WEST HANTS REGIONAL MUNICIPALITY
Regular Meeting of Council Agenda Amended
May 25, 2021 - 6:00 p.m.
Held virtually via Zoom (also Facebook Livestreamed)
Agenda is subject to changes up to and including during the meeting

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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) 2021-04-27 Council Meeting minutes
   b) 2021-04-27 Special Council Meeting minutes
   c) 2021-05-11 Special Council Meeting minutes
   d) 2021-04-27 Public Hearing Minutes - Emergency Management By-law (opening conclusion)
   e) 2021-04-27 Public Hearing Minutes - Meadow Development (opening)
   f) 2021-04-27 Public Hearing Minutes - Mobile Homes in Three Mile Plains (opening)

7. Presentations - None

8. Unfinished Business/Postponed Motions
   a) Former Textile Mill Dangerous or Unsightly Update (standing item)
   b) By-law Enforcement Vehicle – Notice of Reconsideration & Tender Award

9. Public Hearings
   a) Meadows Development - Public Hearing (closing)
   b) Mobile Homes in Three Mile Plains – Public Hearing (closing)

10. Second Readings for the Public Hearing Matters in Agenda Matter #9
    a) Meadows Development
    b) Mobile Home in Three Mile Plains

11. Mayor's Information Report

12. Committees of Council Recommendations
    a) Committee of the Whole Excerpts – May 11, 2021
       i. 65 Fort Edward – Surplus Lands
       ii. Asphalt Paving Services Standing Offer Contract (WWHPW21-04)

b) Planning / Heritage Advisory Committee
   i. Secondary Suites Amendment: West Hants MPS and LUB (File 20 -27)– First Reading Recommendation Report
   ii. Secondary Suites Amendment: Windsor MPS and LUB (File 20 -29) - First Reading Recommendation Report
   iii. Secondary Suites Amendment: Hantsport MPS and LUB (File 20 -30) - First Reading Recommendation Report

13. Councillor Municipal Activity Reports – Verbal Committee Updates

14. Correspondence
   a) Information
      i) Avon River Causeway/Hwy 101 Twinning Project Correspondence Log
         1) Current Avon Causeway correspondence received as of May 25, 2021
      ii) Community Liaison Committee (CLC) (May 19, 2021) – Updates on Hwy. 101 Twinning Project and Avon River Aboiteau & Causeway
      iii) Richard Murphy (May 12, 2021) – Resignation as Councillor, District 9
      iv) Minister Dept Fisheries, Oceans, and the Canadian Coast Guard (May 14, 2021)- Response to WHRM May 5, 2021 letter re. Avon Causeway Aboiteau Gate System
      v) Minister of Fisheries and Oceans (May 17, 2021)- NSDA Avon Ministerial Order - May 19 to June 2, 2021
      vi) Minister of Fisheries, Oceans, and the Canadian Coast Guard (May 20, 2021) – Response to WHRM May 12, 2021 letter requesting non-renewal of the Minister's Order
      vii) Linda Moxsom-Skinner (May 20, 2021) – Support Southwest Fire request for rescue boat
   b) Requests

15. New Business
   a) PAC/HAC Council-member appointment
   b) Municipal Special Election – Information Report
   c) Capital Budget – Five-year breakout
   d) Avon River Sandbars

16. In-Camera
   a) 2021-04-27 Council in-camera minutes
   b) 2021-04-27 Special Council in-camera minutes
   c) Land Matter – MGA 22(2)(a)

17. Next Meeting Date / Adjournment

M - Motion
D - Direction/Discussion

West Hants Regional Municipality
Dashboard (Action List)
May 19, 2021

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

Matter	Meeting	M/D	Start Date	Deadline / Update	Status	Resp.
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 access for WHRM residents. (Cross-ref with 2020-09-08 COTW direction)	Council	M	2020-04-28 (M) 2020-09-08 (D)	As per 2021-02-09 COTW; revisit in 6 mths		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			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	2021-07		CAO
Tax Structure (Blended Rates - restructuring of existing tax rate) - Staff and council to review over the next year.	COTW	D	2020-06-01	Budget Mtgs 2021-05		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

M - Motion
D - Direction/Discussion

West Hants Regional Municipality
Dashboard (Action List)
May 19, 2021

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Matter	Meeting	M/D	Start Date	Deadline / Update	Status	Resp.
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	2021-05 (Mr. Salter has advised this isn't immediate)		CAO
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	2021-06 COTW		CAO/ Planning
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	Align with Branding outcomes 2021-07		PW/Comm. Dev
Diversity & Inclusion Committee (from Meeting & Committee Procedural Policy Amendments) - Advertise for Committee members and mobilize the committee	COTW	M	2020-10-13	2021-05 (also with Rad Consulting Engagement Sessions)		CAO
Burning Permit/Outdoor Fires - Staff review existing Fire-related by-laws	COTW	D	2020-11-10	2021-06		CAO/Fire Chiefs

M - Motion
D - Direction/Discussion

West Hants Regional Municipality
Dashboard (Action List)
May 19, 2021

Green - Complete
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Matter	Meeting	M/D	Start Date	Deadline / Update	Status	Resp.
In-Camera - (b)MGA 22(2)(a) Acquisition, Sale, Lease and Security of Municipal Property – Land Sale **-** Proceed with next steps/presentation **(2021-02-23 Item 16(c)** - Expend funds for property evaluation on Mun-owned properties	COTW Council	D M	2020-11-10 2021-02-23	2021-01 2021-06		CAO
W.B. Stephens Building Design Project Management - On-hold. Get appraisals of Morison & King St Complexes, review of staffing complement, and review parking availability at King.	Council	D	2020-11-24	2021-05		CAO
Service Contracts (discussed under Item 15(a)) - That staff forward a list (provide access) of all service contracts to Council so Council is aware and can look for potential cost-savings	Council	M	2021-01-26	2021-05		CAO
Municipality Debt - Report back total breakdown of previous units and combined and further details (eg debenture info, interest rates, maturity dates, principal/interest amounts, etc)**.** Perhaps send by email by Fri, Feb. 26 and bring back to budget discussions	Council	D	2021-02-23	2021-05 Budget Discussions		Fin
Corres (NS Firefighters Benevolent Fund) - Review if capacity during budget meetings	COTW	D	2021-03-09	2021-05 Budget Mtgs		Fin
Water Information - Staff report back to Council on cost to produce water bill bi-monthly	COTW	D	2021-03-09	2021-06		Fin
Panuke Rd Event - Event to be arranged by Mayor	COTW	D	2021-03-09	2021-06		Mayor
Noise By-law - Staff revise by-law (Peace and Good Order)	Council	M	2021-03-23	2021-07		Planning/ CAO

M - Motion
D - Direction/Discussion

West Hants Regional Municipality
Dashboard (Action List)
May 19, 2021

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Matter	Meeting	M/D	Start Date	Deadline / Update	Status	Resp.
Newport Corner Community Hall - Receive & list for sale	Council	M	2021-03-23	2021-05		CAO
Cheverie Land Exchange - Agree	Council	M	2021-03-23	2021-05		CAO
Valley REN - Mayor to arrange meeting of Councillors with Board members	Council	D	2021-03-23	2021-05		Mayor
Sewer Billing - Staff prepare education material for utility users	Council	D	2021-03-23	2021-06		CAO/Fin
Dangerous or Unsightly (old Textile Mill) - Staff to follow-up with property owners re. insurance. Owners granted a couple of months to address issues.	COTW	D	2021-04-13	2021-06		CAO
Sports Complex Walking Track - Confirmation from Contractor and Murray Tate (Proj Engineer) that surface cracks are cosmetic and not structural	Council	M	2021-04-27	2021-05		Comm Dev/CAO
Newport Station Food Hub Paving Driveway & Lease - Staff review if existing lease pertains to Newport Station Food Hub or previous owners. Establish new lease if need be.	COTW	D	2021-05-11	2021-06		CAO
Newport Station Food Hub Paving Driveway & Lease - Staff get estimates to pave driveway before budget deliberations	COTW	D	2021-05-11	2021-06		CAO/PW

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐

To: Committee of the Whole

Submitted by: _____
Shelleena Thornton, Administrative Supervisor

Date: May 11, 2021

Subject: Notice of Reconsideration – By-law Enforcement Vehicle Tender Award

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LEGISLATIVE AUTHORITY

Robert's Rules of Order

Meeting and Committee Procedural Policy, RCOGE-003.00

RECOMMENDATION or DECISION REQUEST

…that it be recommended to council that Council award Tender WHRMPL-21-01 for a vehicle for By-law Enforcement to Pothier Motors Leasing at a cost of $23,463.36 plus applicable taxes over forty-eight (48) months.

BACKGROUND

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

At the April 27, 2021 Council Meeting, two separate motions were given to lease the By-law Enforcement Vehicle; one to O'Regans and the other to Pothiers; both were defeated. One of the motions was then re-raised, voted on, and passed; however, it since became known that it is not valid without bringing a Notice of Reconsideration forward first (required 14 days prior to the meeting in which it is to be raised). Therefore, the motion that passed is void.

DISCUSSION

On April 28th, Councillor Jannasch circulated a Notice of Reconsideration via e-mail to all of Council requesting the recommendation as noted above be re-considered at the May 11th Committee of the Whole meeting (14 days before the meeting).

NEXT STEPS

Should Council support the recommendation, the tenderer will be notified.

FINANCIAL IMPLICATIONS

For the 2021/2022 fiscal period, the amount of $5,865.84 plus HST will be funded through the operating budget.

ALTERNATIVES

- A Notice of Reconsideration for any of the previous motions could be submitted.
- Council could choose another option (e.g. purchase, which would require another Request for Proposal be issued as it was not within the scope of the initial RFP WHRMPL-21-01). This option is not recommended, as the original scope (lease vs. buy) may have limited the number of interested bidders, which could result in a supplier complaint under the Procurement Act of Nova Scotia. It would also delay the procurement process, of a second vehicle.

ATTACHMENTS

April 27, 2021 Supplemental Report - By-Law Enforcement Vehicle- Tender Award-Supplemental Information

April 13, 2021 Recommendation Report - By-Law Enforcement Vehicle Tender Award

CHIEF ADMINISTRATIVE OFFICER REVIEW

I have no further comments regarding the report. I do express the urgency of a decision regarding this matter as the Planning Department and By-Law Enforcement are operating under a reduced capacity.

Report Prepared by: _____
Shelleena Thornton, Administrative Supervisor

Report Reviewed by: _____
Mark Phillips, CAO

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information X	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: Council

Submitted by: Tim Leslie
Manager, Building and Fire Inspection Services

Date: April 27, 2021

Subject: **By-Law Enforcement Vehicle- Tender Award- Supplemental Information**

LEGISLATIVE AUTHORITY

N/A

RECOMMENDATION or DECISION REQUEST

It is recommended:

…. that Council award Tender WHRMPL-21-01 for a vehicle for By-law Enforcement to O'Regan's Automotive Group- O'Regan's National Leasing at a cost of $21,000 plus applicable taxes over forty-eight (48) months.

BACKGROUND

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

DISCUSSION

COTW requested more information regarding the vehicle for use by By-law Enforcement. The following information has been gathered in response:

O'Regan's Toyota

Warranty work- Prefer it to be at a Toyota dealership, but any certified shop is ok.

25,000km lease ($21,980.16) $457.92/month plus HST, residual would be $17,180.

20,000km lease ($21,000) $437.50/month plus HST, residual would be $18,260.

Cash price is $30,930 plus tax with their fleet discount.

Pothier Motors

Warranty work- Must be completed at any Chrysler, Jeep, Ram dealership.

24,000km lease ($24,279.84) $505.83/month plus HST, residual would be $19,146.00. $667.48 due on signing.

20,000 km lease ($23,463.44) $488.82/month plus HST. $658.45 due on signing.

Cash price is $37,224.40 plus HST.

Warranty:

O'Regan's	**Pothiers**
Basic 36 month/60,000km	Basic 36 month/60,000km
Powertrain 60 month/100,000km	Powertrain 60 month/100,000km
Corrosion Perforation 60 months/unlimited mileage	Corrosion 60 months or 160,000km
Roadside Assistance 36 month/unlimited milage	Roadside assistance 60 months or 100,000km
Accessories 36 month/60,000km	Dealer installed accessories 36 months or 60,000km

The current By-Law vehicle has 75,000km on it and had approximately 15,500km put on it the last fiscal year. The number of kilometers used certainly depends on call volume, location and time of year. Winter months generally are not as active as peak season months. By-Law try to triage non-emergency calls to make more than one stop out in certain areas thus saving putting more kilometers on the vehicle. In theory, fewer kilometers should be put on the current By-Law vehicle once the second vehicle arrives.

NEXT STEPS

Staff would proceed with leasing the vehicle.

FINANCIAL IMPLICATIONS

For the 2021/2022 fiscal period, the amount of $5250.00 plus HST will be funded through the operating budget.

ALTERNATIVES

Council may choose not to fund or award this contract. This alternative is not being recommended to Council.

ATTACHMENTS

N/A

CHIEF ADMINISTRATIVE OFFICER REVIEW

With the additional information provided by the department I support the recommendation.

Report Prepared by: _____
Ryan Parker, By-Law Officer

Report Reviewed by: _____
Tim Leslie, Manager, Building and Fire Inspection Services

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

Report Approved by: 
Mark Phillips CAO

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY

Information	Recommendation	Decision Request x	Councillor Activity

To: Mayor and Members of Council

Submitted by: Tim Leslie, Manager, Building and Fire Inspection Services

Date: 2021-04-13

Subject: By-law Enforcement Vehicle – Tender Award

LEGISLATIVE AUTHORITY

Municipal Government Act s. 65A - Authorized municipal expenditures

RECOMMENDATION

...that Committee of the Whole recommends that Council award Tender WHRMPL-21-01 for a vehicle for By-law Enforcement to O'Regan's Automotive Group - O'Regan's National Leasing at a cost of $21,000 plus applicable taxes over forty-eight (48) months.

BACKGROUND

Property X	Public Opinion☐	Environment	Social	Economic	Councillor Activity ☐

Tenders were called on the Provincial Procurement site for the supply of one (1) new AWD SUV on a forty-eight (48) month 20,000km per year lease and closed on February 22, 2021.

DISCUSSION

Three proponents responded to the public tender, as follow:

Proponent Name	Item	Unit Price over 48 month lease (before tax
O'Regan's National Leasing **Warranty**, Basic 36 month/60,000km Powertrain 60 month/100,000km Corrosion Perforation 60 month/unlimited mileage Roadside Assistance 36 month/unlimited milage Accessories 36 month/60,000km	2021 Toyota Rav 4 LE AWD	$21,000 *(Buyout after 48 months $18,260.00)*
Pothier Motors Ltd. **Warranty**, Basic 36 month/60,000km Powertrain 60 month or 100,00km	2021 Compass Trailhawk 4x4	$23,463.36 $658.45 Due on signing (*Buyout after 48 months $20,060.00*)
Century Hyundai	Received late	Returned unopened

Details requested to be supplied with the vehicle include:

- ☐ Four (4) winter tires installed and balanced on winter rims. (in addition to factory tires and rims)
- ☐ Front and back window rain vent visors
- ☐ Multi-directional LED minibar mounted on the vehicle
- ☐ WeatherTech or comparable custom fit front floor liner; and
- ☐ WeatherTech or comparable one piece molded rear cargo tray.

Both vehicles can be serviced at any certified location.

The tender was reviewed by Ryan Parker and Shawn Levy to confirm compliance with our requested specifications and the tender meets operational requirements. An AWD SUV will provide easier ability to access remote locations, will be safer in poor road conditions and also provides the ability to transport a dog when the By-Law truck is not in the area. The second vehicle for By-Law Enforcement will allow the officers to respond to calls separately and more efficiently in the large area WHRM covers.

NEXT STEPS

Staff would proceed with leasing the vehicle.

FINANCIAL IMPLICATIONS

For the 2021/2022 fiscal period, the amount of $5,250.00 plus HST will be funded through the operating budget.

The four-year lease commitment impacts future budgets and exceeds the spending authority of the CAO.

ALTERNATIVES

Council may choose not to fund or award this contract.This alternative is not being recommended to Council.

ATTACHMENTS

N/A

CHIEF ADMINISTRATIVE OFFICER REVIEW

(For use if report is from a Councillor. CAO to provide additional comments on background, department/staff responsible and workload, budget, options, preferred strategy. State "Not Applicable" if report is from staff which already incorporates CAO review.)

Report Prepared by: _____
Tim Leslie, Manager, Building and Fire Inspection Services

Report Reviewed by: _____
Carlee Rochon, Director, Finance

Report Approved by: _____
Mark Phillips, CAO

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: 2021-04-27

Subject: File 19-05 D Meadows Development

LEGISLATIVE AUTHORITY

Municipal Government Act Section 229 and 230.

RECOMMENDATION or DECISION REQUEST

Should Council wish to allow the requested development agreement and discharge the current development agreement, the following motion would be in order:

that Council gives gives Second Reading to and approves entering into a development agreement to allow two-unit residential uses at PID 45371879, 45383379, 45371887, and 45383957, Falmouth, in a manner substantively the same as the draft set out in Attachment C of the report to Council dated April 27, 2021, taking note that this development agreement will discharge and replace the development agreement for PID 45371879 recorded at the Registry of Deeds on September 27, 2007 as document 88923751.

BACKGROUND

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

Brison Developments Limited applied for a development agreement to permit two-unit residential development at PID 45371879, 45383379, 45371887, and 45383957, Falmouth, West Hants. On December 11, 2020 the applicant requested that staff consider three and four-unit dwellings in addition to the two-unit dwellings requested but withdrew the request on February 23, 2021.

There is a registered development agreement between Meadows Development Limited (former owners) and the Municipality on PID 45371887 in August 2007 to permit eight (8) semi-detached dwellings. Brison Developments Limited wishes to discharge that agreement as part of this application.

A Public Information Meeting was held on January 19, 2021and comments were accepted from the public until February 9, 2021. (Attachment A)

On March 11, 2021 staff presented a recommendation report to the Planning Advisory Committee (PAC) (Attachment B).

PAC recommended in favour of the development agreement on March 11, 2021. PAC discussed additional requirements to try to ensure there is variation in the design of the dwellings but after the applicant clarified the design elements are predominantly determined by the prospective property owner, PAC recommended the development agreement as drafted.

Council held First Reading for this application on March 23, 2021. Staff presented three (3) proposed changes to the development agreement:

- that the most recent stormwater management plan completed on July 16, 2020 be attached to the development agreement;
- that the minimum flankage yard requirement for single unit dwellings on corner lots be reduced from 25 ft. to 15 ft. (requested by the applicant on March 23, 2021); and
- that a phrase be added to the development agreement to permit the Development Officer, in consultation with the Municipal Engineer, to consider minor incidental changes to the stormwater management plan without having to amend the agreement (request by the applicant on March 23, 2021).

Council voted to hold a Public Hearing for the development agreement with the additions noted above. The development agreement with the additions is attached as Attachment C.

NEXT STEPS

The process for this application is as follows:

Process
Staff Review
▼
Public Information Meeting – January 19
▼
Planning Advisory Committee receives staff report and PIM Notes Planning Advisory Committee Review and Recommendation – March 11
▼
Regional Council First Reading – March 23
▼
Public Hearing held and adjourned to

next meeting of Council- April 27

▼

Council completes Public Hearing and holds Second Reading- May 25

▼

Appeal Period

▼

Notice of Approval in Local Paper

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality in relation to the filing of this report.

ALTERNATIVES

In response to the application, Council may decide to:

- approve the development agreement as drafted; or
- refuse the development agreement as drafted noting the criteria that has not been met.

ATTACHMENTS

Attachment A	2021-01-19 File#19-15A Public Information Meeting Notes Meadows Development
Attachment B	2021-03-11 File #19-15B Recommendation Report Meadows Development
Attachment C	2021-04-27 Draft Development Agreement as revised by Council on March 23, 2021

CHIEF ADMINISTRATIVE OFFICER REVIEW

I have reviewed all aspects of the report and encourage Council to accept the recommendation as prepared.

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

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

Attachment A
2021-01-19 File#19-15A Public Information
Meeting Notes Meadows Development

Public Information Meeting Notes
January 19, 2021
File 19-15 A
Meadows Development

Meeting date and time	A public information meeting (PIM) was held on January 19, 2021 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: Councillor Murphy Mayor Zebian CAO Phillips Planner Shah Planner Poirier Chris Markides (Applicant's Planner) Jim Davidson (Resident) As this meeting was held virtually other members of the public viewed the meeting on facebook.
Applicant Overview	Planner Shah outlined the request from Brison Development Limited to permit two, three, and four-unit dwellings on four (4) properties in Falmouth. Note: On February 23, 2021 the applicant withdrew their request for three and four-unit dwellings and asked to proceed with an application for two-unit dwellings. An additional Public Information Meeting is not necessary as two-unit dwellings were discussed at this February 19, 2021 PIM
File Number	19-15 A
Comments	Comments from the public could be submitted by mail, e-mail, telephone or dropped-off at the Municipal Office to Planner Shah. Twenty written comments, five (5) facebook comments and four (4) verbal comments were received from the public. Emails and letters are attached. Staff responses are included in purple. Questions from the public included: • will there be public park space? • yes, the Subdivision By-law requires a parkland contribution and the applicant has indicated in the concept plan they intend to provide land for the parkland contribution.

	• why will the parkland only be developed at the end of the process? • the Municipality entered parkland agreements with the developer in 2011 and 2012 which enable the developer to provide the parkland to the Municipality after the final plan of subdivision has been approved. • what is the planning recommendation based on? • it's based on the policies set by Council. Planners work with Council to develop the policies but ultimately Council determines what criteria will be used to evaluate applications and planners can only assess an application for development agreements based on the criteria. • what is the policy document that governs the public consultation process? • the Public Participation Policy and the Municipal Government Act. • how is feedback used? • feedback received is shared with the Planning Advisory Committee in the Public Information Meeting Notes. • given the stormwater issues in the past could the notification area be expanded beyond 500 ft. to include residents along Elderkin Creek Drainage System? • Council sets the notification area in the West Hants Land Use By-law and staff do not extend that area without Council permission. • has the planning department done an assessment of the current and future water, sewer, storm drainage, and traffic needs? • water, sewer, storm drainage and traffic capabilities are considered during the staff review as Council has set specific criteria related to these issues. Comments on these issues are requested from the Public Works Department and Department of Transportation and Infrastructure Renewal. • will cable and electrical services be above or below ground? • the municipality does not regulate cable and electrical services. • have schools, fire protection, policing, and hospitals been considered? • there are criteria related to schools and fire protection which are addressed in the staff

	review. Comments on these issues are requested from the Valley Regional Education Centre and the fire chief for the area concerned. There are no criteria related to policing or hospital capability. • why are eight (8) semi-detached dwellings permitted in the existing development? • there is an existing development agreement which permits eight (8) semi-detached dwellings. This was approved by Council on September 12, 2005 • are there housing plans for the entire community? • there are specific policies and designations for housing in the Falmouth Growth Centre in the Municipal Planning Strategy. • are two, three, and four-unit dwellings permitted in all phases? • the applicant has withdrawn their request for three and four-unit dwellings. Only single and two-unit dwellings are permitted in all phases as now requested and drafted in the agreement. • will there be rental units within this development? • the Municipality does not regulate ownership type. • how can the Municipality consider the application if the lot layouts and exact number of two-unit dwellings proposed are not outlined in Phase 3? • the lot requirements and percentage of single unit dwellings required are outlined in the text of the development agreement. This is similar to zoning requirements in the Land Use By-law. The maximum number of units is in the concept plan for Phase 3. • why is landscaping and buffering not required between the new development and existing developed properties? • staff considered landscaping and buffering requirements based on potential land use conflicts. Details are outlined in the recommendation report. • one resident had many specific questions related to flooding and water servicing that have been directly addressed by the Director

	of Public Works. Both questions and responses are attached. Discussion points included: • general opposition to multi-unit dwellings (two, three, and four-units) as this could impact property values • many residents expected the remainder of the development to be single-unit dwellings based on advertisements for the development and the covenants that apply to properties on Clover Lane and did not appreciate a change to the development plan • some residents felt multi-units would not fit with the current development pattern in Falmouth and this application would encourage more suburban style development similar to Sackville • many residents felt multi-units would increase traffic in the area and could increase water bills to service the new development • some owners of lands nearby the development, and outside the area of the development agreement, fronting on Clover Lane, with an easement for municipal services have concerns about the developers plans to use the easement as a pedestrian path • many residents commented on infrastructure being installed for two-unit dwellings before Council approved the application and felt the decision had already been made • some residents felt semi-detached dwellings have a negative connotation even if high quality finishes are used • general opposition to rental units was expressed by some residents • other residents mentioned not being opposed to semi detached dwellings if built well and if they have character • a few residents raised concerns about the parkland site outlined in the concept plan as they felt it is not suitable due to the slope/steepness of the site • some residents felt the development should not be considered unless all lot layouts are included in the concept plan • parking was raised as a concern by some who felt visitor parking requirements would be beneficial

	• one resident felt the percent of single unit dwellings required in the policy was not sufficient and suggested a 60/40 or 50/50 split between single unit dwellings and multi-units. The applicant stated the response from the Department of Transportation and Infrastructure Renewal on the criteria sufficiently addresses traffic concerns. The applicant has withdrawn the request for three and four-unit dwellings which addresses many of the concerns raised.
Adjournment	The presentation portion of the PIM ended at 6:17 p.m.; comments could be submitted by the public by mail, e-mail, telephone, or dropped-off at the Municipal Office to Planner Shah until February 9, 2021 due to snow closures on February 8, 2021.

February 5, 2021

Saira Shah
Planner
West Hants Regional Municipality
P.O. Box 3000, 76 Morrison Drive
Windsor, N. S.
B0N 2T0

Subject: Regarding Public Meeting As of January 19, 2021

I am a resident of Falmouth and choose this area to live and bring up my family because of the country setting and the tranquil atmosphere in the community. I now have a few concerns regarding the Meadows Sub Division proposal as I think this could set an undesirable precedent for development in all of Falmouth.

1) I am greatly concerned about the multi family housing that will put a great demand on our water and sewage services. If the additional housing causes upgrades to the system I assume that all tax payers will be responsible for the costs. The increases to our water bills since amalgamation are UNBELIEVABLE therefore one cannot imagine what the taxes will be. It is my understanding that Falmouth is zoned R1 and not for multi homes such as 2, 3 and 4 unit buildings.

2) Falmouth Elementary School is now at it's capacity, with numerous portables, and how will additional students be handled?

3) Property on Falmouth Dyke Road is owned by the same developer and I have concerns as to how this will be developed and the congestion that Dyke Road will be faced with. The country setting will soon disappear and be less appealing to future buyers.

I feel the development in Falmouth will be far less appealing if this type of housing becomes dominant in our area.

Sincerely,

Derek Fleming
417 Falmouth Back Road
Falmouth, N.S.

c.c. Richard Murphy

Questions from Lee Chalmers (Falmouth resident) in response to proposed Development Agreement for the Meadows Phase 2 Development

Thank you for the opportunity to submit questions regarding the Meadows Development Agreement. I have identified four areas where I have questions (the number/configuration of dwelling units in the proposed development, stormwater management, capacity of the sewer system, and capacity of the water system). My questions pertaining to each area appear below, prefaced in each case by some background notes.

In your response, I would very much appreciate receiving the details of the specific data you have that address my questions.

Number/Configuration of Dwelling Units

The public information meeting of January 19, 2021, indicated that Brison Developments Ltd. had applied for a development agreement in December 2019 to permit two-unit residential development in Falmouth and had requested in December 2020 that this be extended to include three- and four-unit dwellings. At this meeting, Chris Markides, from ZZap (Zwicker, Zareski Architecture and Planning), presented a site plan for the Meadows, and the public were invited to submit comments and questions regarding this proposal.

Unfortunately, the site plan presented pertained only to single and two-unit residential development. No information has been provided to date about what is being proposed in terms of three- and four-unit residential development on the Meadows site or the overall configuration of 1-4 unit housing. Without these details, it is difficult to comment on the merits of the proposal, for the number of possible dwelling units, by my count, could range from 83 (as proposed by the ZZap site plan[1]) to 130 (perhaps higher).[2]

[1] ZZap Site Plan: The Meadows, Version 104 (June 8, 2020). While the unit summary in the ZZap site plan identifies 10 R1 units as part of Phase 2B, the site map identifies 11 units, suggesting a total of 83. The lot on the corner of Falmouth Back Road and Clover Lane may account for the discrepancy. A copy of the site plan has been appended for convenience.

[2] Policy 5.4 of the *Municipality of the District of West Hants Municipal Planning Strategy* pertains to residential policies for Falmouth Growth Centre. Policy 5.4.4(d) requires that the gross density of a development not exceed 4.5 dwelling units an acre. Applying this requirement to Phases 1 and 2 (totaling 29 acres according to the ZZap site map) indicates 130 would be the maximum number of units allowed (29 acres X 4.5 dwellings/acre = 130.5). If the parkland acreage is added to the calculations at this point in the development, the total acreage would be 33.8 and the maximum number of units would increase to 152.1. Policy 5.4.4(a)(i) stipulates "a minimum of 30 percent of the total number of dwelling units shall be single unit dwellings." Allowing Phase 1 housing to count towards this requirement, Phase 1 and 2 of the proposed development allow for 39 single-unit homes (21 at Phase 1 (Clover Lane), 7 at Phase 2a (Clover Lane Extension) and 11 at Phase 2b (ten at circle end of Thistle St and one at corner of Clover Lane and Falmouth Back Road)). Applying the 30% requirement to 39 single-unit homes yields 130 as the maximum number of dwelling units. Increasing the number of single-unit homes in the design would change this figure.

Both the ZZap site plan and the Valley Garden Homes' map of the Meadows site indicate that Phases 1 and 2 of the Meadows Development combined have 104 lots.[3] The ZZap site plan map indicates a total of 39 single-unit dwellings and 18 two-unit dwellings each straddling two lots (for a total of 36). Assuming 130 is the maximum number of dwelling units allowed, this leaves 55 dwelling units to spread out over the remaining 29 lots using some configuration of 1-4 unit dwellings. Compared to having single-unit housing on each of these final lots (104 units on 104 lots), including some configuration of 2-4 unit dwellings to achieve 130 total units represents an increase of 26 units. Similarly, assuming an average household size of 2.5 individuals[4], shifting from single-unit residential to multiple-unit residential for Phase 2 of the Meadows Development would increase the anticipated population growth from a gain of 260 new residents to 325. By my calculations then (assuming a maximum of 130 dwelling units), the number of households/residents would increase by 25% with a shift from single-unit dwellings to allowing some multiple-unit dwellings.

