property's heritage value as identified in the notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.

6.2 Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

6.3 Where a Municipal Heritage Property is deregistered, the Council shall cause notice of the deregistration to be sent to the registered owner of the property

and a copy thereof to be deposited at the Land Registry Office.

7.0 Alteration or Demolition

7.1 A Municipal Heritage Property shall not be substantially altered in appearance or demolished without the approval of the Municipality.

7.2 An application for permission to demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area which is entered in the Municipal Heritage Registry shall be made in writing to the Municipality.

7.3 The application shall be reviewed by staff and a report prepared for the Heritage Advisory Committee for recommendation to Council.

7.4 Within thirty (30) days after receiving a report, the Heritage Advisory Committee shall submit a written report and recommendation to Council respecting the application.

7.5 The Municipality may take up to three (3) years to consider an application and may require public notice of the application and information meetings respecting the application.

7.6 Council may grant the heritage permit either with or without conditions or may refuse the permit, and the Municipality shall advise the applicant of its determination.

7.7 Where the owner of a building, public-building interior, streetscape, cultural landscape or area which is entered in the Registry has made application for permission to substantially alter the appearance of or demolish the property and the permission is not received, the owner may make the alteration or carry out the demolition at any time after three (3) years from the date of the application, provided that the alteration or demolition shall not be undertaken more than four (4) years after the date of the refusal.

8.0 Acquisition

8.1 The Municipality may acquire a building, public-building interior, streetscape, cultural landscape or area which is entered in the Municipal Heritage Registry or any right therein.

9.0 General

9.1 The Municipality may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property.

9.2 Service of any notice required to be made by this By-law shall be sufficient if served upon the person by registered mail at his last known address.

9.3 Where a person upon whom service should be made cannot be identified or their address is not known, service shall be sufficient if the notice is affixed in a conspicuous place on the building, public-building interior, streetscape, cultural landscape or area and a copy is delivered to any occupant of the property.

10.0 Repeal

10.1 The Heritage Property By-law dated November 10, 1992 as amended is hereby repealed.

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the **10th** day of **July, 2018**.

_____
R. N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	May 8, 2018
Notice Published:	June 26, 2018 and July 3, 2018
Second Reading & Approval	July 10, 2018
Final Publication	October 2, 2018
Notice to Municipal Affairs	July 11, 2018
Ministerial Approval	September 18, 2018
Description: Initial approval of the Heritage Property By-law H-001, which states the Repeal of Heritage Property By-law date November 10, 1992 as amended.	

Original By-law signed by Rhonda Brown, Municipal Clerk

NOTE: A and B forms (following) are not part of the

By-law but will be used as templates.

FORM "A"
MUNICIPALITY OF THE DISTRICT OF WEST HANTS
NOTICE OF RECOMMENDATION
TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

1. Under the Heritage Property By-law, the Municipality of the District of West Hants hereby gives notice that the property of (insert name of owner) located at (insert brief description and address) has been recommended for registration in the Municipal Registry of Heritage Property for the Municipality of the District of West Hants.

2. The property has been recommended for registration for the following reasons: (describe reasons for recommendation)

3. The Heritage Property By-law provides that no person shall substantially alter the appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for 120 days from the date of service of this notice upon you, unless the Municipal Council sooner refuses to register the property.

4. Take notice that you have the right to be heard concerning the recommended registration, and you shall be heard at the Sanford Council Chambers, Municipal Building, 76 Morison Drive, Windsor, Nova Scotia on (Insert date) at the hour of (insert time). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.

5. The Heritage Property By-law provides that if a property is registered as a Municipal Heritage Property:

   (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;

   (b) an application for permission to substantially alter the appearance or to demolish a property may be made to the Municipality;

   (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;

   (d) the Municipality may grant or refuse permission or attach conditions;

   (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;

   (f) penalties for violation of the By-law are a maximum fine of $10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and $250,000.00 for corporations;

(g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of the By-law and as to costs and the recovery of expenses;

(h) a copy of this notice has been recorded at the Land Registry Office.

FORM "B"
MUNICIPALITY OF THE DISTRICT OF WEST HANTS
NOTICE OF REGISTRATION OF MUNICIPAL HERITAGE PROPERTY

1. Under Section 5 of the Heritage Property By-law, the Municipality of the District of West Hants hereby gives notice that the property of (insert name of owner), located at (insert brief description and address), has been registered in the Municipal Registry of Heritage Property for the Municipality of the District of West Hants.

2. The Heritage Property By-law provides that where a property is registered as Municipal Heritage Property:
   (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;

   (b) an application for permission to substantially alter the appearance or to demolish the property may be made to the Municipality;

   (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;

   (d) the Municipality may grant or refuse permission or attach conditions;

   (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;

   (f) penalties for violation of the By-law are a maximum fine of $10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and $250,000.00 for corporations;

   (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this By-law and as to costs and the recovery of expenses.

3. A copy of this notice has been registered at the Land Registry Office.

ATTACHMENT C
West Hants Regional Municipality
Draft Heritage Property By-law

1.0 Title and Definitions

1.1 This By-law is made pursuant to the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as amended from time to time, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law".

1.2 This By-law shall be administered in accordance with the Heritage Property Act, R.S.N.S. 1989.

1.3 In this By-law:

(a) "Act" means the Heritage Property Act;

(b) "Area" includes such physical features as cemeteries, historical gardens, statues and monuments;

(c) "Council" means the Municipal Council of West Hants Regional Municipality;

(d) "Committee" means the Heritage Advisory Committee established pursuant to this By-law;

(e) "Municipality" means West Hants Regional Municipality;

(f) "Municipal Heritage Property" means a building, public-building interior, streetscape, cultural landscape or area registered in the West Hants Regional Municipality Registry of Heritage Property;

(g) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Land Registry Office, and includes a person assessed with respect to the occupancy of the land;

(h) "Registry" means the Municipal Registry of Heritage Property of the Municipality;

(i) "Substantial Alteration" means any action that affects or alters the

character-defining elements of a property.

2.0 Registry

2.1 The Municipality shall establish and maintain a Municipal Registry of Heritage Property where all prescribed documents relating to the registration of Municipal Heritage Property pursuant to the Act or this By-law shall be filed.

2.2 The Registry shall contain information with respect to recommendations, registrations and deregistrations, recording particulars of documents required to be lodged at the Land Registry Offices, and true copies of all notices required by the Act;

2.3 The Registry shall be accessible to the public at no charge during regular business hours of the Municipality.

3.0 Heritage Advisory Committee

3.1 Council shall appoint the Planning Advisory Committee as the Heritage Advisory Committee.

3.2 The Heritage Advisory Committee shall be governed, where not inconsistent with the Act or this By-law, by the general rules of procedure applicable to Committees contained in the Council Procedural Policy.

3.3 The Committee may advise Council respecting:

(a) The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the Registry;

(b) an application for permission to substantially alter or demolish a Municipal Heritage Property;

(c) the preparation, amendment, revision or repeal of a Conservation Plan and Conservation By-law;

(d) the administration of Heritage Conservation Districts pursuant to the provisions of the Act;

(e) an application for a certificate that is required by this Act or the

referral of a Conservation Plan and Conservation By-law to Council for a public hearing; and

(f) any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act.

4.0 Notice of Recommendation

4.1 The Municipality shall cause the Notice of Recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

One copy of the Notice of Recommendation shall be deposited in the Land Registry Office and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.

4.2 The notice shall contain:

(a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the Registry;

(b) a brief statement of the reasons for the recommendation;

(c) a summary of the consequences of registration;

(d) a statement that no person shall demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area, for one hundred and twenty (120) days after the notice is served unless the Municipality sooner refuses to register the property;

(e) the location of the property and the extent of the recommendation; and

(f) notification of the right of the owner to be heard and of the date, time and place where they may be heard.

5.0 Registration and Notification

5.1 Council may register a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and notice of the registration shall include all of the information set out in Section 4.2 above.

5.2 Notice of such registration shall be:

(a) served upon each registered owner;

(b) deposited with the Land Registry Office; and

(c) filed in the Municipal Registry of Heritage Property.

5.3 The Municipality may register the building, public-building interior, streetscape, cultural landscape or area in the Registry at any time not less than thirty (30) days nor more than one hundred and twenty (120) days after the service of the notice required by Section 5.2 above.

5.4 No registration pursuant to Section 5.1 shall take place until Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after the service of the notice required by Section 5.2.

6.0 Deregistration

6.1 The owner of a Municipal Heritage Property may apply to, or the Municipality on its own motion may, deregister a Municipal Heritage Property after holding a public hearing to consider the proposed deregistration where:

(a) the property has been destroyed or damaged by any cause; or

(b) the continued registration of the property appears to the Council to be inappropriate as a result of the loss of the property's heritage value as identified in the notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.

6.2 Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

6.3 Where a Municipal Heritage Property is deregistered, the Council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited at the Land Registry Office.

7.0 Alteration or Demolition

7.1 A Municipal Heritage Property shall not be substantially altered in appearance or demolished without the approval of the Municipality.

7.2 An application for permission to demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area, which is entered in the Municipal Heritage Registry shall be made in writing to the Municipality.

7.3 The application shall be reviewed by staff and a report prepared for the Heritage Advisory Committee for recommendation to Council.

7.4 Within thirty (30) days after receiving a report, the Heritage Advisory Committee shall submit a written report and recommendation to Council respecting the application.

7.5 The Municipality may take up to three (3) years to consider an application and may require public notice of the application and information meetings respecting the application.

7.6 Council may grant the heritage permit either with or without conditions or may refuse the permit, and the Municipality shall advise the applicant of its determination.

7.7 Where the owner of a building, public-building interior, streetscape, cultural landscape or area which is entered in the Registry has made application for permission to substantially alter the appearance of or demolish the property and the permission is not received, the owner may make the alteration or carry out the demolition at any time after three (3) years from the date of the application, provided that the alteration or demolition shall not be undertaken more than four (4) years after the date of the application.

8.0 Acquisition

8.1 The Municipality may acquire a building, public-building interior, streetscape, cultural landscape or area which is entered in the Municipal

Heritage Registry or any right therein.

9.0 General

9.1 The Municipality may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property.

9.2 Service of any notice required to be made by this By-law shall be sufficient if served upon the person by registered mail at their last known address.

9.3 Where a person upon whom service should be made cannot be identified or their address is not known, service shall be sufficient if the notice is affixed in a conspicuous place on the building, public-building interior, streetscape, cultural landscape or area and a copy is delivered to any occupant of the property.

10.0 Repeal

10.1 The Heritage Property By-law dated September 18, 2018, of the former Municipality of the District of West Hants, the Heritage Property By-law dated April 13, 1994, of the former Town of Windsor as amended and any other earlier Windsor By-laws related to Heritage Property are hereby repealed.

I, Rhonda Brown, Municipal Clerk of West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the ____ day of **_____, 2021**.

_____

R. N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	
Notice Published:	
Second Reading & Approval	

Final Publication	
Notice to Municipal Affairs	
Description: Initial approval of the Heritage Property By-law which states the Repeal of Windsor Heritage Property By-laws dated April 13, 1994, as amended and West Hants Heritage Property By-law dated September 18, 2018.	

NOTE: A and B forms (following) are not part of the

By-law but will be used as templates.

FORM "A"
REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
NOTICE OF RECOMMENDATION
TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

1. Under the Heritage Property By-law, the Region of Windsor and West Hants Municipality hereby gives notice that the property of (insert name of owner) located at *(*insert brief description and address*)* has been recommended for registration in the Municipal Registry of Heritage Property for the Region of Windsor and West Hants.

2. The property has been recommended for registration for the following reasons: (describe reasons for recommendation)

3. The Heritage Property By-law provides that no person shall substantially alter the appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for 120 days from the date of service of this notice upon you, unless the Municipal Council sooner refuses to register the property.

4. Take notice that you have the right to be heard concerning the recommended registration, and you shall be heard at the Sanford Council Chambers, Municipal Building, 76 Morison Drive, Windsor, Nova Scotia on (insert date) at the hour of (insert time). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.

5. The Heritage Property By-law provides that if a property is registered as a Municipal Heritage Property:

   (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
   (b) an application for permission to substantially alter the appearance or to demolish a property may be made to the Municipality;
   (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
   (d) the Municipality may grant or refuse permission or attach conditions;
   (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
   (f) penalties for violation of the By-law are a maximum fine of $10,000.00 and in default of payment thereof to imprisonment for a

term not exceeding six months for individuals and $250,000.00 for corporations;

(g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of the By-law and as to costs and the recovery of expenses;

(h) a copy of this notice has been recorded at the Land Registry Office.

FORM "B"
REGION OF WINDSOR AND WEST HANTS
NOTICE OF REGISTRATION OF MUNICIPAL HERITAGE PROPERTY

1. Under Section 5 of the Heritage Property By-law, the Region of Windsor and West Hants hereby gives notice that the property of (insert name of owner), located at (insert brief description and address), has been registered in the Municipal Registry of Heritage Property for the Region of Windsor and West Hants.

2. The Heritage Property By-law provides that where a property is registered as Municipal Heritage Property:
   (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;

   (b) an application for permission to substantially alter the appearance or to demolish the property may be made to the Municipality;

   (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application to substantially alter the property;

   (d) the Municipality may grant or refuse permission or attach conditions;

   (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;

   (f) penalties for violation of the By-law are a maximum fine of $10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and $250,000.00 for corporations;

   (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this By-law and as to costs and the recovery of expenses.