The total number of units/households has implications for sewer and water capacity (in terms of the number of residents requiring service) and for stormwater management (e.g., in terms of the amount of impervious surface the development generates).

Question:

1. Can a site plan that details the total number of dwelling units and the intended mix of 1/2/3/4-unit housing for Phase 2 of the Meadows development (and as generally described in Policy 5.4.4(i) of the Municipal Planning Strategy) be provided to the public for comments/questions (as part of this public engagement process)?

Stormwater Management

I am encouraged to see that some Low Impact Development (LID) mechanisms (gravel swales with perforated pipes) have been incorporated in the stormwater management design for this phase of the Meadows development. I understand, from DesignPoint Engineering and Surveying, that the area draining from the Brison lands to the Shetland Rd Pond is being reduced from approximately 15.3 acres to 12.3 acres with this development, with most of the area for this development draining to the (new) stormwater management pond on Thistle Street. This would appear to bode well for ensuring post-development flows do not exceed pre-development flows at both the Shetland Rd Pond and the culvert across from it that goes under the Dyke Rd (and on to the Elderkin Creek Drainage System via the Connector Ditch).

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[3] I have referred to The Valley Garden Homes' map of the Meadows site as I found it offers a clearer (though somewhat different) picture of the type of housing envisioned for particular lots (retrieved February 7, 2021 from https://valleygardenhomes.ca/the-meadows/). The count of 104 lots is based on the Phase 1 and 2 boundaries indicated on the ZZap site plan map. A copy of the Valley Garden Homes' map is appended for convenience.

[4] Based on 2016 census information for Falmouth (https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/details/page.cfm?Lang=E&Geo1=DPL&Code1=120016&Geo2=PR&Code2=01&Data=Count&SearchText=Falmouth&SearchType=Begins&SearchPR=01&B1=All).

However, I do have some outstanding concerns in this regard. The July 16, 2020 issue (#4) of the Meadows Phase 2 Storm Drainage Environmental Protection Plan (DesignPoint Engineering & Surveying) indicates that post-development flows are expected to be less than pre-development flows for one in 10/25/50/100 year storm events for all four locations examined at the development site.[5] However, post-development flows are expected to exceed pre-development flows at 3 locations on the development site by .02-.19 cfs for a once in 5 year storm event. Comparable data for the Shetland Rd pond outlet and Dyke Rd culvert outlet locations were not presented, but history suggests that monitoring these locations as development proceeds would be prudent.

Testimony presented at the 2006 preliminary hearing of the Brison appeal[6] indicated that construction of the stormwater system for the Meadows at Shetland Road Development did not follow engineering plans. Revised assessments of pre-and post-development flows were included in the testimony, indicating that, using as built survey elevations, "a storm that occurs once in two years would generate 50% more stormwater flowing into the Dyke Road culvert post-development storm than pre-development" and that, after full construction of the system, post-development stormwater flows would exceed pre-development flows into the Dyke Road culvert by 128% for one in two year storms and 10% for once in five year storms (section 153). It is not clear whether steps were taken to bring these post-development flows back to pre-development flow levels. In any event, the revised assessments appear to point to the 1 in 2 and 1 in 5 year storm events as problematic for achieving a balance between pre- and post-development flows. The data provided by DesignPoint on the Meadows Phase 2 development indicate that, as noted above, post-development flows are expected to exceed (albeit modestly) pre-development flows for once in 5 year storms. The data presented in the 2006 testimony suggest that post-development flows are expected to exceed pre-development flows at the Dyke Rd culvert by a more substantial amount for once in 2 year storms. This would mean more stormwater flowing into the Connector Ditch and Gabriel Rd Properties Ditch and a greater risk of flooding for the adjacent properties along the Dyke Rd and Gabriel Rd. Unfortunately, no data on once in 2 year storms were included in DesignPoint's July 16, 2020 issue of the Meadows Phase 2 Storm Drainage Environmental Protection Plan, and again, no pre-/post-development flow data for any storm events were provided for the Shetland Rd Pond/Dyke Rd culvert locations.

Questions:

1. Are there data available that address the question whether the proposed Meadows Phase 2 Development, as configured under the most recent ZZap site plan, is expected to increase flooding risk (as indicated by post-development flows exceeding pre-development flows) for properties on the East side of Falmouth Dyke Rd (where stormwater from the Shetland Rd

[5] Drawing is appended for convenience.

[6] Brison, Re, 2006 NSUARB 113 (CanLII), <http://canlii.ca/t/1pxbm>, retrieved on 2020-10-09

pond enters the Elderkin Creek Drainage System through the Dyke Rd Culvert and Connector Ditch), including for one in 2 and one in 5 year storm events?

2. Given the deviations from engineering plans that occurred during construction of the Meadows at Shetland Road stormwater management system in 2005-2006, are mechanisms (e.g., third-party certified construction review) in place to ensure that the stormwater management system for the current phase is constructed according to plan and that post-development flow targets will be met?
3. We learned at the January 19th Public Information Meeting that Brison Developments requested on December 11/2020 that the 2019 application for a Development Agreement to permit two-unit residential development as part of Meadows Phase 2 be expanded to consider three- and four-unit dwellings as well. As such a change is likely to hold implications for stormwater management (e.g., with an increase in impervious surfaces, like roofs), there would seem to be a need to reassess the Storm Drainage Environmental Protection Plan developed by DesignPoint (and dated July 16/2020) to consider possible impacts on post-development flows. I recognize such a reassessment may need to await a final determination of how many of each size of dwelling (1-, 2-, 3-, and 4-units) would be built, but has this reassessment been conducted, and can the results be shared once they are available?
4. Who is assuming responsibility for pond maintenance (and its associated costs)?

Sewer Capacity

First, some data that inform the issue of sewer capacity:

- The Municipality's website on "wastewater treatment" indicates that the Falmouth sewer treatment plant serves approximately 600 households and that it was built in 1975 and upgraded in 2009 and 2010.[7] A municipal staff person is quoted in a 2016 media report indicating that the Falmouth facility served between 500-600 homes at that time, and was processing between 400-600 cubic metres of wastewater a day, out of an approved 723.5 cubic metres a day maximum. He is also quoted as indicating an expansion to double the capacity of the Falmouth facility would cost between $600,000 - $800,000.[8]
- While the exact number of households to be added to Falmouth through Phases 1 and 2 of the Meadows Development is not yet clear, it would appear to be somewhere between 104 and 130 (though perhaps higher). This increase alone would bring the number of households relying on the sewer service to between 704-730. If 600 households have been generating a peak volume of 600 cubic metres of wastewater a day, then this addition appears set to bring the peak volume to between 704-730 cubic metres/day, a range that approaches and then exceeds the approved maximum of the

[7] Retrieved Feb. 7, 2021 from https://westhants.ca/rural-services.html.
[8] Retrieved Feb. 7, 2021 from https://www.saltwire.com/news/local/west-hants-windsor-fail-to-co-operate-on-joint-sewage-treatment-project-50284/

facility. Any increase in households from other developments in Falmouth would also need to be taken into account (as well as the potential for up to 75 additional units at Phase 3 of the Meadows Development[9]).

And two additional points:

- It has been observed by local residents that the lift station located along Highway 1 between Gabriel Road and Falmouth Dyke Road already experiences periodic problems which result in wastewater overflow being directed into the field adjacent to the station.
- In the *Municipality of the District of West Hants Planning Strategy* (p. 38), the Council at the time acknowledged the concern of some Falmouth residents about the impact multi-unit residential development could have on the community. However, they pointed out that higher density development would allow the costs of needed service upgrades to the sewage treatment facility and water utility to be shared among more users, reducing the cost to individual households.

Questions:

1. Is the capacity of the current wastewater system (lift stations, treatment plant) able to handle the wastewater flows (including peak flows) projected with the increase in households?
2. On the face of it, the idea that higher density development, like the one proposed for the Meadows, will pay for needed service upgrades suggests that the development may precede the service upgrades. What are the timelines here? The danger, if upgrading fails to precede or at least keep pace with development, is that the period between the completion of the development and then the completion of the service upgrades would be one where our sewer and water utilities would be at heightened risk of being overloaded. How is this problem going to be addressed?

Water Capacity

Background notes:

- It was noted in the *Municipality of the District of West Hants Planning Strategy* (pp. 38, 112) that the Falmouth Water Utility required updates to the dam and reservoir "if it were to meet projected demand past 2016." In 2006, the cost was estimated to be $1.5 million (p. 112).
- The Municipality of West Hants indicated in its 2019 application to the Review Board to amalgamate West Hants's 3 water utilities (section 62) that $1.5 million was included in the 2021-2022 capital budget for the Falmouth Water Utility dam improvement project.[10]

[9] Unit summary, ZZap site plan, Version 104, June 8, 2020.

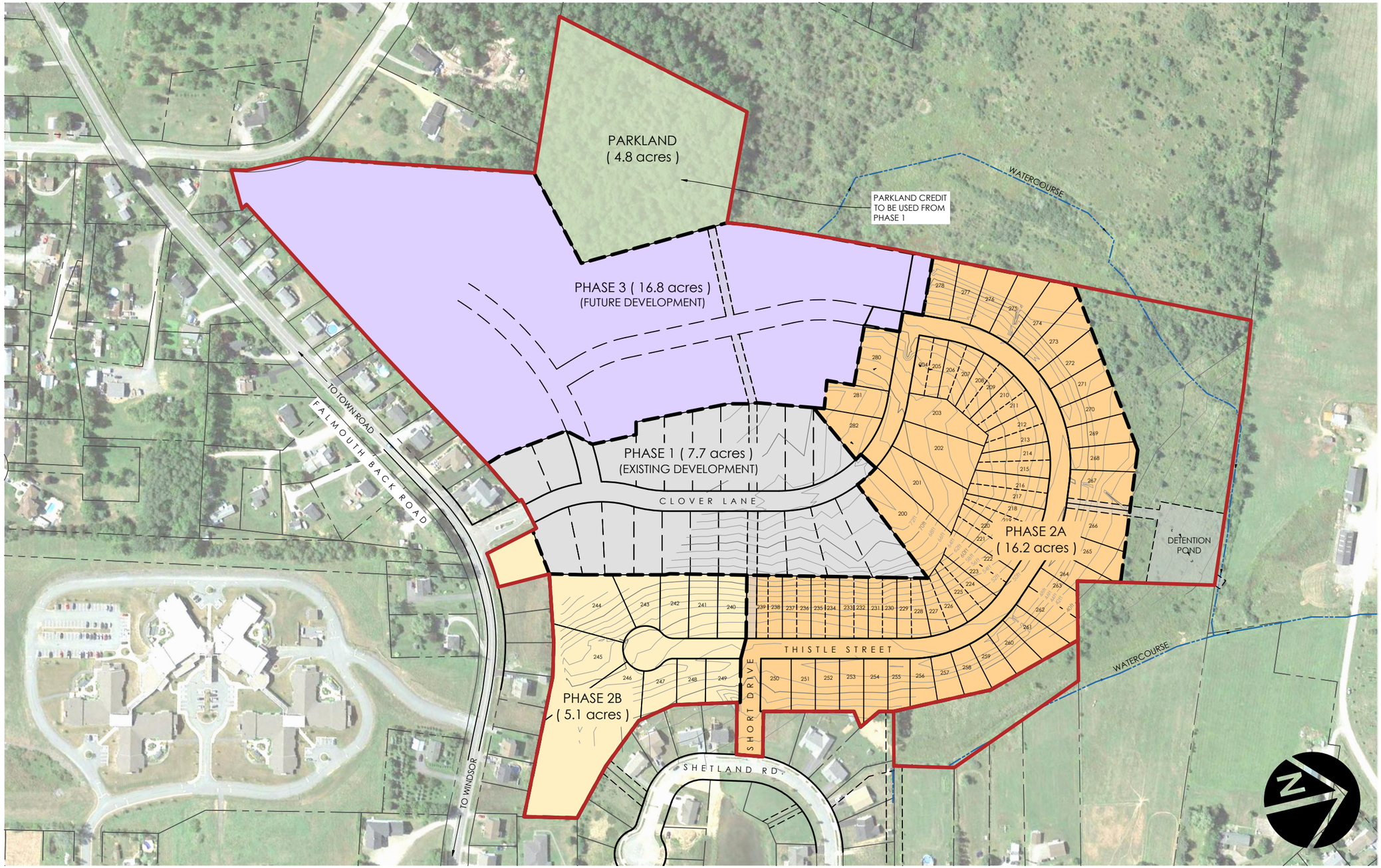
[10] Retrieved Feb. 7, 2021 from https://nsuarb.novascotia.ca/sites/default/files/M09013%20-%20Decision.pdf

- The Municipality also indicated in its 2019 application that, because of supply forecasts, the dam needed to be raised to increase the available water yield from the French Mill Brook watershed (section 62).
- In its decision on the 2019 application, the Board noted the Municipality needs to seek Board approval of the proposed capital project (section 67).
- The West Hants Regional Municipality website indicates that the French Mill Brook watershed currently supplies water to approximately 780 households in the Falmouth Growth Centre.[11]

Questions:

1. What updates (from smaller, like new hydrants, to larger, like the dam project) are currently planned for the Falmouth Water Utility and are they sufficient to meet the increased demand on water services (for residential use, fire protection, etc.) that will accompany Meadows development (with the potential for 130 new dwelling units at Phase 2 and up to 75 additional units at Phase 3 to be added to the 780 households already being supplied by the French Mill Brook watershed)?
2. What is the timeline for implementing needed updates to the utility? Will the updates be implemented on a timeline that allows the Water Utility to keep ahead of the increased demand from this residential development?
3. Have the (shorter/longer-term) impacts of the dam/reservoir project on the French Mill Brook Watershed been assessed?
4. Has the dam/reservoir project been approved?

[11] Retrieved Feb. 7, 2021 from https://www.westhants.ca/water-treatment.html. Also reported in March 2018 West Hants Planning and Development Department Background Report on Infrastructure (Report 6 of 9) (https://westhants.ca/planning/west-hants-plan-review/2018-plan-review-reports/2150-6-04-23-2018-background-report-infrastructure-pdf/file.html).



LEGEND

- Site Boundary
- Adjacent Property Boundary

UNIT SUMMARY		
	Area (acres)	Maximium Units
Phase 2A (R1)	16.2	36
Phase 2A (R2)		36
Phase 2B (R1)	5.1	10
Total	**21.3**	**82**

Phase 3 up to maximum of 75 units

SITE SUMMARY:

- Existing Zone: Multiple Residential
- Total Land Area: 56.7 acres

NOTES:

- Subject to survey. Property lines and topographic features are approximate only.
- Site subject to by-law review and regulations.

SOURCES:

- Plan based on DesignPoint Site Plan file: '14-033_Base_20200401.dwg'

SCALE:

0 15 30 75 150m

1 : 3,000 contour interval 2 feet

SHEET: 11x17

FILE: C:\Users\Ken\zzap.ca\Business Development - Documents\2020\027 Brison - Meadows\1_DWG\1_Site Plan\20-BD-027-SITE_PLAN-104.dwg

Zwicker Zareski architecture + planning
1 Canal Street, Dartmouth, NS B2Y 2W1 ZZap.ca

Site Plan : The Meadows

Falmouth, Nova Scotia

Version 104

Designer: K.WATTERS

Planner: C.MARKIDES

Date: JUNE 08, 2020

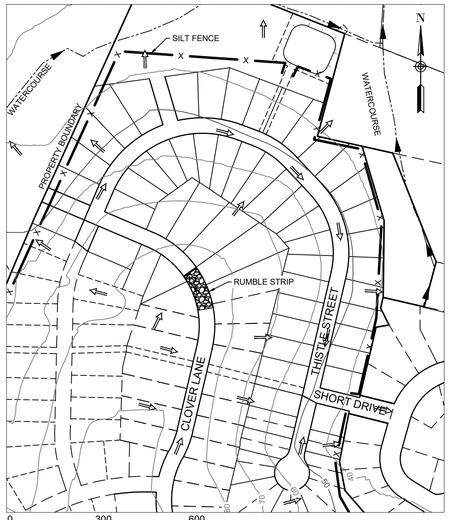


https://valleygardenhomes.ca/the-meadows/

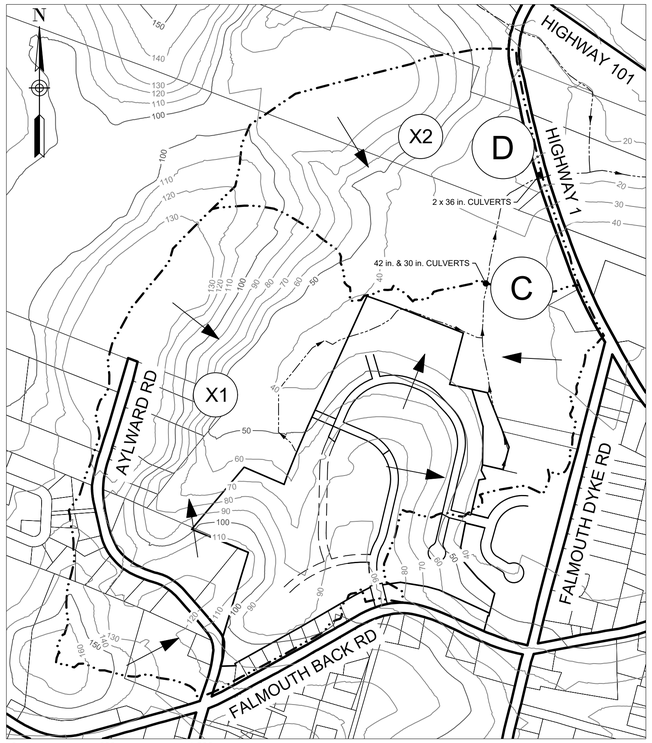
GENERAL EROSION AND SEDIMENT CONTROL NOTES

1. EXPOSED SOIL TO BE MINIMIZED AT ALL TIMES DURING CONSTRUCTION TO LIMIT SEDIMENT LADEN RUNOFF. THIS IS TO BE ACCOMPLISHED BY COMPLETING ALL WORK IN A GIVEN AREA ONCE EXCAVATION HAS BEGUN BEFORE DISTURBING ADDITIONAL SOIL. CONTRACTOR IS TO BE AWARE OF CURRENT WEATHER FORECASTS AND PLAN SOIL STABILIZATION ACCORDINGLY.
2. ALL WORKS TO BE IN ACCORDANCE WITH NOVA SCOTIA ENVIRONMENT REQUIREMENTS.
3. CONTRACTOR TO ACQUIRE ALL PERMITS REQUIRED TO PERFORM WORK AND TO COMPLY WITH ALL PERMIT REQUIREMENTS DURING CONSTRUCTION.
4. CONTRACTOR TO PROTECT NATURAL WATERCOURSES FROM SILT LADEN RUNOFF FROM CONSTRUCTION SITE. CONSTRUCTION PROCEDURES CAN BE FOUND IN THE CURRENT EDITION OF "EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" BY NOVA SCOTIA ENVIRONMENT.
5. CONTRACTOR TO ENSURE THAT ALL EXPOSED AREAS ARE STABILIZED PRIOR TO RAINFALL EVENTS BY CHECKING ENVIRONMENT CANADA FORECASTS (https://weather.gc.ca/canada_e.html).
6. CONTRACTOR TO PERFORM WEEKLY INSPECTIONS OF SEDIMENT CONTROL MEASURES AND MAKE REPAIRS AS NEEDED. ADDITIONAL INSPECTION AND REPAIR TO BE CARRIED OUT BEFORE AND AFTER ANY RAINFALL EXCEEDING 10 mm. A LOG OF EACH INSPECTION AND REPAIR IS TO BE KEPT ALONG WITH A WEEKLY REPORT OF EXPOSED AREAS.
7. TRIBUTARY STORM RUNOFF FROM SITE TO BE DIRECTED INTO SEDIMENT CONTROL DEVICES DURING CONSTRUCTION.
8. CONTRACTOR TO CONSTRUCT AND MAINTAIN DIVERSION DITCHES THROUGH AND AROUND THE SITE TO MINIMIZE CONTAMINATION OF CLEAN WATER.
9. CONTRACTOR TO HAVE ADDITIONAL SEDIMENT CONTROL MEASURES ON SITE INCLUDING SILT FENCE, BALED HAY, AND LOOSE HAY/MULCH TO MAINTAIN OR INSTALL CONTROL MEASURES AS REQUIRED.
10. EXPOSED SURFACES TO BE COVERED WITH HAY, MULCH, OR WOOD CHIPS TO LIMIT SEDIMENT RUNOFF.
11. CONTRACTOR MAY SUBSTITUTE WOOD CHIP BERM FOR SILT FENCE IN ROCKY AREAS WHERE SILT FENCE CANNOT BE INSTALLED.
12. SEDIMENTATION BERMS AND PONDS TO REMAIN IN SERVICE UNTIL PROJECT ENGINEER OR THE MUNICIPALITY REQUESTS THEIR REMOVAL. THIS WILL ONLY OCCUR AFTER LOT AND BUILDING CONSTRUCTION IS COMPLETE.
13. SEDIMENTATION BERMS AND PONDS TO BE REMOVED IN THE FOLLOWING ORDER. LEVEL OFF BERMS, HYDROSEED AND COVER ALL EXPOSED AREAS WITH HAY, THEN FILL IN PONDS.
14. UPON COMPLETION OF GRADING ACTIVITY, ALL LOT DRAINAGE EASEMENTS ARE TO BE HYDROSEEDED AND MULCHED.
15. TOPSOIL AND HYDROSEED TO BE PLACED ON ALL AREAS NOT FINISHED WITH ASPHALT, CONCRETE, GRAVEL, OR SOD.
16. ACCESS ROADS TO SITE ARE TO BE MAINTAINED WITH CLEAN GRAVEL APPLIED PERIODICALLY TO COVER MUDDY AREAS. CLEANING OF ADJACENT STREETS IS THE RESPONSIBILITY OF THE CONTRACTOR AS DIRECTED BY THE ENGINEER.
17. VEHICLE ACCESS TO CONSTRUCTION SITE TO BE RESTRICTED.
18. STABILIZE ON-SITE STOCKPILES USING APPROPRIATE MEASURES (SILT FENCE, HAY, TARPS, ETC.)
19. SITE ACTIVITY TO ADHERE TO REQUIREMENTS OF HALIFAX REGIONAL MUNICIPALITY TOPSOIL BY-LAW.
20. ALL SEDIMENT CONTROL MEASURES TO BE OPERATIONAL OVER ENTIRE CONSTRUCTION PERIOD.
21. SEDIMENTATION AND EROSION CONTROL MEASURES ARE SUBJECT TO CHANGE. ADDITIONAL MEASURES MAY BE REQUIRED DEPENDING ON SITE CONDITIONS DURING CONSTRUCTION.

ENVIRONMENTAL PROTECTION PLAN



PRE-DEVELOPMENT DRAINAGE PLAN



CATCHMENT	AREA (ac) ±	CN
A1	4.75	77
A2	1.47	77
A3	1.75	77
A4	0.81	77
A5	0.83	77
A6	2.16	77
B1	2.10	77
C1	2.06	77
C2	5.48	77
C3	4.80	77
X1	152.31	63
X1A	131.85	63
X2	56.23	63

FLOWS ARE BASED ON RAINFALL DATA FROM ENVIRONMENT CANADA - KENTVILLE 24 HOUR STORM.

- 5-YEAR: 3.36 in.
- 10-YEAR: 3.84 in.
- 25-YEAR: 4.56 in.
- 50-YEAR: 5.04 in.
- 100-YEAR: 5.52 in.

APPROXIMATE POND/WATER ELEVATIONS (ft)	
BOTTOM	30.00
TOP	37.50
5-YR	32.84
10-YR	33.64
25-YR	34.34
50-YR	34.89

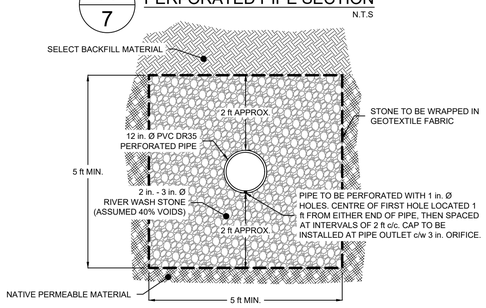
STORM	FLOW TO POINT A (cfs)		FLOW TO POINT B (cfs)		FLOW TO POINT C (cfs)		FLOW TO POINT D (cfs)	
	PRE DEVELOPMENT	POST DEVELOPMENT	PRE DEVELOPMENT	POST DEVELOPMENT	PRE DEVELOPMENT	POST DEVELOPMENT	PRE DEVELOPMENT	POST DEVELOPMENT
5-YEAR	6.20	5.83	0.87	0.89	20.01	20.18	24.64	24.83
10-YEAR	9.49	7.6	1.51	0.91	32.3	31.98	39.12	39.03
25-YEAR	14.7	10.13	2.56	0.91	52.6	52	63.07	62.68
50-YEAR	18.66	12.89	3.37	0.91	68.19	67.59	81.08	80.7
100-YEAR	22.84	16.54	4.24	0.91	84.71	83.72	99.92	99.28

MINOR PIPED STORM SYSTEM DRAINAGE ANALYSIS - SCS METHOD

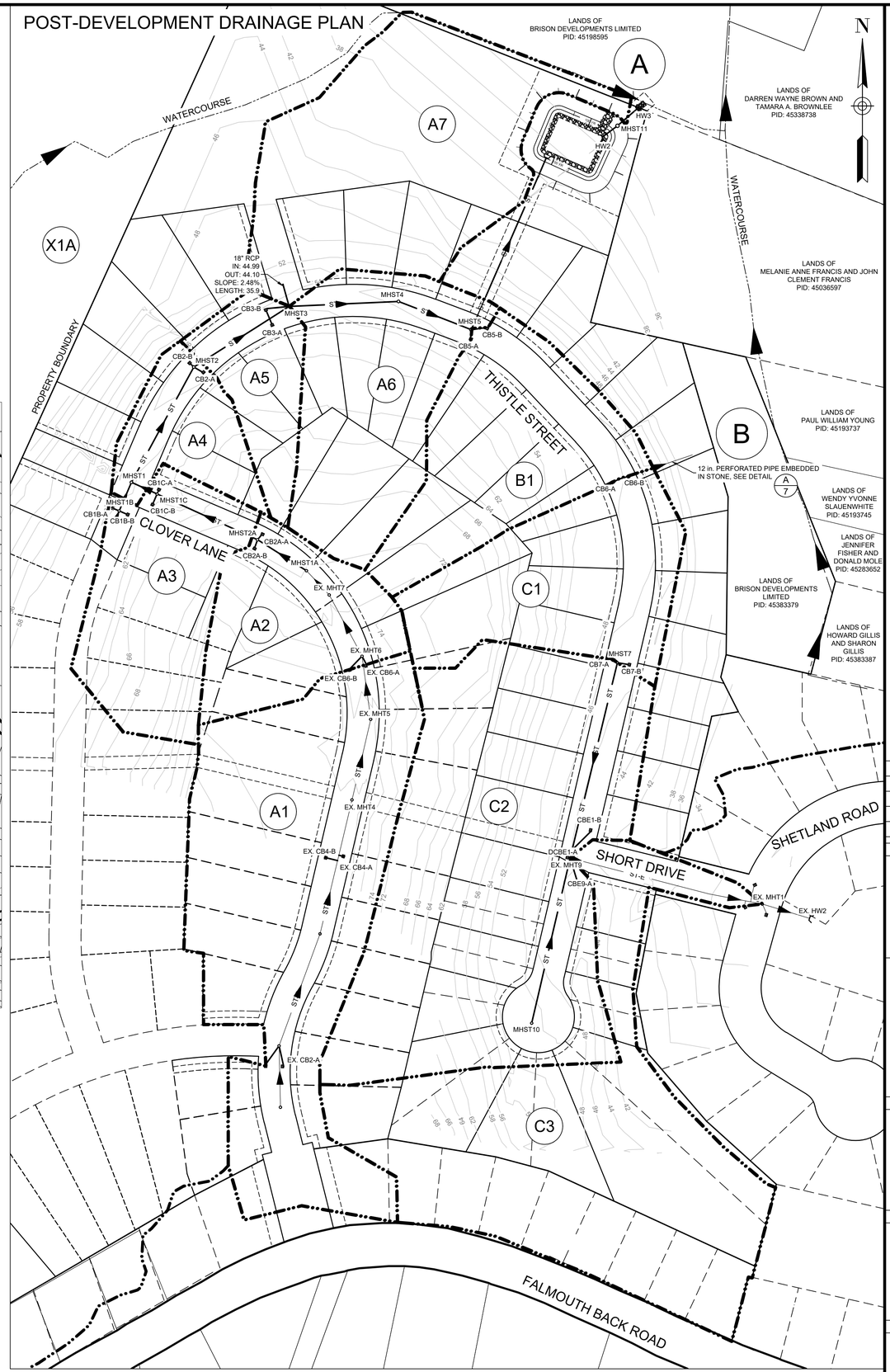
UPSTREAM MH	DOWNSTREAM MH	TRIBUTARY AREA	TRIBUTARY AREA (ac)	Qd -DESIGN FLOW (cfs)	PIPE SIZE (in.)	PIPE SLOPE (%)	Qc - PIPE CAPACITY (cfs)	Qd/Qc
EX. 7	1A	A1	4.75	8.77	18	1.50	12.90	0.68
1A	2A	A1	4.75	8.77	18	3.25	18.99	0.46
2A	1C	A1-A2	6.23	10.29	18	4.00	21.06	0.49
1C	1	A1-A2	6.23	10.29	18	4.16	21.48	0.48
1B	1	A3	1.75	3.03	18	2.50	16.65	0.18
1	2	A1-A3	7.98	12.63	21	0.70	13.29	0.95
2	3	A1-A4	8.78	14.02	24	0.70	18.98	0.74
3	4	A1-A5	9.61	15.36	24	0.80	20.29	0.76
4	5	A1-A5	9.61	15.36	24	1.00	22.68	0.68
5	OUTFALL	A1-A6	11.77	18.77	30	0.75	35.62	0.53
CB6-B	OUTFALL	B1	2.10	3.12	12	5.00	10.38	0.30
7	EX. 9	C1	2.06	3.83	15	1.10	6.79	0.56
EX. 9	EX. 1	C1-C2	7.54	13.83	24	0.75	19.64	0.70
EX. 1	OUTFALL	C1-C3	12.34	22.55	30	0.50	29.08	0.78

A/7 PERFORATED PIPE SECTION

N.T.S



POST-DEVELOPMENT DRAINAGE PLAN



PRE-DEVELOPMENT DRAINAGE BOUNDARY

POST-DEVELOPMENT DRAINAGE BOUNDARY

STORM SEWER

PRECAST HEADWALL

A1 TRIBUTARY AREA ID

SILT FENCE

MAJOR DRAINAGE ROUTE

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

ISSUE	DATE	DESCRIPTION
4	JUL. 16, 2020	PERFORATED PIPE ADDED
3	JUN. 12, 2019	REVISED AS PER MDWH COMMENTS
2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
1	MAR. 27, 2015	ISSUED FOR REGULATORY REVIEW

CONSULTANT

DESIGN POINT ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
DATE JUL. 16, 2020
Glen woodford
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

STORM DRAINAGE / ENVIRONMENTAL PROTECTION PLAN

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	7 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	AS NOTED	14-033CBase.dwg	

Todd Richard, Director of Public Works, Response to Lee Chambers Questions on February 23, 2021

1. Is there data available that addresess the question whether the proposed Meadows Phase 2 Development, as configured under the most recent ZZap site plan, is expected to increase flooding risk (as indicated by post-development flows exceeding pre-development flows) for properties on the East side of Falmouth Dyke Rd (where stormwater from the Shetland Rd pond enters the Elderkin Creek Drainage System through the Dyke Rd Culvert and Connector Ditch), including for one in 2 and one in 5 year storm events? (may be a question for Design Point, let me know and I can pass it along?)