3. A copy of this notice has been registered at the Land Registry Office.

WWH

WINDSOR / WEST HANTS

TOGETHER

WWH

WINDSOR / WEST HANTS

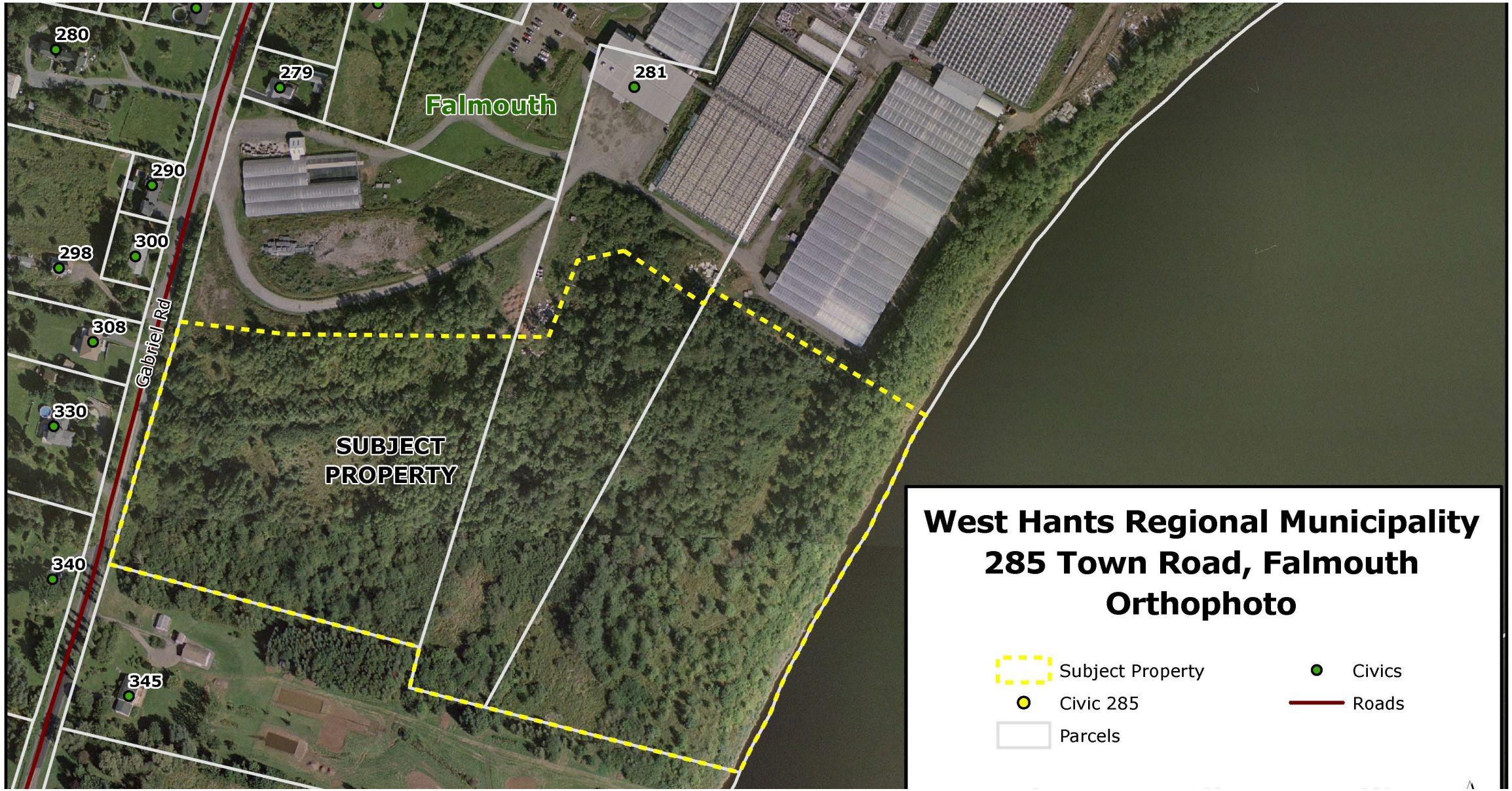
TOGETHER

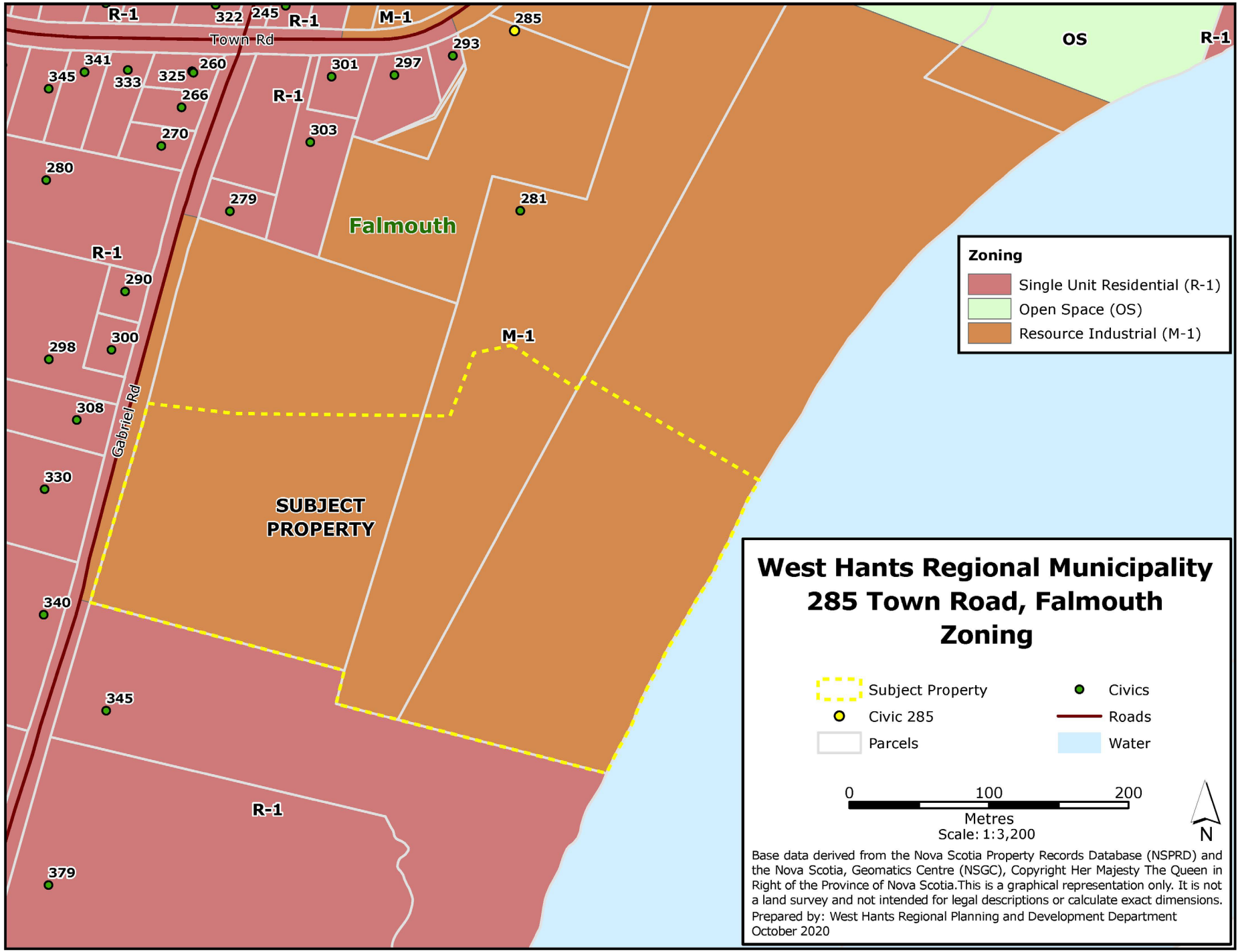
Intensive Livestock in Falmouth

November 24, 2020

Background

- On October 7th Daniel Oulton applied for an amendment to the WHMPS to permit an intensive livestock operation consisting of a poultry farm at 285 Town Rd.


280
279
281
Falmouth
290
300
298
308
Gabriel Rd
330
SUBJECT
PROPERTY
340
345
West Hants Regional Municipality
285 Town Road, Falmouth
Orthophoto
Subject Property
Civic 285
Parcels
Civics
Roads

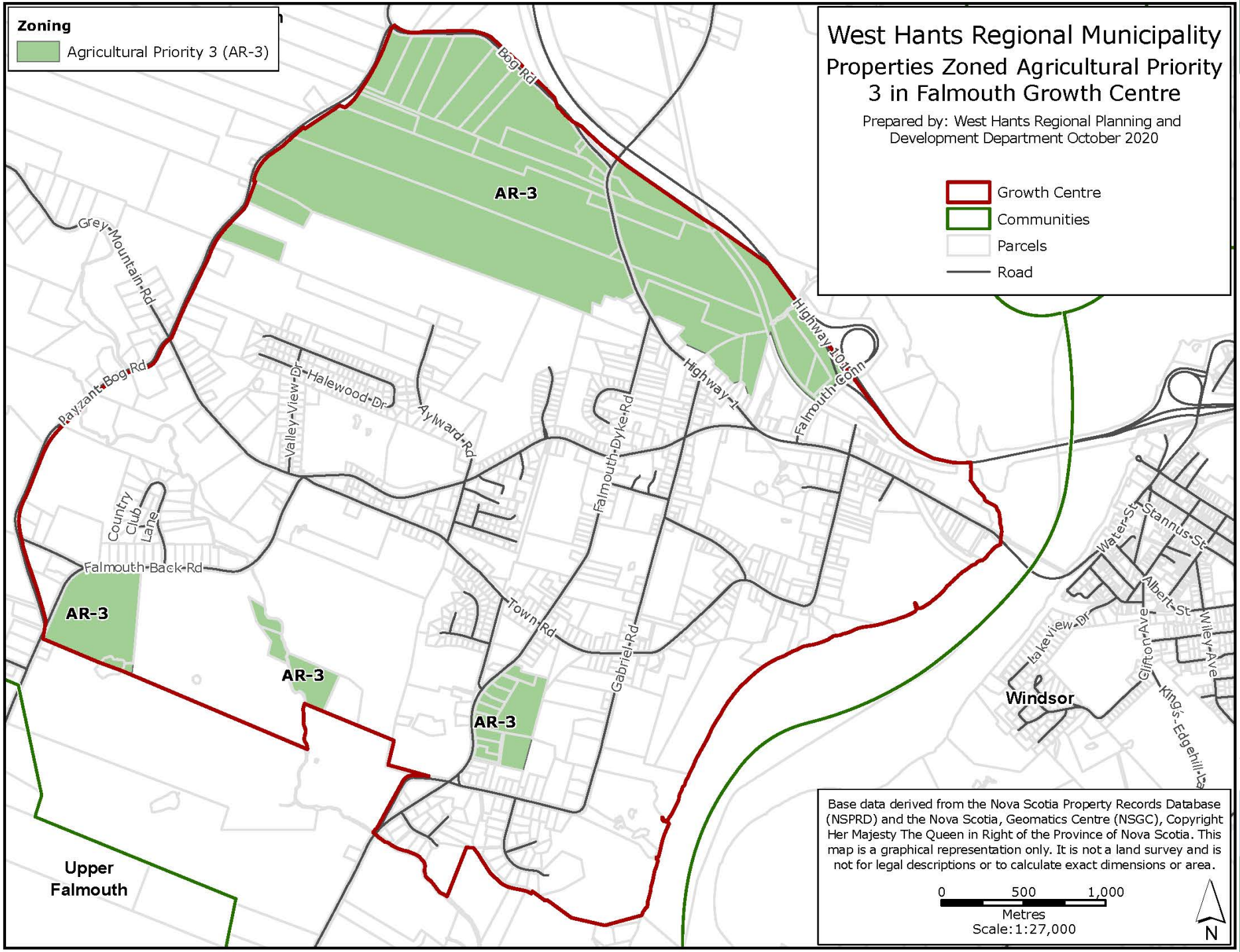

R-1
322
245
R-1
M-1
285
OS
R-1
Town Rd
293
341
260
301
297
345
333
325
266
R-1
303
270
280
279
281
Falmouth
R-1
290
M-1
298
300
308
Gabriel Rd
330
SUBJECT
PROPERTY
340
345
R-1
379
Zoning
Single Unit Residential (R-1)
Open Space (OS)
Resource Industrial (M-1)
West Hants Regional Municipality
285 Town Road, Falmouth
Zoning
Subject Property
Civic 285
Parcels
Civics
Roads
Water
0
100
200
Metres
Scale: 1:3,200
N
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 is a graphical representation only. It is not a land survey and not intended for legal descriptions or calculate exact dimensions.
Prepared by: West Hants Regional Planning and Development Department
October 2020

Background

- Intensive livestock is defined in the WHLUB as a minimum of 20 animal units.
- One (1) animal unit = 500 Laying Hens or 1,000 Broiler Chickens.
- The applicant wishes to operate an intensive livestock operation which could include more than 10,000 Laying Hens or 20,000 Broiler Chickens.
- There is no specific maximum number of livestock permitted for intensive livestock but there are limitations based on the size of the property.

Background

- Policy 5.9.1 of the WHMPS does not permit new intensive livestock operations in Falmouth as these uses could create land use conflicts which have the potential to limit residential and commercial development in Growth Centres.
- Existing intensive livestock is permitted in the Agricultural Priority Three (AR-3) zone.


Zoning
Agricultural Priority 3 (AR-3)
West Hants Regional Municipality
Properties Zoned Agricultural Priority 3 in Falmouth Growth Centre
Prepared by: West Hants Regional Planning and Development Department October 2020
Growth Centre
Communities
Parcels
Road
AR-3
AR-3
AR-3
AR-3
Bog Rd
Grey Mountain Rd
Payzant Bog Rd
Valley View Dr
Halewood Dr
Aylward Rd
Falmouth Dyke Rd
Highway 1
Highway 101 Conn
Falmouth Conn
Country Club Lane
Falmouth Back Rd
Town Rd
Gabriel Rd
Water St
Stannus St
Albert St
Wiley Ave
Lakeview Dr
Clifton Ave
Windsor
Kings Edgehill La
Upper Falmouth
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 for legal descriptions or to calculate exact dimensions or area.
0 500 1,000
Metres
Scale:1:27,000
N

Option 1 Development Agreement

- A contract between Council and a property owner to permit a specific use of land not permitted in the underlying zone
- Room for negotiation but limited by the MGA
- Needs an enabling policy in the MPS and criteria
- If Council approves this policy Council would have to approve any future applications received if the criteria are met by the application

Option 2 Map Amendment

- Council considers changing the zone of a property to permit a use requested that is a listed permitted use in the requested zone
- The Agricultural Priority Three (AR-3) could be amended
- Needs an enabling policy in the MPS and criteria
- If Council approves this policy, Council would have to consider approving any future applications received if the criteria are met for the application

Option 3 Only Permit on the Property Requested

- Enabling a new specific use on only a specific property has not been used often in the West Hants. Only one (1) example for emergencies services.
- This undermines Council's overall intention for an area by making an exception.
- If Council approved this policy, there would be no enabling policy to permit future applications and neighbours could not appeal.

Concerns for Consideration

- The WHMPS specifically states as the Growth Centres *are intended to be the area where most new residential and commercial development is encouraged to occur in West Hants, new intensive livestock operations and agricultural support uses, such as abattoirs, will not be permitted since their location could limit the potential for residential or commercial growth.*

Concerns for Consideration

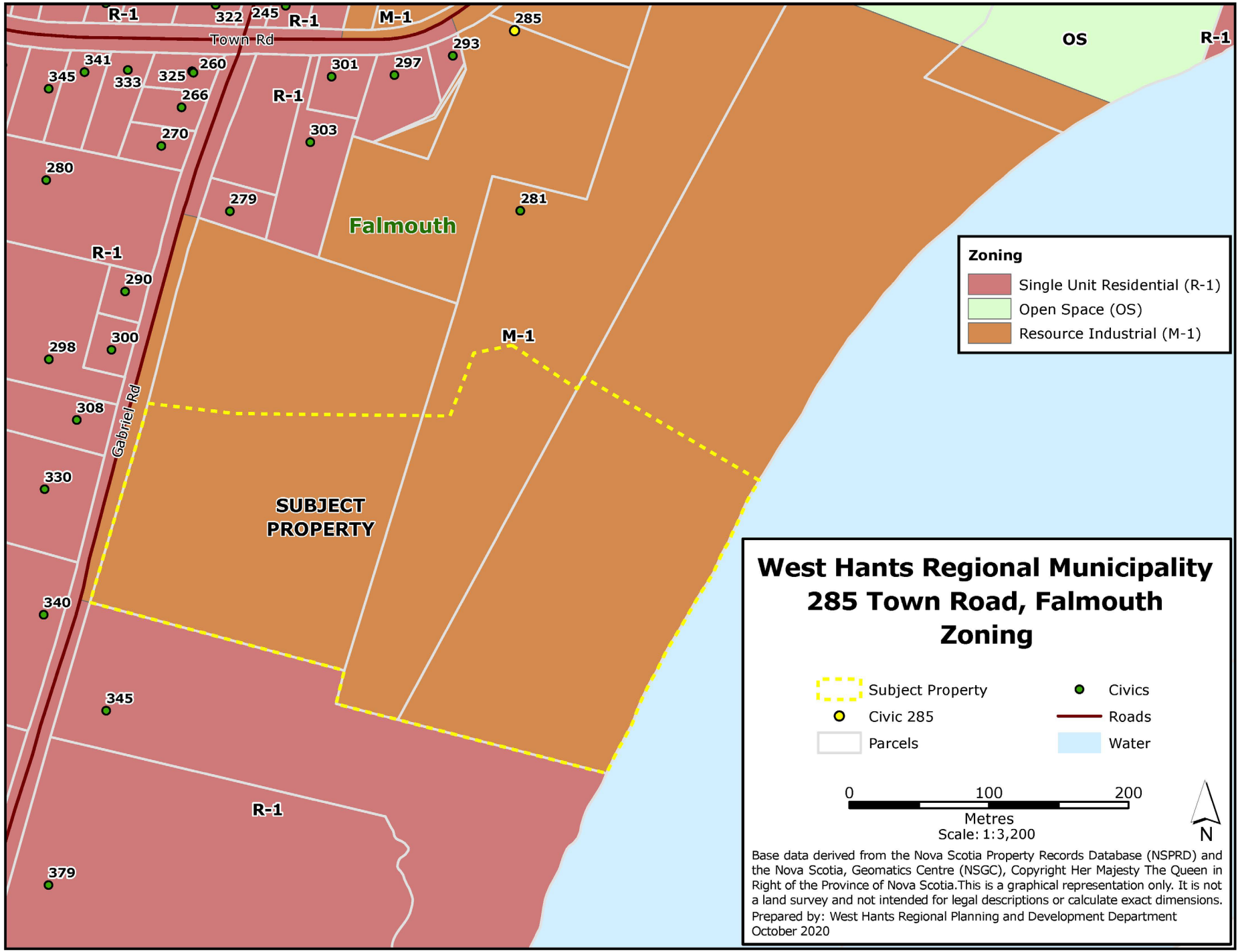
- Permitting new intensive livestock would be a significant change in policy direction for Council.
- If Council wishes to consider permitting new intensive livestock operations in Falmouth an evaluation of the current requirements for intensive livestock and potential criteria for future applications would be required.

Concerns for Consideration

- Section 18.3 of the WHLUB:
- *18.3 No building or structure housing an intensive livestock operation, manure storage facility for an intensive livestock operation, burial site or incinerator for the disposal of dead animals shall be located within:*
- *(a) 1,000 ft (304.80 m) of a non-farm residential, commercial or institutional building;*
- *(b) 200 ft (60.96 m) of an adjacent property, other than another livestock farm or another property that is part of the farm under consideration in which case the distance shall be 40 ft (12.19 m);*
- *(c) 150 ft (45.72 m) of a public street or private road; or*
- *(d) 300 ft (91.44 m) of a water well or watercourse.*

Concerns for Consideration

- Using the application site as an example, the applicant has stated it would be difficult to meet the 300 ft. water course requirement as the middle portion of the property is low lying and not optimal for building.
- If the intensive livestock operation is located closer to Town Road the applicant would be unable to meet the 1,000 ft. separation distance from non-farm residential development.


R-1
322
245
R-1
M-1
285
OS
R-1
Town Rd
293
341
260
301
297
345
333
325
266
R-1
303
270
280
279
281
Falmouth
R-1
290
M-1
298
300
308
Gabriel Rd
330
SUBJECT
PROPERTY
340
345
R-1
379
Zoning
Single Unit Residential (R-1)
Open Space (OS)
Resource Industrial (M-1)
West Hants Regional Municipality
285 Town Road, Falmouth
Zoning
Subject Property
Civic 285
Parcels
Civics
Roads
Water
0
100
200
Metres
Scale: 1:3,200
N
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 is a graphical representation only. It is not a land survey and not intended for legal descriptions or calculate exact dimensions.
Prepared by: West Hants Regional Planning and Development Department
October 2020

Concerns for Consideration

- As properties are much closer together in Falmouth than the more rural areas of the Municipality it may be difficult for any property in Falmouth to meet the intensive livestock requirements for new operations set out in section 18.3 of the WHLUB.
- If Council were to consider any of the options to permit intensive livestock in Falmouth new separation distances may need to be considered.

Concerns for Consideration

- Complaints have been received about an existing intensive livestock on the border of the Falmouth Growth Centre.
- Residential development was constructed on Mountain View Road in the Falmouth Growth Centre within approximately 8 ft. of an existing livestock operation.
- The residential developer was not required to provide a separation distance or buffer between the residential development and the existing livestock operation.

Concerns for Consideration

- The complaints from residential neighbours include the odour, noise, and flies associated with the livestock.
- The Development Officer has visited the site and found no violations of planning regulations.
- The property owner has installed industrial fly traps, offered to clean up farm equipment, and apply nose tabs on the calves to reduce noise in an effort to improve the situation with neighbours.

Concerns for Consideration

- However, this example illustrates the importance of adequate separation distances between intensive livestock and residential uses.
- Restrictions in planning documents are intended to reduce potential land use conflicts.

Recommendation

- On November 12, Staff presented a general overview of policy options for this application and requested that the PAC provide feedback on the application and the options available.
- PAC recommended the following motion for Council:

  That Council not proceed with the application to have intensive livestock at 285 Town Rd.

WWH

WINDSOR / WEST HANTS

TOGETHER

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Saira Shah, Planner

Date: 2020-11-24

Subject: File # 20-23A Intensive Livestock in Falmouth

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act (MGA).

RECOMMENDATION

The Planning Advisory Committee (PAC) recommended the following motion for Council:

That Council not proceed with the application to have intensive livestock at 285 Town Rd.

BACKGROUND

On October 7th Daniel Oulton applied for an amendment to the West Hants Municipal Planning Strategy (WHMPS) to permit an intensive livestock operation consisting of a poultry farm at 285 Town Rd. Intensive livestock is defined in the West Hants Land Use By-law as more than 20 animal units. Policy 5.9.1 of the WHMPS does not permit new intensive livestock operations in the Falmouth Growth Center as these uses could create land use conflicts which have the potential to limit residential and commercial development in Growth Centres.

On November 12, 2020 staff presented an information report to the PAC to discuss the application and amendment options (Attachment A).

The PAC discussed intensive livestock considering the specific site requested and the policy implications of amending the WHMPS to enable Council to consider

intensive livestock in the Falmouth Growth Centre. Committee members emphasized that Growth Centres are intended to prioritize residential development and raised concerns regarding the potential impact of intensive livestock on existing and future residential development in Falmouth. The PAC recommended that Council not proceed with this application.

If Council proceeds with the recommendation provided by the PAC there would be no opportunity for the applicant to appeal as the request is for a Municipal Planning Strategy amendment.

ATTACHMENTS

Attachment A 2020-11-12 File #20-23 Intensive Livestock in Falmouth Information Report

Report Prepared by: _____
Saira Shah, Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

WEST HANTS REGIONAL MUNICIPALITY
INFORMATION REPORT

To: Members of the Planning Advisory Committee

Submitted by: _____
Saira Shah, Planner

Date: 2020-11-12

Subject: Intensive Livestock in Falmouth

File 20-23

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act (MGA).

BACKGROUND

On October 7th Daniel Oulton applied for an amendment to the West Hants Municipal Planning Strategy (WHMPS) to permit an intensive livestock operation consisting of a poultry farm at 285 Town Rd. The property consists of three lots which would be subdivided to create one (1) new lot to be used for this use (Figure 1).

Intensive livestock is defined in the West Hants Land Use By-law (WHLUB) as a minimum of 20 animal units. The number of chickens considered one (1) animal unit is 500 Laying Hens or 1,000 Broiler Chickens. The applicant wishes to operate an intensive livestock operation which could include more than 10,000 Laying Hens or 20,000 Broiler Chickens. There is no specific maximum number of livestock permitted for intensive livestock but there are limitations based on the size of the property.

Policy 5.9.1 of the WHMPS does not permit new intensive livestock operations in Falmouth as these uses could create land use conflicts which have the potential to limit residential and commercial development in Growth Centres. Existing intensive livestock is permitted in the Agricultural Priority Three (AR-3) zone. There are several properties in Falmouth that are zoned Agricultural Priority Three (AR-3) (Figure 2).

DISCUSSION

As policy 5.9.1 in the WHMPS specifically prohibits new intensive livestock in Falmouth any amendment would be a significant change in policy direction from the existing

WHMPS. Staff have prepared a general overview of policy options for this application and request that the Planning Advisory Committee provide feedback on the application and the options available.

Option 1 Development Agreement

A development agreement is a contract between Council and a property owner to permit a specific use of land not permitted in the underlying zone. There is room for negotiation which enables Council to develop restrictions on a case-by-case basis, but the restrictions are limited by the MGA and policy within the MPS. Most of the development restrictions that can be applied by development agreement can also be applied to a specific zone, except hours of operation. To consider a development agreement there must be a policy in the MPS and an enabling section in the LUB. There can be specific criteria listed in the MPS policy that must be met for Council to approve an application. The criteria are used by staff to negotiate the agreement with the applicant and ensure Council's intentions are met.

A development agreement provides Council an opportunity to address concerns specific to the site. However, the process to approve a development agreement can be lengthy as staff negotiate the agreement with the applicant and then the application follows Council's approval process. The Development Officer administers the agreement and must perform an annual review of the property to ensure the property owner meets the requirements of the agreement. The agreement runs with the property as opposed to the property owner which means if the property is sold to a new owner the agreement remains in place until it is discharged by Council. If the property owner wishes to change any of the development restrictions in the development agreement they must apply for an amendment to the agreement and that process would follow the same Council approval process. Limiting the substantive content of an agreement could reduce the time required for amendments.

If Council creates a policy that permits intensive livestock by development agreement in Falmouth, Council would have to approve any future applications received if the criteria are met by the application.

Option 2 Map Amendment to Agricultural Priority Three (AR-3)

A map amendment is when Council considers changing the zone of a property to permit a use requested that is a listed permitted use in the requested zone. New intensive livestock is not a listed permitted use in any zone in Falmouth, and the Agricultural Priority Three (AR-3) zone is the only zone in Falmouth that permits existing intensive livestock operations. This zone could be amended to permit new intensive livestock.

A policy that permits a map amendment can list specific criteria that must be met for Council to approve the application. When staff are reviewing a map amendment application the recommendation can only be based on the criteria listed in the policy and any general criteria that may apply in the planning strategy.

The specific zone can include development requirements such as ensuring lots are a certain size and establishing separation distances between conflicting uses. Any requirements listed in the zone would apply to any property with the same zoning unless alternative requirements are specified for specific properties.

If Council creates a policy that permits intensive livestock by map amendment in Falmouth, Council would have to consider approving any future applications received if the criteria are met for the application.

Option 3 Only Permit Intensive Livestock on the Property Requested

Enabling a new specific use on only a specific property is an option that has not been used often in the West Hants planning documents. It has only been used for Policy 5.8.2 of the WHMPS to permit new Municipally provided emergency services on specific properties. Emergency services are permitted on all other properties in the Growth Centres by development agreement (Policy 5.8.1 WHMPS). This is an effective strategy to make an exception for a specific property and in this case provide a public benefit by enabling the provision of emergency services. However, the existence of this type of policy undermines Council's overall intention for an area by making an exception for a specific property. Other residents that wish to operate the same use on their property do not benefit from this exception and it is likely to cause conflict.

If Council were to create a policy that permits intensive livestock only on this specific property, there would be no enabling policy to permit future applications for new intensive livestock in Falmouth and neighbours would have no opportunity to appeal the policy decision of Council.

Concerns for Consideration

The WHMPS specifically states *as the Growth Centres are intended to be the area where most new residential and commercial development is encouraged to occur in West Hants, new intensive livestock operations and agricultural support uses, such as abattoirs, will not be permitted since their location could limit the potential for residential or commercial growth.*

Permitting new intensive livestock would be a significant change in policy direction for Council. If Council wishes to consider permitting new intensive livestock operations in Falmouth an evaluation of the current requirements for intensive livestock and potential criteria for future applications would be required.

The development requirements for intensive livestock are listed in Section 18.3 of the WHLUB:

18.3 No building or structure housing an intensive livestock operation, manure storage facility for an intensive livestock operation, burial site or incinerator for the disposal of dead animals shall be located within:

(a) 1,000 ft (304.80 m) of a non-farm residential, commercial or institutional building;

(b) 200 ft (60.96 m) of an adjacent property, other than another livestock farm or another property that is part of the farm under consideration in which case the distance shall be 40 ft (12.19 m);

(c) 150 ft (45.72 m) of a public street or private road; or

(d) 300 ft (91.44 m) of a water well or watercourse.

Using the application site as an example, the applicant has stated it would be difficult to meet the 300 ft. water course requirement as the middle portion of the property is low

lying and not optimal for building. If the intensive livestock operation is located closer to Town Road the applicant would be unable to meet the 1,000 ft. separation distance from non-farm residential development. Section 18.5 of the WHLUB enables the Development Officer to consider reducing separation distance requirements if the total number of livestock does not exceed 300 animal units, the applicant submits an environmental site assessment from a qualified professional which shows no potential pollution risk from proposed manure storage, and the applicant provides a certificate from a professional engineer that shows construction was completed in accordance with the environmental site assessment.

As properties are much closer together in Falmouth than the more rural areas of the Municipality it may be difficult for any property in Falmouth to meet the intensive livestock requirements for new operations set out in section 18.3 of the WHLUB. If Council were to consider any of the options to permit intensive livestock in Falmouth new separation distances may need to be considered based on the existing pattern of development in Falmouth.

The Nova Scotia Department of Agriculture created the Manure Management Guidelines in 2006. The Guidelines state if manure structures are built based on the recommendations in the Guidelines the structures will not likely create a disturbance to adjacent non-agricultural development. The recommended minimum separation distances for new livestock facilities in the Guidelines are:

	Separation Distance
Public Building	660 ft. (200 m)
Property Line	165 ft. (50 m)
Existing Off-Farm Dwelling	330 ft. (100 m)
Provincial Highway	165 ft. (50 m)
Off-Farm Well	330 ft. (100 m)
Lake, River Brook	330 ft. (100 m)
Ditch/ Intermittent Stream, or Wetland	60 ft. (20 m)

Complaints have been received about an existing intensive livestock on the border of the Falmouth Growth Centre. Residential development was constructed on Mountain View Road in the Falmouth Growth Centre within approximately 8 ft. of an existing livestock operation. The residential developer was not required to provide a separation distance or buffer between the residential development and the existing livestock operation. The complaints from residential neighbours include the odour, noise, and flies associated with the livestock. The Development Officer has visited the site and found no violations of planning regulations. The property owner has installed industrial fly traps, offered to clean up farm equipment, and apply nose tabs on the calves to reduce noise in an effort to improve the situation with neighbours. However, this

example illustrates the importance of adequate separation distances between intensive livestock and residential uses. Restrictions in planning documents are intended to reduce potential land use conflicts.

NEXT STEPS

In response to this report, PAC may:

- request staff prepare a draft WHMPS amendment based on direction from PAC;
- recommend Council not move forward with this application; or
- provide alternative direction such as requesting further information on a specific topic.

FINANCIAL IMPLICATIONS

There are no financial implications for the Municipality associated with this application.

ATTACHMENTS

Figure 1 Proposed Site

Figure 2 Properties Zoned Agricultural Priority Three (AR-3) in Falmouth

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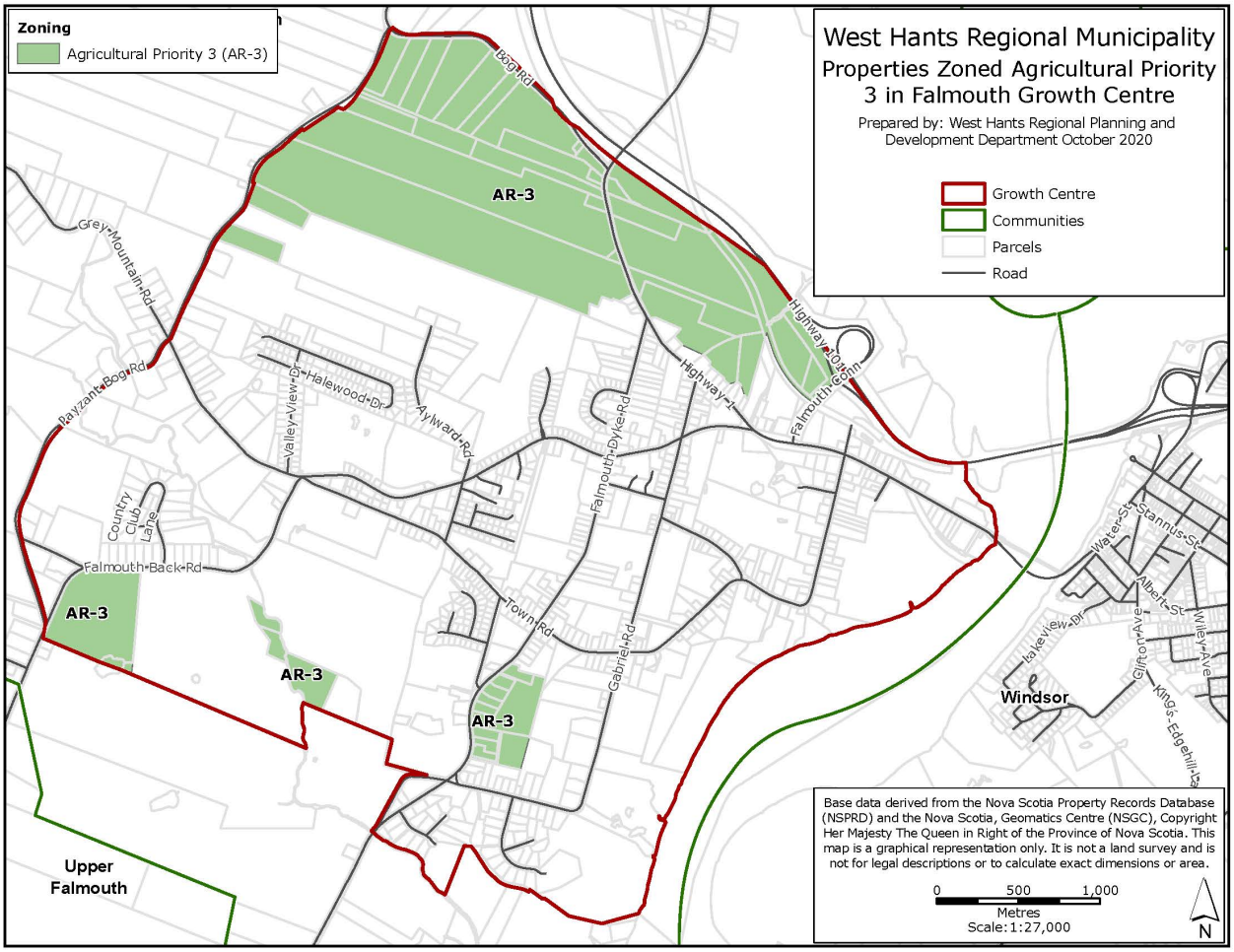
Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1
Proposed Site



Figure 2
Properties Zoned Agricultural Priority Three (AR-3) in Falmouth



WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor and members of Council

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: November 24, 2020

Subject: Notices of Registration; File #20-10B-2

BACKGROUND

On November 5, 2020, staff recommended to the Windsor Area Advisory Committee (WAAC) that the Notices of Registration for Heritage Properties in Windsor be replaced in the Land Registry Offices with corrected Notices once the Province has approved the Heritage Property By-law for the Region.

Windsor Area Advisory Committee Recommendation

WAAC recommended in favour of replacing the Notices of Recommendation for the Heritage Properties in Windsor with corrected Notices on November 5, 2020.

Planning/ Heritage Advisory Committee Recommendation

PAC/HAC recommended in favour of replacing the Notices of Recommendation for the Heritage Properties in Windsor with corrected Notices on November 12, 2020.

Possible Motion Should Council wish to approve replacing the Notices of Recommendation, the following motion would be in order:

…that Council approve the replacement of the present Notice of Registration in the Land Registry Office with a Notice bearing the corrected time frames for each of the five (5) Windsor Municipally Registered Heritage Properties.

ATTACHMENTS

Attachment A Heritage Property By-law Report, November 5, 2020, File #20-10

Report Approved by: _____
Mark Phillips, CAO

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To:	Members of Hantsport Area Advisory Committee (HAAC) (information only) Members of Windsor Area Advisory Committee (WAAC)
Submitted by:	_____ Madelyn LeMay, Director, Planning and Development
Date:	HAAC November 3, 2020 WAAC November 5, 2020
Subject:	Heritage Property By-law File #20-10

1.0 LEGISLATIVE AUTHORITY

Nova Scotia Heritage Property Act

2.0 RECOMMENDATIONS

If WAAC wishes to forward positive recommendations the following motions would be in order:

..that WAAC recommends that PAC/HAC recommend that Council hold a public hearing to consider replacing the existing Heritage Property By-laws for the former Town of Windsor and Municipality of West Hants with the Heritage Property By-law (RH-001) contained in Appendix C of the November 5, 2020 report to the Windsor Area Advisory Committee.

…that WAAC recommends that PAC/HAC recommend that Council approval the replacement of the present Notice of Registration in the Land Registry Office with a Notice bearing the corrected time frames for each of the five (5) Windsor Municipally Registered Heritage Properties.

3.0 BACKGROUND

The former Town of Windsor and the former Municipality of West Hants each have a Heritage Property By-law in place which applies to the respective geographic

area. In order to ensure that regulations regarding heritage are the same across the Region, it would be reasonable to have one Heritage Property By-law for the Region.
There are other heritage related issues which need to be addressed for the Region; these will be addressed in individual reports.

4.0 DISCUSSION

4.1 West Hants

On September 18, 2018, the Minister of Municipal Affairs approved a revised Heritage Property By-law for West Hants which had been approved by Council on July 10, 2018. The revised By-law had followed the usual West Hants process of review and recommendation by the Planning/Heritage Advisory Committee.
The changes from the 1992 By-law were primarily changes to reflect the 2010 amendments to the Heritage Property Act which need to appear in the By-law.

The changes made to the Act that are reflected in the revised West Hants By-law (Appendix B) included:

- broadening the By-law to include the identification, designation, preservation, conservation, protection and rehabilitation of *"buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value"* rather than just *"buildings, streetscape and areas"* to incorporate all elements enabled by the Provincial legislation.

  Since interiors can be the reason for registration of public buildings, the word "exterior" was removed throughout the By-law

- adding the definition of *"substantial alteration"* as *"any action that affects or alters the character-defining elements of a property"* to provide direction to Council on what constitutes a substantial alteration.

- The 2010 amendments to the Heritage Property Act allow municipality to take up to three (3) years to consider an application to substantially alter a municipal heritage property. If following consideration Council refuses the request to alter, the property owner may make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application. Prior to 2010, the time frame was at any time after one year from the date of the application but not more than two years from the date of application. For some owners this a significant change.

4.2 West Hants Notices

One additional change was made in 2018 to the West Hants Heritage Property By-law which was not required by the Heritage Property Act. The time frame for

altering a property following Council's refusal of a permit is stated in both Form A and B of the Heritage Property By-law. Since there is no requirement that the Forms be part of the By-law, they can be attached as templates to be used without forming part of the official By-law. This would make changes to the Forms easier to accomplish in the future.

There are six (6) West Hants Municipally Registered Heritage properties. These each had inaccurate information attached to them in the Land Registry office. To ensure that owners and potential purchasers had the correct information, the Notice of Registration for each property was replaced with a Notice bearing the correct time frames.