Response: The Shetland stormwater pond was originally designed to accept stormwater water from part of the phase 2 Meadows lands and the pre/post balancing will take place in both the new and existing ponds. The designers of the Shetland Road project provided a 30" storm pipe to accommodate stormwater from the Meadows Phase 2 project. This connection has been made and the post development flow from the phase 2 Meadows land to this 30" pipe is approximately 23 cfs., while the pipe capacity is approx.. 29cfs. All indications are that less water will be released East of the Dyke Road.

2. On the face of it, the idea that higher density development, like the one proposed for the Meadows, will pay for needed service upgrades suggests that the development may precede the service upgrades. What are the timelines here? The danger, if upgrading fails to precede or at least keep pace with development, is that the period between the completion of the development and then the completion of the service upgrades would be one where our sewer and water utilities would be at heightened risk of being overloaded. How is this problem going to be addressed?

Response: All service upgrades for the proposed development itself are the responsibility of the developer. As development is being reviewed by the municipality the capacity of water and sewer systems is always a factor and consideration before approval is given. It has been determined that the existing potable water and sanitary sewer systems have adequate capacity to support this project.

3. What updates (from smaller, like new hydrants, to larger, like the dam project) are currently planned for the Falmouth Water Utility and are they sufficient to meet the increased demand on water services (for residential use, fire protection, etc.) that will accompany Meadows development (with the potential for 130 new dwelling units at Phase 2 and up to 75 additional units at Phase 3 to be added to the 780 households already being supplied by the French Mill Brook watershed)?

Response: Future water and sewer upgrades, replacements and any required expansions due to increased demand are part of our long term planning and water system assessments. We also operate and maintain our water systems to reduce water leakage and promote water conservation to help off-set costly capital projects. We have been successful in doing this through pressure management, leak detection / repair. Our current average daily usage is approximately 40% of the design capacity of the Falmouth WTP and approximately 67% design capacity for the Falmouth Wastewater Treatment Facility. The wastewater treatment facility in Falmouth received upgrades (phase 2) several years ago. Part of the design allowed for a phase 3 to be added for future growth and capacity if and when required.

4. What is the timeline for implementing needed updates to the utility? Will the updates be implemented on a timeline that allows the Water Utility to keep ahead of the increased demand from this residential development?

Response: Required upgrades for the water utility infrastructure are identified in our 5 year capital budget. We are currently working with professional consultants on reviewing all options for future growth in the service areas and with a regional approach. Consolidation has allowed us to take a more system wide approach and we are currently exploring the feasibility of connecting water systems that are currently independent to increase redundancy, capacity and resiliency.

5. Have the (shorter/longer-term) impacts of the dam/reservoir project on the French Mill Brook Watershed been assessed?

Response: As noted above this assessment in being reviewed / studied on a regional approach. Future water yield requirements for all systems will be part of this review.

6. Has the dam/reservoir project been approved?

Response: Due to ongoing water loss prevention and conservation efforts we have been able to reduce water demand, extending the time until dam upgrades are required. This item is identified in our capital budget for future years, if and when required.

February 5, 2021

Saira Shah
Planner
West Hants Regional Municipality
P.O. Box 3000, 76 Morrison Drive
Windsor, N.S. B0N 2T0

Subject: Public Meeting January 19, 2021 Regarding Phase (2A) (2B) & (3) Meadows Subdivision

Please Consider this letter as a response from a concerned citizen who owns property under construction at (Lot 101) #11 Clover Lane in the Meadows Subdivision.

We found the presentation to be less than transparent with what exactly is proposed for this Development Agreement Request. We believe that all the specifics of Phase 2A, Phase 2B and Phase 3 should be included in this agreement, i.e. all lots drawn in and type of homes with pictures included. It is apparent that the Development Agreement signed on September 27, 2007 regarding PID 45371887 was not adhered too and was extended. The developer is now trying to grandfather this agreement into Phase 2A but not at the agreed upon 8 two unit semi detached dwelling limit. He has expanded the original agreement of 8 two unit dwelling units to 18 units. That is more than double what was proposed and agreed to on September 27, 2007. This 2021 proposed development agreement does not include landscaping and buffering to screen views of this part of the development from existing developed properties.

We believe that Falmouth is the cash cow of the new municipality and that your current planning policy guidelines will not serve the Municipality well in the future. The single dwelling units in a development should be be at least 60% not 30% of any new development and two unit semi detach buildings should be at least 3500 sq. ft. per unit not 2100 sq. ft. A change like that will make it in line with existing developed properties by reducing the dense row of houses and provide more greenery and trees.

We believe the developer should provide accurate details on the map they presented at the meeting. At one time walking access may have been accurate but now it is not accurate. Lots have been changed on the lot side of Clover Lane to eliminate that access, i.e. the Ford property and the one adjacent to it have eliminated that access. The lots in Shetland Road are supposed to be single dwelling but there is a semi detached two unit building as you approach the cul de sac. How did this get approved?? Or is it a legitimate nanny unit??

We are concerned about the current planning policy that allows parkland dedication to wait until the approval of the final plan of the subdivision. This green space should be established with each phase of the subdivision. People should not have to wait 10-20 years for it to be provided if at all. The idea that a developer can do all this construction and then deed over unsuitable land for parkland at the end of the development or just pay cash and not provide any recreation or parkland is definitely not in the interest of the people living in he subdivision or near by. Green space should not be for sale. That is a cash grab for general recreation funds.

With multiple dwelling units comes a higher density of homes, people and vehicle traffic. It will be unsafe for children to play on the street or for senior citizens to go for a walk. We should have walking trails built to facilitate usage for both children and seniors. We should have play ground facilities for recreation now not many years later or not at all.

Why not designate a smaller area in Phase 2B, Phase 2A and Phase 3. A great place would be near the pond in Phase 3 near Alyward Road. Children currently play hockey on the pond. We could have a walking trail and benches. The pond could be enhanced to allow and encourage wild life and be useful year round. The parkland already designated is too steep and difficult to develop as is and comes way too late in the development.

Why are there no parking places for visitors and extra cars associated with the higher density two unit dwellings? Where will visitors and extra cars park? How will snow plowing be affected by this oversight?

If Falmouth is a designated growth area for the municipality why not make it mandatory to have Falmouth Councillors on the Planning Committee?

We think if this plan goes forward as presented and as per the current Planning Policy; people who are attracted to the area which is primarily single unit living with green space, trees and good views will change their mind on moving to Falmouth and go elsewhere. A more enlightened approach would keep density lower, traffic flow lower and enhance the recreation and green spaces of subdivision development.

A reference was made with respect to the Crossings as an example of what to expect in Phase 2A. That development is very dense. There is row upon row of houses all similar in appearance. There are no green spaces. The views for the single unit homes are looking directly down on a well laid out but a very dense trailer court development. How does this protect property values and allow for the continuation of a complimentary and consistent pattern of development.

How does a higher density of homes impact the current sewer and water infrastructure? How fast do we have to plan and pay for additional facilities that all of us will be responsible for? Does it affect traffic patterns and school capabilities, etc?

How do we prevent the slippery slope when dealing with developers? They just give you alittle information and then continue to apply for changes even in the same development.

No one in Phase 1 of the Meadows was made aware that the plans for the subdivision were going to change to a higher density. If we had a plan like the one shown on the billboard near the Clover Lane entrance that shows what the developer envisions for all phases 1,2A,2B and 3 at least people could make an informed decision when making one of the largest purchases of their life.

In closing, please consider a lower density of development in Phase 2A, Phase 2B and Phase 3 now. Provide green spaces at the beginning of a development not at the end. Avoid 3 and 4 unit options at all cost. Ensure that any development agreements outline the entire picture of the development at the beginning and include details of the phases so that people can make an informed decision when considering the purchase of a lot or home.

If this comes to a vote, even a tie breaking vote, I hope any Councillor or Mayor would excuse themselves from any plan or developer that may present a real or perceived conflict of interest.

Sincerely,

Jim Davidson Zel Davidson 902-798-7844

cc: Richard Murphy

Dianne Parker
59 Clover Lane
Falmouth, NS
B0P 1L0

RECEIVED
FEB 0 9 2021

February 7, 2021

Saira Shah
West Hants Regional Municipality
76 Morison Drive, PO Box 3000
Windsor, NS
B0N 2T0

Dear Saira,

My name is Dianne Parker and I am a resident of the Meadows Subdivision. I am writing in regard to the proposed development of two, three, and four unit residential houses in the Meadows Subdivision.

I am disappointed to say the least. When I purchased my lot in January 2016, I was under the impression the lots in the subdivision were for single-family homes only. If this proposal moves forward, will these multi-unit residential homes be of comparable value to the homes already built and have similar covenants? I am genuinely concerned these multi-unit homes will severely impact the sale of single-family lots on the street as well as the home value of current single-family homes built in the subdivision.

I personally know of two retired couples, moving here from other counties in Nova Scotia, who are considering buying a lot in the Meadows Subdivision. However, one of these families has expressed to me they will be reconsidering these plans as a result of the multi-unit proposal.

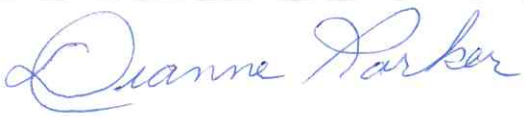
I have been informed that the ratio of multi-unit homes to single family homes, if the proposal moves forward, will be 70% to 30%. What is the reasoning for such a high percentage of multi-unit homes to single family homes? In my opinion, such an unbalanced ratio will make the area and the Meadows Subdivision much less appealing to potential single-family home buyers. If multi-unit homes are built in the Meadows, I believe a more equal ratio such as 50/50 or 60/40 would be more appropriate and be less likely to drive away potential single-family home buyers.

I am also concerned about the parking problems that could arise if this proposal goes forward. Will these multi units share a driveway, or will they each have their own? Extra cars parking on the street can create major safety issues, especially during the winter.

Further, green spaces play a major role in a development of this size. Grass, trees, benches and parks are key for such a family-oriented subdivision and would add great value to this community. It would be great to see a green space developed in the near future, hopefully during this upcoming summer. Are there any plans regarding the development of green spaces within the Meadows Subdivision?

Thank you for taking time to consider my questions and concerns. The decisions made with regards to the development of the Meadows Subdivision will have a vast impact on the sales of lots and future development in Falmouth. The decisions made with respect to this proposal are critical to attracting future buyers or turning them away. I look forward to your response.

Sincerely,



Dianne Parker
902-798-0020

Public Email Responses Submitted for the Meadows PIM

Erin Fitgerald January 12, 2021

Looking to submit a question for the Meadows development meeting next Tuesday.

Q: Will the planned development include a public park space for the children living in the area? Will there be trails?

Thanks!

Amy MacIntyre January 18, 2021

Hi Saira,

I live on Clover Lane and I am concerned with the development proposal I received in the mail. We chose to build in this subdivision because it was supposed to be single family dwellings. Not only will this affect our property values, but it will alter the look and feel of our community. Our street has several young families and having 2,3, and 4 unit dwellings will greatly increase traffic on what is currently not a very busy street. We were expected to follow the covenants of the subdivision when we built and therefore I would expect the developer to return the curtesy of developing his subdivision as originally planned.

Thanks,

Amy MacIntyre

Amy MacIntyre January 19, 2021

Hi Saira,

I'd like to offer additional comments after watching that presentation. The person that represented Brison Developments was not prepared and could not answer important questions such as whether lots would be for sale or if similar covenants to clover lane would be enforced. This was very disappointing.

I can also say that not one person on my street that I have spoken to was under the impression when they built here that this was the plan for the rest of the development. The development sign that faced the back rd always showed further development behind both sides of Clover Lane and it was implied that the entire development was to be held to the same as Clover Lane (i.e. Single family dwelling with the same covenants. This was very misleading by the developer.

Thanks,

Amy MacIntyre

Bill Preston January 21, 2021

Hi Saira,,

I understand that the Meadow development may consist of maybe 3 phases 2, 2b and future phase 3. Where can I find information on those?

Best regards, Bill

Lee Chambers January 22, 2021

Good morning Saira,

Thank you so much for your email earlier this week. I would very much appreciate being added to your email-list for those who wish to be kept informed about this application.

I will be submitting some questions prior to the Feb. 8 deadline regarding the application. However, I have a few questions about the public consultation process itself that I hope you can help me with.

1. Can you direct me to the policy document that governs the public consultation process for municipal decisions like this one?

2. Looking at the overview of the process you provided, am I correct that there are two public hearings, one prior to the Council meeting (tentatively) scheduled for March 23 and a second prior to the second reading (Apr. 27)?

3. You mentioned notices are placed in the local paper. I have lived in Falmouth for over a year and a half, so I'm a bit embarrassed to say I don't know the name of the local paper or where to find it. So, a similar request, would you direct me to this source?

4. How do members of the public receive answers to the questions they submit? Is there an opportunity for follow-up questions, in response to the answers given? Are all of the questions submitted and answers provided included in the relevant PAC meeting package posted online?

5. Given possible implications for stormwater and sewer, it strikes me that it would make sense to extend notification beyond 500 feet to include, at least, residents of properties along the sewer line and Elderkin Creek Drainage System. Would this be possible?

Thanks so much. Hope you have a nice weekend.

Cheers, Lee C.

Jill Ford January 26, 2021

Re property at 39 Clover Lane(lot 107)

Property owners Jill and Bob Ford

Re the meeting on Jan 19,2021

Showing on the revised Developers plan

For rezoning there is an easement for a right of way between lot 107 and 108.

We do not have this easement in our deed or part of our plot plan!

Can you contact the Developer and get a clarification on this and get back to us!

Thanking you!

Jill and Bob Ford

Stephane Richer January 24, 2021

Hi Saira.

My name is Stephane Richer and I live at 12 Clover Lane, Falmouth. We spoke on Monday,18 January about the proposed change to the zoning of Meadows Development; PID 45371879, 45383370, 45371887 and 45383957. I am writing this email to record my objection to the proposed zoning change.

When I purchased my home two years ago, I checked the zoning for the area and the covenants for Meadows Development and there was no mention of multi units homes allowed in the area. I am opposed to the change because I need to protect my investment as multi-unit homes will devalue my property. Like it or not, semi detached homes have a negative connotation no matter how upscale they are.

The presentation on Jan 19th mentioned that the Southern section of PID 45371887 would accommodate single detached homes but I walked the area and there are already two water lines going to each lot thus confirming semi detached will be built there. I find this somewhat presumptuous of the builder after spending all this money to assume that the zoning will change in his favor. Or maybe I am too naïve and it's already a done deal.

If the zoning changes, I will probably sell my home and move to another area.

Thanks

Jill Ford January 29, 2021

Hi Saira!

We are the Fords, Jill and Bob at 39 Clover Lane -When we bought here 2 years ago we were not told of the preposed rezoning from R1 to R2 -We are concerned for our property value and a congested area as well as the additional concerns below!

-Our cable and Electrical services are underground, in the new proposal all the services would be above ground -Also concerned about the water and sewer services and storm water drainage being inadequate, can the developer Elaborate further on these?

-With the additional multi units there would be a strain on schools, fireprotection, policeing and hospitals, can this be addresed!

-Also with the new proposal for rezoning The streets would be congested with additional traffic and parking as well as heavy equipment making it dangerous for children playing -Water drainage and soil stability may also Be an issue. Can you elaborate more on how this would affect the area with additional housing?

Re Phase 2A

-can we get a clarification of the proposed grandfathered 8 multi units in this phase?

Also can we see what housing plans are proposed for this area?

Also are these units 2,3 or 4 units?

Also would these be rentals? If so this would have an affect on property values The increase in population from 18 single family homes to 36 multi units would again be a concern as above

Phase 2B

-can the developer clarify the lots for this phase .Are they single or multi units?

Phase 3

-Again with an R2 zoning what type of units would be proposed for this phase?

-How can a zoning be changed without seeing the division of lots and what type of housing units to be built?

-our concerns re water pressure as well as a strain on all services in the community will be affected by an increase in population

Parkland

-Greenspace is very important to us as well -Looking at the proposed space we find it is located on a hill and wouldn't be a good space for children and seniors -Also why couldn't the Park space be built now rather than later?

Hopefully our questions will be answered at the next virtual meeting!

Thanking you!

Jill and Bob Ford

Steve and Joy Allen February 2, 2021

Feb 2,2020

Saira Shah

Planner, West Hants Reg. Mun.

I am writing regarding the letter I received and the virtual meeting held January 19th 2020. Regarding the Meadows Developement. My wife and I build a new home at 202 Falmouth Back Road in 2011.

It is my understanding that all of Falmouth for residential is zoned R1 , single Unit Residential.

When we built our home on the corner of Clover Lane and Falmouth Back Road we expected that the development and the future development of clover lane would remain zoned R1 with single residential homes. Everyone I have spoke to on Clover Lane , including the owners of 2 new expensive homes under construction assumed the same thing and are quite upset that the municipality may allow 2,3 and 4 unit residential units. During the virtual meeting a representative from the developer said that these unit could become rental units if there was a demand for them. I think it is hard for anyone to argue that this would take away current homes build in the development.

It is one thing if the Municipality decides to start zoning some developments in Falmouth R2,3 and 4, but a totally do not think it is fair the current land owners in the development to have rezoning or development agreement done in the middle of the project.

Regards

Stephen & Joy Allen

Barry Moore February 5, 2021

Hi Saira,

As a property owner adjacent the proposed development I viewed the information session held online on the 19th January. I added a few comments at the time of the meeting however I would like to provide the following comments and concerns:

a. I would like to comment that I have an issue with the rapid growth and the transformation of the rural Falmouth area into a mass of duplex, triplex homes. I feel that it is out of character with the rural area and is disrespectful to those residents that have lived here for a long time or moved here to enjoy the rural nature. Furthermore if this proposal is allowed to proceed then it sets a precedent that other developers will want to exploit and in 10 years the large rural areas will look like a suburb of Sackville.

b. I would like to comment that the proposed deeding of up to 4 acres of land on this development to the Municipality as green space is not of much use to the other residents of Falmouth. It is contained within the development and is hemmed in by other private properties such that access would be limited.

c. I would like it to be clearly presented to the residents of Falmouth how many additional homes all phases of this development could be adding once the phases are complete. In the presentation the developer talked a bit about the types of homes they are proposing but did not clearly identify the total number of homes; is it 30 homes, 100 , or a couple of hundred more homes. I feel that the public deserves to be presented with the complete picture and this information is essential to enable the planning department to properly assess the impacts.

d. The planning department should be providing an assessment on the impact this proposal will have on the water services. My understanding is that the water capacity in Falmouth is limited to the small collection pond on Eldridge Road and when I walk the trails in that area I don't see a massive reservoir of water . Will our water system be capable of supplying all these homes ?

e. The planning department should be providing an assessment on the impact this proposal will have on the sewer services. A number of years ago the sewer collection was improved (or at least we are paying for that improvement) . What was the design increase in capacity and will this be capable of handling the addition of all these homes ?

f. The planning department should be providing an assessment on the impact this proposal will have on traffic on the Falmouth Back Road. The Falmouth Back Road is a very busy road that is currently hazardous for pedestrians/cyclists due to the speed of cars in the area, the lack of sidewalks, lighting and frequently washed out areas. It would not meet urban standards yet this development proposes to add several hundred cars all trying to enter the Falmouth Back Road at one junction.

g. Although it does not directly affect me , the planning department should be providing an assessment on the impact this proposal will have on the school services. Falmouth school is a relatively small rural school with a good student/teacher ratio resulting in a quality education. Many of these new families will have young school age kids. Will the

school board have to bus the younger grade kids to other feeder schools or introduce temporary classrooms due to overcrowding.. What will be the quality of education that parents could expect ?

I would like to conclude by thanking you for your time. My personal feeling is that the residents of Falmouth, the Municipality of West Hants and the current infrastructure are not prepared for the rapid expansion that proposals such as this one will lead to. I look forward to your responses in the next public presentation of this proposal.

Regards,

Barry Moore

Peter Arsenault February 5, 2021

Your office was provided with a detailed letter by Jill Ford a resident of Clover Lane. I would like to support fully her comments against the upgrade to R2 from R1 . Also I am against the purposed foot path displayed on your map used in the internet briefing in Jan 2021, connecting everything to the green space in phase 3. This would be right through my yard . When I purchased here I was told the existing right of way was for maintenance of the water pipe if required . Nothing ever said about a right away for a foot path.

I have no problem with R1 as I knew that was the plan all along, but why change the game half way through?

That's my point!

So if this goes thru , it's going to be another " if you don't like it you can always move" situation again. I've already moved from two other residential houses in hants county because of other rule juggling.

I realize I'm most likely in the minority with the big plan , but this is the situation as it applies to me.

Peter Arsenault

38 Clover Lane

Sue Harvey February 5, 2021

To whom this may concern,

I strongly oppose the prospect of multi unit buildings in Falmouth. Has there been an impact study on property values of the existing properties? How much consideration has been given to the impact on existing infrastructure?

The local hospital and doctors can barely handle the existing population. There is no space available in the local schools. This is a process that should take many years in advance to plan.

Sincerely, Sue Harvey (local homeowner)

Adam Mosher February 8, 2021

Hi Sara,

My wife and I live on Clover Lane in Falmouth. Its been mentioned at a recent meeting that there are significant changes to what is being planned for our area, from what we were told when we bought our house (which we did in May 2020).

I was instructed by a neighbour who is getting everyone to express concern, that there is even a planned walk way over the easement. Which is not disclose during the purchase of our house on the easement wording as well.

Is this the right department to contact regarding this issue?

Thanks

Adam W. Mosher

Amanda Mosher February 8, 2021

Hi Sara

I'm Amanda Mosher Of 44 Clover Lane.

I will not allow or support any walkway near or on my property or anywhere on our street.

This is ridiculous, as I was not informed of any of this during the purchase of our property. I will support and stand with all Clover lane residents to ensure this new plan is stopped.

Matt Hebb February 6, 2021

Hi my name is Matthew Hebb I currently live on 31 Clover Lane. I'm emailing in regards to the quad plex and duplex structures that our being planned in that development. The covenants clearly stated when I built my house that only single dwelling homes were aloud to be built there. It is still in the covenants currently. If I knew a few years down the road my street would be turning into a retirement community or a low income housing plan. I never would of built there. Duplexes and quads usually attract older people or lower income families. Talking to all my neighbors they are saying the same thing. Building these multiple dwelling houses is only going to lower the value of the current single family homes and bring much more un wanted traffic on the street. 4x the amount as apposed to just single family dwellings. My question is how can the covenants that attracted most people to that street suddenly change. Also, from my understanding and correct me if I'm wrong, this could impact my sewer and water fees / bills. Anyway, no one on the street would of built there knowing what the future had in store. By reading the covenants before building there it seemed like a safe bet it would just be nicely maintained single family dwelling homes. What's the point of having covenants if they can change after a dozen houses already have built there, doesn't make sense to me. Thanks.

Brian Lynch February 7, 2021

Hello Ms. Shah,

Thank you for the information provided in you Facebook session. Unfortunately, we had some issues logging in and we missed the first few minutes of your presentation. My apologies if we ask questions that you may have already addressed.

Could you please clarify the number and type of new dwellings being built in Phase !, Phase 2A, Phase 2B and Phase 3?

What is the projected start and completion date of Phase 3?

If we understood correctly, there would be 70+ homes to be built in Phase 3 alone. We are very concerned about the amount of traffic on the newly constructed road behind our house as well as the increased volume of traffic on the already busy Falmouth Back Road. It is often difficult to get out of our driveway as it stands now and I can't imagine how much these 100+ houses will impact the traffic flow on the Falmouth Back Road.

We are wondering if there is any plan to address this issue?

Also, with this increase in population, how will this affect our water supply? Can the water supply accommodate such a large development? Will our water bills continue to escalate? This is definitely a concern.

Another issue is we are wondering how this will affect the value of our property. With a busy road already at the front of our property and now a busy road behind, it is concerning.

Is there any way to find out exactly where the houses/duplexes will be located in Phase 3 as they are already outlined in Phases 1 and 2 on the map?

Thank you for taking the time to consider these questions and concerns.

Take care

Brian Lynch and Tina Leighton

Attachment B
2021-03-11 File #19-15B Recommendation
Report Meadows Development

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Members of Planning Advisory Committee

Submitted by: _____
Saira Shah, Planner

Date: 2021-03-11

Subject: File 19-05 Meadows Development

LEGISLATIVE AUTHORITY

Municipal Government Act Section 229 and 230.

RECOMMENDATION

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

PAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow two-unit residential uses at PID 45371879, 45383379, 45371887, and 45383957, Falmouth, in a manner substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated March 11, 2021, taking note that this development agreement will discharge and replace the development agreement for PID 45371879 recorded at the Registry of Deeds on September 27, 2007 as document 88923751.

BACKGROUND

An initial application was received on December 13, 2019 from Brison Developments Limited to permit two-unit residential development at PID 45371879, 45383379, 45371887, and 45383957, Falmouth, West Hants. All necessary material for the application was submitted on July 14, 2020.

On December 11, 2020 the applicant requested that staff consider three and four-unit dwellings in addition to the two-unit dwellings requested on December 13, 2019.

On February 23, 2021 the applicant withdrew their request for three and four-unit dwellings and asked that staff only consider the initial application request for two-unit

residential development. The change in application is further explained in the "Applicant Requests" section of this report.

The combined properties are approximately 49 acres and are all owned by Brison Developments Limited. There is a registered development agreement between Meadows Development Limited (former owners) and the Municipality on PID 45371887 in August 2007 to permit eight (8) semi-detached dwellings. Brison Developments Limited wishes to discharge that agreement as part of this application to ensure the same requirements apply to the entire development site.

DISCUSSION

All four (4) properties are designated Residential in the Falmouth Growth Centre on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1).

The properties are all zoned Single Unit Residential (R-1) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). The properties are bound on almost all sides by properties zoned Single Unit Residential (R-1) except for PID 45371887 which neighbours a property zoned institutional (I) to the east and PID 45371879 which neighbours a property zoned Agricultural Priority 3 (Ar-3) to the north.

Only single unit dwellings, accessory apartments, and existing manufactured homes are permitted in the Single Unit Residential (R-1) zone. The applicant would like the opportunity to develop two-unit dwellings which are not permitted as-of-right.

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:*

(d) comprehensively designed multiple residential development consisting of a mix of single unit, semi-detached, duplex and townhouse dwellings in the Falmouth Growth Centre in accordance with Policy 5.4.4 of the Municipal Planning Strategy;

A semi-detached dwelling is defined in the WHLUB as *a building that is divided vertically into two dwelling units, each of which has an independent entrance*. A duplex is defined in the WHLUB as *a building that is divided horizontally into two dwelling units, each of which has an independent entrance directly or through a common vestibule*. The current definitions for semi-detached and duplex are specific in terms of construction type and staff have discussed adopting more general definitions for two-unit dwellings as part of the plan review with PAC. Staff have added the two-unit dwelling definition accepted by the PAC for the plan review to the agreement and use the term two-unit dwelling instead of semi-detached or duplex in the agreement. This will give the applicant more flexibility in terms of construction type while still restricting the number of units per building to two (2) meeting the overall intention of Council in Section 6.1 (d) of the WHLUB.

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.

Applicant Requests

The applicant is proposing a mix of single and two-unit dwellings built over three phases: Phase 2A, 2B and 3. The draft development agreement, including the concept plan, can be found in Appendix C. Lot dimensions and street layout are established in the concept plan for Phase 2A and Phase 2B. However, the applicant has not provided those details for Phase 3 and wishes to have flexibility in terms of the layout. The agreement enables the applicant to use any lot configuration or design elements from Phase 2A and 2B in Phase 3 and the lot requirements are outlined in the text of the agreement. Any new streets not shown on the concept plan must meet the requirements of the Municipal Services Specifications Manual and the West Hants Subdivision By-law.

The applicant wishes to have flexibility in terms of the types of dwelling units permitted in Phase 3 to meet changing market demand. This included a request to list "dwelling types" as a non-substantive amendment to the development agreement. A non-substantive amendment would not require a Public Hearing by Council. Staff determined an amendment to add additional "dwelling types" to the list of uses permitted would have a major impact on the community and should not be considered a non-substantive amendment. However, staff have discussed alternative options to create flexibility for the applicant. The criteria that enables Council to consider this development agreement specifies that a minimum of 30 percent of the development must be single unit dwellings and the density of development must be limited to four and a half (4.5) dwelling units per acre. These requirements are included in the development agreement to reflect Council's intention for the area. The concept plan states a maximum of 75 units can be constructed in Phase 3. However, the specific number of two-unit dwellings permitted has not been specified in the concept plan or text of the development agreement for Phase 3 which will create flexibility for the applicant.