4.3 Windsor By-law

On January 28, 2020, Windsor Town Council approved a revised Heritage Property By-law which was intended to be identical in content (although somewhat different in form) to the 2018 West Hants Heritage Property By-law. The Council-approved By-law had followed the usual process of review and recommendation by the Heritage Advisory Committee. The By-law was submitted to Municipal Affairs by the Windsor Clerk, but was not approved by the Minister prior to the April 1 consolidation of Windsor and West Hants. It could not be approved following consolidation as the Town no longer exists. As a result, the April 13, 1994 Heritage Property By-law is still in place for the community of Windsor.

The Council-approved changes to the By-law included all of those listed above for West Hants; there were no substantive additional changes.

4.4 Windsor Notices

There are five (5) Windsor Municipally Registered Heritage properties. These each have inaccurate information attached to them in the Land Registry Office. To ensure that owners and potential purchasers have the correct information, it is recommended that the Notice of Registration for each property be replaced with a Notice bearing the correct time frames.

4.5 Heritage Advisory Committee

Municipal Affairs has advised that the Committee of the Whole cannot be named as the Heritage Advisory Committee. As a result, the Planning Advisory Committee is now the only existing committee that can also be named as the Heritage Advisory Committee. An entirely separate committee which contains both Council and resident members may be established if Council prefers.

5.0 NEXT STEPS

The following process is being used for adoption of the proposed by-law:

Staff Review

▼

Hantsport Area Advisory Committee for Information

▼

Windsor Area Advisory Committee Review and Recommendation

▼

Planning Advisory Committee Review and Recommendation

▼

Regional Council First Reading

▼

Public Hearing
(notice in local paper once)

▼

Regional Council Public Hearing and Second Reading

▼

Notice of Approval in Local Paper

▼

Notice of Approval to Municipal Affairs and Housing

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing By-laws with the proposed new By-law.
The cost of replacement of the Notice of Registration for each property in the Land Registry files will be approximately $1,375.00 for the five (5) Windsor Municipally registered properties. This money is included within the budget.

7.0 ALTERNATIVES

WAAC may recommend that PAC/HAC:

- not recommend in favour of the Heritage Property By-law included as Attachment C;
- not recommend in favour of replacing the Notices in the Land Registry Office;
- provide alternate direction such as requesting further information on a specific topic.

8.0 ATTACHMENTS

Attachment A	Windsor Heritage Property By-law
Attachment B	West Hants Heritage Property By-law
Attachment C	Proposed Heritage Property By-law, RH-001

Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

Report Reviewed by: _____
Rhonda Brown, Municipal Clerk

ATTACHMENT A

TOWN OF WINDSOR
BYLAW # 25
HERITAGE PROPERTY BYLAW

Town of Windsor, NS

Walter B. Stephens Building, PO Box 158, 100 King Street,

Windsor, NS B0N 2T0

.....

HERITAGE PROPERTY BYLAW

.....

Approved April 13, 1994

Hon. Sandy Jolly, Minister of Municipal Affairs

Province of Nova Scotia

APPENDIX A

TOWN OF WINDSOR

HERITAGE PROPERTY BYLAW,

Approved 15 February 2001

25.01 This Bylaw shall be known and may be cited as the *Heritage Property Bylaw.*

25.02 In this Bylaw:

(a) "Act" means the Heritage Property Act;

(b) "Applicant" means the person, persons or organization, requesting registration of a property for municipal heritage status under this Bylaw;

(c) "Area" includes such visibly physical features as cemeteries, historical gardens, statues and monuments, where they are of architectural, historical or cultural value;

(d) "Council" means the Town Council of the Town of Windsor;

(e) "Clerk" means the Clerk of the Town of Windsor;

(f) "Committee" means the Heritage Advisory Committee, established pursuant to this Bylaw;

(g) "Town" means the Town of Windsor;

(h) "Municipal Heritage Property" means a building, streetscape or area registered in a Municipal Registry of Heritage Property;

(i) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Registry of Deeds, and includes a person assessed with respect to the occupancy of the land;

(j) "Registry" means the Municipal Registry of Heritage Property, within the meaning of the Act;

25.03 There shall be established for the Town of Windsor, a Municipal Registry of Heritage Property, where all prescribed documents relating to the registration of heritage property under this Bylaw shall be filed.

25.04 The maintenance of the Registry shall be the responsibility of the Town Clerk.

25.05 The Heritage Advisory Committee shall be appointed by Council, in accordance with the following criteria:

(a) all members of the Windsor Planning Advisory Committee shall be members, and two other members shall be selected from residents of the Town who are not Council members and have a demonstrated interest in heritage properties;

(b) following the coming into force of this Bylaw, Council shall appoint the members of the Committee as follows;

(i) the members of the Planning Advisory Committee shall serve for the same period as they are members of the Planning Advisory Committee.

(ii) on the initial appointment of the two additional members, one shall serve a term of approximately two years, such term to expire in the November following one full year of appointment, and one shall serve a term of approximately three years, such term to expire in the November following two full years of appointment; thereafter each member shall serve for two years;

and Council shall on or before the last day of November of each and every succeeding year make appointments in accordance with this paragraph to fill vacancies created by the termination of any term of office.

(c) Council may at any time upon determining that a vacancy or vacancies exist on the Committee appoint one or more individuals to fill said vacancies. Such individual or individuals shall serve the remainder of the term of the individual or individuals to be replaced;

(d) a member of the Committee may be reappointed upon the expiry of the member's term of office;

(e) all members of the Committee including those that are members of Council shall be appointed with no remuneration by the Town for attendance at Committee meetings, except for the position of secretary;

(f) all members appointed shall remain members only during such time as they continue to be residents of Windsor.

25.06 The Heritage Advisory Committee shall operate under the following rules of procedure:

(a) the committee shall appoint a chair and vice-chair from amongst its members at the first meeting of the committee;

(b) a secretary shall be appointed to the committee who shall be responsible for the recording and keeping of minutes of committee meetings;

(c) if a committee member is absent for three successive meetings, that member shall cease to be a member;

(d) the committee shall meet monthly, when required, to discuss applications for registration of properties, applications to substantially alter or demolish a Municipal Heritage Property, or discuss the criteria for evaluation of a heritage property, or other matters necessary for the effective carrying out of the intent of the Bylaw; such meetings generally to be held on the same evening as the Planning Advisory Committee meeting; special meetings may be held as and when determined by the committee chair or on request of the majority of committee members;

(e) quorum shall be five committee members;

(f) a member of the Town's Planning Staff shall serve as advisor to the committee.

25.07 The Committee may advise the Town Council respecting:

(a) the inclusion of buildings, streetscapes and areas in the Registry of Heritage Property;

(b) an application for permission to substantially alter or demolish a Municipal Heritage Property;

(c) building or other regulations that affect the attainment of the intent and purposes of this Bylaw;

(d) any other matters conducive to the effective carrying out of the intent and purpose of this Bylaw.

25.08 The Committee may recommend to the Town that a building, streetscape or area be registered as a Municipal Heritage Property in the Registry.

25.09 (a) The Town shall cause notice of the recommendation of the Committee, in the format of Form "A" appended hereto, to be served upon each registered owner, of the building, streetscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

(b) The notice shall contain:

(i) a statement that the building, streetscape or area described in the notice has been recommended for registration in the Municipal Registry of Heritage Property;

(ii) a brief statement of the reasons for the recommendation;

(iii) a summary of the consequences of registration;

(iv) a statement that no person shall substantially alter the exterior appearance of or demolish the building, streetscape or area for one hundred and twenty (120) days after the notice is served unless the Town sooner refuses to register the property; and

(v) notification of the right of the owner to be heard and of the date, time and place of the hearing.

(c) No person shall substantially alter the exterior appearance of or demolish a building, streetscape or area for one hundred and twenty (120) days after notice respecting the building, streetscape or area has been served pursuant to Subsection (a) except in those cases where, prior to the expiration of one hundred and twenty (120) days, the Town refuses to register the property.

(d) A copy of the notice served pursuant to Subsection (a) shall be deposited at the Registry of Deeds at Windsor, Nova Scotia.

25.10 (a) The Town may register, in the format of the notice in Form "B" appended hereto, the building, streetscape or area as a Municipal Heritage Property in the Municipal Registry of Heritage Property at anytime not less than thirty (30) days nor more than one hundred and twenty (120) days after service of the notice pursuant to Section 25.09 hereof and on the advice of the Heritage Advisory Committee.

(b) No registration pursuant to Subsection (a) shall take place until the Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after service of the notice pursuant to Subsection (a).

(c) Notice of the registration shall be sent to each registered owner of the building, streetscape or area and a copy thereof shall be deposited at the Registry of Deeds at Windsor, Nova Scotia.

25.11 (a) On the application of an owner of a Municipal Heritage Property or on its own motion, the Town may deregister a Municipal Heritage Property where:

(a) the property has been destroyed or damaged by any cause; or

(b) the continued registration of the property appears to the Council to be inappropriate;

after holding a public hearing to consider the proposed deregistration.

(b) Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

(c) Where a Municipal Heritage Property is deregistered, Council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited at the Registry of Deeds at Windsor, Nova Scotia.

25.12 Council shall require fees associated with:

(a) the costs required by the Registry of Deeds for registration of documents prescribed in this Bylaw; and

(b) the costs of a public hearing for the registering and de-registering of municipal heritage property;

be payable by the applicant.

25.13 (a) A Municipal Heritage Property shall not be substantially altered in exterior appearance or demolished without the approval of the Town.

(b) An application for permission to substantially alter the exterior appearance of or demolish Municipal Heritage Property shall be made in writing to the Town.

(c) Upon receipt of the application, the Town shall refer the application to the Heritage Advisory Committee for its recommendations.

(d) Within thirty (30) days after the application has been referred by the Town, the Heritage Advisory Committee shall submit a written report and recommendation to the Town, respecting the Municipal Heritage Property.

(e) The Town may grant the application either with or without conditions or may refuse it.

(f) The Town shall advise the applicant of its determination.

25.14 Notwithstanding Section 25.13, where the owner of Municipal Heritage Property has made an application for permission to alter the exterior appearance of or demolish the property and the application is not approved, the owner may make the alteration or carry out demolition at any time after one (1) year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two (2) years after the date of the application.

25.15 The Town may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property, with the cost of the sign, plaque or other marker to be borne by the Town.

25.16 (a) Service of any notice required to be made by this Bylaw shall be sufficient if served upon the person by registered mail at the person's last known address.

(b) Where a person upon whom service should be made cannot be identified or the address is not known, service shall be sufficient if notice is affixed in a conspicuous place on the building, streetscape or area and a copy is delivered to any occupant of the property.

FORM "A"

TOWN OF WINDSOR

NOTICE OF RECOMMENDATION TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

1. Under the Heritage Property Bylaw, the Town of Windsor hereby gives notice that the property of (*insert name of owner)* located at (*insert brief description and address)* has been recommended for registration in the Municipal Registry of Heritage Property for the Town of Windsor.

2. The property has been recommended for registration for the following reasons: (*describe reasons for recommendation)*

3. The Heritage Property Act provides that no person shall substantially alter the exterior appearance of or demolish a building, streetscape or area for 120 days from the date of service of this notice upon you, unless the Town Council sooner refuses to register the property.

4. Take notice that you have the right to be heard concerning the recommended registration, and this hearing shall take place at the Council Chambers, 100 King Street, Windsor, Nova Scotia on (*insert date)* at the hour of (*insert time).* You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.

5. The Heritage Property Bylaw provides that if a property is registered as a Municipal Heritage Property:

    a. the property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;

    b. an application for permission to substantially alter the exterior appearance or to demolish a property may be made to the Town;

    c. the Heritage Advisory Committee shall be given an opportunity to comment on any application;

    d. the Town may grant or refuse permission or attach conditions;

    e. if the application is not approved, the alteration or demolition may take place at least one (1) year but not more than two years after the date of the application;

    f. penalties for violation of the Bylaws are a maximum fine of $10,000.00 for individuals and $100,000.00 for corporations;

    g. the Town has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the Bylaw, or for an Order directing the restoration of the property or for any other

Order to enforce the provisions of this Bylaw and as to costs and the recovery of expenses;

h. a copy of this notice has been recorded at the Registry of Deeds at Windsor, Nova Scotia.

FORM "B"

TOWN OF WINDSOR

NOTICE OF REGISTRATION
OF
MUNICIPAL HERITAGE PROPERTY

1. Under Section 25.10 of the Heritage Property Bylaw, the Town of Windsor hereby gives notice that the property of (*insert name of owner),* located at (*insert brief description and address),* has been registered in the Municipal Registry of Heritage Property for the Town of Windsor.

2. The Heritage Bylaw provides that where a property is registered as Municipal Heritage Property:

   (a) the property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;

   (b) an application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Town;

   (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;

   (d) the Town may grant or refuse permission or attach conditions;

   (e) if the application is not approved, the alteration or demolition may take place at least one (1) year but not more than two (2) years after the date of the application;

   (f) penalties for violation of the Bylaw are a maximum fine of $10,000.00 for individuals and $100,000.00 for corporations;

   (g) the Town has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the Bylaw, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this Bylaw and as to costs and the recovery of expenses.

3. A copy of this notice has been registered at the Registry of Deeds at Windsor, Nova Scotia.

THIS IS TO CERTIFY that I, Larry A. Armstrong, Town Administrator of the Town of Windsor, in the County of Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the resolution to amend the Town of Windsor Heritage Property By-law passed by a majority of the whole Council of the Town of Windsor at a meeting duly called and held on the **18th** day of **December, 2000.**

GIVEN under the hand of the Town Administrator and under the corporate seal of the Town of Windsor this **20th day of December, 2000.**

Lawrence A. Armstrong

LAWRENCE A. ARMSTRONG
TOWN ADMINISTRATOR

Service Nova Scotia
and Municipal Relations
Recommended for
approval of the Minister
Kathleen O'Grady
Department Solicitor
APPROVED this 16 day
of February 18 2000
Minister of Service Nova Scotia and Municipal Relations

WEST HANTS
NOVA SCOTIA

BY-LAW H-001

MUNICIPALITY OF THE DISTRICT OF WEST HANTS

Heritage Property By-law

1.0 Title and Definitions

1.1 This By-law is made pursuant to the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as amended from time to time, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law".

1.2 This By-law shall be administered in accordance with the Heritage Property Act, R.S.N.S. 1989.

1.3 In this By-law:

(a) "Act" means the Heritage Property Act;

(b) "Area" includes such physical features as cemeteries, historical gardens, statues and monuments;

(c) "Council" means the Municipal Council of the Municipality of the District of West Hants;

(d) "Committee" means the Heritage Advisory Committee, established pursuant to this By-law;

(e) "Municipality" means the Municipality of the District of West Hants;

(f) "Municipal Heritage Property" means a building, public-building interior, streetscape, cultural landscape or area registered in the West Hants Municipal Registry of Heritage Property;

(g) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Land Registry Office, and includes a person assessed with respect to the occupancy of the land;

(h) "Registry" means the Municipal Registry of Heritage Property of the Municipality;

(i) "Substantial Alteration" means any action that affects or alters the character-defining elements of a property.

2.0 Registry

2.1 The Municipality shall establish and maintain a Municipal Registry of Heritage Property where all prescribed documents relating to the registration of Municipal Heritage Property pursuant to the Act or this By-law shall be filed.

2.2 The Registry shall contain information with respect to recommendations, registrations and deregistrations, recording particulars of documents required to be lodged at the Land Registry Offices, and true copies of all notices required by the Act;

2.3 The Registry shall be accessible to the public at no charge during regular business hours of the Municipality.

3.0 Heritage Advisory Committee

3.1 Council shall appoint either of the following as the Heritage Advisory Committee:

(a) the Committee of the Whole; or

(b) the Planning Advisory Committee.

3.2 The Heritage Advisory Committee shall be governed, where not inconsistent with the Act or this By-law, by the general rules of procedure applicable to Committees contained in the Council Procedural Policy.

3.3 The Committee may advise Council respecting:

(a) The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the in the Registry;

(b) an application for permission to substantially alter or demolish a Municipal Heritage Property;

(c) the preparation, amendment, revision or repeal of a Conservation Plan and Conservation By-law;

(d) the administration of Heritage Conservation Districts pursuant to the provisions of the Act;

(e) an application for a certificate that is required by this Act or the referral

of a Conservation Plan and Conservation By-law to Council for a public hearing; and

(f) any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act.

4.0 Notice of Recommendation

4.1 The Municipality shall cause the Notice of Recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

One copy of the Notice of Recommendation shall be deposited in the Land Registry Office and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.

4.2 The notice shall contain:

(a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the Registry;

(b) a brief statement of the reasons for the recommendation;

(c) a summary of the consequences of registration;

(d) a statement that no person shall demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area for one hundred and twenty (120) days after the notice is served unless the Municipality sooner refuses to register the property;

(e) the location of the building and the extent of the recommendation; and

(f) notification of the right of the owner to be heard and of the date, time and place where they may be heard.

5.0 Registration and Notification

5.1 Council may register a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the

provisions of the Act and notice of the registration shall include all of the information set out in Section 4.2 above.

5.2 Notice of such registration shall be:

(a) served upon each registered owner;

(b) deposited with the Land Registry Office; and

(c) filed in the Municipal Registry of Heritage Property.

5.3 The Municipality may register the building, public-building interior, streetscape, cultural landscape or area in the Registry at any time not less than thirty (30) days nor more than one hundred and twenty (120) days after the service of the notice required by Section 5.2 above.

5.4 No registration pursuant to Section 5.1 shall take place until Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after the service of the notice required by Section 5.2.

6.0 Deregistration

6.1 The owner of a Municipal Heritage Property may apply to, or the Municipality on its own motion, may deregister a Municipal Heritage Property after holding a public hearing to consider the proposed deregistration where:

(a) the property has been destroyed or damaged by any cause; or

(b) the continued registration of the property appears to the Council to be inappropriate as a result of the loss of the property's heritage value as identified in the notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.

6.2 Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

6.3 Where a Municipal Heritage Property is deregistered, the Council shall cause notice of the deregistration to be sent to the registered owner of the property

and a copy thereof to be deposited at the Land Registry Office.

7.0 Alteration or Demolition

7.1 A Municipal Heritage Property shall not be substantially altered in appearance or demolished without the approval of the Municipality.

7.2 An application for permission to demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area which is entered in the Municipal Heritage Registry shall be made in writing to the Municipality.

7.3 The application shall be reviewed by staff and a report prepared for the Heritage Advisory Committee for recommendation to Council.

7.4 Within thirty (30) days after receiving a report, the Heritage Advisory Committee shall submit a written report and recommendation to Council respecting the application.

7.5 The Municipality may take up to three (3) years to consider an application and may require public notice of the application and information meetings respecting the application.

7.6 Council may grant the heritage permit either with or without conditions or may refuse the permit, and the Municipality shall advise the applicant of its determination.

7.7 Where the owner of a building, public-building interior, streetscape, cultural landscape or area which is entered in the Registry has made application for permission to substantially alter the appearance of or demolish the property and the permission is not received, the owner may make the alteration or carry out the demolition at any time after three (3) years from the date of the application, provided that the alteration or demolition shall not be undertaken more than four (4) years after the date of the refusal.

8.0 Acquisition

8.1 The Municipality may acquire a building, public-building interior, streetscape, cultural landscape or area which is entered in the Municipal Heritage Registry or any right therein.

9.0 General

9.1 The Municipality may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property.

9.2 Service of any notice required to be made by this By-law shall be sufficient if served upon the person by registered mail at his last known address.

9.3 Where a person upon whom service should be made cannot be identified or their address is not known, service shall be sufficient if the notice is affixed in a conspicuous place on the building, public-building interior, streetscape, cultural landscape or area and a copy is delivered to any occupant of the property.

10.0 Repeal

10.1 The Heritage Property By-law dated November 10, 1992 as amended is hereby repealed.

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the **10th** day of **July, 2018**.

_____
R. N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	May 8, 2018
Notice Published:	June 26, 2018 and July 3, 2018
Second Reading & Approval	July 10, 2018
Final Publication	October 2, 2018
Notice to Municipal Affairs	July 11, 2018
Ministerial Approval	September 18, 2018
Description: Initial approval of the Heritage Property By-law H-001, which states the Repeal of Heritage Property By-law date November 10, 1992 as amended.	

Original By-law signed by Rhonda Brown, Municipal Clerk

NOTE: A and B forms (following) are not part of the

By-law but will be used as templates.

FORM "A"
MUNICIPALITY OF THE DISTRICT OF WEST HANTS
NOTICE OF RECOMMENDATION
TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

1. Under the Heritage Property By-law, the Municipality of the District of West Hants hereby gives notice that the property of (insert name of owner) located at (insert brief description and address) has been recommended for registration in the Municipal Registry of Heritage Property for the Municipality of the District of West Hants.

2. The property has been recommended for registration for the following reasons: (describe reasons for recommendation)

3. The Heritage Property By-law provides that no person shall substantially alter the appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for 120 days from the date of service of this notice upon you, unless the Municipal Council sooner refuses to register the property.

4. Take notice that you have the right to be heard concerning the recommended registration, and you shall be heard at the Sanford Council Chambers, Municipal Building, 76 Morison Drive, Windsor, Nova Scotia on (Insert date) at the hour of (insert time). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.

5. The Heritage Property By-law provides that if a property is registered as a Municipal Heritage Property:

   (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;

   (b) an application for permission to substantially alter the appearance or to demolish a property may be made to the Municipality;

   (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;

   (d) the Municipality may grant or refuse permission or attach conditions;

   (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;

   (f) penalties for violation of the By-law are a maximum fine of $10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and $250,000.00 for corporations;

(g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of the By-law and as to costs and the recovery of expenses;

(h) a copy of this notice has been recorded at the Land Registry Office.

FORM "B"
MUNICIPALITY OF THE DISTRICT OF WEST HANTS
NOTICE OF REGISTRATION OF MUNICIPAL HERITAGE PROPERTY

1. Under Section 5 of the Heritage Property By-law, the Municipality of the District of West Hants hereby gives notice that the property of (insert name of owner), located at (insert brief description and address), has been registered in the Municipal Registry of Heritage Property for the Municipality of the District of West Hants.

2. The Heritage Property By-law provides that where a property is registered as Municipal Heritage Property:
   (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;

   (b) an application for permission to substantially alter the appearance or to demolish the property may be made to the Municipality;

   (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;

   (d) the Municipality may grant or refuse permission or attach conditions;

   (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;

   (f) penalties for violation of the By-law are a maximum fine of $10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and $250,000.00 for corporations;

   (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this By-law and as to costs and the recovery of expenses.

3. A copy of this notice has been registered at the Land Registry Office.

ATTACHMENT C
West Hants Regional Municipality
Draft Heritage Property By-law

1.0 Title and Definitions

1.1 This By-law is made pursuant to the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as amended from time to time, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law".

1.2 This By-law shall be administered in accordance with the Heritage Property Act, R.S.N.S. 1989.

1.3 In this By-law:

(a) "Act" means the Heritage Property Act;

(b) "Area" includes such physical features as cemeteries, historical gardens, statues and monuments;

(c) "Council" means the Municipal Council of West Hants Regional Municipality;

(d) "Committee" means the Heritage Advisory Committee established pursuant to this By-law;

(e) "Municipality" means West Hants Regional Municipality;

(f) "Municipal Heritage Property" means a building, public-building interior, streetscape, cultural landscape or area registered in the West Hants Regional Municipality Registry of Heritage Property;

(g) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Land Registry Office, and includes a person assessed with respect to the occupancy of the land;

(h) "Registry" means the Municipal Registry of Heritage Property of the Municipality;

(i) "Substantial Alteration" means any action that affects or alters the

character-defining elements of a property.

2.0 Registry

2.1 The Municipality shall establish and maintain a Municipal Registry of Heritage Property where all prescribed documents relating to the registration of Municipal Heritage Property pursuant to the Act or this By-law shall be filed.

2.2 The Registry shall contain information with respect to recommendations, registrations and deregistrations, recording particulars of documents required to be lodged at the Land Registry Offices, and true copies of all notices required by the Act;

2.3 The Registry shall be accessible to the public at no charge during regular business hours of the Municipality.

3.0 Heritage Advisory Committee

3.1 Council shall appoint the Planning Advisory Committee as the Heritage Advisory Committee.

3.2 The Heritage Advisory Committee shall be governed, where not inconsistent with the Act or this By-law, by the general rules of procedure applicable to Committees contained in the Council Procedural Policy.

3.3 The Committee may advise Council respecting:

(a) The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the Registry;

(b) an application for permission to substantially alter or demolish a Municipal Heritage Property;

(c) the preparation, amendment, revision or repeal of a Conservation Plan and Conservation By-law;

(d) the administration of Heritage Conservation Districts pursuant to the provisions of the Act;

(e) an application for a certificate that is required by this Act or the

referral of a Conservation Plan and Conservation By-law to Council for a public hearing; and

(f) any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act.

4.0 Notice of Recommendation

4.1 The Municipality shall cause the Notice of Recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

One copy of the Notice of Recommendation shall be deposited in the Land Registry Office and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.

4.2 The notice shall contain:

(a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the Registry;

(b) a brief statement of the reasons for the recommendation;

(c) a summary of the consequences of registration;

(d) a statement that no person shall demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area, for one hundred and twenty (120) days after the notice is served unless the Municipality sooner refuses to register the property;

(e) the location of the property and the extent of the recommendation; and

(f) notification of the right of the owner to be heard and of the date, time and place where they may be heard.

5.0 Registration and Notification

5.1 Council may register a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and notice of the registration shall include all of the information set out in Section 4.2 above.

5.2 Notice of such registration shall be:

(a) served upon each registered owner;

(b) deposited with the Land Registry Office; and

(c) filed in the Municipal Registry of Heritage Property.

5.3 The Municipality may register the building, public-building interior, streetscape, cultural landscape or area in the Registry at any time not less than thirty (30) days nor more than one hundred and twenty (120) days after the service of the notice required by Section 5.2 above.

5.4 No registration pursuant to Section 5.1 shall take place until Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after the service of the notice required by Section 5.2.

6.0 Deregistration

6.1 The owner of a Municipal Heritage Property may apply to, or the Municipality on its own motion may, deregister a Municipal Heritage Property after holding a public hearing to consider the proposed deregistration where:

(a) the property has been destroyed or damaged by any cause; or

(b) the continued registration of the property appears to the Council to be inappropriate as a result of the loss of the property's heritage value as identified in the notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.

6.2 Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

6.3 Where a Municipal Heritage Property is deregistered, the Council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited at the Land Registry Office.

7.0 Alteration or Demolition

7.1 A Municipal Heritage Property shall not be substantially altered in appearance or demolished without the approval of the Municipality.

7.2 An application for permission to demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area, which is entered in the Municipal Heritage Registry shall be made in writing to the Municipality.

7.3 The application shall be reviewed by staff and a report prepared for the Heritage Advisory Committee for recommendation to Council.

7.4 Within thirty (30) days after receiving a report, the Heritage Advisory Committee shall submit a written report and recommendation to Council respecting the application.

7.5 The Municipality may take up to three (3) years to consider an application and may require public notice of the application and information meetings respecting the application.

7.6 Council may grant the heritage permit either with or without conditions or may refuse the permit, and the Municipality shall advise the applicant of its determination.

7.7 Where the owner of a building, public-building interior, streetscape, cultural landscape or area which is entered in the Registry has made application for permission to substantially alter the appearance of or demolish the property and the permission is not received, the owner may make the alteration or carry out the demolition at any time after three (3) years from the date of the application, provided that the alteration or demolition shall not be undertaken more than four (4) years after the date of the application.

8.0 Acquisition

8.1 The Municipality may acquire a building, public-building interior, streetscape, cultural landscape or area which is entered in the Municipal

Heritage Registry or any right therein.

9.0 General

9.1 The Municipality may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property.

9.2 Service of any notice required to be made by this By-law shall be sufficient if served upon the person by registered mail at their last known address.

9.3 Where a person upon whom service should be made cannot be identified or their address is not known, service shall be sufficient if the notice is affixed in a conspicuous place on the building, public-building interior, streetscape, cultural landscape or area and a copy is delivered to any occupant of the property.

10.0 Repeal

10.1 The Heritage Property By-law dated September 18, 2018, of the former Municipality of the District of West Hants, the Heritage Property By-law dated April 13, 1994, of the former Town of Windsor as amended and any other earlier Windsor By-laws related to Heritage Property are hereby repealed.

I, Rhonda Brown, Municipal Clerk of West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the ____ day of **_____, 2021**.

_____

R. N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	
Notice Published:	
Second Reading & Approval	

Final Publication	
Notice to Municipal Affairs	
Description: Initial approval of the Heritage Property By-law which states the Repeal of Windsor Heritage Property By-laws dated April 13, 1994, as amended and West Hants Heritage Property By-law dated September 18, 2018.	

NOTE: A and B forms (following) are not part of the

By-law but will be used as templates.

FORM "A"
REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
NOTICE OF RECOMMENDATION
TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

1. Under the Heritage Property By-law, the Region of Windsor and West Hants Municipality hereby gives notice that the property of (insert name of owner) located at *(*insert brief description and address*)* has been recommended for registration in the Municipal Registry of Heritage Property for the Region of Windsor and West Hants.

2. The property has been recommended for registration for the following reasons: (describe reasons for recommendation)

3. The Heritage Property By-law provides that no person shall substantially alter the appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for 120 days from the date of service of this notice upon you, unless the Municipal Council sooner refuses to register the property.

4. Take notice that you have the right to be heard concerning the recommended registration, and you shall be heard at the Sanford Council Chambers, Municipal Building, 76 Morison Drive, Windsor, Nova Scotia on (insert date) at the hour of (insert time). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.

5. The Heritage Property By-law provides that if a property is registered as a Municipal Heritage Property:

   (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
   (b) an application for permission to substantially alter the appearance or to demolish a property may be made to the Municipality;
   (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
   (d) the Municipality may grant or refuse permission or attach conditions;
   (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
   (f) penalties for violation of the By-law are a maximum fine of $10,000.00 and in default of payment thereof to imprisonment for a

term not exceeding six months for individuals and $250,000.00 for corporations;

(g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of the By-law and as to costs and the recovery of expenses;

(h) a copy of this notice has been recorded at the Land Registry Office.

FORM "B"
REGION OF WINDSOR AND WEST HANTS
NOTICE OF REGISTRATION OF MUNICIPAL HERITAGE PROPERTY

1. Under Section 5 of the Heritage Property By-law, the Region of Windsor and West Hants hereby gives notice that the property of (insert name of owner), located at (insert brief description and address), has been registered in the Municipal Registry of Heritage Property for the Region of Windsor and West Hants.

2. The Heritage Property By-law provides that where a property is registered as Municipal Heritage Property:
   (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;

   (b) an application for permission to substantially alter the appearance or to demolish the property may be made to the Municipality;

   (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application to substantially alter the property;

   (d) the Municipality may grant or refuse permission or attach conditions;

   (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;

   (f) penalties for violation of the By-law are a maximum fine of $10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and $250,000.00 for corporations;

   (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this By-law and as to costs and the recovery of expenses.

3. A copy of this notice has been registered at the Land Registry Office.



Standards and Guidelines

WHAT?

- Standards and Guidelines for the Conservation of Historic Places in Canada
- created by Federal government in conjunction with heritage groups
- widely endorsed and used
- minimal intervention approach to conservation
- framework for deciding which features of a historic place should be maintained and which may be altered
- provide guidelines on how to go about the work
- Statements of Significance (SoS) tell you what should be preserved
- Standards and Guidelines tell you how, based on conservation of historic value and character-defining elements

HOW USED?

- application received
- investigate conditions and note changes which have occurred to the property
- determine the request and treatment
- review the Standards
- follow the Guidelines
- an addition: physically and visually compatible with, subordinate to and distinguishable from…
- S&G helpful with modern elements needed for rehabilitation (ramps for access)

WHY?

- minimal impact on the heritage value
- maintain and repair (rehabilitation)
- ensures that a historic place will last into the future

PAC/HAC RECOMMENDATION

… that Council consider the *Standards and Guidelines for the Conservation of Historic Places in Canada* when reviewing applications for substantial exterior alterations to municipally registered heritage properties.

WEST HANTS REGIONAL MUNICIPALITY

Recommendation Report

To: Members of Council

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: November 24, 2020

Subject: Standards and Guidelines for the Conservation of Historic Places in Canada File # 20-23C

Background

Staff recommended that the *Standards and Guidelines for the Conservation of Historic Places in Canada* be used by the Region when considering requested changes to a Registered Heritage Property to the Windsor Area Advisory Committee (WAAC) on November 5, 2020.

Windsor Area Advisory Committee Recommendation

WAAC recommended in favour of the Region using the *Standards and Guidelines for the Conservation of Historic Places in Canada* when considering requested changes to a Registered Heritage Property on November 5, 2020.

Planning Advisory Committee Recommendation

PAC/HAC recommended in favour of the Region using the *Standards and Guidelines for the Conservation of Historic Places in Canada* when considering requested changes to a Registered Heritage Property on November 12, 2020.

Possible Motion

Should Council wish to approve use of the *Standards and Guidelines for the Conservation of Historic Places in Canada* when considering requested changes to a Registered Heritage Property, the following motion would be in order:

…that Council consider the S*tandards and Guidelines for the Conservation of Historic Places in Canada* when reviewing applications for substantial exterior alterations to municipally registered heritage properties.

Attachments

Appendix A *Standards and Guidelines for the Conservation of Historic Places in Canada* Report November 5, 2020; File # 20-23

Report Approved by: _____
Mark Phillips, CAO

ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT

To:	Hantsport Area Advisory Committee (HAAC) Windsor Area Advisory Committee (WAAC)
Submitted by:	_____ Madelyn LeMay, Director, Planning and Development
Date:	November 3, 2020 HAAC November 5, 2020 WAAC
Subject:	Standards and Guidelines for the Conservation of Historic Places in Canada File # 20-23

1.0 LEGISLATIVE AUTHORITY

Heritage Property Act

2.0 RECOMMENDATION

Should WAAC wish to forward a positive recommendation the following motion would be in order:

… that WAAC recommends that PAC/HAC recommend that Council consider the *Standards and Guidelines for the Conservation of Historic Places in Canada* when reviewing applications for substantial exterior alterations to municipally registered heritage properties.

3.0 BACKGROUND

The *Standards and Guidelines* were adopted as a way of considering applications for substantial alteration by West Hants in 2009; no record has been found for a similar adoption in Windsor.

4.0 DISCUSSION

Statements of Significance (SoS) were developed for most municipally registered heritage properties in the Region at the time of registration. An SoS describes

the historic place and defines its heritage value and character defining elements, explaining why a property was registered and why it should be protected.

In conjunction with the program under which the SoS were developed Councils were asked to consider "*Standards and Guidelines for the Conservation of Historic Places in Canada"* when reviewing substantive changes to the exterior of registered buildings. The *Standards and Guidelines* are based on a minimal intervention approach to conservation and provide a framework for deciding which features of a historic place should be maintained and which may be altered and guidelines on how to go about the work.

The *Standards and Guidelines* provide an excellent resource when reviewing applications for substantial alterations to registered heritage buildings. Adoption of the *Standards and Guidelines* means that staff, the Heritage Advisory Committee and Council will consider the *Standards and Guidelines* when reviewing applications for substantial exterior alterations to registered municipal heritage properties.

Should Council not adopt the *Standards and Guidelines*, they will remain approved for West Hants but not for the remainder of the Region. Having the *Standards and Guidelines* approved for the entire Region will ensure that requests for substantial alterations to registered properties are treated the same way throughout the Region.