Policy 5.4.4 which enables Council to consider this application by development agreement includes criteria which requires the property (or development site) to have frontage on an arterial or collector street and be at least 25 acres. Staff told the applicant if they sell the property that provides the frontage or subdivide and sell several properties reducing the overall development site to under 25 acres future amendment applications for the agreement may not be recommended by staff as the development site would no longer meet the criteria. In December 2020, the applicant requested the addition of three and four-unit dwellings to be considered for Phase 3 of the development to avoid a future amendment application for the agreement. Staff sent out additional inquiries to receive comments on the criteria as the addition of three and four-unit dwellings was considered a major change to the application. The Department of Transportation and Infrastructure Renewal (DTIR) requested that a traffic impact study (TIS) be provided before a development permit could be issued. This was different than DTIR's initial request based on the initial application for two-unit dwellings. In the first request for comment DTIR asked for a traffic impact study after the 100th residential permit had been issued or any development commenced in Phase 3. When staff asked for clarification as the proposed maximum number of units permit had not changed DTIR stated *"The TIS is triggered by the number of trips generated as opposed to the actual number of structures. With the increased population density*

(from single and two-unit to the addition of three and four-unit dwellings), it is anticipated that the trip generation threshold will be met sooner than at 100 structures." The applicant was made aware of this requirement and on February 23, 2021 they withdrew their request for three and four-unit dwellings to proceed with the initial request for two-unit dwellings as the applicant felt the additional requirements from DTIR would place an unnecessary burden on them.

The applicant requested a reduced minimum lot frontage requirement for single-unit dwellings of 50 ft. and reduced side yard requirements of 6 ft. Staff have no concerns with these reductions as it will enable compact development that better utilizes municipal services and National Building Code requirements would still apply.

The applicant has entered into two (2) parkland agreements with the Municipality for development in the surrounding area. As a large area of parkland is dedicated in the agreements, staff have enabled the Development Officer to consider the Public Parkland outlined in the parkland agreements on August 22, 2011 and April 10, 2012 as part of the parkland contribution requirement for this development. If additional parkland is required to meet the requirements of the Subdivision By-law and the agreement the Development Officer can request additional land.

Sections of the development agreement related to storm drainage and ownership of the detention pond required extensive consultation with the Director of Public Works, the applicant, and the Chief Administrative Officer. Staff have determined the requirements of the Subdivision By-law and the Municipal Services Specifications Manual for West Hants are sufficient. However, if the owner wishes to maintain ownership of the detention pond, the owner will need to submit confirmation of performance on an annual basis and fix any issues that arise.

WHMPS Specific Criteria

Policy 5.4.4 of the WHMPS establishes Council's intention to consider proposals for comprehensively designed multiple residential developments in the Falmouth Growth Centre by development agreement. The above policy establishes the criteria to be considered by Council, which are examined in detail in Appendix A. In summary, the criteria are met since:

- the development agreement has specific stipulations for density and ensures that a minimum of 30 percent of the total number of dwelling units will be single unit dwellings;
- a traffic impact study will be required before the 100th residential unit development permit can be issued or before any development can start in Phase 3 and all work required by the recommendations in the traffic impact study must be completed;
- the reduced setback requirements will enable a planned compact community that makes efficient use of streets and municipal infrastructure; and
- the stormwater management plan is considered satisfactory by the Municipal Engineer.

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 of Building and Fire Inspections Services, Director of Public Works and Department of Transportation and Infrastructure Renewal have no major concerns which have not been address in the draft development agreement.

Request for Discharge

West Hants entered into a development agreement with Meadows Development Limited in 2007 to permit eight (8) semi-detached dwellings on PID 45371887. To include this property in the new agreement, staff recommend discharging the current agreement.

Section 229 (2) of the MGA states *A council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with the concurrence of the property owner*.

The applicant has indicated they agree to a discharge of the previoys agreement. Clause 5.7 (b) of the draft development agreement would discharge the existing development agreement for PID 45371887.

Municipal Climate Change Action Plan

Based on the Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps there may be a risk of inland and coastal flooding in close vicinity to the properties but not directly on the properties as shown in Figure 3 and 4. The Falmouth Stormwater Management Plan (Falmouth SWMP) shows similar flooding potential downstream from the development site (Figure 5). The Municipal Engineer is satisfied that the stormwater management ponds will reduce the post-development flows by 10% to 23% compared to the pre-development flows to the downstream area based on the stormwater model presented.

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 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 allow two-unit dwellings at PID 45371879, 45383379, 45371887, and 45383957 in Falmouth.

Approval Process

Staff Review

▼

Public Information Meeting

▼

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

▼

Regional Council First Reading

▼

Public Hearing held and adjourned to next meeting of Council

▼

Council completes Public Hearing and holds Second Reading

▼

Notice of Approval in Local Paper

▼

14-day Appeal Period

FINANCIAL IMPLICATIONS

There would be an increase in households using water, sewer, and waste disposal services in the area. However, the increased services are expected to be paid for, at least in part, by new residents moving to the development.

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
Figure 3	MCCAP Inland Flooding Map (Falmouth)
Figure 4	MCCAP Coastal Flooding Map (Falmouth)
Figure 5	Falmouth SWMP 1 In 100 Year Flooding Extent with Climate Change Map
Appendix A	Specific Criteria for Development Agreement
Appendix B	General Criteria for Development Agreement
Appendix C	Draft Development Agreement

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

FIGURE 1
GENERALIZED FUTURE LAND USE MAP

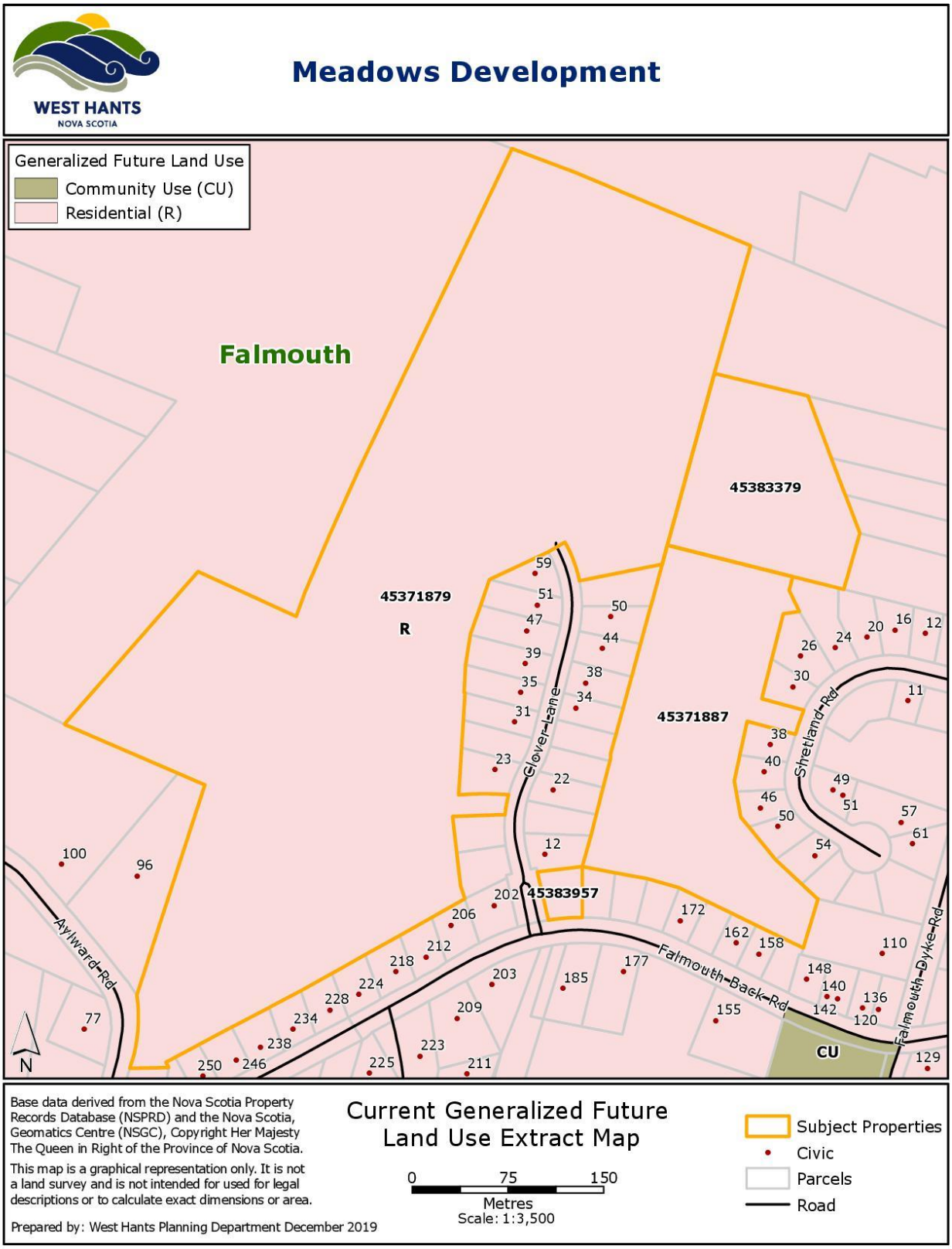


FIGURE 2
EXISTING ZONING MAP

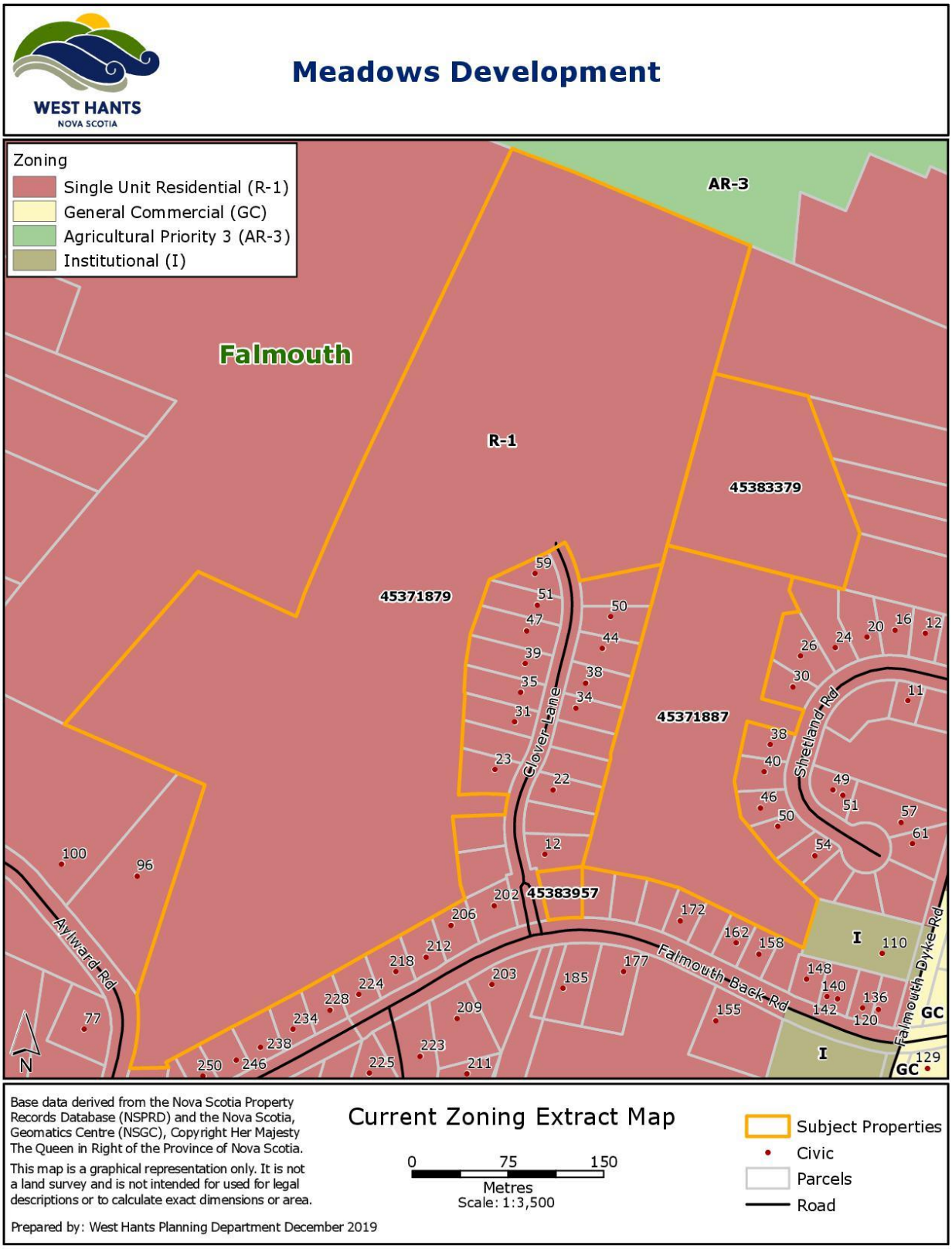
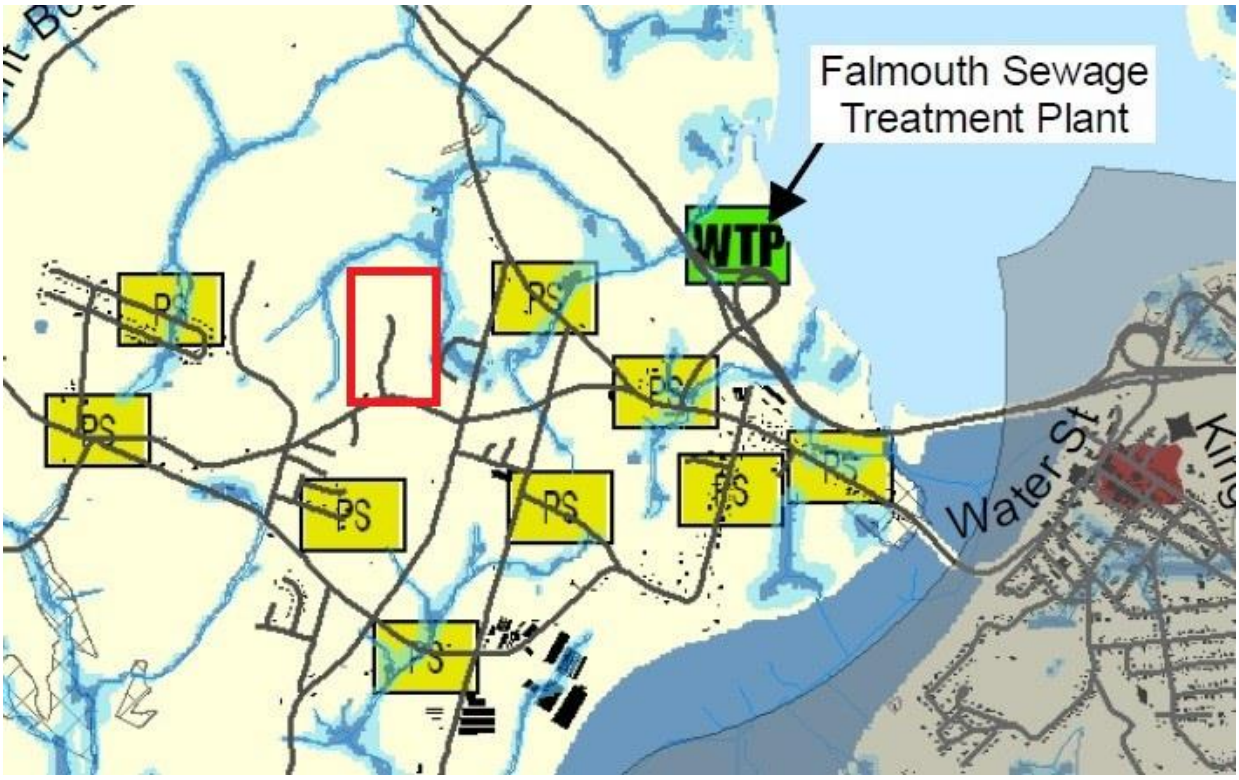


FIGURE 3
MCCAP INLAND FLOODING MAP (FALMOUTH)



Town of Windsor
Roads
Flow Accumulation

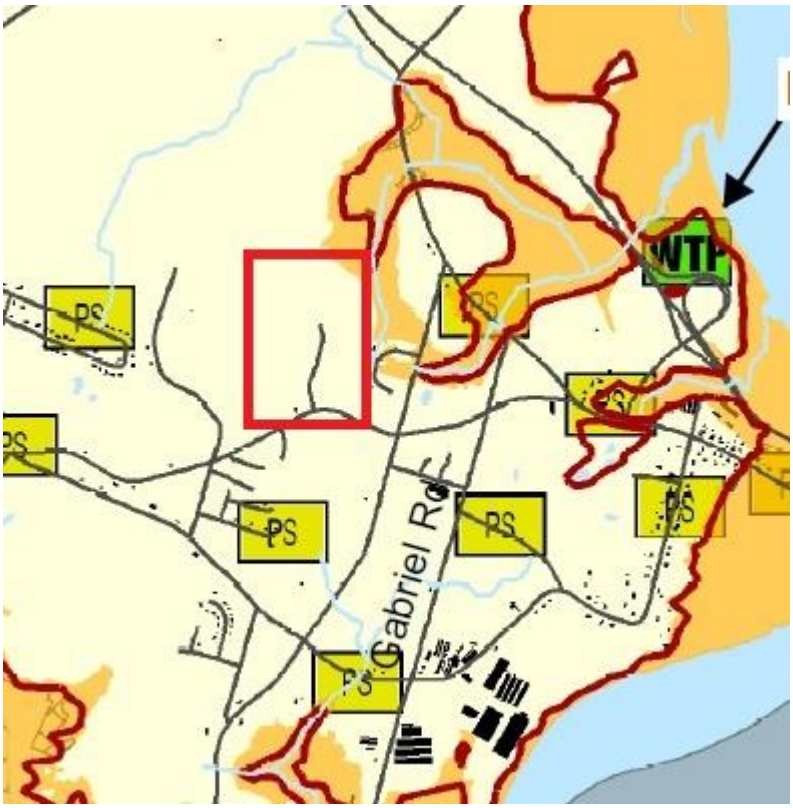
Depth to Water Table

Depth (metres)

0 - 0.10m
0.11 - 0.50m
Buildings
Emergency Services - Paramedic
Fire Department
Hospital
Municipal Building
Pumping Station
Rural RCMP
Town of Windsor/RCMP
Water Treatment Plant
Variance
Watersheds
Municipality of West Hants

Development site

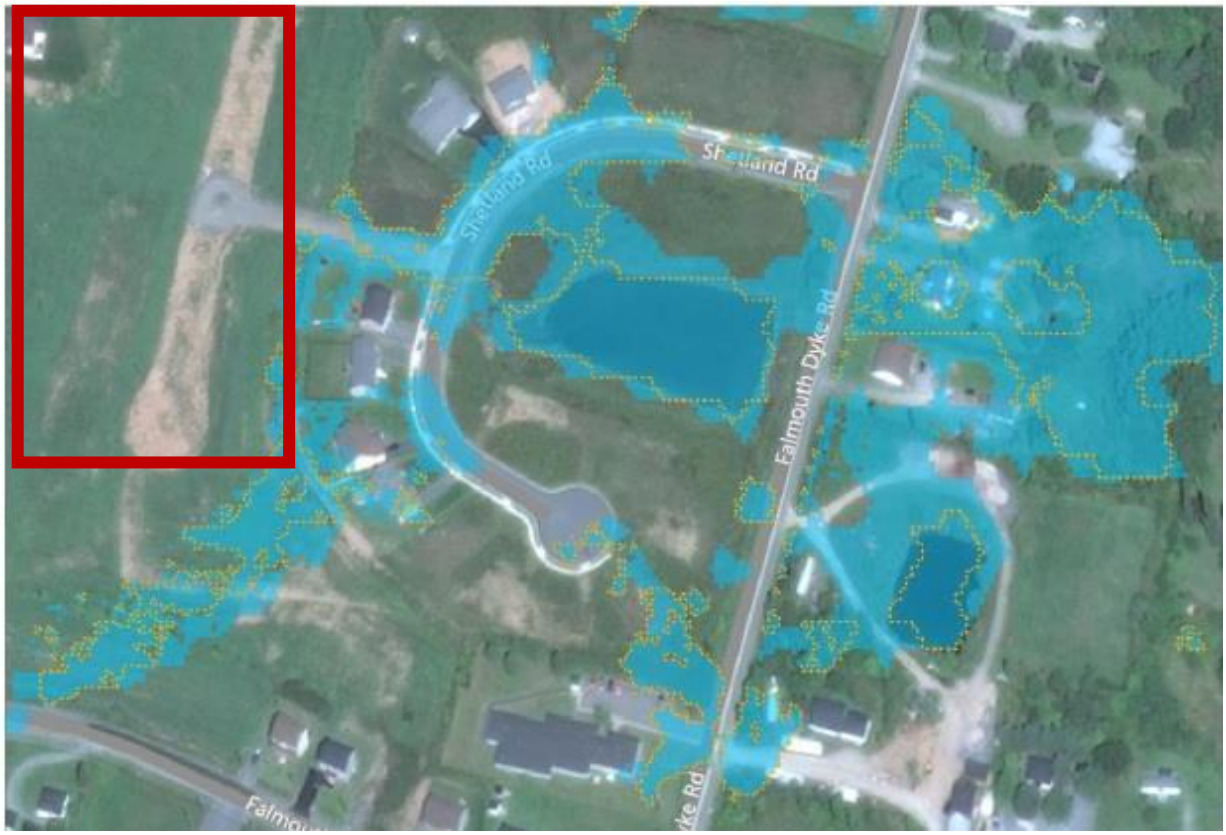
FIGURE 4
MCCAP COASTAL FLOODING MAP (FALMOUTH)



Development site

- Town of Windsor
- Rivers
- 10 m Contour
- Roads
- Sea Level 10 m
- Buildings
- Water
- Emergency Services - Paramedic
- Fire Department
- Hospital
- Municipal Building
- Pumping Station
- Rural RCMP
- Town of Windsor/RCMP
- Water Treatment Plant
- Variance
- Watersheds
- Municipality of West Hants

FIGURE 5
Falmouth SWMP 1 IN 100 YEAR FLOODING EXTENT
WITH CLIMATE CHANGE MAP



Legend

1 in 100 Year Flooding Extent with Additional Detention Pond

1 in 100 Year Flooding Extent without Additional Detention Pond

Development site

APPENDIX A
SPECIFIC CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 5.4.4 *It shall be the policy of Council to consider proposals for comprehensively designed multiple residential developments in the Falmouth Growth Centre by development agreement subject to the following:*

CRITERIA	**COMMENT**
(a) the development consists of a mix of housing types where:	
(i) a minimum of 30 percent of the total number of dwelling units shall be single unit dwellings; and	Clause 2.2 (a) of the development agreement addresses this requirement.
(ii) the remaining dwelling units may include any combination of townhouse dwellings along with semi-detached or duplex dwellings, provided that not more than four dwelling units shall be permitted per building or attached structure;	In Section 2.1 *Uses* of the development agreement two-unit dwellings are the largest dwellings permitted which means no building will have more than two (2) dwelling units meeting the intent of this criterion.
(b) the property:	
(i) is at least 25 acres (10.12 ha) in size;	As the development site is a combination of multiple properties that will be subdivided into individual residential lots, staff are not requiring the applicant to consolidate the four (4) properties into one (1) property and are considering the development site the "property" for policy criteria. The development site is 49 acres.
(ii) is serviced, or is capable of being serviced, by both municipal water and sewer; and (Amendment WHMPS 14-01 Effective January 22, 2015)	The Director of Public Works has confirmed that portions of the development site are currently serviced with potable water and central sewer services and the remaining portions of the development site are capable of being serviced.
(iii) has frontage on an arterial or collector street designated on the Transportation Map (Map 2);	The development site has frontage on an arterial street (Falmouth Back Road) designated on the Transportation Map. This criterion does not specify that direct access to an arterial street is necessary. The development site will have access to Falmouth Back Road though Clover Lane.
(c) the development exhibits comprehensive site planning and design with an emphasis on the conservation of significant natural	The concept plan exhibits comprehensive planning and design with conservation of existing watercourses. Staff considered the landscaping and buffering

features of the site, provision of open space and recreational areas, and landscaping and buffering to screen views of the development from existing developed properties;	requirements based on potential land use conflicts. Staff will not require landscaping and buffering for the existing agricultural and institutional uses. The concept plan shows significant distance between the proposed residential uses and existing farm operations. PID 45371887 is adjacent to an institutional use (senior's complex) which is surrounded by existing residential uses. The Development Officer has confirmed there have not been any land use conflicts between the existing institutional use and adjacent residential uses. In the Development Officer's experience, they have not witnessed a conflict between any institutional use and residential uses in West Hants. The remainder of the existing developed properties are designated and zoned residential and the proposed development is not expected to create potential land use conflicts.
(d) the gross density of the development shall not exceed 4.5 dwelling units per acre; where the gross density exceeds 3 dwelling units per acre, at least 10 percent of the total area of the property shall be dedicated to the Municipality for parkland or open space purposes;	Clause 2.2 (d) of the development agreement addresses this requirement.
(e) the Multiple Residential (R-3) zone standards are used as a guide for minimum lot area, frontage and yards; however, Council may consider reduced lot requirements where the proposed development is a planned compact community that makes efficient use of streets and municipal infrastructure;	The Single Unit Residential (R-1) and Two Unit Residential (R-2) zone requirements in the West Hants Land Use By-law will apply to single and two-unit dwellings with the exception of the minimum lot frontage and side yard requirements for single-unit dwellings which have been reduced at the applicant's request. These reductions will enable a planned compact community that makes efficient use of streets and Municipal infrastructure.
(f) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;	DTIR has requested a Traffic Impact Study be submitted before the 100th development permit can be issued for a residential unit or before development starts in Phase 3. Section 2.4 of the development agreement addresses this request.

(g) the development is compatible with the surrounding area in terms of building height, scale and architectural design;	The building height and scale requirements will be the same as the requirements in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones in Falmouth. There are no architectural design requirements. The applicant has provided photos to illustrate the architectural style of the development.
(h) a stormwater management plan shall be submitted, satisfactory to the Municipal Engineer, that shows the development will not adversely affect receiving watercourses and downstream properties;	The Municipal Engineer is satisfied with the stormwater management plan submitted and has stated that *"the retention ponds will reduce the post-development flows by 10% to 23% less than the pre-developed flows to the downstream area based on the stormwater model presented."* In addition, DTIR has reviewed the stormwater management plan in relation to the Provincial road network and find the proposed system to be acceptable.
(i) the application is accompanied by:	
(i) a site plan showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;	The site plan which forms part of the Development Agreement as the concept plan shows all relevant information required.
(ii) other supporting maps showing the topography of the lot including contours at five meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and	Topography and significant natural features such as watercourses are shown on the concept plan.
(iii) photo examples, plans or drawings showing the exterior design of the proposed buildings;	Photos were included in the application showing the style of the buildings.
(j) any other matter which may be addressed by development agreement; and	No other matter has been raised.
(k) Policy 16.3.1.	Please see Appendix B for further details.

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;	Please see 5.4.4 (b) (ii) for further details.
(ii) the adequacy of school facilities;	The Director of Operations for the Annapolis Valley Regional Centre for Education has stated they have no concerns as schools in West Hants are projected to decreased in enrollment over the next ten years.
(ii) 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.
(iii) the adequacy of road networks adjacent to, or leading to the development; and	Please see 5.4.4 (f) for further details.
(iv) the financial capacity of the Municipality to absorb any costs relating to the development.	There would be an increase in households using water, sewer, and waste disposal services in the area. New residents moving to the development would be expected to cover some of the increased costs for the Municipality.
(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;	Please see 5.4.4 (b) (ii) for further details.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Please see 5.4.4 (f) for further details. All new roads must be built to the standards in the Municipal Services Specifications Manual and West Hants Subdivision By-law.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	The lot dimensions and shape will be regulated in section *2.3 Setbacks and Buffering* of the development agreement.
(e) the pattern of development which the proposal might create;	Policy 5.1.1 encourages concentrated residential development in designated

	Growth Centres. Two-unit dwellings are in line with this policy.
(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, geological conditions, and location of water courses or wetlands. In terms of flooding, the MCCAP Inland and Coastal Flooding maps show there may be a risk of inland and coastal flooding in close vicinity to the properties but not directly on the properties. The Falmouth Stormwater Management Plan shows flooding potential downstream from the development site. Please see 5.4.4 (h) for comments from the Municipal Engineer regarding stormwater management. 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 , 2021.

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 -

BRISON DEVELOPMENTS LIMITED, a body corporate, with a head office at 258 King Street, Windsor, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the "Owner")

OF THE SECOND PART

WHEREAS the Owner is the registered Owner of several lots located in Falmouth (PIDs 45371879, 45383379, 45371887, and 45383957), hereinafter referred to as the "Properties", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Properties are designated Residential on the Generalized Future Land Use Map of the Municipality of the District of West Hants Municipal Planning Strategy (June 26, 2008) (the "Municipal Planning Strategy") and zoned Single Unit Residential (R-1) on the Zoning Map of the Municipality of the District of West Hants Land Use By-law (June 26, 2008) (the "Land Use By-law") and are in the Falmouth Growth Centre; and

WHEREAS the Owner requested that the Municipality discharge a development agreement registered on PID 45371879 on September 27, 2007 and enter into a new development agreement for PIDs 45371879, 45383379, 45371887, and 45383957 to permit two-unit residential development (the "Development"); and

WHEREAS Policy 5.4.4 of the Municipal Planning Strategy; and Section 6.1 (d) of the Land Use By-law enables Council to consider new comprehensively designed multiple residential developments in the Falmouth Growth Centre by development agreement; and

WHEREAS the Council of the Municipality, at a meeting held on Date, approved this request and adopted this Agreement by policy subject to the execution of this development agreement by the parties hereto;

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 By-law, except those defined as follows:

"Municipal Engineer" means the engineer of the West Hants Regional Municipality and includes a person acting under the supervision and direction of the engineer.

"Two-unit Dwelling" means a completely detached building containing only two (2) dwelling units.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

- Schedule A - Legal Description
- Schedule B – Concept Plan
- Schedule C – Stormwater Management Plan

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 2 DEVELOPMENT REQUIREMENTS

2.1 Use

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

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

(b) two-unit dwellings.

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 development location and design shall conform to the following at all times:

(a) a minimum of 30 percent of the dwellings constructed must be single unit dwellings;

(b) maximum units per phase shall not exceed the numbers shown on the Unit Summary table on Schedule B;

(c) the development shall be constructed using any of the lot configurations or design elements shown in Schedule B; and

(d) the gross density of the development shall not exceed four and a half (4.5) dwelling units per acre. Where the gross density exceeds three (3) dwelling units per acre, at least 10 percent of the total area of the property shall be dedicated to the Municipality for parkland or open space purposes. This includes the 5% parkland dedication required in the Subdivision By-law. The Public Parkland outlined in the parkland agreements entered into by the Owner and the Municipality on August 22, 2011 and April 10, 2012 may be used as part of the parkland contribution requirement for this development.

2.3 Lot and Yard Requirements

All Single Unit dwellings shall conform to the following lot requirements:

Minimum Lot Area	6,000 ft^2 (557.40 m^2) 7,000 ft^2 (650.30 m^2) for corner lots
Minimum Lot Frontage	50 ft. (15.24 m)
Minimum Front/Flankage Yard	25 ft (7.62 m)
Minimum Rear Yard	25 ft (7.62 m)
Minimum Side Yard	6 ft. (1.83 m) on both sides
Maximum Height of Main Building	35 ft (10.67 m)

All Two-unit dwellings shall be regulated under sections 9.2 and 9.3 of the Land Use By-law.

The Development Officer may grant a variance from one or more of the following subject to the requirements of the Municipal Government Act:

(a) minimum lot area and frontage;

(b) minimum yard dimensions;

(c) percentage of land that may be built upon;

(d) number of parking and loading spaces required;

(e) height of a structure;

(f) floor area occupied by a home-based business; and

(g) height and area of a sign.

2.4 Access and Egress

Before a development permit can be issued for the 100th residential unit within the area of the development agreement and/or prior to the commencement of any development in Phase 3 as shown on Schedule B, a Traffic Impact Study must be submitted to the Municipality and approved by Department of Transportation and Infrastructure Renewal, and all work required by the recommendations in the Ttraffic Impact Study must be completed. This requirement applies only to applications for development permits made following the effective date of this development agreement.

2.5 Roads and Municipal Services

Roads and Municipal Services in the development shall conform to the following:

(a) the layout of streets within the development shall be as generally shown on Schedule B. The Development Officer, in consultation with the Municipal Engineer, may give consideration to minor incidental changes to the street layout;

(b) all streets and municipal services within the development shall be designed and constructed in accordance with the requirements of the Municipal Services Specifications Manual. Detailed design plans of the street networks, water and sewer servicing and storm water systems shall be approved by the Municipal Engineer for each phase of the development prior to construction commencing for that phase; and

(c) the development of new streets not shown on Schedule B for the purpose of development shall be permitted provided all requirements of the Subdivision By-law are met.

2.6 Parking

Parking shall be provided in accordance with the requirements of section 5.31 of the Land Use By-law.

2.7 Signs and Lighting

Signage and illumination shall be regulated under sections 5.18 and 7.0 of the Land Use By-law which controls 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 Maintenance

The Owner shall keep the Properties 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.

2.9 Storm Drainage

The Owner shall ensure the Stormwater Management Plan, Schedule C, is implemented to ensure neighboring properties are not negatively impacted by storm drainage.

The Owner may transfer ownership of the stormwater management system, and specifically the detention pond, to the Municipality provided all acceptance requirements in the Subdivision By-law are met. If the Owner wishes to enable alternative requirements for acceptance, the Owner may enter into a servicing agreement with the Municipality as outlined in the Subdivision By-law.

If the Owner wishes to retain ownership of the stormwater management system, and specifically the detention pond, the Owner must provide the Municipal Engineer evidence annually, or upon request of the Municipality, that the detention pond conforms to the performance expectations detailed in Schedule "C" of this agreement. All costs associated with addressing performance concerns will be at the sole expense of the owner and must be addressed by the Owner within six (6) months of notification. The Owner may be given an extension in writing by the Development Officer to complete the work for an equivalent period. Should the owner not address the concerns, the Municipality reserves the rights to make any repairs necessary and charge the Owner for the costs incurred.

PART 3 CHANGES AND DISCHARGE

3.1 The Owner shall not vary or change the use of the Properties from that provided for in *Section 2.1 Uses* of this Agreement 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 overall intended effect of this Agreement.

3.3 The following matters are substantive matters:

(a) the uses permitted on the Properties as listed in *Section 2.1 Use* of this Agreement;

(b) the location and design requirements for the Properties as listed in *Section 2.2 Development Location and Design*;

(c) the lot and yard requirements for the Properties as listed in *Section 2.3 Lot and Yard Requirements* of this Agreement; and

(d) the stormwater management plan for the Properties as described in Section 2.9 Storm Drainage of this Agreement.

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

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

(a) as provided for in *Section 4.1 Commencement of Operation* of this Agreement; or

(b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least forty-eight (48) months; or

(c) at any time upon the written request of the Owner, provided the use of the Properties is in accordance with the Land Use By-law or a new Agreement has been entered into.

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

PART 4 IMPLEMENTATION

4.1 Commencement of Operation

(a) The Owner may not commence any construction or use on the Properties related to this development 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 forty-eight (48) 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 30 days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, 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 Owner is bona fide delayed from commencing the development for reasons which are beyond the Owner's control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owner is excused for the period of the delay and the time period for the Owner 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 Owner shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required within ten (10) days of completion of any work which requires the engineered design.

(b) The Owner 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 By-laws and Regulations

(a) Nothing in this Agreement shall exempt the Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.

(b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Properties (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 Owner about the suitability of the Properties for the development proposed by this agreement. The Owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the Development.

(b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the 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 Owner shall pay all costs associated with the costs of registering this Agreement and discharging any prior agreements encumbering the Properties, and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

(a) 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.

(b) This Agreement replaces and discharges the Development Agreement between the Municipality of the District of West Hants and the Owner dated August 7, 2007 and recorded at the Registry of Deeds in the Province of Nova Scotia on September 27, 2007 as Document No. 88923751.

5.8 Assignment of Agreement

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

5.9 Written Notice

(a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to 258 King Street P.O. Box 2018 Windsor, NS, CA B0N 2T0, or at any other address provided by the Owner.

(b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, Nova Scotia, B0N 2T0.

5.10 Full Agreement

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

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

SIGNED, SEALED AND DELIVERED
In the presence of:

WEST HANTS REGIONAL MUNICIPALITY

)
)
)
_____) Per: _____
Witness) Abraham Zebian, Mayor
)

_____) Per: _____
Witness) Rhonda Brown, Municipal Clerk
)

) **Brison Developments Limited**
)
)
_____) Per: _____
Witness) Mitchel Brison, President

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2021, 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. 2021, 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. 2021, 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 **MITCHEL BRISON**, 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

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 _____, 2021.

_____ _____
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

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mitchel Brison, Nova Scotia, make oath and say that:

1. I am Mitchel Brison of Brison Developments Limited, the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment 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 ss.79 and 83 of the Land Reglstration Act as the case may be.

3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.

4. The Corporation is a resident of Canada under the Income Tax Act (Canada).

5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this Month Day, 2021 the Deponent came before me, made oath, and swore the foregoing affidavit at_____, Nova Scotia.

Print Name:

Authority (e.g. Commissioner of Oaths):
Please affix seal

Schedule 'A'
Legal Description – PID 45371879

Place Name: FALMOUTH BACK ROAD FALMOUTH
Municipality/County: MUNICIPALITY OF THE DISTRICT OF HANTS WEST/HANTS COUNTY
Designation of Parcel on Plan: BLOCK 1-R
Title of Plan: SURVEY PARCEL PH-2, S/D PORTION BLOCK 1, LANDS OF MEADOWS DEVELOPMENT LTD, FALMOUTH BACK RD, AYLWARD RD & SHETLAND RD (PROPOSED), FALMOUTH, APP PARCEL PH-2 & BLOCK 1-R
Registration County: HANTS COUNTY
Registration Number of Plan: 88595377
Registration Date of Plan: 2007-08-16 13:49:14

SAVING and EXCEPTING Lot MD-1 as shown on registered Plan No. 91651050 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOTS M-1 to M-4, inclusive as shown on registered Plan No. 97335914 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOTS 114-121 inclusive, as shown on registered Plan No. 99835861 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 113 as shown on registered Plan No. 99835861 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 112 as shown on registered Plan No. 100545707 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 103 as shown on registered Plan No. 104799615 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 104 and LOT 105 as shown on registered Plan No. 105333000 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 109 as shown on registered Plan No. 106182976 at the Land Registration Office for Hants County.

SAVING AND EXCEPTING Lot 108 as shown on registered plan no. 107755051 recorded in the Land Registration Office for Hants County.

SAVING AND EXCEPTING Lot 106 as shown on registered plan no. 108175689 recorded in the Land Registration Office for Hants County.

SAVING and EXCEPTING Lot 107 as shown on registered Plan No. 108291684 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 110 as shown on registsred Plan No. 108314981 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 101 and LOT 102 as shown on registsred Plan No. 110487163 at the Land Registration Office for Hants County.

*** 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: 2017
Plan or Document Number: 110487163

The MGA compliance statement has been applied by SNSMR during the processing of Land Registration Plan.

Legal Description – PID 45383379

Registration County: HANTS COUNTY
Street/Place Name: FALMOUTH DYKE ROAD /FALMOUTH
Title of Plan: PLAN OF S/D OF LOT GE-2, LAND OF RICHARD ARNOLD ELDRIDGE, TO FORM LOT GE-2A & REMAINDER LOT GE-2B, FALMOUTH DYKE RD, FALMOUTH
Designation of Parcel on Plan: LOT GE-2A
Registration Number of Plan: 96299525
Registration Date of Plan: 2010-07-07 11:26:40

Legal Description – PID 45371887

Place Name: FALMOUTH BACK ROAD FALMOUTH
Municipality/County: MUNICIPALITY OF THE DISTRICT OF HANTS WEST/HANTS COUNTY
Designation of Parcel on Plan: PARCEL PH-2
Title of Plan: SURVEY PARCEL PH-2, S/D PORTION BLOCK 1, LANDS OF MEADOWS DEVELOPMENT LTD, FALMOUTH BACK RD, AYLWARD RD & SHETLAND RD (PROPOSED), FALMOUTH, APP PARCEL PH-2 & BLOCK 1-R
Registration County: HANTS COUNTY
Registration Number of Plan: 88595377
Registration Date of Plan: 2007-08-16 13:49:14

SAVING and EXCEPTING LOTS M-2 to M-10, inclusive as shown on registered Plan No. 97335914 at the Land Registration Office for Hants County.

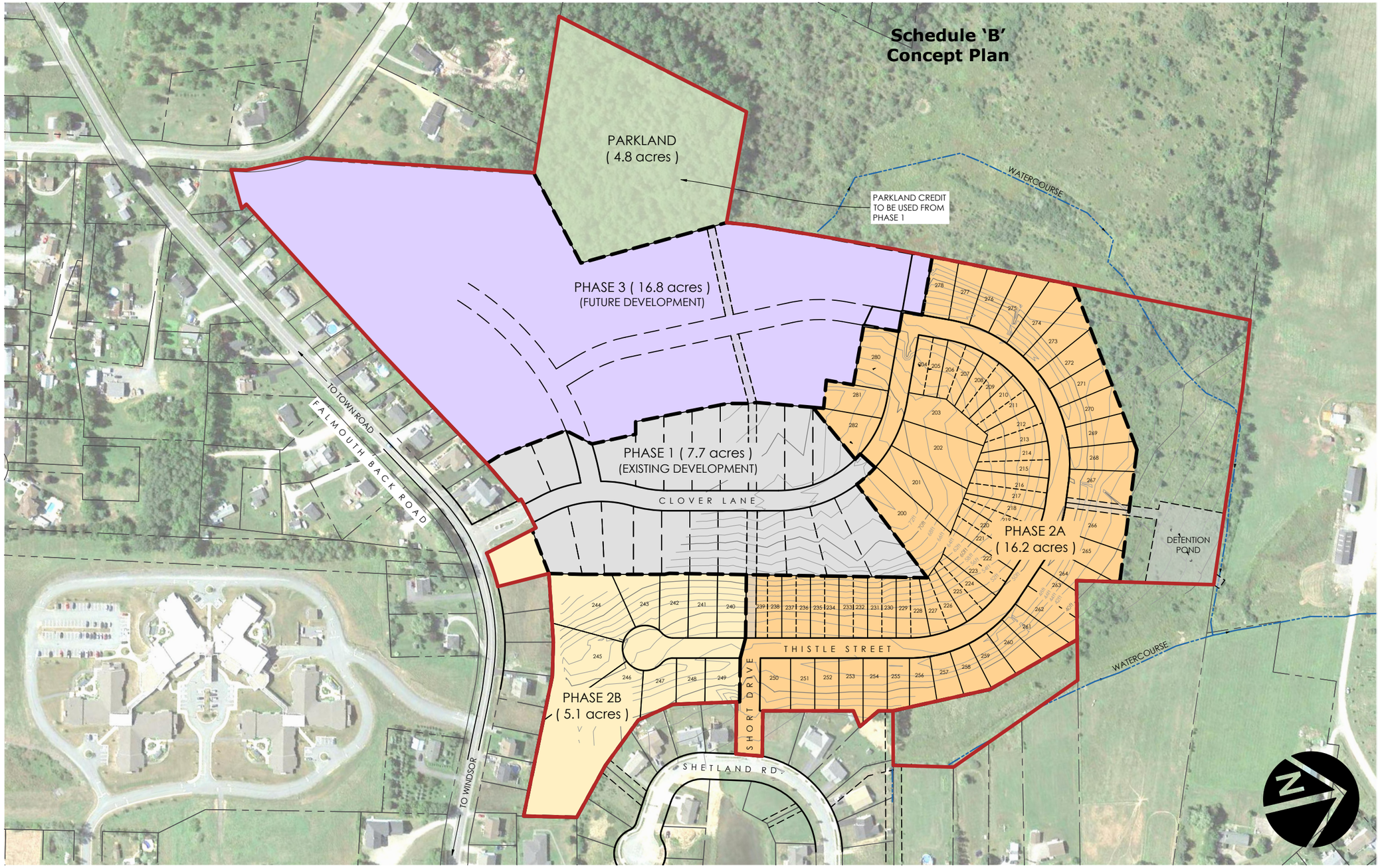
The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Hants as plan or document number 97335914.

The MGA compliance statement has been applied by SNSMR during the processing of the abovementioned plan 97335914.

Legal Description – PID 45383957

Parcel Description
Registration County: HANTS COUNTY
Street/Place Name: FALMOUTH BACK ROAD /FALMOUTH
Title of Plan: PLAN OF SURVEY OF LOTS M-1 TO M-10, BEING A S/D AND CONSOLIDATION OF BLOCK 1-RA & PARCEL PH-2, LANDS OF BUCKWOOD INVESTMENTS LTD & LANDS CLAIMED BY BUCKWOOD INVESMENTS LTD, (THE OLD TOWNSHIP RD), FALMOUTH BACK RD, FALMOUTH
Designation of Parcel on Plan: LOT M-2
Registration Number of Plan: 97335914
Registration Date of Plan: 2010-12-02 13:22:33

Schedule 'B'
Concept Plan



LEGEND

- Site Boundary
- Adjacent Property Boundary

UNIT SUMMARY		
	Area (acres)	Maximum Units
Phase 2A (R1)	16.2	36
Phase 2A (R2)		36
Phase 2B (R1)	5.1	10
Total	**21.3**	**82**

Phase 3 up to maximum of 75 units

SITE SUMMARY:

- Existing Zone: Multiple Residential
- Total Land Area: 56.7 acres

NOTES:

- Subject to survey. Property lines and topographic features are approximate only.
- Site subject to by-law review and regulations.

SOURCES:

- Plan based on DesignPoint Site Plan file: '14-033_Base_20200401.dwg'

SCALE:

0 15 30 75 150m

1 : 3,000 contour interval 2 feet

Zwicker Zareski architecture + planning

1 Canal Street, Dartmouth, NS B2Y 2W1 ZZap.ca

Site Plan : The Meadows

Falmouth, Nova Scotia

Version 104

Designer: K.WATTERS

Planner: C.MARKIDES

Date: JUNE 08, 2020

FILE: C:\Users\Ken\zzap.ca\Business Development - Documents\2020\027 Brison - Meadows\1_DWG\1_Site Plan\20-BD-027-SITE_PLAN-104.dwg SHEET: 11x17

June 22, 2020

West Hants Regional Municipality
100 King Street
Windsor, Nova Scotia B0N 2T0
Attention: Rick Sherrard, Manager of Technical Engineering Services

RE: The Meadows Phase 2A – Storm Drainage System Modification Request
DesignPoint Project #: 14-033

Further to our site meeting, I herein request that the Municipality allow the Developer to modify the storm drainage plan as follows:

1) Install an additional 250 mmØ PVC DR35 storm pipe from CB7-A and CB7-B to rear lot line between lots 240 and 242. This pipe will discharge water from area A7 only (2.1 acres). The discharge will be directed into the existing ditch/drainage route at the rear of the lots, the property at this location is owned by Brison Developments. This ditch drains to the same watercourse that the discharge from the drainage pond for the project discharges to.

2) Remove the deep storm sewer pipes from MHST7A to MHST9 and from MHST7 to MHST5, with CB7-A and CB7-B directed to the ditch as described above. The deep storm sewer pipes are not needed for CB7-A and CB7-B. The Developer has decided to build all homes as slab on grade and therefore a deep storm sewer for footing drains is not required.

We will be able to balance the pre and post development flows with oversized pipe or perforated pipe. This storm water design approach will provide adequate drainage for this project and will meet all regulatory requirements.

For reference, refer to attached design drawings for The Meadows Phase 2, sheets 1-11, revision 3, dated June 12, 2019, as signed by myself.

If this is acceptable to the Municipality, we will submit a revised design along with the storm drainage calculations.

If you have any questions, please feel free to contact me.

Thank you,
DesignPoint Engineering & Surveying Ltd.

Glenn Woodford

Glenn Woodford, P.Eng.
Senior Engineer & Principal

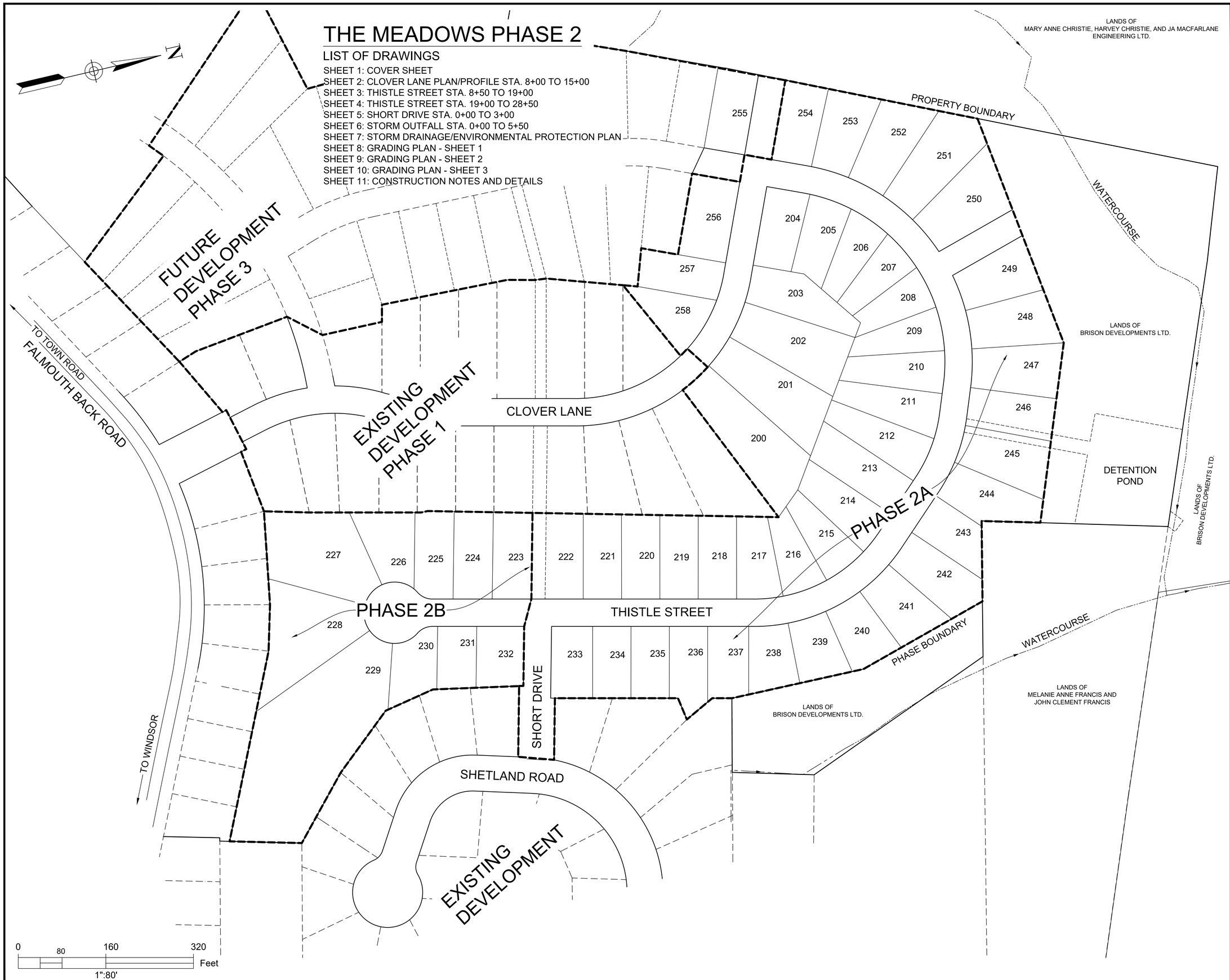
GSW/alc

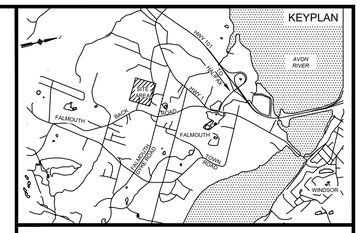
Enclosures: The Meadows Phase 2 Design Drawings

THE MEADOWS PHASE 2

LIST OF DRAWINGS

SHEET 1: COVER SHEET
SHEET 2: CLOVER LANE PLAN/PROFILE STA. 8+00 TO 15+00
SHEET 3: THISTLE STREET STA. 8+50 TO 19+00
SHEET 4: THISTLE STREET STA. 19+00 TO 28+50
SHEET 5: SHORT DRIVE STA. 0+00 TO 3+00
SHEET 6: STORM OUTFALL STA. 0+00 TO 5+50
SHEET 7: STORM DRAINAGE/ENVIRONMENTAL PROTECTION PLAN
SHEET 8: GRADING PLAN - SHEET 1
SHEET 9: GRADING PLAN - SHEET 2
SHEET 10: GRADING PLAN - SHEET 3
SHEET 11: CONSTRUCTION NOTES AND DETAILS





ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

ISSUE	DATE	DESCRIPTION
3	JUN. 12, 2019	REVISED AS PER MDWH COMMENTS
2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
1	MAR. 27, 2015	ISSUED FOR REGULATORY REVIEW

CONSULTANT

DESIGN POINT ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
PROVINCE OF NOVA SCOTIA
JUN. 12, 2019
Glenn Woodford
G.S. WOODFORD
6078

CLIENT

BRISON DEVELOPMENTS

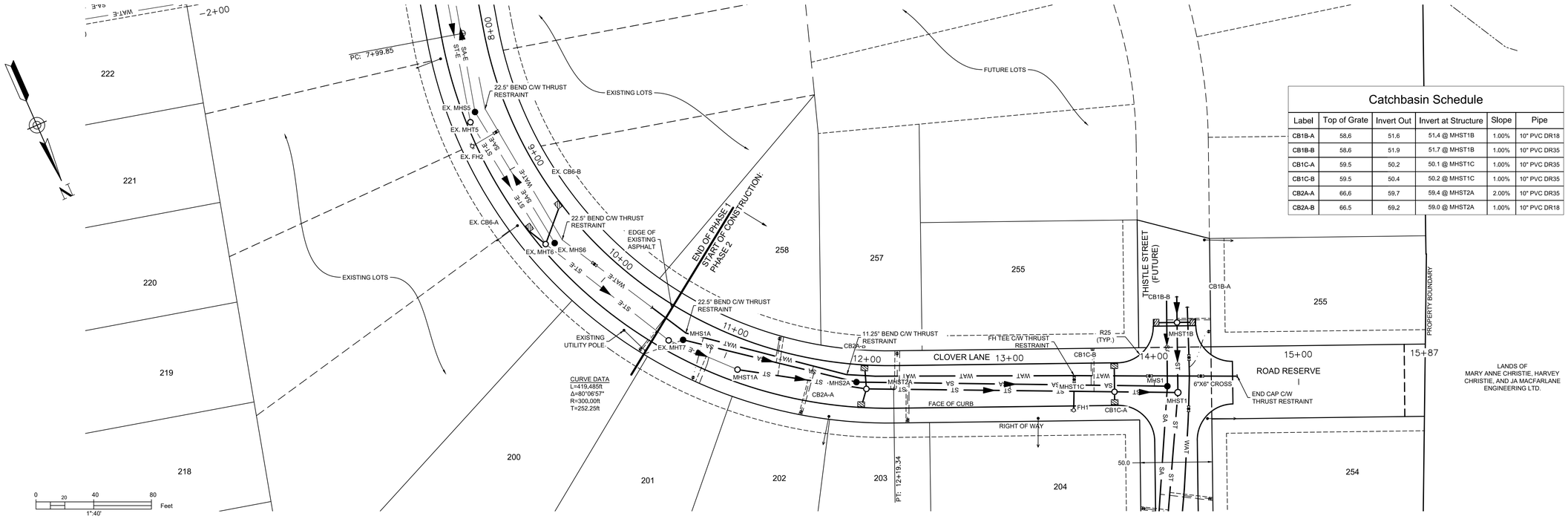
PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

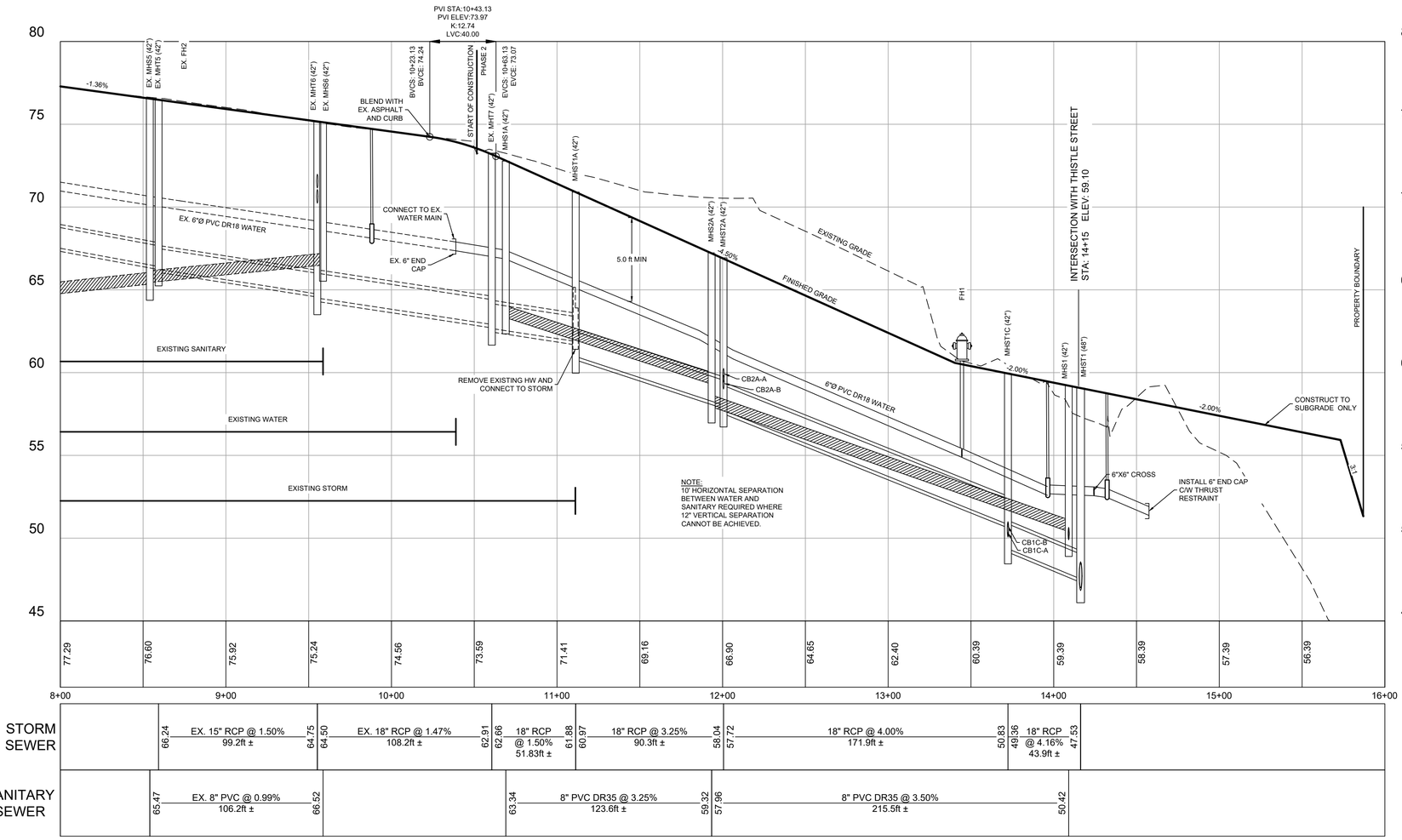
COVER SHEET

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	1 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":80' H	14-033CBase.dwg	