5.0 NEXT STEPS

Nothing further is required of WAAC; PAC/HAC recommendation and Council approval of the recommendation is needed for the *Standards and Guidelines* to be effective throughout the Region.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with adopting the *Standards and Guidelines* for the Region

7.0 ALTERNATIVES

Should WAAC not wish to recommend the *Standards and Guidelines* to PAC/HAC, WAAC may:

- recommend that the *Standards and Guidelines* is not needed throughout the Region at this time; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 ATTACHMENTS

Attachment A Standards and Guidelines Summary and Link

Report Prepared by: _____

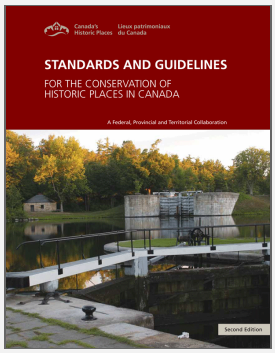
Madelyn LeMay, Director, Planning and Development

ATTACHMENT A

Link to full document: https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf

SUMMARY from WEBSITE

The Standards & Guidelines for the Conservation of Historic Places in Canada



The Standards and Guidelines for the Conservation of Historic Places in Canada is the first-ever pan-Canadian benchmark for heritage conservation practice in this country. It offers results-oriented guidance for sound decision-making when planning for, intervening on and using historic places. This document establishes a consistent, pan-Canadian set of conservation principles and guidelines that will be useful to anyone with an interest in conserving Canada's historic places.

Changes since the last edition

This second edition of the *Standards and Guidelines* expands and clarifies the information contained in the original 2003 edition.

The revisions in this edition:

- Address comments received from users of the first edition of the *Standards and Guidelines*;
- Clarify the relationship between the *Standards and Guidelines* and a Statement of Significance;
- Better explain the conservation decision-making process;
- Provide interpretation of the fourteen Standards to clarify these important principles;
- Add guidance for typical sustainability-related interventions;
- Address new topics such as cultural landscapes, including heritage districts;
- Address recent heritage, including the specific issues of conserving modern materials and assemblies;
- Improve the guidance provided for engineering works; and
- Provide a more comprehensive set of Guidelines for Archaeological Sites generally, and in a specific setting.

The Conservation Decision-making Process



Conservation activities can be seen as a sequence of actions - from understanding the historic place, to planning for its conservation and intervening through projects or maintenance.

Understanding a historic place is an essential first step to good conservation practice. This is normally achieved through research and investigation. It is important to know where the heritage value of the historic place lies, along with its condition, evolution over time, and past and current importance to its community.



Planning is the mechanism that links a comprehensive understanding of a historic place with interventions that respect its heritage value. Planning should consider all factors affecting the future of an historic place, including the needs of the owners and users, community interests, the potential for environmental impacts, available resources and external constraints.

Intervening on a historic place, that is, any action or process that results in a physical change to its character-defining elements, must respect and protect its heritage value.

These three phases can further be defined through a series of steps:

UNDERSTANDING

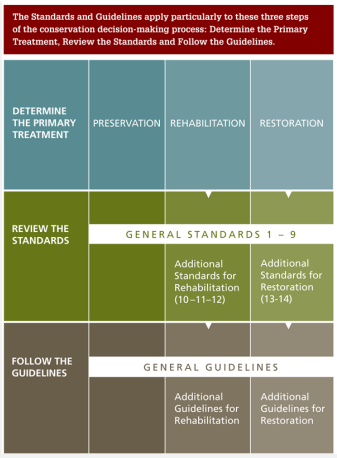
- Refer to Heritage Value and Character-defining Elements
- Investigate and Document Condition and Changes

PLANNING

- Maintain or Select an Appropriate and Sustainable Use
- Identify Project Requirements
- Determine the Primary Treatment
- Review the Standards
- Follow the Guidelines

INTERVENING

- Undertake the Project Work
- Carry out Regular Maintenance



The Conservation Treatments

Conservation is the umbrella term in Canada. The conservation treatments of preservation, rehabilitation and restoration fall under conservation.

The Standards

The standards are based on internationally recognized conservation principles. The 14 standards are:

General Standards (for preservation, rehabilitation and restoration)

1. Conserve the *heritage value* of a historic place. Do not remove, replace or substantially alter its intact or repairable *character-defining elements.* Do not move a part of a *historic place* if its current location is a *character-defining element.*

2. Conserve changes to a *historic place* that, over time, have become *character- defining elements* in their own right.

3. Conserve *heritage value* by adopting an approach calling for *minimal intervention.*

4. Recognize each *historic place* as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.

5. Find a use for a *historic place* that requires minimal or no change to its *character-defining elements.*



6. Protect and, if necessary, stabilize a *historic place* until any subsequent *intervention* is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.

7. Evaluate the existing condition of*character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any intervention. Respect *heritage value* when undertaking an intervention.

8. Maintain *character-defining elements* on an ongoing basis. Repair character- defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.

9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place* and identifiable on close inspection. Document any intervention for future reference.

Additional Standards Relating to Rehabilitation

10. Repair rather than replace *character-defining elements.* Where character- defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place.*

11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

12. Create any new additions or related new construction so that the essential form and integrity of a *historic place* will not be impaired if the new work is removed in the future.

Additional Standards Relating to Restoration

13. Repair rather than replace *character-defining elements* from the restoration period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.

14. Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

The Guidelines

The guidelines provide practical advice for decision making when interventions are undertaken on a historic place. The guidelines address four types of resources as well as materials.

- Cultural Landscapes
- Archaeological Sites
- Buildings
- Engineering Works
- Materials

KEY DEFINITIONS

***Historic Place*:** a structure, building, group of buildings, district, landscape, archaeological site or other place in Canada that has been formally recognized for its heritage value.

***Heritage Value*:** the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present and future generations. The heritage value of a historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.

***Character-defining Element*:** the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of a historic place, which must be retained to preserve its heritage value.

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

First Name	Last Name	Correspondence Date	Meeting or Just logged
Danny	Dill	30-Jun-20	2020-07-14 COTW
Quentin	Davison	6-Jul-20	2020-07-14 COTW
Alyson	Bremner	7-Jul-20	2020-07-14 COTW
Cecil	Rolfe	13-Jul-20	2020-07-14 COTW
Pat	Porter	13-Jul-20	2020-07-14 COTW
Nikki-Marie	Lloyd	2-Aug-20	2020-09-08 COTW
Heather	Boylan (Martock)	1-Sep-20	2020-09-08 COTW
Greg	O'Leary	3-Sep-20	2020-09-08 COTW
Dr. Abby	Kirumira	2-Sep-20	2020-09-08 COTW
Dean	Manning	8-Sep-20	2020-09-08 COTW
David & Michelle	Rideout	8-Sep-20	2020-09-08 COTW
Colleen	Walsh-Bouman	8-Sep-20	2020-09-08 COTW
Nicholas & Alyson	Juurlink/Bremner (Linked Farms)	8-Sep-20	2020-09-22 Council
Tasha	Rogers	8-Sep-20	2020-09-22 Council
Brad	Carrigan	23-Sep-20	2020-10-13 COTW
Karen	Carrigan	23-Sep-20	2020-10-13 COTW
Elaine	Morehouse	24-Sep-20	2020-10-13 COTW
Gary	Morehouse	24-Sep-20	2020-10-13 COTW
Dr. A	Kirumira	24-Sep-20	2020-10-13 COTW
Blake	Sarsfield	Undated	2020-10-13 COTW
Greg	Webster	1-Oct-20	2020-10-13 COTW
Bobby	Kidston	2-Oct-20	2020-10-13 COTW

Shelleena Thornton

Subject: FW: Two municipal buildings: what to do?

From: Carol Bradley <carolbrad@bellaliant.net>
Date: Nov. 16, 2020 2:59 p.m.
Subject: Two municipal buildings: what to do?
To: Bob Morton <bmorton@westhants.ca>
Cc:

Hi, Bob,
>I missed the Council meeting last week but did carefully read the report on renovation possibilities for both the WB Stephens and the Municipal building.

>As a trained appraiser and former assessor, I speak in favour of housing all West Hants staff and offices in the WBStephens building, and offering the Municipal building for sale on the open market....
Many reasons, including that there are already municipal uses in WBS that need to be kept (fire station) and that keeping it supports both the Downtown as well as the needs of Windsor folks who are probably less likely to be able to go to the Industrial Park for services. And newer building likely much more saleable. Not sure if that question was actually what the debate was about, but just going on the record!
Carol.

--
Carol Bradley
carolbrad@bellaliant.net

Windsor Township Business Association
Box 2499
Windsor NS
B0N 2T0

November 18 2020,

To the Councillors and Mayor of the Regional Municipality of West Hants,

I am writing as the Chair of the Windsor Township Business Association on behalf of the downtown businesses.

Many studies have outlined that a thriving downtown is imperative to the success of a larger region. A healthy core draws visitors and residents together and is the beating heart of a community.

The Business Association was very pleased to see that the Coordinating Committee voted to move forward with 100 King Street as the location for the new municipal complex in the spring. Not only did the decision make sense based on the expert's conclusions in the Hatch report and was supported by our Fire Chief, but a municipal complex, a "Town Hall", in our opinion, belongs in a downtown.

Downtown Windsor is blossoming and becoming brighter and more vibrant with each day. The location of the municipal complex within the downtown is extremely beneficial to our businesses and therefore our region by means of mutual support, cross promotion, and attracting visitors.

The possibility of 50+ employees within walking distance to the downtown businesses means that a large number of these people will support our businesses regularly. Residents coming to town to pay their water bill will stop for a bite to eat or to check out the window displays at our shops. Prospective new members of our community may stop into Town Hall to ask questions about the area and get excited about our bustling downtown. This is appealing. It's not just people spending money. It's the fact that positive traffic, foot or otherwise, is attractive. It's busy. It's fun. Upbeat. Enticing. Good for the region as a whole.

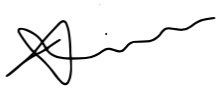
We were extremely disappointed to see that half of the Committee of the Whole voted against the motion to award a tender to the architecture firm in order to move forward with this plan. This location was voted on months ago because the experts told them this is the best choice.

We ask: Why do you not trust the experts that were hired for that purpose? What information are you basing your concerns and vote on? As we understand, there are many good reasons that it should be at 100 King Street. To highlight a few: it is accessible, walk-able, centrally located, it is the desired location for our fire department, it benefits our local economy, and it makes financial sense according to the reports.

Can our Council step up to the plate and work together to make positive progress?

We look forward to your answers and request that this letter be added to the correspondence at the next meeting on November 24 2020.

Respectfully,



Dr. Adrienne Wood
Naturopathic Doctor
Chair of the Windsor Township Business Association

NOVA SCOTIA

Municipal Affairs and Housing
Office of the Minister

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902-424-5550 Fax 902-424-0581 • novascotia.ca

NOV 0 3 2020

Mr. Abraham Zebian
Mayor
West Hants Regional Municipality
76 Morison Drive
PO Box 3000
Windsor, NS B0N 2T0

Dear Mayor Zebian:

Thank you for your letter dated September 22, 2020, in which you request a reallocation of funds approved under the Letter of Intent agreed to on March 6, 2015, between the Province and the Municipality of the District of West Hants.

You have indicated that Council has made recommendations for reallocation which would impact four areas of funding:

1. $327,188.70 to be reallocated from Post-Transitional funding to Roads - Capital;
2. $13,768.31 to be reallocated from Post-Transitional, Human Resources Plan 1.1 to Post-Transitional, Contractual Obligations 1.2;
3. $5,214.30 to be reallocated from Post-Transitional, Human Resources Plan to Post-Transitional, Signage; and
4. $265,951.40 to be reallocated from Infrastructure to Roads - Capital.

I am agreeable to the plan you have proposed and approve your request but will require that the Municipality provide an update on the status of the work in two months, as well as a final report once the work has been completed.

Sincerely,

Chuck Porter
Minister

M573/jh

November 17, 2020

Newport & District Rink Commission
P.O. Box 43
Newport, NS B0N 2A0

Dear Mayor Zebian and Council

I am writing this letter on behalf of the board of the Newport & District Rink Commission.

We wish to thank you for your continued support of the GFL Newport & District Arena and to update you on our latest projects.

In August of this year we received confirmation that our application for a grant for $4000.00 to purchase and install a cell booster amplifier was approved. We have completed this project and now enjoy cell service throughout our arena. This addressed a concern that our customers and visitors had raised as well as improve the efficiency and safety of our employees, especially when working alone. We consider this project complete and a success.

In August of last year we received confirmation that our application for grant for up to $157,600.00 to install a geothermal heating system was approved. This project was completed in March of this year. In order to measure the effectiveness of this project we had to wait until we started up this season. The general scope of the project was to collect the heat that is generated from the ice making plant, store it and distribute it to areas in the arena requiring heat, such as the dressing rooms. So far the project is exceeding expectations by collecting more heat than anticipated. As a result we have not purchased furnace oil yet this year for heating. In order to understand the full impact of this project we will have to operate a full season but early indications point to a complete success. Not only do we expect to get operating efficiencies but we have reduced out ecological footprint.

We know that the GFL Newport & District Arena is important to our community and your continued support is appreciated. Thank you again and we look forward to working with you in the future.

Sincerely,

Robert Wainman

Chairman
Newport & District Rink Commission

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and West Hants Regional Municipality Council Members (Council Meeting)

Submitted by: _____

Jamie Juteau, WFD Fire Chief
Shelleena Thornton, Administrative Supervisor

Date: November 24, 2020

Subject: Tender Award - 100' Single Axle Quint Fire Apparatus Purchase – Windsor Fire Department

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LEGISLATIVE AUTHORITY

Municipal Government Act, Section 65A - Authorized municipal expenditures.

RECOMMENDATIONS

…that Council the award Tender WHRMAD20-03 for a 100’ Single Axle Quint Fire Apparatus to Techno Feu Inc, 105 Route Marie-Victorin, Saint-Francois-du-Lac, Quebec, for the tender price of $1,391,544.04 plus H.S.T. of $208,731.61 for a total price of $1,600,275.65.

And,

…that Council approves a temporary borrowing resolution in the amount of $1,451,241, for the 100’ Single Axle Quint Fire Apparatus for the Windsor Fire Department.

BACKGROUND

Property☐	Public Opinion☐	Environment☐	Social☐	Economic☒	Councillor Activity ☐

In 2019, Goudreault Associates was hired for a Regional Fire Services Review.

The November 2019 report prepared by Goudreault Associates is an accumulation of local information measured against current legislation, regulations, recognized standards, and guidelines. Included was a compiled 'table of recommendations' that identified suggested responsibilities and timeframes.

At the January 27, 2020 Co-ordinating Committee Meeting, the consultant's report was adopted including the attached recommendations which included Recommendation # 145 – Scheduled Fire Apparatus Replacements (p. 290 of the Regional Fire Services Review).

For at least three budget terms (two with the former Town of Windsor, one with the newly consolidated West Hants Regional Municipality), Windsor Fire has been pursuing the purchase of a new Quint fire apparatus to replace units in its fleet, for purposes of right-sizing said fleet and reduce expenses. After approval in the last former Town of Windsor Capital Budget, prior to consolidation, it was decided that with the pending consolidation, it would be more acceptable to await the first budget year with the new regional municipal unit instead of taking on a large expense that the new municipality would be responsible for. Additionally, the workload that vendors would have had to put into the tendering process would have not have been fair if the tenders came in and the Co-ordinating Committee of the day declined to approve it, due to the fact we recognized the incoming municipality would be faced with this without their input.

During this fiscal year's budget deliberations, Windsor Fire included the capital request for a new Quint fire apparatus to finally complete this long-standing need, which was approved by this Regional Council.

DISCUSSION

In the last two years, the former Town of Windsor liquidated the 1987 Engine 3 and Windsor Fire liquidated the 1989 American LaFrance Aerial 8, as the aerial ladder would no longer pass annual inspection, and there were many potential repairs needed. The testing agency recommended its retirement. Windsor Fire also transferred ownership of Engine 11 to the West Hants Regional Municipality to be reassigned to Southwest Hants to free up a tanker that was needed in the Hantsport Station 1 area. There was no cost recovery for the transfer of Engine 11, and the realized funds from Engine 3 were turned over to the former Town of Windsor as it was a municipal asset. The funds realized from the sale of the LaFrance Aerial 8 were turned over to the West Hants Regional Municipality towards the purchase of the Quint.

Our current aerial device, Snorkel 4, is a 1984 King Seagrave model articulating platform, with a non-operational fire pump – requires, at last estimate, over $5000 of repairs to its fire pump in order to pass testing. This aerial travels with a dedicated engine company when we have to use its aerial water way for suppression. It has been decided that this unit requires replacement, as outlined in the recent West Hants Fire Report (2019 – pp.155 & 290).

By acquiring a new Quint (pumper with aerial device), this unit will fill the role of aerial ladder and fire service pumper, while taking one of the final steps required to right size the fleet. It will also complement and work in tandem with the Tower Ladder from Brooklyn. There are some situations one unit would be more suitable than others.

At least two aerial units are required in the area to allow for cover-off for each other during repairs, otherwise we would have to rely on mutual aid aerial units from further

down the Valley (Wolfville is closest). As exhibited in recent large-scale fires in our area, and as also outlined in the Regional Fire report, the additional aerial is needed.

The height of the station doors limits the variety of aerial apparatus that can fit in the station. Without going to a mid-mount or tractor drawn unit, a rear mount aerial ladder was pursued as it is most similar to what the department is used to using from a tactics and operations standpoint.

Tenders were called on the Provincial Procurement site on August 10, 2020 and closed October 22, 2020. This was a two-envelope bid process in which the proponents submitted their 'technical' submission in response to the RFP's Scope of Work in one envelope and then once opened and reviewed by the Fire Chief and team, were scored. Should the proponents reach a particular scoring level on the technical submission, only then does Envelope #2 get opened which contains the financial submission related to their bid.

With respect to this RFP, two proponents responded to the public tender and both were eligible to have their financial submissions opened. They are as follows:

Proponent Name	**Item**	**Unit Price (before tax)**
Techno feu	100' Single Axle Quint	$ 1,391,544.04
Pierce/Mic Mac Fire & Safety	100' Single Axle Quint	$ 1,322,576.00

Members of the Windsor Fire Department Truck Committee spent many hours grading the technical aspects of both tenders over the last 3+ weeks. Though both tenders met and passed the technical aspects of the tender, there were several points that led the committee to the recommendation for the E-One apparatus, as outlined below:

The Pierce Quint had smaller axles substituted from what was requested in the tender, with no explanation. This will affect the amount of weight the vehicle can carry.

The Pierce Quint, though it met industry standards for cab crashworthiness, it did not meet the weights outlined in the tender.