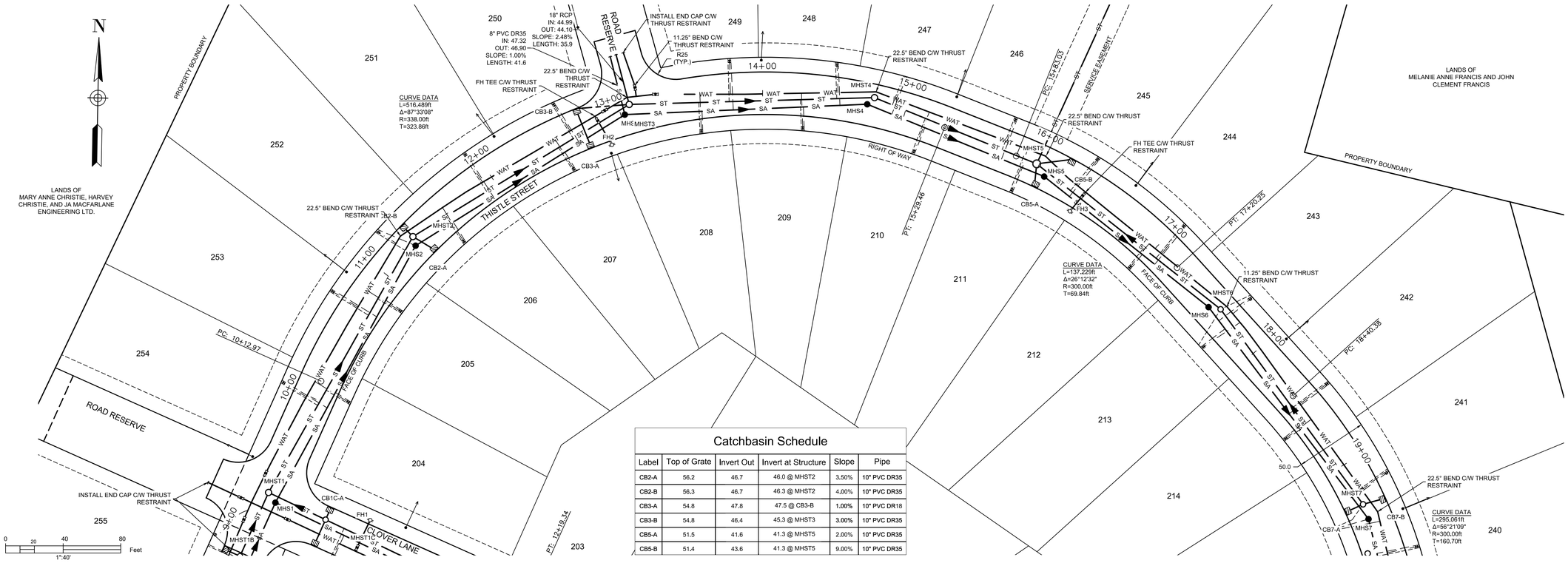


Catchbasin Schedule

Label	Top of Grate	Invert Out	Invert at Structure	Slope	Pipe
CB1B-A	58.6	51.6	51.4 @ MHST1B	1.00%	10" PVC DR18
CB1B-B	58.6	51.9	51.7 @ MHST1B	1.00%	10" PVC DR35
CB1C-A	59.5	50.2	50.1 @ MHST1C	1.00%	10" PVC DR35
CB1C-B	59.5	50.4	50.2 @ MHST1C	1.00%	10" PVC DR35
CB2A-A	66.6	59.7	59.4 @ MHST2A	2.00%	10" PVC DR35
CB2A-B	66.5	59.2	59.0 @ MHST2A	1.00%	10" PVC DR18

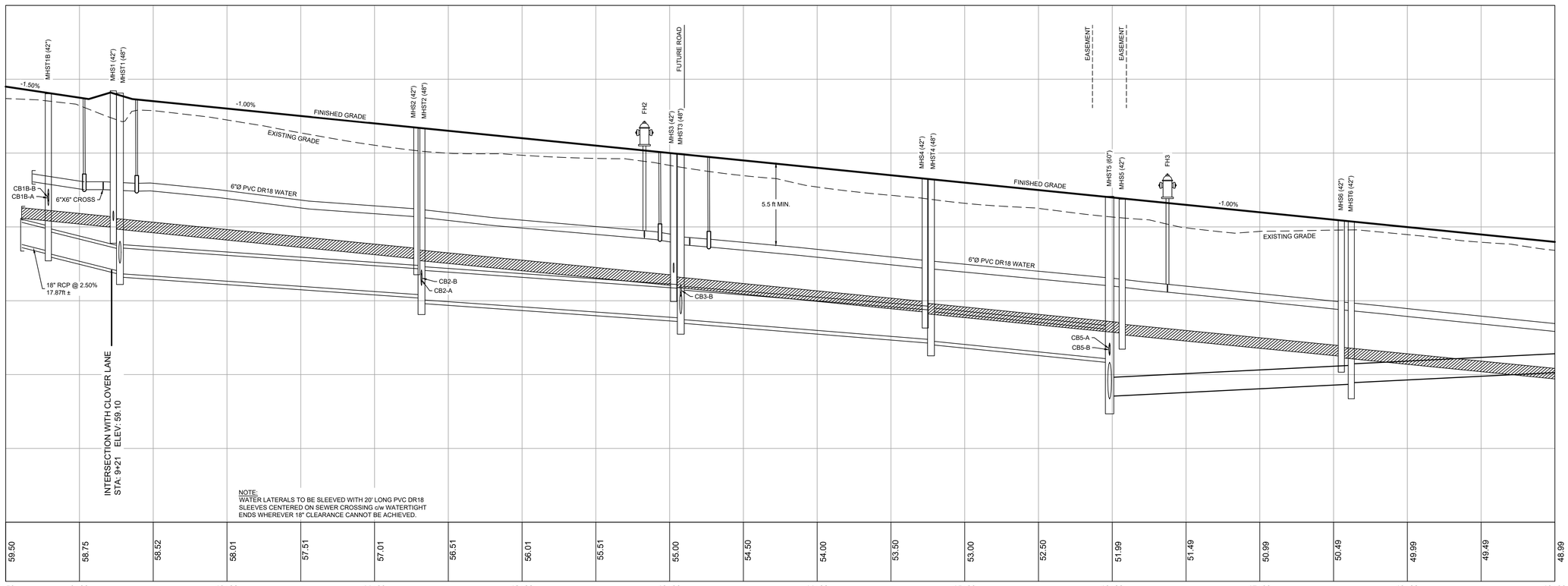


| | | |



Catchbasin Schedule

Label	Top of Grate	Invert Out	Invert at Structure	Slope	Pipe
CB2-A	56.2	46.7	46.0 @ MHST2	3.50%	10" PVC DR35
CB2-B	56.3	46.7	46.3 @ MHST2	4.00%	10" PVC DR35
CB3-A	54.8	47.8	47.5 @ CB3-B	1.00%	10" PVC DR18
CB3-B	54.8	46.4	45.3 @ MHST3	3.00%	10" PVC DR35
CB5-A	51.5	41.6	41.3 @ MHST5	2.00%	10" PVC DR35
CB5-B	51.4	43.6	41.3 @ MHST5	9.00%	10" PVC DR35



STORM SEWER	48.81 / 48.36	18" RCP @ 2.50% 48.52ft ±	48.20 / 46.99	46.83	21" RCP @ 0.70% 204.1ft ±	45.40	45.06	24" RCP @ 0.70% 176.1ft ±	43.83	43.73	24" RCP @ 0.80% 170.5ft ±	42.37	42.27	24" RCP @ 1.00% 121.7ft ±	41.05	38.54	15" PVC DR35 @ 0.50% 162.9ft ±	39.36	39.46	15" PVC DR35 @ 0.50% 167.8ft ±	40.30
SANITARY SEWER	8" PVC DR35 @ 1.00% 61.79ft ± IN: 50.61 OUT: 49.99			49.89	8" PVC DR35 @ 1.00% 203.4ft ±	47.86	47.76	8" PVC DR35 @ 1.00% 171.5ft ±	46.04	45.94	8" PVC DR35 @ 1.00% 168.6ft ±	44.25	44.15	8" PVC DR35 @ 1.00% 132.8ft ±	42.82	42.72	8" PVC DR35 @ 1.00% 145.9ft ±	41.26	41.16	8" PVC DR35 @ 1.00% 184.5ft ±	39.32

LEGEND

DESIGN GRADE	
EXISTING GRADE	
CENTERLINE	
RIGHT OF WAY	
CURB	
EASEMENT	
PROPERTY BOUNDARY	
SANITARY LINE	MHS — SA — SA — MHS
STORM LINE	MHST — ST — ST — MHST
WATER LINE	WAT — WAT
SANITARY LATERAL	
STORM LATERAL	
WATER LATERAL	
STORM EASEMENT	
OVERHEAD UTILITY	OH — OH
WATER VALVE	FIRE HYDRANT
CURB STOP	UTILITY POLE
CATCHBASIN	PRECAST HEADWALL

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

ISSUE	DATE	DESCRIPTION
3	JUN. 12, 2019	REVISED AS PER MDWH COMMENTS
2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
1	MAR. 27, 2015	ISSUED FOR REGULATORY REVIEW

CONSULTANT

DESIGN POINT
ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
JUN. 12, 2019
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON
DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS PHASE 2

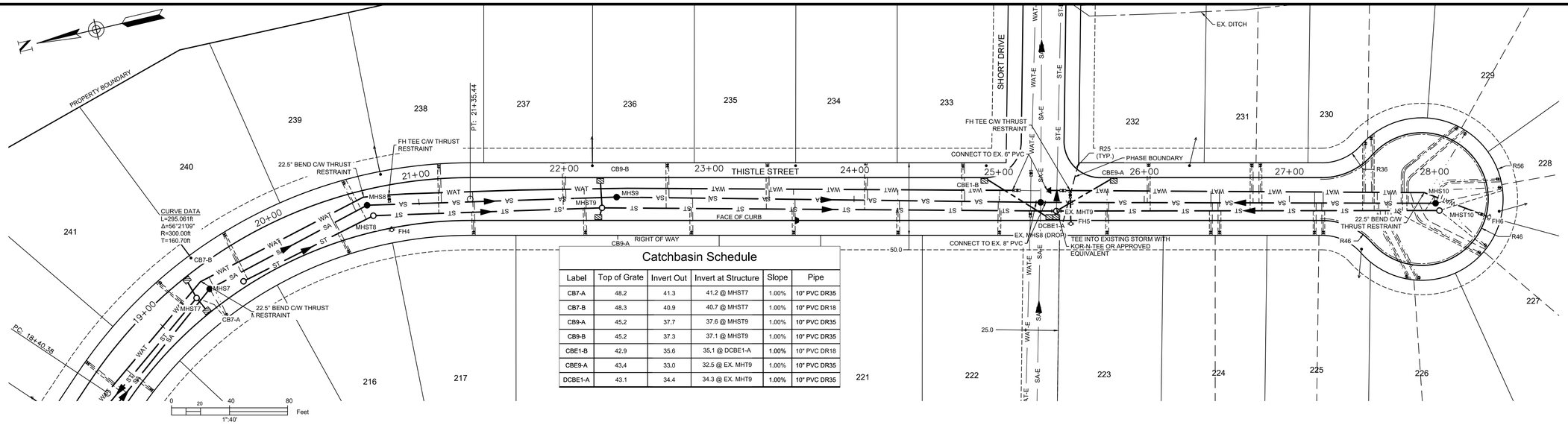
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

PLAN / PROFILE

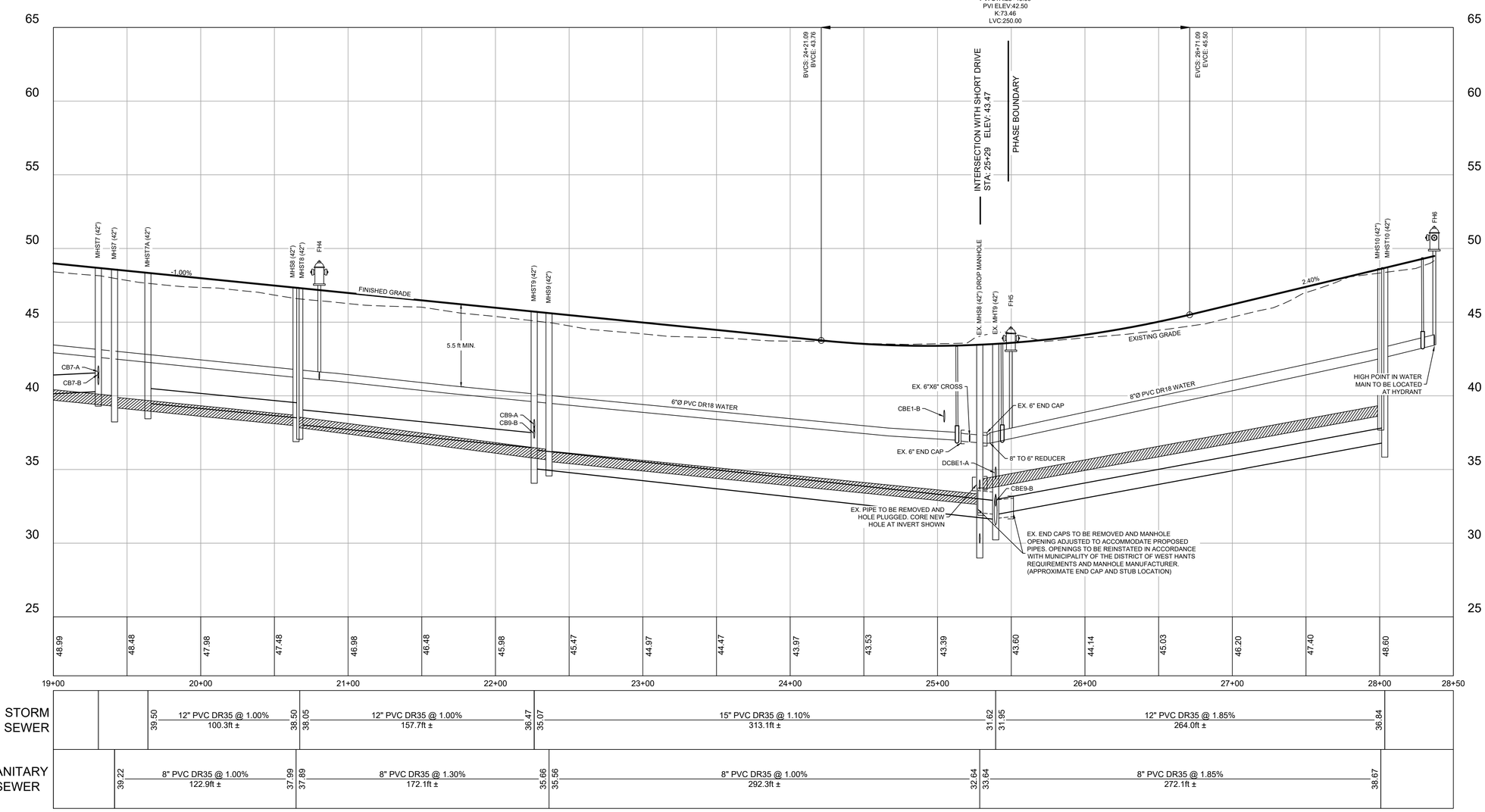
THISTLE STREET
STA. 8+50 TO 19+00

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	3 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H, 1":4' V	14-033CBase.dwg	



Catchbasin Schedule

Label	Top of Grate	Invert Out	Invert at Structure	Slope	Pipe
CB7-A	48.2	41.3	41.2 @ MHST7	1.00%	10" PVC DR35
CB7-B	48.3	40.9	40.7 @ MHST7	1.00%	10" PVC DR18
CB9-A	45.2	37.7	37.6 @ MHST9	1.00%	10" PVC DR35
CB9-B	45.2	37.3	37.1 @ MHST9	1.00%	10" PVC DR35
CBE1-B	42.9	35.6	35.1 @ DCBE1-A	1.00%	10" PVC DR18
CBE9-A	43.4	33.0	32.5 @ EX. MHT9	1.00%	10" PVC DR35
DCBE1-A	43.1	34.4	34.3 @ EX. MHT9	1.00%	10" PVC DR35



LEGEND

DESIGN GRADE	
EXISTING GRADE	
CENTERLINE	
RIGHT OF WAY	
CURB	
EASEMENT	
PROPERTY BOUNDARY	
SANITARY LINE	MHS — SA — SA — MHS
STORM LINE	MHST — ST — ST — MHST
WATER LINE	WAT — WAT
SANITARY LATERAL	
STORM LATERAL	
WATER LATERAL	
STORM EASEMENT	
OVERHEAD UTILITY	OH — OH
WATER VALVE	FIRE HYDRANT
CURB STOP	UTILITY POLE
CATCHBASIN	PRECAST HEADWALL

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

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CONSULTANT

DESIGN POINT ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
PROVINCE OF NOVA SCOTIA
G.S. WOODFORD
6078
JUN. 12, 2019

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS PHASE 2

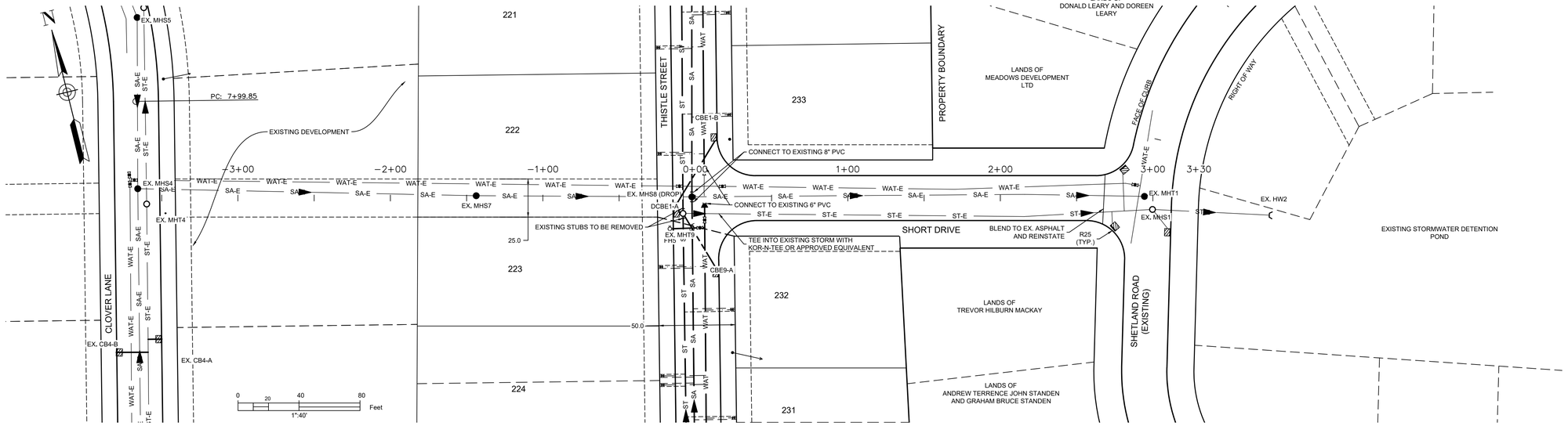
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

PLAN / PROFILE

THISTLE STREET
STA. 19+00 TO 28+50

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	4 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H, 1":4' V	14-033CBase.dwg	



LEGEND

DESIGN GRADE	
EXISTING GRADE	
CENTERLINE	
RIGHT OF WAY	
CURB	
EASEMENT	
PROPERTY BOUNDARY	
SANITARY LINE	MHS SA SA MHS
STORM LINE	MHST ST ST MHST
WATER LINE	WAT WAT
SANITARY LATERAL	
STORM LATERAL	
WATER LATERAL	
STORM EASEMENT	
OVERHEAD UTILITY	OH OH
WATER VALVE	FIRE HYDRANT
CURB STOP	UTILITY POLE
CATCHBASIN	PRECAST HEADWALL

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JUN. 12, 2019
Glenn Woodford
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS PHASE 2

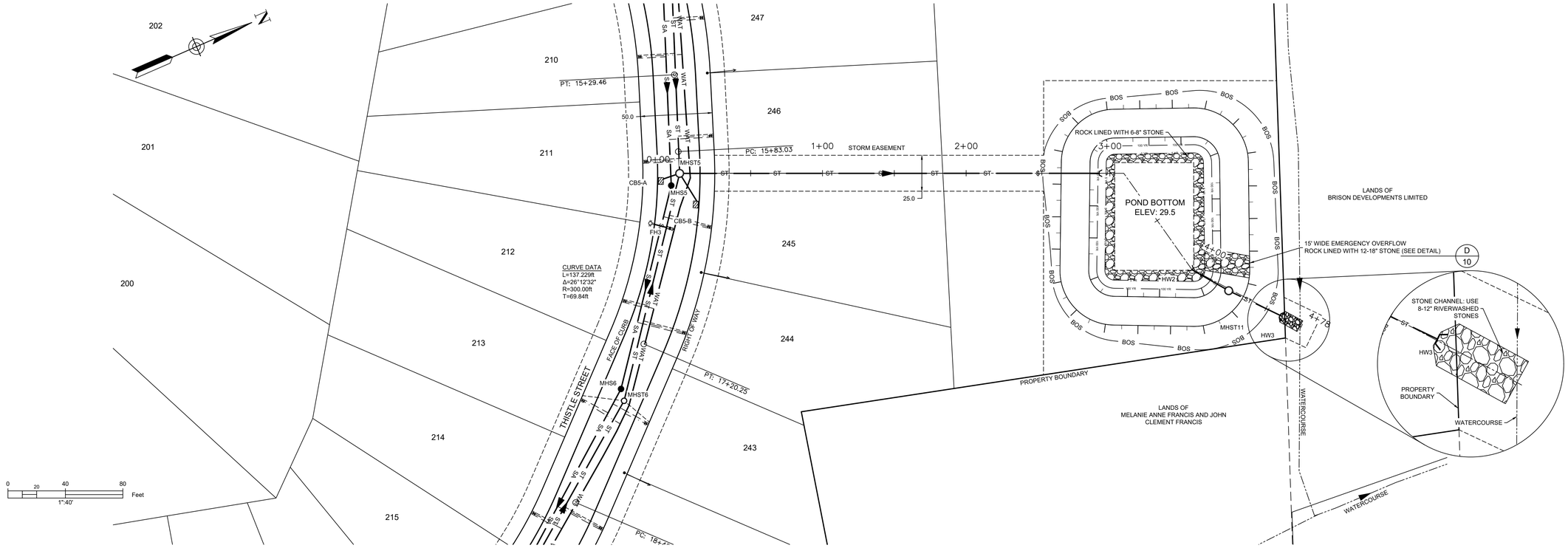
FALMOUTH, NOVA SCOTIA

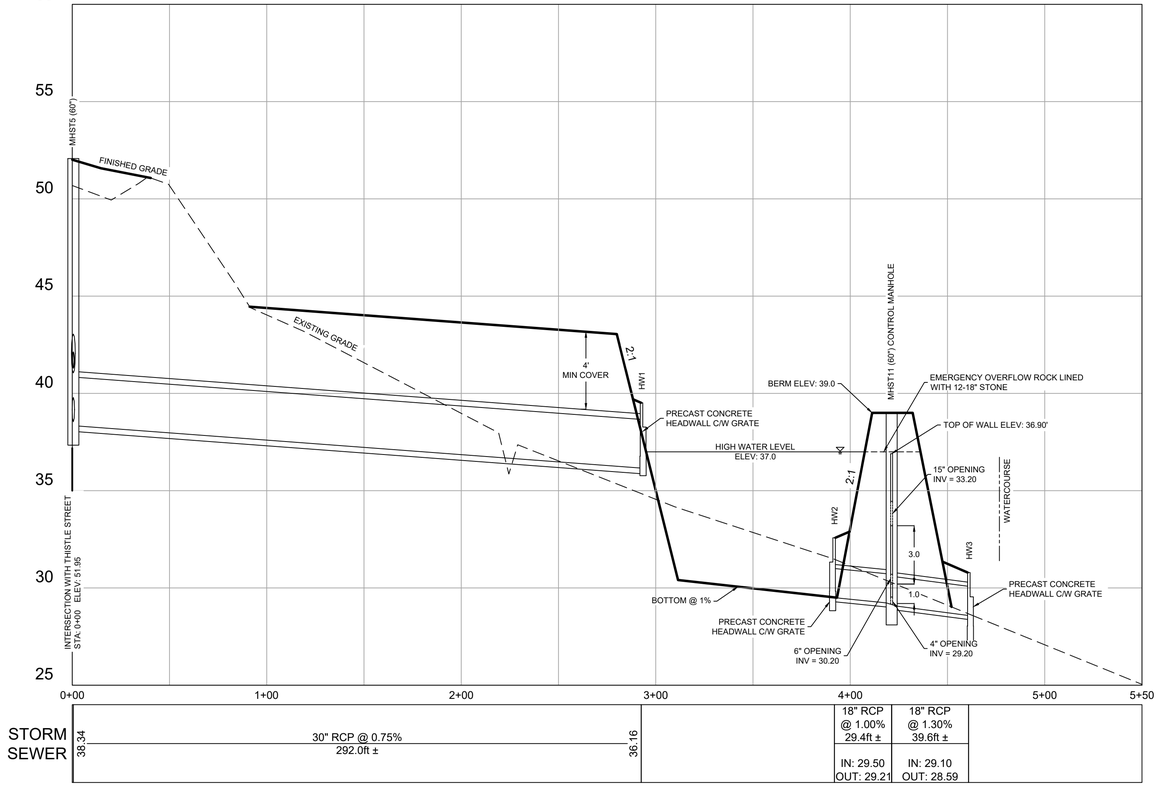
SHEET DESCRIPTION

PLAN / PROFILE

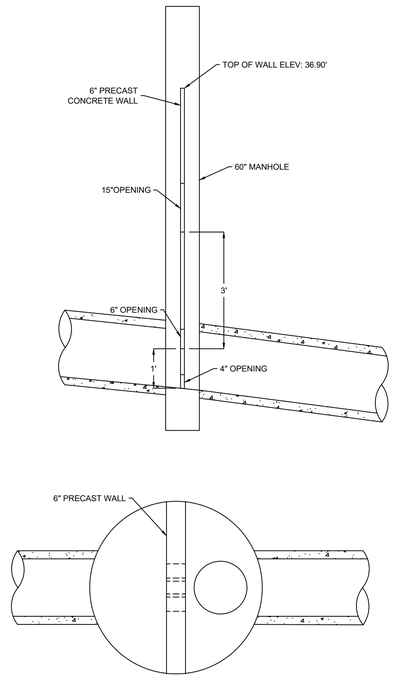
SHORT DRIVE
STA. 0+00 TO 3+00

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	5 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H, 1":4' V	14-033CBase.dwg	





DETAIL FOR MHST11 (NTS)



LEGEND

DESIGN GRADE	
EXISTING GRADE	
CENTERLINE	
RIGHT OF WAY	
CURB	
EASEMENT	
PROPERTY BOUNDARY	
SANITARY LINE	MHS — SA — SA — MHS
STORM LINE	MHST — ST — ST — MHST
WATER LINE	WAT — WAT
SANITARY LATERAL	
STORM LATERAL	
WATER LATERAL	
STORM EASEMENT	
OVERHEAD UTILITY	OH — OH
WATER VALVE	FIRE HYDRANT
CURB STOP	UTILITY POLE
CATCHBASIN	PRECAST HEADWALL

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JUN. 12, 2019
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON
DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS
PHASE 2

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

PLAN / PROFILE

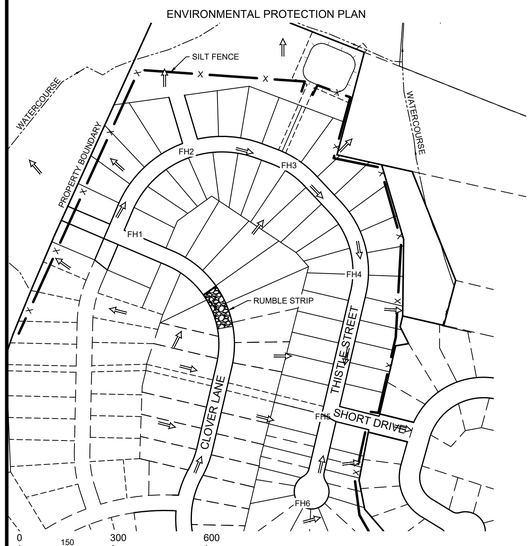
STORM OUTFALL
STA. 0+00 TO 5+50

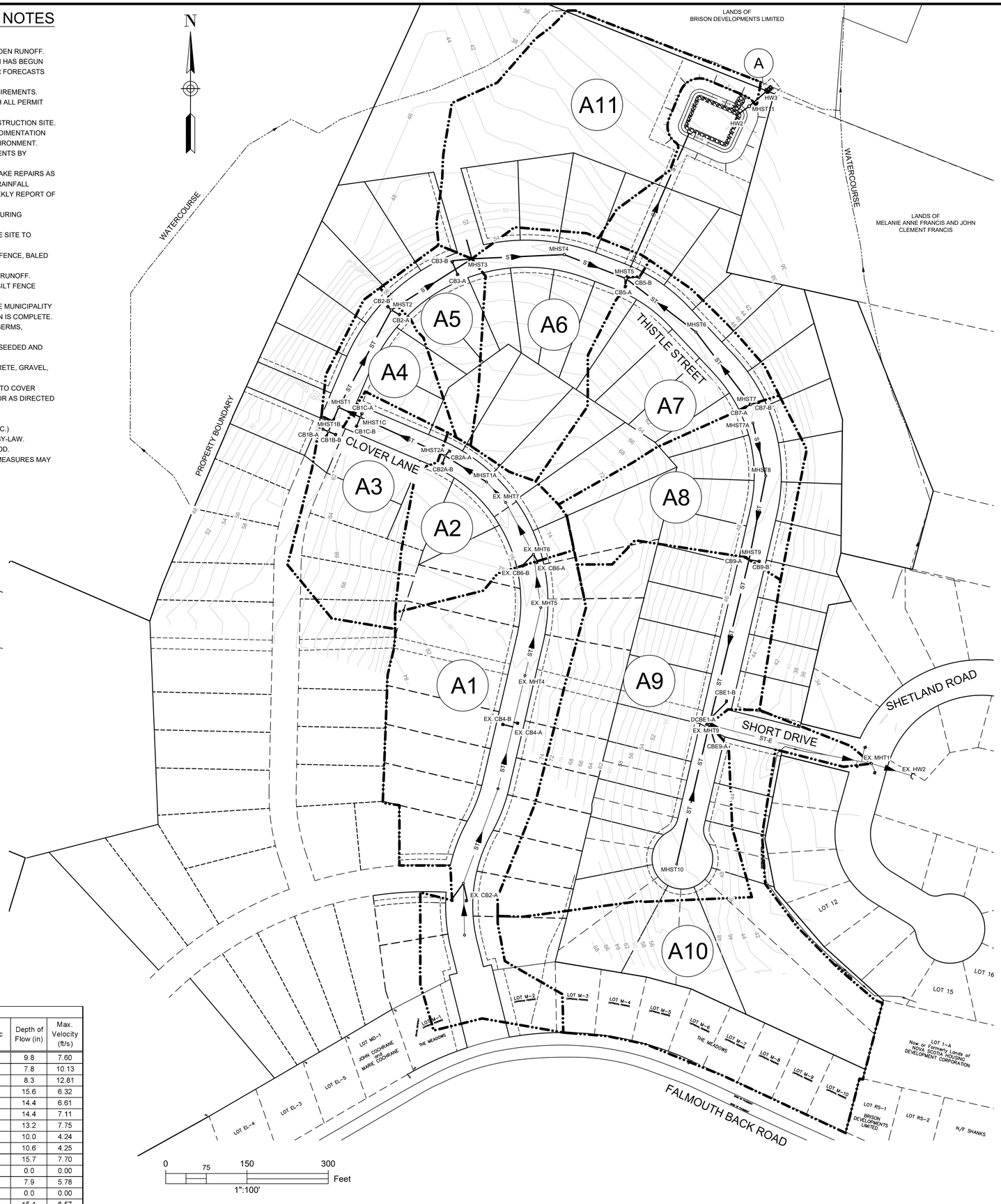
Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	6 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H, 1":4' V	14-033CBase.dwg	