Due to the height of the station bays, it was part of the tender that hose be able to be loaded on the truck without raising the aerial device. This was a no-exception that was not met in the Pierce tender.

As this truck replaces four units (Engine 3, Engine 11, Aerial 8 and Aerial 4), there were very specific requests for amount and size of ground ladders provided, as well as extra SCBA bottle storage. Pierce was short one ladder, and it only has 4 storage tubes for air bottles as opposed to 9 in the tender.

For the Pierce Quint, the fire pump requested was replaced with a comparable model from the same company, with no explanation. This met the pump requirements of the tender; however, the E-one fire pump will pump 2000gpm as opposed to 1750gpm.

Due to narrow streets in certain areas, preference was given for the narrowest outrigger jack spread possible, while allowing full use of the aerial device. The Pierce Quint has stabilizers, that when fully deployed, are 18' from the centre-lines of the footpads. The E-one Quint has stabilizers, that when fully deployed, are 11' from the centre-lines of the footpads. Though the Pierce Quint can be "short jacked" on one side of the truck or the other to reduce width, the E-one Quint is set up the same way, each time. This will reduce the margin of error on any aerial operation set-up.

Both units meet the requirements for NFPA 1901 Standard for Automotive Fire Apparatus regarding their aerial device. For the Pierce Quint, the aerial ladder is rated for full use in winds up to 56kph. The E-one Quint aerial ladder is rated for full use in winds up to 80kph and exceeds the NFPA standard of 2:1 structural safety factor at 2.5:1.

It is important to note that both units that were tendered are quality apparatus from established companies.

In summary, the main benefits of the E-one Quint are:

- Axle Weights
- More robust cab crashworthiness
- Able to load the hose bed without having to raise the aerial device
- More storage for ground ladders and air bottles
- Fire pump rating
- 2.5:1 structural safety rating for the aerial device, full operating capabilities in up to 80kph wind conditions
- Narrow outrigger spread for small streets/laneways, while allowing for full use of the aerial device without "short-jacking"

NEXT STEPS

Approve a vendor and sign a Purchase Order before the 60-day price held deadline and sign any required contracts; followed by pre-build meetings with the successful vendor.

FINANCIAL IMPLICATIONS

For the 2020/2021 fiscal period, the amount of $1,400,000.00 was approved under the Windsor Fire Department in the capital budget for the procurement of a Quint Aerial Truck. The incurred cost of the proposed vehicle would be $1,451,241 including applicable taxes (non-recoverable portion), to be funded by the Municipal Finance Corporation (MFC).

ALTERNATIVES

- Approve the alternate Pierce Quint for a tender price of $1,322,576.00 plus HST of $198,386.40 for a total of $1,520,962.40.
- Re-tender for the project, recognizing any fluctuations in the exchange rate could impact the eventual cost of the unit dramatically. Both trucks are manufactured in the United States.

ATTACHMENTS

- Fire Study Recommendations approved at the January 27, 2020 Co-ordinating Committee Meeting
- TBR 100' Single Axle Quint Fire Apparatus - WFD

Report Prepared by: _____

Jamie Juteau, Fire Chief, Windsor Fire Dept.

Report Prepared by: _____

Shelleena Thornton, Administrative Supervisor

Report Reviewed by: _____

Diana Gibson, Mgr of Accounting and Financial Reporting

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

2020-01-23

WWH Fire Study Recommendations

	PRIORTY		ACTION
CC = Coordinating Committee or Council Responsibility	Immediate (I)	CC Responsibility	RECOMMEND ADOPTION
FS = Fire Service Responsibility	Short-term (S)	0 to 1 year	RECOMMEND ADOPTION WITH REVISIONS
Joint = CC or Council and FS Responsibility	Long-term (L)	1 year +	RECOMMEND ADOPTION IN PRINCIPLE
			NOT RECOMMENDING

The following table references only 25 of 151 recommendations identified in the fire study.

	REC #	Recommendations	Priority	Report Page	Joint CAO(s) and Fire Chief(s) Position
1	10	GA recommends that the current **1.5 FTE fire-inspectors in Planning and Development be reassigned to the regional fire service.**	I	xv	NOT RECOMMENDING
2	61	GA recommends the hiring of a full-time Assistant Fire Chief.	I	127	NOT RECOMMENDING
3	62	GA recommends the hiring of a part-time Divisional Chief.	I	127	NOT RECOMMENDING
4	65	GA recommends the transfer of 1.5 FTE Fire-Inspectors from Planning & Development, Building, to the regional fire services.	I	127	NOT RECOMMENDING
5	63	GA recommends the hiring of a full-time Administrative Assistant.	I	127	NOT RECOMMENDING (CAPACITY WITHIN EXISTING WWH STAFFING)
6	64	GA recommends the hiring of four part-time paid on call fire-investigators.	I	127	NOT RECOMMENDING (TRAINING SCHEDULE TO BE DEVELOPED)
7	7	GA recommends that all **purchasing of significant-cost items be coordinated**.	I	xiv	RECOMMEND ADOPTION
8	99	GA recommends, based on the travel-time predictions, the following fire station response districts. {detail on page}	I	197	RECOMMEND ADOPTION
9	1	GA recommends the **hybrid organizational model** because it is the best compromise in providing regional coordination and efficiencies yet maintains the local volunteer character of the fire department.	I	xiv	RECOMMEND ADOPTION
10	3	GA recommends a **District Fire Chief management committee** as a key recommendation, to bring together all the local fire district management personnel; so that plans and decisions on common issues of concern and service delivery can be made.	I	xiv	RECOMMEND ADOPTION
11	13	GA recommends that when the new regional municipality officially comes into being April 1, 2020, **that all the fire departments, municipal or otherwise, providing fire and rescue services within the region,** including those that are contracted by the municipality, register with the new municipality on an annual basis.	I	11	RECOMMEND ADOPTION
12	15	GA recommends that a review of the current r**egistration form used by the Municipality of West Hants be used as the base registration document,** and that it be amended to reflect the new regional municipality and its needs.	I	12	RECOMMEND ADOPTION
13	122	GA recommends that these Minor Capital expenditures be treated differently in future budgets and will address this recommendation in the benchmark portion of this analysis.	I	254	RECOMMEND ADOPTION
14	140	GA recommends that Windsor's other aerial (ALF) be scrapped without direct replacement and an unsuitable wildland/urban interface pumper be sold.	I	284	RECOMMEND ADOPTION
15	6	GA recommends the proposed **20-year capitalization plan**, primarily for fire apparatus replacements, using a standardized approach to specification and group purchasing.	I	xiv	RECOMMEND ADOPTION IN PRINCIPLE
16	39	GA recommends that the Regional municipality r**egister their volunteer firefighters with WCB** before the eventual requirement for such registration occurs.	I	38	RECOMMEND ADOPTION IN PRINCIPLE
17	107	GA recommends that the following replacement schedule be adopted for the purposes of determining fire apparatus suitability for continued service. {detail on page}	I	215	RECOMMEND ADOPTION IN PRINCIPLE
18	110	GA recommends a standardized vehicle specification be used Region-wide. Standardized apparatus descriptions are included in Appendix IX; Standardized Fire Apparatus Features starting on page 377.	I	216	RECOMMEND ADOPTION IN PRINCIPLE
19	111	GA recommends that specifications for the major classes of fire apparatus be standardized across all stations in the new regional municipality. This will generate savings in total cost of ownership for the municipality.	I	219	RECOMMEND ADOPTION IN PRINCIPLE
20	139	GA recommends that the following fire apparatus replacement schedule be adopted for the purposes of determining fire apparatus suitability for continued service and as a budget planning tool for fire apparatus replacement. {detail on page}	I	283	RECOMMEND ADOPTION IN PRINCIPLE
21	145	GA recommends the following table of scheduled fire apparatus replacements. {detail on page}	I	290	RECOMMEND ADOPTION IN PRINCIPLE
22	9	GA recommends that **all fire prevention activities, including ~~fire-inspection~~, fire-investigation, and fire-safety education be brought inhouse.** These are mandated services and require coordination, proper execution, and prioritizing in order to meet legislative mandates.	I	xv	RECOMMEND ADOPTION WITH REVISIONS
23	2	GA recommends providing **centralized administration support**, management and leadership. A full-time ~~Director~~ Manager of Public Safety Services – Regional Fire Chief, ~~and a full-time Assistant Fire Chief with primary responsibilities for fire prevention are recommended. A part-time Divisional Chief is also recommended to take responsibility for developing and coordinating of firefighter qualifications and training.~~	I	xiv	RECOMMEND ADOPTION WITH REVISIONS
24	59	GA recommends the implementation of Model 3; Hybrid Regional Fire Service, for all of the reasons discussed starting on page 120.	I	127	RECOMMEND ADOPTION WITH REVISIONS
25	60	GA recommends the hiring of a full-time ~~Director~~ MANAGER of Protective Services/Fire Chief.	I	127	RECOMMEND ADOPTION WITH REVISIONS

MUNICIPAL COUNCIL OF THE

West Hants Regional Municipality

TEMPORARY BORROWING RESOLUTION

Amount: $ 1,451,241_____ Purpose: WFD - 100' Single Axle Quint Fire Appa

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipalit, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipalit has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHERAS the Council of the West Hants Regional Municipalit has determined to borrow the aggregate principal amount of one million, four hundred fifty-one thousand, Dollars ($ 1,451,241) for the purposes of WFD - 100' Single Axle Quint Fire Apparatus ;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the West Hants Regional Municipalit borrow a sum or sums not exceeding one million, four hundred fifty-one thousand, two hundred forty-one Dollars ($ 1,451,241) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the West Hants Regional Municipalit to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding one million, four hundred fifty-one thousand, two hundred forty-one Dollars ($ 1,451,241) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipalit held on the 24 day of November , 2020.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipalit this _____ day of _____, 2020.

_____

Clerk

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and West Hants Regional Municipality Council Members (Council Meeting)

Submitted by: _____
Jason Cochrane, BFD Fire Chief
Shelleena Thornton, Administrative Supervisor

Date: November 24, 2020

Subject: Tender Award – 2000 Imp Gallon Pumper-Tanker Fire Apparatus Purchase - Brooklyn Fire Dept.

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 65A - Authorized municipal expenditures.

RECOMMENDATION

…that Council award Tender WHRMAD20-02 for supply of one 2000 Imp Gallon Custom Pumper-Tanker fire apparatus to Carl Thibault INC. for the tender price of $941,297.00 plus H.S.T. of $141,194.55, for a total price of $ 1,082,491.55.

And,

…that Council approves a temporary borrowing resolution in the amount of $981,679, for the 2000 Imp Gallon Custom Pumper-Tanker Fire Apparatus for the Brooklyn Fire Department.

BACKGROUND

Property☐	Public Opinion☐	Environment☐	Social☐	Economic ☒	Councillor Activity ☐

In 2019, Goudreault Associates was hired for a Regional Fire Services Review.

The November 2019 report prepared by Goudreault Associates is an accumulation of local information measured against current legislation, regulations, recognized standards, and guidelines. Included was a compiled 'table of recommendations' that identified suggested responsibilities and timeframes.

At the January 27, 2020 Co-ordinating Committee Meeting, the consultant's report was adopted including the attached recommendations which included Recommendation # 145 – Scheduled Fire Apparatus Replacements (p. 290 of the Regional Fire Services Review).

A Pumper-Tanker was requested for TMP Fire Station to help with structural fire fighting capabilities. This apparatus is designed to arrive on a fire with more water volume than a rescue pumper, giving the initial attack team more water to reduce fire spread. With a large coverage area of rural fire fighting calls, it will be an asset to have this amount of water on one unit.

Having the second pumper available at Station 2 will also reduce the mileage and aging of Squad 9. This unit has been responding to every alarm in the TMP coverage since the station was developed in 2015, as well as any mutual aid requests. With the relief of the second unit responding to structure fire alarms, will keep Squad 9 in service and not needing repairs or servicing to keep it response ready. Squad 9 will be changed to a rescue pumper and be used for MVC and rescue related calls.

DISCUSSION

Tenders were called on the Provincial Procurement website on August 10, 2020 and closed October 22, 2020. This was a two-envelope bid process in which the proponents submitted their 'technical' submission in response to the RFP's Scope of Work in one envelope and then once opened and reviewed by the Fire Chief and team, were scored. Should the proponents reach a particular scoring level on the technical submission, only then does Envelope #2 get opened which contains the financial submission related to their bid.

With respect to this RFP, four proponents responded to the public tender, of which three of the four were eligible to have their financial submissions opened. They are as follows:

Proponent Name	**Item**	**Unit Price (before tax)**
Carl Thibault	2000 Imp Gallon Pumper-Tanker	$ 941,297.00
Metalfab	2000 Imp Gallon Pumper-Tanker	$ 958,032.75
Pierce/Mic Mac Fire & Safety	2000 Imp Gallon Pumper-Tanker	$ 981,251.00
Techno feu INC	2000 Imp Gallon Pumper-Tanker	Not opened

The Pumper-Tanker tender specifications were prepared and the bids received were evaluated by the Brooklyn Fire Department. Each supplier had responded to the more than 150 criteria and specifications posted in the Tender. These submissions were reviewed against the posted criteria and where the supplier's response did not meet the tender specification, it was noted as a non-compliant item.

No supplier met 100% of the tender specifications for this apparatus. The evaluations were completed for the Pumper-Tanker, identifying the vendor who scored the highest in the tendered design. This indicated the supplier's response was not only closer to the specifications but included enhancements that provided greater safety protection for the cab occupants in the event of an accident.

The critical differences in bids were the placement of the ground ladders and the effect that had on the location and quantity of the water load. The significant safety factor is to keep the weight as low as possible on a vehicle of this size.

A maximum height of 126 inches was set; it was important to keep the vehicle within the requested height due to safety concerns.

There are many safety features that have been built into this tender package, to help keep the firefighters safe while responding to emergencies. With cab designs that offer an airbag system in the cab in the event of a collision or rollover, has also increased the safety standard requested.

NEXT STEPS

Approve a vendor and sign a Purchase Order before the 60-day price held deadline and sign any required contracts; followed by virtual pre-construction meetings with the successful vendor. New design drawing will be submitted for sign off and then the process of construction of the Pumper-Tanker will begin.

FINANCIAL IMPLICATIONS

For the 2020/2021 fiscal period, the amount of $930,000 (before tax) was approved under the Brooklyn Fire Department in the capital budget for the procurement of the pumper/tank 1 replacement truck. The incurred cost of the proposed vehicle would be $981,679 including applicable taxes (non-recoverable portion), to be funded by the Municipal Finance Corporation (MFC). The additional $51,679 will add 3,172.43 to the 2020/2021 debt servicing costs.

ALTERNATIVES

- Approve an alternate proposal.
- Re-tender the project, recognizing any fluctuations in the exchange rate could impact the eventual cost of the unit dramatically. The trucks are manufactured in the United States.

ATTACHMENTS

- Fire Study Recommendations approved at the January 27, 2020 Co-ordinating Committee Meeting
- TBR 2000 Imp Gallon Custom Pumper-Tanker Fire Apparatus - BFD

Report Prepared by: _____
Shelleena Thornton, Administrative Supervisor

Report Prepared by: _____
Jason Cochrane, Fire Chief Brooklyn Fire Dept.

Report Reviewed by: _____
Diana Gibson, Manager of Accounting & Financial Reporting

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

2020-01-23

WWH Fire Study Recommendations

	PRIORTY		ACTION
CC = Coordinating Committee or Council Responsibility	Immediate (I)	CC Responsibility	RECOMMEND ADOPTION
FS = Fire Service Responsibility	Short-term (S)	0 to 1 year	RECOMMEND ADOPTION WITH REVISIONS
Joint = CC or Council and FS Responsibility	Long-term (L)	1 year +	RECOMMEND ADOPTION IN PRINCIPLE
			NOT RECOMMENDING

The following table references only 25 of 151 recommendations identified in the fire study.