GENERAL EROSION AND SEDIMENT CONTROL NOTES

1. EXPOSED SOIL TO BE MINIMIZED AT ALL TIMES DURING CONSTRUCTION TO LIMIT SEDIMENT LADEN RUNOFF. THIS IS TO BE ACCOMPLISHED BY COMPLETING ALL WORK IN A GIVEN AREA ONCE EXCAVATION HAS BEGUN BEFORE DISTURBING ADDITIONAL SOIL. CONTRACTOR IS TO BE AWARE OF CURRENT WEATHER FORECASTS AND PLAN SOIL STABILIZATION ACCORDINGLY.
2. ALL WORKS TO BE IN ACCORDANCE WITH NOVA SCOTIA DEPARTMENT OF ENVIRONMENT REQUIREMENTS.
3. CONTRACTOR TO ACQUIRE ALL PERMITS REQUIRED TO PERFORM WORK AND TO COMPLY WITH ALL PERMIT REQUIREMENTS DURING CONSTRUCTION.
4. CONTRACTOR TO PROTECT NATURAL WATERCOURSES FROM SILT LADEN RUNOFF FROM CONSTRUCTION SITE. CONSTRUCTION PROCEDURES CAN BE FOUND IN THE CURRENT EDITION OF "EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
5. CONTRACTOR TO ENSURE THAT ALL EXPOSED AREAS ARE STABILIZED PRIOR TO RAINFALL EVENTS BY CHECKING ENVIRONMENT CANADA FORECASTS (https://weather.gc.ca/canada_e.html).
6. CONTRACTOR TO PERFORM WEEKLY INSPECTIONS OF SEDIMENT CONTROL MEASURES AND MAKE REPAIRS AS NEEDED. ADDITIONAL INSPECTION AND REPAIR TO BE CARRIED OUT BEFORE AND AFTER ANY RAINFALL EXCEEDING 10mm. A LOG OF EACH INSPECTION AND REPAIR IS TO BE KEPT ALONG WITH A WEEKLY REPORT OF EXPOSED AREAS.
7. TRIBUTARY STORM RUNOFF FROM SITE TO BE DIRECTED INTO SEDIMENT CONTROL DEVICES DURING CONSTRUCTION.
8. CONTRACTOR TO CONSTRUCT AND MAINTAIN DIVERSION DITCHES THROUGH AND AROUND THE SITE TO MINIMIZE CONTAMINATION OF CLEAN WATER.
9. CONTRACTOR TO HAVE ADDITIONAL SEDIMENT CONTROL MEASURES ON SITE INCLUDING SILT FENCE, BALED HAY, AND LOOSE HAY/MULCH TO MAINTAIN OR INSTALL CONTROL MEASURES AS REQUIRED.
10. EXPOSED SURFACES TO BE COVERED WITH HAY, MULCH, OR WOOD CHIPS TO LIMIT SEDIMENT RUNOFF.
11. CONTRACTOR MAY SUBSTITUTE WOOD CHIP BERM FOR SILT FENCE IN ROCKY AREAS WHERE SILT FENCE CANNOT BE INSTALLED.
12. SEDIMENTATION BERMS AND PONDS TO REMAIN IN SERVICE UNTIL PROJECT ENGINEER OR THE MUNICIPALITY REQUESTS THEIR REMOVAL. THIS WILL ONLY OCCUR AFTER LOT AND BUILDING CONSTRUCTION IS COMPLETE.
13. SEDIMENTATION BERMS AND PONDS TO BE REMOVED IN THE FOLLOWING ORDER. LEVEL OFF BERMS, HYDROSEED AND COVER ALL EXPOSED AREAS WITH HAY, THEN FILL IN PONDS.
14. UPON COMPLETION OF GRADING ACTIVITY, ALL LOT DRAINAGE EASEMENTS ARE TO BE HYDROSEEDED AND MULCHED.
15. TOPSOIL AND HYDROSEED TO BE PLACED ON ALL AREAS NOT FINISHED WITH ASPHALT, CONCRETE, GRAVEL, OR SOD.
16. ACCESS ROADS TO SITE ARE TO BE MAINTAINED WITH CLEAN GRAVEL APPLIED PERIODICALLY TO COVER MUDDY AREAS. CLEANING OF ADJACENT STREETS IS THE RESPONSIBILITY OF THE CONTRACTOR AS DIRECTED BY THE ENGINEER.
17. VEHICLE ACCESS TO CONSTRUCTION SITE TO BE RESTRICTED.
18. STABILIZE ON-SITE STOCKPILES USING APPROPRIATE MEASURES (SILT FENCE, HAY, TARPS, ETC.)
19. SITE ACTIVITY TO ADHERE TO REQUIREMENTS OF HALIFAX REGIONAL MUNICIPALITY TOPSOIL BY-LAW.
20. ALL SEDIMENT CONTROL MEASURES TO BE OPERATIONAL OVER ENTIRE CONSTRUCTION PERIOD.
21. SEDIMENTATION AND EROSION CONTROL MEASURES ARE SUBJECT TO CHANGE. ADDITIONAL MEASURES MAY BE REQUIRED DEPENDING ON SITE CONDITIONS DURING CONSTRUCTION.

ENVIRONMENTAL PROTECTION PLAN





Catchment	Area (ac) ±	Catchment	Area (ac) ±
A1	4.75	A7	2.10
A2	1.47	A8	2.06
A3	1.75	A9	5.48
A4	0.81	A10	4.80
A5	0.83	A11	3.66
A6	2.16	Total	29.87

Storm	Flow to Point A (cfs)	
	Pre-Development	Post-Development
5 Year	6.20	5.87
10 Year	9.49	7.59
25 Year	14.7	11.72
50 Year	18.66	15.18
100 Year	22.84	18.95

Minor Piped Storm System Drainage Analysis - SCS Method (10 Year Return)

Upstream MH	Downstream MH	Tributary Area	Tributary Area +/- (Ac)	Qd - Design Flow (cfs)	Pipe Size (in)	Pipe Slope (%)	Qc - Pipe Capacity (cfs)	Qd/Qc	Depth of Flow (in)	Max. Velocity (ft/s)
EX. 7	1A	A1	4.75	7.55	18	1.50	12.89	0.59	9.8	7.60
1A	2A	A1	4.75	7.58	18	3.25	18.92	0.40	7.8	10.13
2A	1	A1-A2	6.23	10.29	18	4.95	23.38	0.44	8.3	12.81
1	2	A1-A3	7.98	12.63	21	0.70	13.26	0.95	15.6	6.32
2	3	A1-A4	8.78	14.02	24	0.70	18.91	0.74	14.4	6.61
3	4	A1-A5	9.61	15.36	24	0.80	20.20	0.76	14.4	7.11
4	5	A1-A5	9.61	15.36	24	1.00	22.65	0.68	13.2	7.75
6	5	A7	2.10	3.88	15	0.50	4.58	0.85	10.0	4.24
7	6	A7	2.10	3.95	15	0.50	4.57	0.86	10.6	4.25
5	Outfall	A1-A7	13.87	22.60	30	0.75	35.44	0.64	15.7	7.70
8	9	-	-	0.00	12	1.00	3.57	0.00	0.0	0.00
9	EX. 9	A8	2.06	3.83	15	1.10	6.78	0.57	7.9	5.78
10	EX. 9	-	-	0.00	12	1.85	4.85	0.00	0.0	0.00
EX. 9	EX. 1	A8-A9	7.54	13.83	24	0.68	18.59	0.74	15.1	6.57
EX. 1	Outfall	A8-A10	12.34	22.55	30	0.50	29.00	0.78	19.4	6.53

DRAINAGE BOUNDARY
STORM SEWER
PRECAST HEADWALL
TRIBUTARY AREA ID
SILT FENCE
MAJOR DRAINAGE ROUTE

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CONSULTANT

DESIGN POINT
ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
JUN. 12, 2019
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

STORM DRAINAGE / ENVIRONMENTAL PROTECTION PLAN

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	7 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":100' H	14-033CBase.dwg	

N

WATERCOURSE

PROPERTY BOUNDARY

THISTLE STREET

CLOVER LANE

PHASE 2A

FUTURE DEVELOPMENT

EXISTING DEVELOPMENT

LANDS OF
BRISON DEVELOPMENTS LIMITED

LANDS OF
MELANIE ANNE FRANCIS AND JOHN
CLEMENT FRANCIS

STORM EASEMENT

FINISHED SURFACE TO
BE GRADED TO DIRECT
RUNOFF AROUND POND

END OF
ASPHALT

SANITARY LATERAL
INVERT (TYP.)

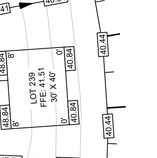
MINIMUM SANITARY
LATERAL INVERT
ELEVATION (TYP.)

END OF
EXISTING
ROAD

SWALE

0 20 40 80 Feet
1":40'

POND BERM DETAIL (NTS)



LEGEND

CONTOUR	38		
CURB			
PROPERTY LINE WITH FLOW ARROW			
TOP OF SLOPE			
BOTTOM OF SLOPE	BOS	BOS	
UTILITY POLE		FIRE HYDRANT	
FINISHED GRADE	42.00	SANITARY LATERAL INVERT	42.00

NOTES:
1. CONTOURS BASED ON TOPOGRAPHIC SURVEY CONDUCTED BY DESIGNPOINT ON NOVEMBER 20, 2014. CONTOUR INTERVAL = 2FT.
2. MINIMUM LOT GRADE TO BE 2%.
3. MAXIMUM LOT GRADE TO BE 3:1.
4. INDIVIDUAL LOT GRADING DESIGN TO BE COMPLETED PRIOR TO HOUSE CONSTRUCTION BASED ON AS BUILT CONDITIONS.
5. FLOOR ELEVATIONS TO BE CONFIRMED AS PART OF INDIVIDUAL LOT GRADING DESIGN BASED ON AS BUILT LATERAL LOCATIONS.
6. FOUNDATION DRAIN INVERT ELEVATIONS AT BUILDING TO BE A MINIMUM OF 1' BELOW FFE.
7. FOUNDATION DRAIN INVERT ELEVATIONS TO BE MINIMUM 2' ABOVE THE STORM MAIN CROWN AT THE POINT OF CONNECTION.

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PROVINCE OF NOVA SCOTIA

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BRISON DEVELOPMENTS

PROJECT DESCRIPTION

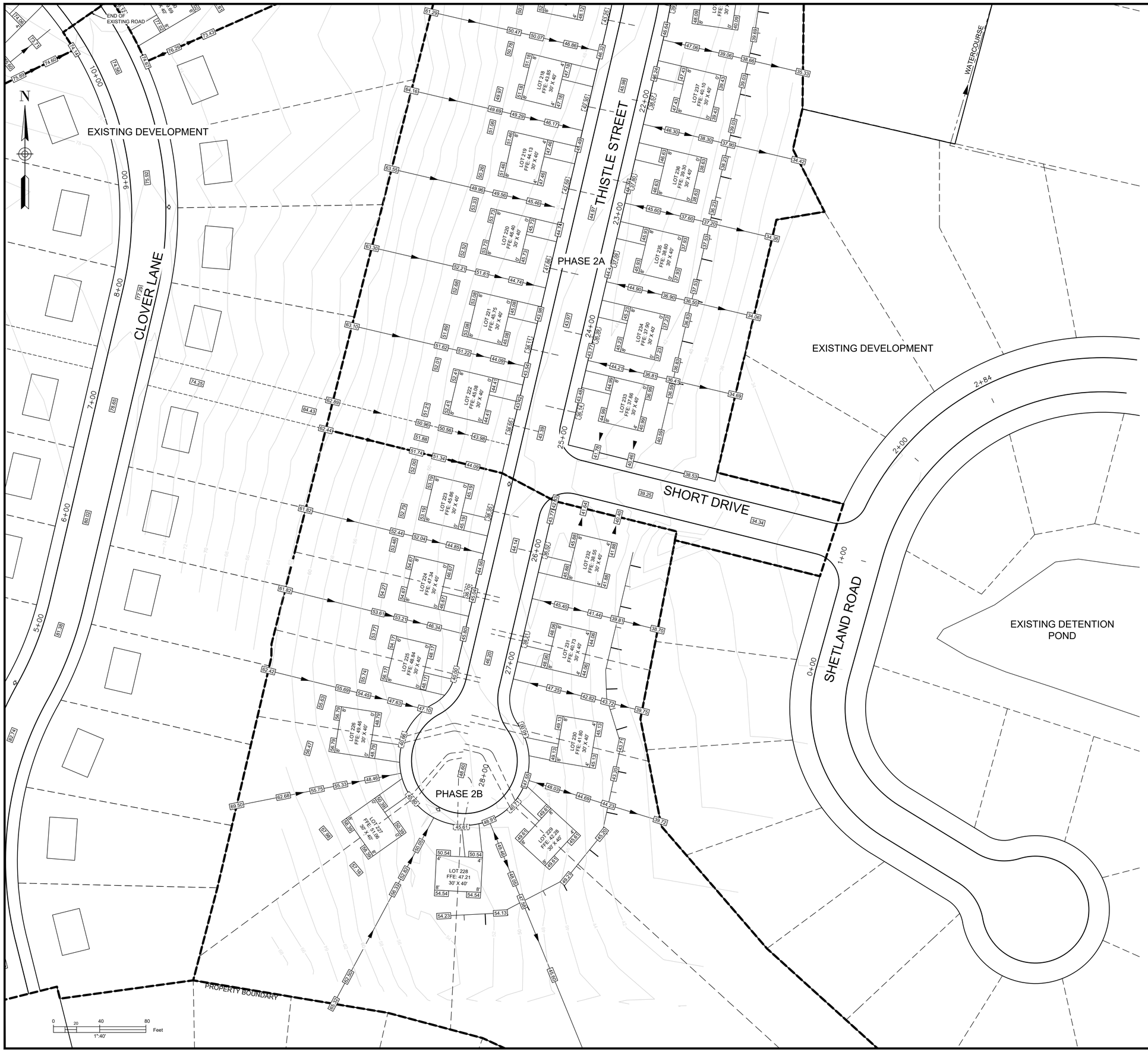
THE MEADOWS PHASE 2

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

GRADING PLAN - SHEET 1

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	8 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H	14-033CBase.dwg	



LEGEND

CONTOUR	38		
CURB			
PROPERTY LINE WITH FLOW ARROW			
TOP OF SLOPE			
BOTTOM OF SLOPE	BOS	BOS	
UTILITY POLE		FIRE HYDRANT	
FINISHED GRADE	42.00	SANITARY LATERAL INVERT	42.00

NOTES:
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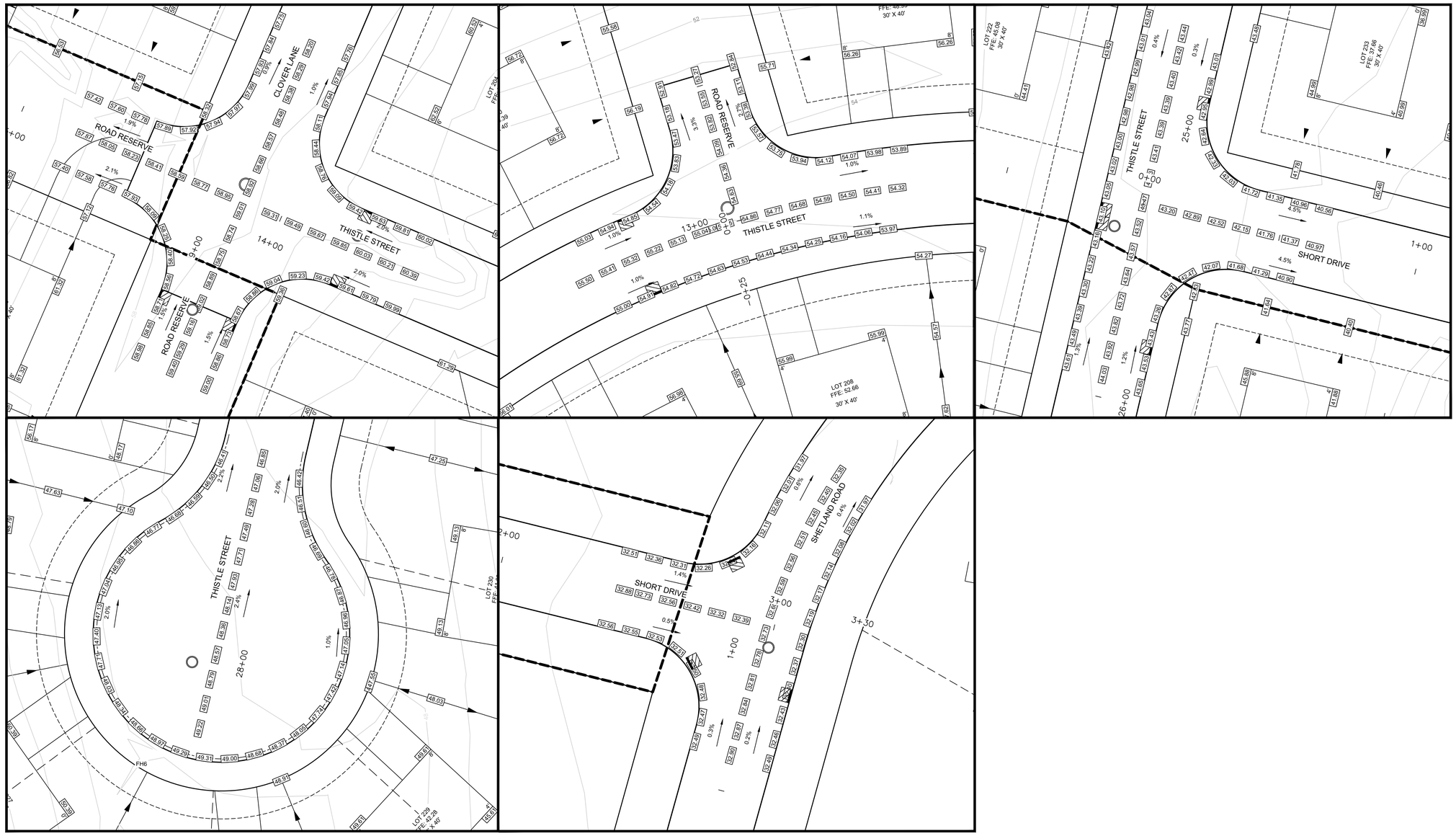
THE MEADOWS PHASE 2

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

GRADING PLAN - SHEET 2

Drawn: A. SKETCHLEY	Engineer: G. WOODFORD	Project No.: 14-033	Drawing No.: 9 of 11
Date of 1st Issue: MAR. 27, 2015	Scale: 1":40' H	Filename: 14-033CBase.dwg	



N

LEGEND

CONTOUR	38		
CURB			
PROPERTY LINE WITH FLOW ARROW			
TOP OF SLOPE			
BOTTOM OF SLOPE	BOS	BOS	
UTILITY POLE		FIRE HYDRANT	
FINISHED GRADE	42.00	SANITARY LATERAL INVERT	42.00

NOTES:
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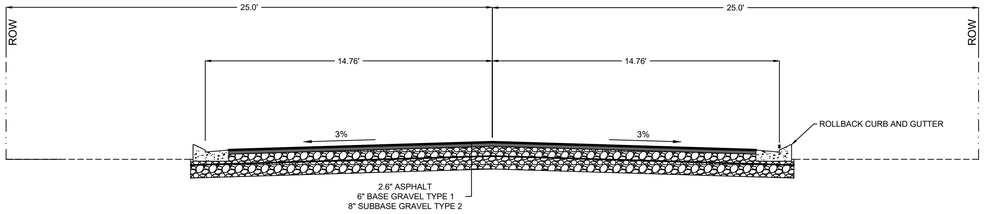
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

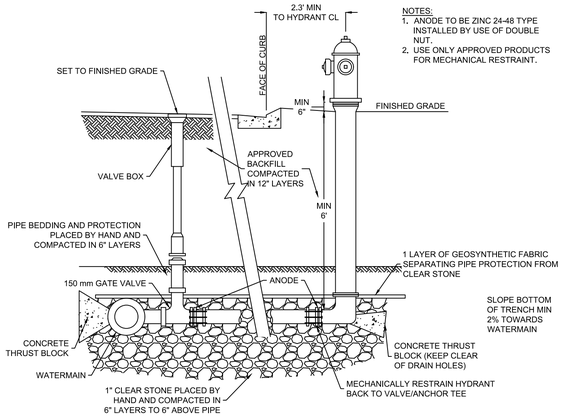
GRADING PLAN - SHEET 3

Drawn: A. SKETCHLEY	Engineer: G. WOODFORD	Project No.: 14-033	Drawing No.: 10 of 11
Date of 1st Issue: MAR. 27, 2015	Scale: 1":20' H	Filename: 14-033CBase.dwg	

TYPICAL ROAD CROSS SECTION — A 11



STANDARD HYDRANT INSTALLATION — B 11

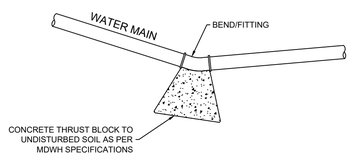


NOTES:
1. ANODE TO BE ZINC 24-48 TYPE INSTALLED BY USE OF DOUBLE NUT.
2. USE ONLY APPROVED PRODUCTS FOR MECHANICAL RESTRAINT.

GENERAL CONSTRUCTION NOTES:

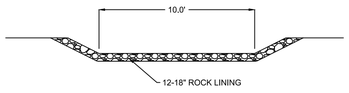
1. **SAFETY IS PARAMOUNT AND THE CONTRACTOR MUST USE SAFE WORK PRACTICES IN ACCORDANCE WITH THE NOVA SCOTIA OCCUPATIONAL HEALTH AND SAFETY ACT.**
2. MDWH'S MUNICIPAL SERVICES SPECIFICATION MANUAL SHALL FORM PART OF THE DESIGN AND SHALL BE ADHERED TO AND THE CONTRACTOR SHALL HAVE A COPY OF THE MANUAL ON SITE DURING CONSTRUCTION.
3. ALL WORKS TO BE IN ACCORDANCE WITH THE "STANDARD SPECIFICATION FOR MUNICIPAL SERVICES" PREPARED JOINTLY BY THE NOVA SCOTIA ROADBUILDERS ASSOCIATION AND THE CONSULTING ENGINEERS OF NOVA SCOTIA (CURRENT EDITION).
4. ALL WORKS TO BE IN ACCORDANCE WITH REQUIREMENTS OF ALL PERMITS AND REGULATIONS AS ISSUED BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
5. CONTRACTOR TO NOTIFY DESIGNPOINT AND THE MUNICIPALITY OF THE DISTRICT OF WEST HANTS REGARDING CONSTRUCTION SCHEDULING PRIOR TO COMMENCING CONSTRUCTION.
6. CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF NATURAL WATERCOURSES FROM DAMAGE DUE TO SILT LADEN RUNOFF FROM THE CONSTRUCTION SITE. ACCEPTABLE CONSTRUCTION PROCEDURES MAY BE OBTAINED FROM 'EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" (CURRENT EDITION), BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
7. ALL DISTURBED AREAS NOT STABILIZED BY GRAVEL, ASPHALT, CONCRETE, OR SOD ARE TO BE STABILIZED WITH HYDROSEED AND HAY. HYDROSEEDED AREAS THAT DO NOT SHOW ACTIVE GROWTH WITHIN THE FIRST GROWING SEASON TO BE RE-STABILIZED.
8. MATERIALS SHALL NOT BE SUBSTITUTED UNLESS PRIOR APPROVAL IS PROVIDED BY THE ENGINEER.
9. SHOP DRAWINGS TO BE PROVIDED FOR REVIEW AND APPROVAL BY THE ENGINEER PRIOR TO CONSTRUCTION.
10. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS REQUIRED TO PERFORM WORKS AND TO COMPLY WITH ALL PERMIT REQUIREMENTS AND CONDITIONS.
11. LOCATIONS OF EXISTING INFRASTRUCTURE IS BASED ON BEST AVAILABLE INFORMATION, INCLUDING RECORD INFORMATION. CONTRACTOR TO CONFIRM LOCATIONS OF EXISTING INFRASTRUCTURE AND NOTIFY ENGINEER OF ANY DISCREPANCIES IMMEDIATELY. CONTRACTOR TO ALLOW A 1 WEEK REVIEW PERIOD BY THE ENGINEER.
12. CONTRACTOR TO VERIFY ALL EXISTING UTILITY LOCATIONS, SUCH AS NOVA SCOTIA POWER, BELL ALIANT, EASTLINK, AND THE MUNICIPALITY. CONTRACTOR TO COORDINATE ALL WORK WITH THE NECESSARY UTILITIES.
13. PERMISSION FROM LANDOWNER(S) REQUIRED TO WORK ON PRIVATE PROPERTY.
14. ALL ELEVATIONS ARE IMPERIAL AND GEODETIC. TOPOGRAPHICAL SURVEY CONDUCTED BY DESIGNPOINT ON NOVEMBER 20, 2014. CONTRACTOR TO CONTACT DESIGNPOINT FOR CONSTRUCTION LAYOUT CONTROL INFORMATION 2 WEEKS PRIOR TO CONSTRUCTION.
15. ALL EARTHWORK, TRENCH WORK, PIPE BEDDING, AND SURFACE TREATMENT TO BE REVIEWED AND CERTIFIED BY PROJECT GEOTECHNICAL ENGINEER.
16. DRAWINGS SUBJECT TO CONSTRUCTION APPROVAL BY THE APPLICABLE APPROVAL AGENCIES (i.e. THE MUNICIPALITY AND NOVA SCOTIA DEPARTMENT OF ENVIRONMENT) PRIOR TO CONSTRUCTION.
17. CONTRACTOR RESPONSIBLE FOR ALL TRAFFIC CONTROL MEASURES REQUIRED FOR THE PROJECT.
18. INSULATION TO BE 50 mm THICK HI40 RIGID STYROFOAM (ROAD AND TRAFFIC RATED).
19. CONTRACTOR MAY REQUEST GRADE ADJUSTMENTS SUBJECT TO REVIEW AND APPROVAL BY ENGINEER AND APPLICABLE APPROVAL AGENCIES. CONTRACTOR RESPONSIBLE FOR COSTS ASSOCIATED WITH DRAWING REVISIONS AND APPROVALS.
20. CATCHBASINS TO BE 42"Ø PRECAST CONCRETE. WATER MAIN TO BE PVC DR18 AND SANITARY MAIN TO BE PVC DR35. STORM TO BE PVC DR35 (8" - 15") AND REINFORCED CONCRETE TO CSA A257.2 (18" AND LARGER).
21. ALL STORM AND SANITARY SERVICE LATERALS TO HAVE A MINIMUM SLOPE OF 2%.
22. ALL MANHOLE FRAMES AND COVERS ARE TO BE IMP TYPE R60 (IMP R12 FOR PARKS AND EASEMENTS) AND WILL INCLUDE A 2" RISER AS MANUFACTURED BY IMP.

THRUST BLOCK DETAIL (NTS) — C 11

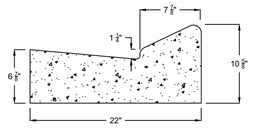


MEGALUG OR APPROVED EQUIVALENT MECHANICAL JOINT RESTRAINT AS PER WEST HANTS SPECIFICATIONS. MINIMUM OF TWO FULL PIPE LENGTHS ON EACH SIDE OF JOINT.

STORMWATER POND EMERGENCY OVERFLOW DETAIL (NTS) — D 11



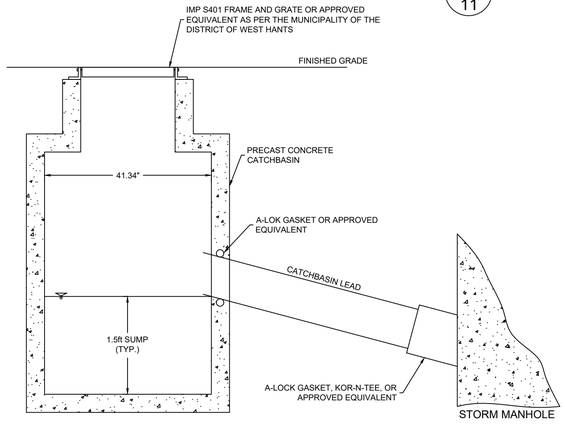
ROLLBACK CURB AND GUTTER DETAIL (NTS) — G 11



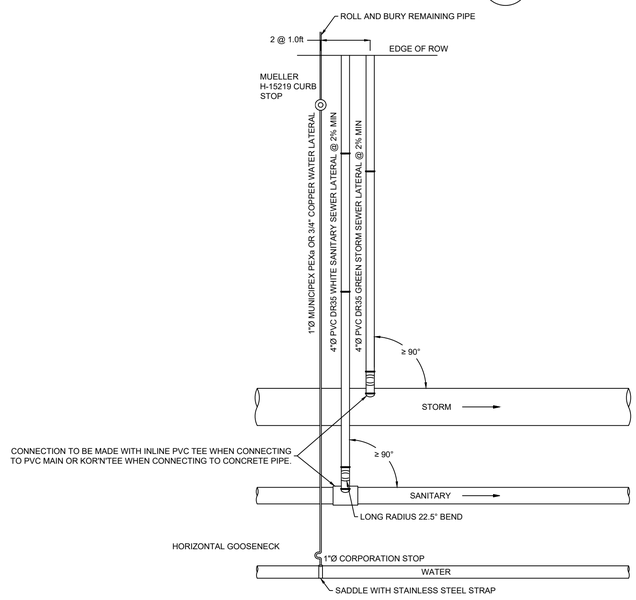
NOTE:

CURB AND GUTTER SHALL BE PLACED ON AN APPROVED GRANULAR BASE HAVING A MINIMUM DEPTH OF 6"

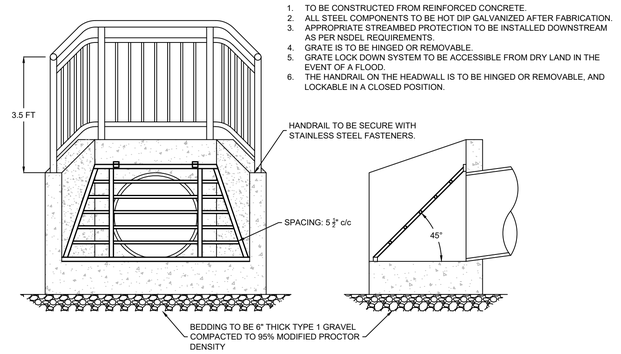
TYPICAL CATCHBASIN DETAIL (NTS) — E 11



SERVICE LATERAL DETAIL (NTS) SEE MDWH DETAIL #10 — F 11



STORM OUTFALL DETAIL (NTS) — F 11



NOTES:
1. TO BE CONSTRUCTED FROM REINFORCED CONCRETE.
2. ALL STEEL COMPONENTS TO BE HOT DIP GALVANIZED AFTER FABRICATION.
3. APPROPRIATE STREAMBED PROTECTION TO BE INSTALLED DOWNSTREAM AS PER NSDEL REQUIREMENTS.
4. GRATE IS TO BE HINGED OR REMOVABLE.
5. GRATE LOCK DOWN SYSTEM TO BE ACCESSIBLE FROM DRY LAND IN THE EVENT OF A FLOOD.
6. THE HANDRAIL ON THE HEADWALL IS TO BE HINGED OR REMOVABLE, AND LOCKABLE IN A CLOSED POSITION.