	REC #	Recommendations	Priority	Report Page	Joint CAO(s) and Fire Chief(s) Position
1	10	GA recommends that the current **1.5 FTE fire-inspectors in Planning and Development be reassigned to the regional fire service.**	I	xv	NOT RECOMMENDING
2	61	GA recommends the hiring of a full-time Assistant Fire Chief.	I	127	NOT RECOMMENDING
3	62	GA recommends the hiring of a part-time Divisional Chief.	I	127	NOT RECOMMENDING
4	65	GA recommends the transfer of 1.5 FTE Fire-Inspectors from Planning & Development, Building, to the regional fire services.	I	127	NOT RECOMMENDING
5	63	GA recommends the hiring of a full-time Administrative Assistant.	I	127	NOT RECOMMENDING (CAPACITY WITHIN EXISTING WWH STAFFING)
6	64	GA recommends the hiring of four part-time paid on call fire-investigators.	I	127	NOT RECOMMENDING (TRAINING SCHEDULE TO BE DEVELOPED)
7	7	GA recommends that all **purchasing of significant-cost items be coordinated**.	I	xiv	RECOMMEND ADOPTION
8	99	GA recommends, based on the travel-time predictions, the following fire station response districts. {detail on page}	I	197	RECOMMEND ADOPTION
9	1	GA recommends the **hybrid organizational model** because it is the best compromise in providing regional coordination and efficiencies yet maintains the local volunteer character of the fire department.	I	xiv	RECOMMEND ADOPTION
10	3	GA recommends a **District Fire Chief management committee** as a key recommendation, to bring together all the local fire district management personnel; so that plans and decisions on common issues of concern and service delivery can be made.	I	xiv	RECOMMEND ADOPTION
11	13	GA recommends that when the new regional municipality officially comes into being April 1, 2020, **that all the fire departments, municipal or otherwise, providing fire and rescue services within the region,** including those that are contracted by the municipality, register with the new municipality on an annual basis.	I	11	RECOMMEND ADOPTION
12	15	GA recommends that a review of the current r**egistration form used by the Municipality of West Hants be used as the base registration document,** and that it be amended to reflect the new regional municipality and its needs.	I	12	RECOMMEND ADOPTION
13	122	GA recommends that these Minor Capital expenditures be treated differently in future budgets and will address this recommendation in the benchmark portion of this analysis.	I	254	RECOMMEND ADOPTION
14	140	GA recommends that Windsor's other aerial (ALF) be scrapped without direct replacement and an unsuitable wildland/urban interface pumper be sold.	I	284	RECOMMEND ADOPTION
15	6	GA recommends the proposed **20-year capitalization plan**, primarily for fire apparatus replacements, using a standardized approach to specification and group purchasing.	I	xiv	RECOMMEND ADOPTION IN PRINCIPLE
16	39	GA recommends that the Regional municipality r**egister their volunteer firefighters with WCB** before the eventual requirement for such registration occurs.	I	38	RECOMMEND ADOPTION IN PRINCIPLE
17	107	GA recommends that the following replacement schedule be adopted for the purposes of determining fire apparatus suitability for continued service. {detail on page}	I	215	RECOMMEND ADOPTION IN PRINCIPLE
18	110	GA recommends a standardized vehicle specification be used Region-wide. Standardized apparatus descriptions are included in Appendix IX; Standardized Fire Apparatus Features starting on page 377.	I	216	RECOMMEND ADOPTION IN PRINCIPLE
19	111	GA recommends that specifications for the major classes of fire apparatus be standardized across all stations in the new regional municipality. This will generate savings in total cost of ownership for the municipality.	I	219	RECOMMEND ADOPTION IN PRINCIPLE
20	139	GA recommends that the following fire apparatus replacement schedule be adopted for the purposes of determining fire apparatus suitability for continued service and as a budget planning tool for fire apparatus replacement. {detail on page}	I	283	RECOMMEND ADOPTION IN PRINCIPLE
21	145	GA recommends the following table of scheduled fire apparatus replacements. {detail on page}	I	290	RECOMMEND ADOPTION IN PRINCIPLE
22	9	GA recommends that **all fire prevention activities, including ~~fire-inspection~~, fire-investigation, and fire-safety education be brought inhouse.** These are mandated services and require coordination, proper execution, and prioritizing in order to meet legislative mandates.	I	xv	RECOMMEND ADOPTION WITH REVISIONS
23	2	GA recommends providing **centralized administration support**, management and leadership. A full-time ~~Director~~ Manager of Public Safety Services – Regional Fire Chief, ~~and a full-time Assistant Fire Chief with primary responsibilities for fire prevention are recommended. A part-time Divisional Chief is also recommended to take responsibility for developing and coordinating of firefighter qualifications and training.~~	I	xiv	RECOMMEND ADOPTION WITH REVISIONS
24	59	GA recommends the implementation of Model 3; Hybrid Regional Fire Service, for all of the reasons discussed starting on page 120.	I	127	RECOMMEND ADOPTION WITH REVISIONS
25	60	GA recommends the hiring of a full-time ~~Director~~ MANAGER of Protective Services/Fire Chief.	I	127	RECOMMEND ADOPTION WITH REVISIONS

MUNICIPAL COUNCIL OF THE

West Hants Regional Municipality

TEMPORARY BORROWING RESOLUTION

Amount: $ 1,451,241_____ Purpose: WFD - 100' Single Axle Quint Fire Appa

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipalit, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipalit has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHERAS the Council of the West Hants Regional Municipalit has determined to borrow the aggregate principal amount of one million, four hundred fifty-one thousand, Dollars ($ 1,451,241) for the purposes of WFD - 100' Single Axle Quint Fire Apparatus ;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the West Hants Regional Municipalit borrow a sum or sums not exceeding one million, four hundred fifty-one thousand, two hundred forty-one Dollars ($ 1,451,241) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the West Hants Regional Municipalit to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding one million, four hundred fifty-one thousand, two hundred forty-one Dollars ($ 1,451,241) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipalit held on the 24 day of November , 2020.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipalit this _____ day of _____, 2020.

_____

Clerk

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information X	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: WHRM Council

Submitted by: Rhonda Brown

Rhonda Brown, Returning Officer

Date: November 24, 2020

Subject: 2020 **Conseil scolaire acadien provincial (**CSAP) Election – October 17, 2020

LEGISLATIVE AUTHORITY

Municipal Election Act
Education (CSAP) Act, s. 48

RECOMMENDATION or DECISION REQUEST

Not Applicable

BACKGROUND

Property☐	Public Opinion☐	Environment☐	Social☐	Economic X	Councillor Activity ☐

The Conseil scolaire acadien provincial (CSAP) is the French-first-language school board in Nova Scotia whose jurisdiction is the entire Province and is comprised of 10 districts which elect a total of 18 members. The West Hants Regional Municipality (WHRM) is part of the Greenwood District which includes all municipal units from WHRM to Annapolis County. The Education (CSAP) Act places responsibility for CSAP elections on municipal returning officers in conjunction with regular elections.

Due to the world-wide COVID-19 pandemic, if an actual election would have been required, the WHRM portion of the CSAP election would have been conducted using alterative voting methods of internet voting and telephone voting, with paper ballots only at mobile polls on Ordinary Polling day October 17, 2020.

DISCUSSION

Al Kingsbury, Returning Officer for Town of Kentville, was selected as the CSAP Returning Officer to coordinate the CSAP information with all municipal units within the CSAP Greenwood District. Each municipal unit was still responsible for providing and amending their own List of Electors as well as advertising within their Municipality. Intelivote System Inc. was hired to conduct the alternative voting for the election.

The Preliminary List of Electors from the Province was received on July 15, 2020, after which a Revision Period was held August 4-21, 2020. The Amended List of Electors was finalized on August 21, 2020 and submitted to the CSAP Returning Officer. Required information was also submitted to Intelivote for setup of the alternative voting methods.

Nominations for the CSAP were accepted by the CSAP Returning Officer on nomination day September 8th and the 7 business days before. At the close of nominations there was only one CSAP nomination for the district; Hélène Lavigne was acclaimed for the CSAP Greenwood District.

Due to the acclamation, an election was not needed. To save money, in lieu of individually mailed voter cards, flyers were delivered to residents notifying of the acclamation and that no election would be held.

NEXT STEPS

WHRM will submit an invoice to the CSAP for actual costs incurred for the election.

FINANCIAL IMPLICATIONS

The estimated budget for the 2020 CSAP Election was $37,973.67 which included a 5% contingency. As the full election was not conducted due to the acclamation, costs associated with alternative voting were significantly lower. Actual cost of the Election was $9767.79.

Section 48(4) of the Education (CSAP) Act states a Municipality may recover the additional cost incurred by a school board. As the CSAP was only election being conducted in WHRM during the normal the October 17, 2020 municipal election, all costs will be recoverable from the CSAP.

ALTERNATIVES

Not Applicable.

ATTACHMENTS

1. Budget to Actual Spreadsheet

CHIEF ADMINISTRATIVE OFFICER REVIEW

Not Applicable.

Report Prepared by: _____
Rhonda Brown, Municipal Clerk/Returning Officer

Report Reviewed by: _____
Shelleena Thornton, Administrative Supervisor /Assistant Returning Officer

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

West Hants Regional Municipality
Cost of Expenditures
CSAP 2020 Election Budget for WHRM

		Budget	Actual	Notes
Revenue				
	Operational - From CSAP	Actual costs	Actual costs	
Expenditures				
	Returning Officer*	$ 5,451.40	$ 2,725.70	
	Assistant Returning Officer*	$ 2,725.70	$ 1,362.85	
	Deputy Returning Officers*	$ 436.11	$ -	
	Poll Clerk*	$ 348.89	$ -	
	Auditor*	$ 654.17	$ 600.00	
	Training*	$ 245.31	$ -	
	Poll Worker Stand-by*	$ 87.22	$ -	
	Intellivote eVoting Solution**	$ 22,752.00	$ 478.67	
	Stationary and Printing**	$ 260.75	$ 448.72	
	Mailing	$ -	$ 1,439.06	
	Advertisments**	$ 3,003.84	$ 2,356.85	
	Travel Allowance	$ 200.00	$ 355.94	
	Subtotal	$ 36,165.40	$ 9,767.79	
	5% Contingency	$ 1,808.27	$ -	
	Total	$ 37,973.67	$ 9,767.79	
				* All Labour includes EI, CPP, WCB
				** Includes Net HST

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Shelleena Thornton, Administrative Supervisor

Date: November 24, 2020

Subject: Resident Member Appointments to Committees of Council – Accessibility Advisory Committee and Police Advisory Board

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LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act (MGA) – Sections 24-27, Standing, special and advisory committees; Vacancy on Boards, Commissions and Committees; Citizen Advisory Committees; and Community Committees.

Police Act of NS – Section 57 - Establishment and composition of Police Advisory Boards, and Section 68(1) – Function of Advisory Board

RECOMMENDATIONS

…that Council approves the following resident members be appointed to the Accessibility Advisory Committee for the term April 01, 2020 to October 31, 2022: Michel Bourgeois, Roseanna Boyd, and Jordan Stephens.

And that Mike Colter be appointed for the term April 01, 2020 to October 31, 2023.

…that Council approves the following resident member be appointed to the Police Advisory Board for the term April 01, 2020 to October 31, 2022, Belinda Bezanson.

BACKGROUND

Property ☐	*Public Opinion* ☐	*Environment* ☐	*Social* ☐	*Economic* ☐	*Councillor Activity* ☐

The Meeting and Committees Procedural Policy RCOGE-003.00 (as amended) was approved by Council at the October 27, 2020 Council meeting. Included in that Policy are appendices with respect to other Committees of Council, including the Accessibility Advisory Committee. The Police Act of NS outlines the composition and functions of the Police Advisory Board.

Further, the Police Advisory Board By-laws of the former Municipality of the District of West Hants and Town of Hantsport are under consideration for repeal as the Regional Municipality works toward the establishment of a new Board, of which a new by-law is not required as the functions of the Board are defined in the *Act*. The former Town of Windsor did not have a Police Advisory Board By-law as it was not required.

DISCUSSION

Accessibility Advisory Committee (AAC) as per Policy

Will consist of seven (7) members as follows:

- To a two-year term – One (1) members of Council
- To a two-year term – four (4) Resident members
- To a three-year term – two (2) Resident members

At least one half of the members of the AAC must be persons with disabilities or representatives from organizations representing persons with disabilities.

Current appointments include:

- Councillor Debbie Francis (2-year term)
- Jennifer Davison (resident)(3-year term)

The recommended resident appointments would increase resident members to five (of the required six) and in compliance with the Accessibility Act representation.

Police Advisory Board (as per Sections 57 and 68(1) of the Police Act of NS)

A five-member advisory board consists of:

(a) two members of council appointed by resolution of the council;
(b) two members appointed by resolution of the council, who are neither members of council nor employees of the municipality; and
(c) one member appointed by the Minister.

Current appointments include:

- Deputy Mayor Paul Morton (2-year term)
- Councillor Mark McLean (2-year term)

The recommended resident appointment would increase resident members to one (of the two required) and in compliance with the Police Act of NS.
The function of an advisory board is to provide advice to the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality, but the advisory board shall not exercise jurisdiction relating to complaints, discipline, personnel conduct or the internal management of the Royal Canadian Mounted Police.

NEXT STEPS

Resident members will be contacted and notified of their appointments and meetings arranged. An Administrative Terms of Reference will be established for each committee and vacancies, should they arise, will be re-advertised.

FINANCIAL IMPLICATIONS

Resident members appointed to Committees of Council receive remuneration in accordance with West Hants Regional Municipality's Council Remuneration Policy, which is identified in the annual Operating Budget.

Other costs include advertising in the newspaper associated with seeking representation. Further, advertisements may be posted on the municipal website and social media pages which has no financial implication except staff resources.

ALTERNATIVES

Council could choose to not support the recommendations.

ATTACHMENTS

Appendix D from the Meeting and Committee Procedural Policy: Accessibility Advisory Committee

Report Prepared by: _____
Shelleena Thornton, Administrative Supervisor

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

APPENDIX D

Accessibility Advisory Committee

1. PURPOSE

1.1. The Accessibility Advisory Committee provides advice to Council on identifying, preventing and eliminating barriers to people with disabilities in municipal programs, services, initiatives and facilities. The Committee plays a pivotal role in helping the Region of Windsor and West Hants Municipality become a barrier-free community and ensuring obligations under "An Act Respecting Accessibility in Nova Scotia (2017)" are met.

2. SCOPE

2.1. This Policy is applicable to all members appointed to the Municipality's Accessibility Advisory Committee.

3. DEFINITIONS

3.1. In Appendix D,

a) "AAC" means the Accessibility Advisory Committee of the Municipality;
b) "Act" means the *Accessibility Act*;
c) "Barrier" means anything that hinders or challenges the full and effective participation in society of persons with disabilities including a physical barrier, an architectural barrier, an information or communication barrier, an attitudinal barrier, a technological barrier, a policy or a practice;
d) "Council" means the Council for the Municipality;
e) "Disability" includes a physical, mental, intellectual, learning or sensory impairment, including an episodic disability; that, in interaction with a barrier, hinders an individual's full and effective participation in society;
f) "Municipality" means the Region of Windsor and West Hants Municipality (or name of the Regional Municipality given as per Section 11 of the Region of Windsor and West Hants Municipality Act), effective April 1, 2020.

4. COMMITTEE COMPOSITION

4.1. The AAC will consist of seven (7) members as follows:

- To a two-year term – One (1) members of Council
- To a two-year term – four (4) Resident members
- To a three-year term – two (2) Resident members.

4.2. Resident members will not be members of Council or employees of the Municipality.

4.3. At least one half of the members of the AAC must be persons with disabilities or representatives from organizations representing persons with disabilities.

4.4. If a member vacates AAC for any reason at any time before that member's term would normally expire, Council will promptly appoint a new member to the Committee to hold office for the unexpired term.

4.5. The Chair and Vice-Chair will be appointed annually by the members of AAC.

5. MANDATE AND RESPONSIBILITIES

5.1. AAC has the following responsibilities:

a) Advise Council in the preparation, implementation and effectiveness of its accessibility plan. In accordance with the Act, the plan must include:

- A report on measures the Municipality has taken and intends to take to identify, remove and prevent barriers;
- Information on procedures the Municipality has in place to assess the following for their effect on accessibility for persons with disabilities:

i. Any of its proposed policies, programs, practices and services, and

ii. Any proposed enactments or bylaws it will be administering; and

- Any other prescribed information.

b) Advise Council on the impact of the Municipality's policies, programs and services on persons with disabilities;

c) Review and monitor existing and proposed Municipal by-laws to promote full participation of persons with disabilities, in accordance with the Act;

d) Identify and advise on the accessibility of existing and proposed municipal services and facilities;

e) Advise and make recommendations about strategies designed to achieve the objectives of the Municipality's Accessibility Plan;

f) Receive and review information directed to it by Council and its committees, and to make recommendations as requested;

g) Monitor Federal and Provincial government directives and regulations; and,

h) Host community consultations related to accessibility in the Municipality.

6. ADMINISTRATION

6.1. AAC will meet no less than six times per year, or otherwise as required to fulfill the duties as outlined.

6.2. A quorum for AAC will be a majority, four (4) members.

6.3. The AAC may receive presentations from the public upon approval of the

Chair.

6.4. The AAC may establish Working Groups to explore specific issues related to the accessibility plan and/or to other responsibilities. Members of the Working Group may consist of additional members of the community. A member of the AAC shall chair the Working Group.

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor and Council

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: November 24, 2020

Subject: Appointment of Resident Member to Hantsport Area Advisory Committee (HAAC)

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act – Sections 24-27 (Standing, special and advisory committees; Vacancy on Boards, Commissions and Committees; Citizen Advisory Committees; and Community Committees).

RECOMMENDATION

…that Council approve the appointment of Jason Tucker to the Hantsport Area Advisory Committee (HAAC) for the term December 1, 2020 to October 31, 2022.

BACKGROUND

One member of the Hantsport Area Advisory Committee, Greg Pace, has recently resigned, leaving a vacancy among the resident appointments to HAAC.

DISCUSSION

The position was advertised by the Clerk; only one application was received.

NEXT STEPS

Should Council appoint Jason Tucker, he would be contacted and notified of his appointment.

FINANCIAL IMPLICATIONS

Resident members appointed to a Committee of Council will receive remuneration in accordance with the Council Remuneration Policy which is identified in the annual Operating Budget.

ALTERNATIVES

Council could choose to not appoint Mr. Tucker to HAAC

ATTACHMENTS

Attachment 1Appendix I of the Meeting and Committee Procedural Policy

Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

Report Approved by: _____
Mark Phillips, CAO

Taken from Meeting and Committee Procedural Policies
November 18, 2020
APPENDIX I
Windsor and Hantsport Area Advisory Committees

1. PURPOSE

1.1. To establish area advisory committees for the communities of Windsor and Hantsport in accordance with Sections 201 and 202 of the *Municipal Government Act*.

1.2. he Windsor Area Advisory Committee and Hantsport Area Advisory Committee will advise the Planning Advisory Committee of the Municipality on planning matters affecting its respective community including the preparation and amendment of planning documents and planning matters generally.

2. DEFINITIONS

2.1. In Appendix I,

a) "HAAC" means Hantsport Area Advisory Committee;
b) "Municipality" means the Region of Windsor and West Hants Municipality (or name of the Regional Municipality given as per Section 11 of the Region of Windsor and West Hants Municipality Act), effective April 1, 2020;
c) "WAAC" means Windsor Area Advisory Committee.

3. COMMITTEE COMPOSITION

3.1. WAAC and HAAC will each consist of a maximum of eight (8) members and a minimum of four (4) members of which one (1) is a Council member (representing the relevant community), and seven (7) are resident members who are not members of Council.

3.2. Resident members will be appointed to the Committee for a term of two (2) years, with the term expiring following the October meeting of the second year, and the Council member will be appointed for a term of four (4) years, with the term expiring following the October meeting.

4. ADMINISTRATION

4.1. A Chair and Vice-Chair will be elected annually during the November Committee meeting.

4.2. All non-Council members of the Committee will be provided remuneration in accordance with the Council Remuneration Policy.

4.3. The duties and procedures of the Area Advisory Committees will be as set out in the relevant Terms of Reference for the Advisory Committee as approved by motion of the Committee and reviewed by the Chief Administrative Officer.