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

ISSUE	DATE	DESCRIPTION
3	JUN. 12, 2019	REVISED AS PER MDWH COMMENTS
2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
1	MAR. 27, 2015	ISSUED FOR REGULATORY REVIEW

CONSULTANT

DESIGN POINT ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
PROVINCE OF NOVA SCOTIA
JUN. 12, 2019
G.S. WOODFORD
6078

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS PHASE 2

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

CONSTRUCTION NOTES AND DETAILS

Drawn: A. SKETCHLEY	Engineer: G. WOODFORD	Project No.: 14-033	Drawing No.: 11 of 11
Date of 1st Issue: MAR. 27, 2015	Scale: NTS	Filename: 14-033CBase.dwg	

April 1, 2020

Brison Developments
411 Gabriel Road
Falmouth, Nova Scotia B0P 1L0
Attention: Mitch Brison

RE: The Meadows Phase 2 – Storm Drainage System
DesignPoint Project #: 14-033

Further to our discussion, I understand that you are interested in changing the large 75 ft wide R1 lots to semi-detached, townhomes, or small R1 lots. The changes apply to The Meadows Phase 2 including Thistle Street, the extension of Clover Lane, and Short Drive.

The storm drainage system as designed in my latest drawing package for this project (dated June 12, 2019, Rev 3) is adequate to accommodate these changes to the development.

For reference, please refer to the Storm Drainage / Environmental Protection Plan, Sheet 7 of 11, Revision 3, dated June 12, 2019 (included with this letter).

If you have any questions, please feel free to contact me.

Thank you,
DesignPoint Engineering & Surveying Ltd.

Glenn Woodford, P.Eng.
Senior Engineer & Principal

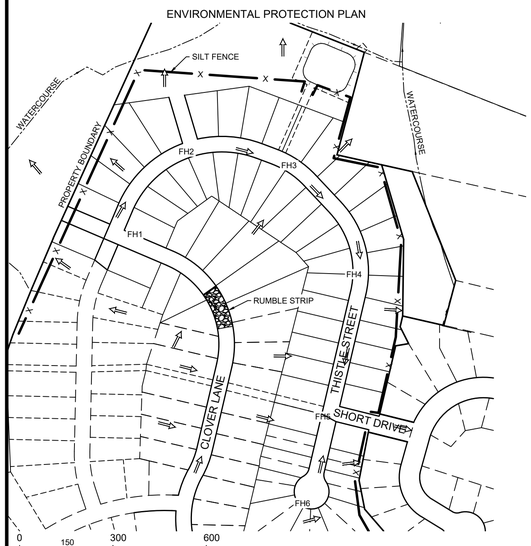
GSW/alc

Enclosures: Storm Drainage / Environmental Protection Plan

GENERAL EROSION AND SEDIMENT CONTROL NOTES

1. EXPOSED SOIL TO BE MINIMIZED AT ALL TIMES DURING CONSTRUCTION TO LIMIT SEDIMENT LADEN RUNOFF. THIS IS TO BE ACCOMPLISHED BY COMPLETING ALL WORK IN A GIVEN AREA ONCE EXCAVATION HAS BEGUN BEFORE DISTURBING ADDITIONAL SOIL. CONTRACTOR IS TO BE AWARE OF CURRENT WEATHER FORECASTS AND PLAN SOIL STABILIZATION ACCORDINGLY.
2. ALL WORKS TO BE IN ACCORDANCE WITH NOVA SCOTIA DEPARTMENT OF ENVIRONMENT REQUIREMENTS.
3. CONTRACTOR TO ACQUIRE ALL PERMITS REQUIRED TO PERFORM WORK AND TO COMPLY WITH ALL PERMIT REQUIREMENTS DURING CONSTRUCTION.
4. CONTRACTOR TO PROTECT NATURAL WATERCOURSES FROM SILT LADEN RUNOFF FROM CONSTRUCTION SITE. CONSTRUCTION PROCEDURES CAN BE FOUND IN THE CURRENT EDITION OF "EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
5. CONTRACTOR TO ENSURE THAT ALL EXPOSED AREAS ARE STABILIZED PRIOR TO RAINFALL EVENTS BY CHECKING ENVIRONMENT CANADA FORECASTS (https://weather.gc.ca/canada_e.html).
6. CONTRACTOR TO PERFORM WEEKLY INSPECTIONS OF SEDIMENT CONTROL MEASURES AND MAKE REPAIRS AS NEEDED. ADDITIONAL INSPECTION AND REPAIR TO BE CARRIED OUT BEFORE AND AFTER ANY RAINFALL EXCEEDING 10mm. A LOG OF EACH INSPECTION AND REPAIR IS TO BE KEPT ALONG WITH A WEEKLY REPORT OF EXPOSED AREAS.
7. TRIBUTARY STORM RUNOFF FROM SITE TO BE DIRECTED INTO SEDIMENT CONTROL DEVICES DURING CONSTRUCTION.
8. CONTRACTOR TO CONSTRUCT AND MAINTAIN DIVERSION DITCHES THROUGH AND AROUND THE SITE TO MINIMIZE CONTAMINATION OF CLEAN WATER.
9. CONTRACTOR TO HAVE ADDITIONAL SEDIMENT CONTROL MEASURES ON SITE INCLUDING SILT FENCE, BALED HAY, AND LOOSE HAY/MULCH TO MAINTAIN OR INSTALL CONTROL MEASURES AS REQUIRED.
10. EXPOSED SURFACES TO BE COVERED WITH HAY, MULCH, OR WOOD CHIPS TO LIMIT SEDIMENT RUNOFF.
11. CONTRACTOR MAY SUBSTITUTE WOOD CHIP BERM FOR SILT FENCE IN ROCKY AREAS WHERE SILT FENCE CANNOT BE INSTALLED.
12. SEDIMENTATION BERMS AND PONDS TO REMAIN IN SERVICE UNTIL PROJECT ENGINEER OR THE MUNICIPALITY REQUESTS THEIR REMOVAL. THIS WILL ONLY OCCUR AFTER LOT AND BUILDING CONSTRUCTION IS COMPLETE.
13. SEDIMENTATION BERMS AND PONDS TO BE REMOVED IN THE FOLLOWING ORDER. LEVEL OFF BERMS, HYDROSEED AND COVER ALL EXPOSED AREAS WITH HAY, THEN FILL IN PONDS.
14. UPON COMPLETION OF GRADING ACTIVITY, ALL LOT DRAINAGE EASEMENTS ARE TO BE HYDROSEEDED AND MULCHED.
15. TOPSOIL AND HYDROSEED TO BE PLACED ON ALL AREAS NOT FINISHED WITH ASPHALT, CONCRETE, GRAVEL, OR SOD.
16. ACCESS ROADS TO SITE ARE TO BE MAINTAINED WITH CLEAN GRAVEL APPLIED PERIODICALLY TO COVER MUDDY AREAS. CLEANING OF ADJACENT STREETS IS THE RESPONSIBILITY OF THE CONTRACTOR AS DIRECTED BY THE ENGINEER.
17. VEHICLE ACCESS TO CONSTRUCTION SITE TO BE RESTRICTED.
18. STABILIZE ON-SITE STOCKPILES USING APPROPRIATE MEASURES (SILT FENCE, HAY, TARPS, ETC.)
19. SITE ACTIVITY TO ADHERE TO REQUIREMENTS OF HALIFAX REGIONAL MUNICIPALITY TOPSOIL BY-LAW.
20. ALL SEDIMENT CONTROL MEASURES TO BE OPERATIONAL OVER ENTIRE CONSTRUCTION PERIOD.
21. SEDIMENTATION AND EROSION CONTROL MEASURES ARE SUBJECT TO CHANGE. ADDITIONAL MEASURES MAY BE REQUIRED DEPENDING ON SITE CONDITIONS DURING CONSTRUCTION.

ENVIRONMENTAL PROTECTION PLAN

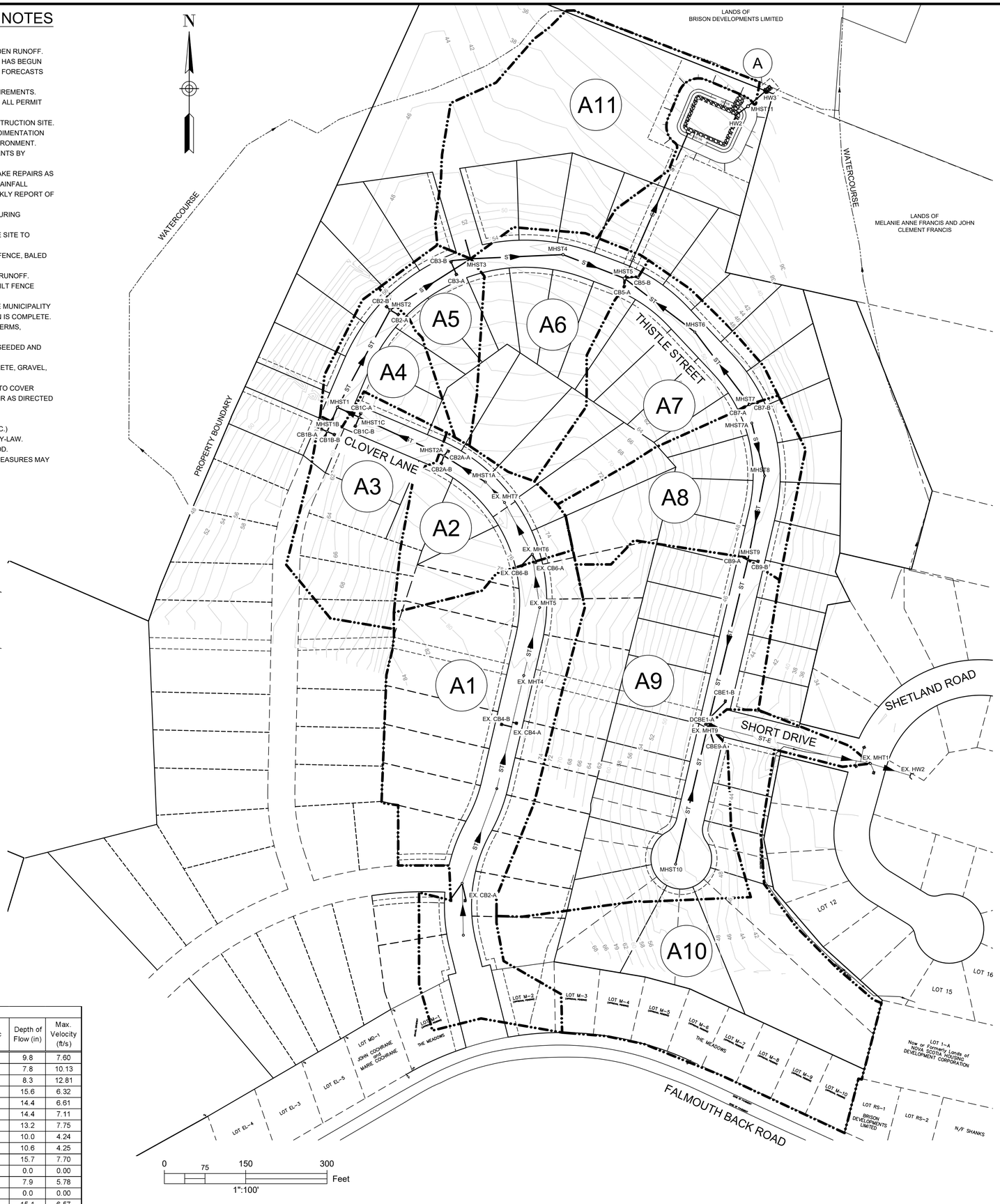


Catchment	Area (ac) ±	Catchment	Area (ac) ±
A1	4.75	A7	2.10
A2	1.47	A8	2.06
A3	1.75	A9	5.48
A4	0.81	A10	4.80
A5	0.83	A11	3.66
A6	2.16	Total	29.87

Storm	Flow to Point A (cfs)	
	Pre-Development	Post-Development
5 Year	6.20	5.87
10 Year	9.49	7.59
25 Year	14.7	11.72
50 Year	18.66	15.18
100 Year	22.84	18.95

Minor Piped Storm System Drainage Analysis - SCS Method (10 Year Return)

Upstream MH	Downstream MH	Tributary Area	Tributary Area +/- (Ac)	Qd - Design Flow (cfs)	Pipe Size (in)	Pipe Slope (%)	Qc - Pipe Capacity (cfs)	Qd/Qc	Depth of Flow (in)	Max. Velocity (ft/s)
EX_7	1A	A1	4.75	7.55	18	1.50	12.89	0.59	9.8	7.60
1A	2A	A1	4.75	7.58	18	3.25	18.92	0.40	7.8	10.13
2A	1	A1-A2	6.23	10.29	18	4.95	23.38	0.44	8.3	12.81
1	2	A1-A3	7.98	12.63	21	0.70	13.26	0.95	15.6	6.32
2	3	A1-A4	8.78	14.02	24	0.70	18.91	0.74	14.4	6.61
3	4	A1-A5	9.61	15.36	24	0.80	20.20	0.76	14.4	7.11
4	5	A1-A5	9.61	15.36	24	1.00	22.65	0.68	13.2	7.75
6	5	A7	2.10	3.88	15	0.50	4.58	0.85	10.0	4.24
7	6	A7	2.10	3.95	15	0.50	4.57	0.86	10.6	4.25
5	Outfall	A1-A7	13.87	22.60	30	0.75	35.44	0.64	15.7	7.70
8	9	-	-	0.00	12	1.00	3.57	0.00	0.0	0.00
9	EX_9	A8	2.06	3.83	15	1.10	6.78	0.57	7.9	5.78
10	EX_9	-	-	0.00	12	1.85	4.85	0.00	0.0	0.00
EX_9	EX_1	A8-A9	7.54	13.83	24	0.68	18.59	0.74	15.1	6.57
EX_1	Outfall	A8-A10	12.34	22.55	30	0.50	29.00	0.78	19.4	6.53



DRAINAGE BOUNDARY
STORM SEWER
PRECAST HEADWALL
A1 TRIBUTARY AREA ID
SILT FENCE
MAJOR DRAINAGE ROUTE

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

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CONSULTANT

DESIGN POINT
ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
JUN. 12, 2019
Glenn Woodford
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

STORM DRAINAGE / ENVIRONMENTAL PROTECTION PLAN

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	7 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":100' H	14-033CBase.dwg	

Attachment C
2021-04-27 Draft Development Agreement as revised by Council on March 23, 2021

DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2021.

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 -

BRISON DEVELOPMENTS LIMITED, a body corporate, with a head office at 258 King Street, Windsor, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the "Owner")

OF THE SECOND PART

WHEREAS the Owner is the registered Owner of several lots located in Falmouth (PIDs 45371879, 45383379, 45371887, and 45383957), hereinafter referred to as the "Properties", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Properties are designated Residential on the Generalized Future Land Use Map of the Municipality of the District of West Hants Municipal Planning Strategy (June 26, 2008) (the "Municipal Planning Strategy") and zoned Single Unit Residential (R-1) on the Zoning Map of the Municipality of the District of West Hants Land Use By-law (June 26, 2008) (the "Land Use By-law") and are in the Falmouth Growth Centre; and

WHEREAS the Owner requested that the Municipality discharge a development agreement registered on PID 45371879 on September 27, 2007 and enter into a new development agreement for PIDs 45371879, 45383379, 45371887, and 45383957 to permit two-unit residential development (the "Development"); and

WHEREAS Policy 5.4.4 of the Municipal Planning Strategy; and Section 6.1 (d) of the Land Use By-law enables Council to consider new comprehensively designed multiple residential developments in the Falmouth Growth Centre by development agreement; and

WHEREAS the Council of the Municipality, at a meeting held on Date, approved this request and adopted this Agreement by policy subject to the execution of this development agreement by the parties hereto;

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 By-law, except those defined as follows:

"Municipal Engineer" means the engineer of the West Hants Regional Municipality and includes a person acting under the supervision and direction of the engineer.

"Two-unit Dwelling" means a completely detached building containing only two (2) dwelling units.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

- Schedule A - Legal Description
- Schedule B – Concept Plan
- Schedule C – Stormwater Management Plan

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 2 DEVELOPMENT REQUIREMENTS

2.1 Use

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

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

(b) two-unit dwellings.

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 development location and design shall conform to the following at all times:

(a) a minimum of 30 percent of the dwellings constructed must be single unit dwellings;

(b) maximum units per phase shall not exceed the numbers shown on the Unit Summary table on Schedule B;

(c) the development shall be constructed using any of the lot configurations or design elements shown in Schedule B; and

(d) the gross density of the development shall not exceed four and a half (4.5) dwelling units per acre. Where the gross density exceeds three (3) dwelling units per acre, at least 10 percent of the total area of the property shall be dedicated to the Municipality for parkland or open space purposes. This includes the 5% parkland dedication required in the Subdivision By-law. The Public Parkland outlined in the parkland agreements entered into by the Owner and the Municipality on August 22, 2011 and April 10, 2012 may be used as part of the parkland contribution requirement for this development.

2.3 Lot and Yard Requirements

All Single Unit dwellings shall conform to the following lot requirements:

Minimum Lot Area	6,000 ft^2 (557.40 m^2) 7,000 ft^2 (650.30 m^2) for corner lots
Minimum Lot Frontage	50 ft. (15.24 m)
Minimum Front Yard	25 ft. (7.62 m)
Minimum Flankage Yard	15 ft. (4.57 m)
Minimum Rear Yard	25 ft. (7.62 m)
Minimum Side Yard	6 ft. (1.83 m) on both sides
Maximum Height of Main Building	35 ft. (10.67 m)

All Two-unit dwellings shall be regulated under sections 9.2 and 9.3 of the Land Use By-law.

The Development Officer may grant a variance from one or more of the following subject to the requirements of the Municipal Government Act:

(a) minimum lot area and frontage;

(b) minimum yard dimensions;

(c) percentage of land that may be built upon;

(d) number of parking and loading spaces required;

(e) height of a structure;

(f) floor area occupied by a home-based business; and

(g) height and area of a sign.

2.4 Access and Egress

Before a development permit can be issued for the 100th residential unit within the area of the development agreement and/or prior to the commencement of any development in Phase 3 as shown on Schedule B, a Traffic Impact Study must be submitted to the Municipality and approved by Department of Transportation and Infrastructure Renewal, and all work required by the recommendations in the Ttraffic Impact Study must be completed. This requirement applies only to applications for development permits made following the effective date of this development agreement.

2.5 Roads and Municipal Services

Roads and Municipal Services in the development shall conform to the following:

(a) the layout of streets within the development shall be as generally shown on Schedule B. The Development Officer, in consultation with the Municipal Engineer, may give consideration to minor incidental changes to the street layout;

(b) all streets and municipal services within the development shall be designed and constructed in accordance with the requirements of the Municipal Services Specifications Manual. Detailed design plans of the street networks, water and sewer servicing and storm water systems shall be approved by the Municipal Engineer for each phase of the development prior to construction commencing for that phase; and

(c) the development of new streets not shown on Schedule B for the purpose of development shall be permitted provided all requirements of the Subdivision By-law are met.

2.6 Parking

Parking shall be provided in accordance with the requirements of section 5.31 of the Land Use By-law.

2.7 Signs and Lighting

Signage and illumination shall be regulated under sections 5.18 and 7.0 of the Land Use By-law which controls 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 Maintenance

The Owner shall keep the Properties 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.

2.9 Storm Drainage

The Owner shall ensure the Stormwater Management Plan, Schedule C, is implemented to ensure neighboring properties are not negatively impacted by storm drainage. The Development Officer, in consultation with the Municipal Engineer, may give consideration to minor incidental changes to the Stormwater Management Plan without requiring an amendment to this agreement.

The Owner may transfer ownership of the stormwater management system, and specifically the detention pond, to the Municipality provided all acceptance requirements in the Subdivision By-law are met. If the Owner wishes to enable alternative requirements for acceptance, the Owner may enter into a servicing agreement with the Municipality as outlined in the Subdivision By-law.

If the Owner wishes to retain ownership of the stormwater management system, and specifically the detention pond, the Owner must provide the Municipal Engineer evidence annually, or upon request of the Municipality, that the detention pond conforms to the performance expectations detailed in Schedule "C" of this agreement. All costs associated with addressing performance concerns will be at the sole expense of the owner and must be addressed by the Owner within six (6) months of notification. The Owner may be given an extension in writing by the Development Officer to complete the work for an equivalent period. Should the owner not address the concerns, the Municipality reserves the rights to make any repairs necessary and charge the Owner for the costs incurred.

PART 3 CHANGES AND DISCHARGE

3.1 The Owner shall not vary or change the use of the Properties from that provided for in *Section 2.1 Uses* of this Agreement 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 overall intended effect of this Agreement.

3.3 The following matters are substantive matters:

(a) the uses permitted on the Properties as listed in *Section 2.1 Use* of this Agreement;

(b) the location and design requirements for the Properties as listed in *Section 2.2 Development Location and Design*;

(c) the lot and yard requirements for the Properties as listed in *Section 2.3 Lot and Yard Requirements* of this Agreement; and

(d) the stormwater management plan for the Properties as described in *Section 2.9 Storm Drainage* of this Agreement.

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

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

(a) as provided for in *Section 4.1 Commencement of Operation* of this Agreement; or

(b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least forty-eight (48) months; or

(c) at any time upon the written request of the Owner, provided the use of the Properties is in accordance with the Land Use By-law or a new Agreement has been entered into.

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

PART 4 IMPLEMENTATION

4.1 Commencement of Operation

(a) The Owner may not commence any construction or use on the Properties related to this development 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 forty-eight (48) 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 30 days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, 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 Owner is bona fide delayed from commencing the development for reasons which are beyond the Owner's control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owner is excused for the period of the delay and the time period for

the Owner 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 Owner shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required within ten (10) days of completion of any work which requires the engineered design.

(b) The Owner 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 By-laws and Regulations

(a) Nothing in this Agreement shall exempt the Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.

(b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Properties (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 Owner about the suitability of the Properties for the development proposed by this agreement. The Owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the Development.

(b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not

be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the 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 Owner shall pay all costs associated with the costs of registering this Agreement and discharging any prior agreements encumbering the Properties, and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

(a) 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.

(b) This Agreement replaces and discharges the Development Agreement between the Municipality of the District of West Hants and the Owner dated August 7, 2007 and recorded at the Registry of Deeds in the Province of Nova Scotia on September 27, 2007 as Document No. 88923751.

5.8 Assignment of Agreement

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

5.9 Written Notice

(a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to 258 King Street P.O. Box 2018 Windsor, NS, CA B0N 2T0, or at any other address provided by the Owner.

(b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, Nova Scotia, B0N 2T0.

5.10 Full Agreement

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

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

SIGNED, SEALED AND DELIVERED
In the presence of:

WEST HANTS REGIONAL MUNICIPALITY

)
)
)
_____) Per: _____
Witness) Abraham Zebian, Mayor
)

_____) Per: _____
Witness) Rhonda Brown, Municipal Clerk
)

) **Brison Developments Limited**
)
)
_____) Per: _____
Witness) Mitchel Brison, President

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2021, 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. 2021, 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. 2021, 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 **MITCHEL BRISON**, 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

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 _____, 2021.

_____ _____
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

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mitchel Brison, Nova Scotia, make oath and say that:

1. I am Mitchel Brison of Brison Developments Limited, the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment 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 ss.79 and 83 of the Land Reglstration Act as the case may be.

3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.

4. The Corporation is a resident of Canada under the Income Tax Act (Canada).

5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this Month Day, 2021 the Deponent came before me, made oath, and swore the foregoing affidavit at_____, Nova Scotia.

Print Name:

Authority (e.g. Commissioner of Oaths):
Please affix seal

Schedule 'A'
Legal Description – PID 45371879

Place Name: FALMOUTH BACK ROAD FALMOUTH
Municipality/County: MUNICIPALITY OF THE DISTRICT OF HANTS WEST/HANTS COUNTY
Designation of Parcel on Plan: BLOCK 1-R
Title of Plan: SURVEY PARCEL PH-2, S/D PORTION BLOCK 1, LANDS OF MEADOWS DEVELOPMENT LTD, FALMOUTH BACK RD, AYLWARD RD & SHETLAND RD (PROPOSED), FALMOUTH, APP PARCEL PH-2 & BLOCK 1-R
Registration County: HANTS COUNTY
Registration Number of Plan: 88595377
Registration Date of Plan: 2007-08-16 13:49:14

SAVING and EXCEPTING Lot MD-1 as shown on registered Plan No. 91651050 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOTS M-1 to M-4, inclusive as shown on registered Plan No. 97335914 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOTS 114-121 inclusive, as shown on registered Plan No. 99835861 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 113 as shown on registered Plan No. 99835861 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 112 as shown on registered Plan No. 100545707 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 103 as shown on registered Plan No. 104799615 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 104 and LOT 105 as shown on registered Plan No. 105333000 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 109 as shown on registered Plan No. 106182976 at the Land Registration Office for Hants County.

SAVING AND EXCEPTING Lot 108 as shown on registered plan no. 107755051 recorded in the Land Registration Office for Hants County.

SAVING AND EXCEPTING Lot 106 as shown on registered plan no. 108175689 recorded in the Land Registration Office for Hants County.

SAVING and EXCEPTING Lot 107 as shown on registered Plan No. 108291684 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 110 as shown on registsred Plan No. 108314981 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 101 and LOT 102 as shown on registsred Plan No. 110487163 at the Land Registration Office for Hants County.

*** 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: 2017
Plan or Document Number: 110487163

The MGA compliance statement has been applied by SNSMR during the processing of Land Registration Plan.

Legal Description – PID 45383379

Registration County: HANTS COUNTY
Street/Place Name: FALMOUTH DYKE ROAD /FALMOUTH
Title of Plan: PLAN OF S/D OF LOT GE-2, LAND OF RICHARD ARNOLD ELDRIDGE, TO FORM LOT GE-2A & REMAINDER LOT GE-2B, FALMOUTH DYKE RD, FALMOUTH
Designation of Parcel on Plan: LOT GE-2A
Registration Number of Plan: 96299525
Registration Date of Plan: 2010-07-07 11:26:40

Legal Description – PID 45371887

Place Name: FALMOUTH BACK ROAD FALMOUTH
Municipality/County: MUNICIPALITY OF THE DISTRICT OF HANTS WEST/HANTS COUNTY
Designation of Parcel on Plan: PARCEL PH-2
Title of Plan: SURVEY PARCEL PH-2, S/D PORTION BLOCK 1, LANDS OF MEADOWS DEVELOPMENT LTD, FALMOUTH BACK RD, AYLWARD RD & SHETLAND RD (PROPOSED), FALMOUTH, APP PARCEL PH-2 & BLOCK 1-R
Registration County: HANTS COUNTY
Registration Number of Plan: 88595377
Registration Date of Plan: 2007-08-16 13:49:14

SAVING and EXCEPTING LOTS M-2 to M-10, inclusive as shown on registered Plan No. 97335914 at the Land Registration Office for Hants County.

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Hants as plan or document number 97335914.

The MGA compliance statement has been applied by SNSMR during the processing of the abovementioned plan 97335914.

Legal Description – PID 45383957

Parcel Description
Registration County: HANTS COUNTY
Street/Place Name: FALMOUTH BACK ROAD /FALMOUTH
Title of Plan: PLAN OF SURVEY OF LOTS M-1 TO M-10, BEING A S/D AND CONSOLIDATION OF BLOCK 1-RA & PARCEL PH-2, LANDS OF BUCKWOOD INVESTMENTS LTD & LANDS CLAIMED BY BUCKWOOD INVESMENTS LTD, (THE OLD TOWNSHIP RD), FALMOUTH BACK RD, FALMOUTH
Designation of Parcel on Plan: LOT M-2
Registration Number of Plan: 97335914
Registration Date of Plan: 2010-12-02 13:22:33

Schedule 'B'
Concept Plan

PARKLAND
(4.8 acres)

PARKLAND CREDIT TO BE USED FROM PHASE 1

WATERCOURSE

PHASE 3 (16.8 acres)
(FUTURE DEVELOPMENT)

PHASE 1 (7.7 acres)
(EXISTING DEVELOPMENT)

CLOVER LANE

PHASE 2A
(16.2 acres)

DETENTION POND

THISTLE STREET

SHORT DRIVE

PHASE 2B
(5.1 acres)

SHETLAND RD

WATERCOURSE

TO TOWN ROAD

FALMOUTH BACK ROAD

TO WINDSOR

LEGEND

- Site Boundary
- Adjacent Property Boundary

UNIT SUMMARY		
	Area (acres)	Maximium Units
Phase 2A (R1)	16.2	36
Phase 2A (R2)		36
Phase 2B (R1)	5.1	10
Total	**21.3**	**82**

Phase 3 up to maximum of 75 units

SITE SUMMARY:

- Existing Zone: Multiple Residential
- Total Land Area: 56.7 acres

NOTES:

- Subject to survey. Property lines and topographic features are approximate only.
- Site subject to by-law review and regulations.

SOURCES:

- Plan based on DesignPoint Site Plan file: '14-033_Base_20200401.dwg'

SCALE:

0 15 30 75 150m

1 : 3,000 contour interval 2 feet

Zwicker Zareski architecture + planning
1 Canal Street, Dartmouth, NS B2Y 2W1 ZZap.ca

Site Plan : The Meadows

Falmouth, Nova Scotia

Version 104

Designer: K.WATTERS

Planner: C.MARKIDES

Date:
JUNE 08, 2020

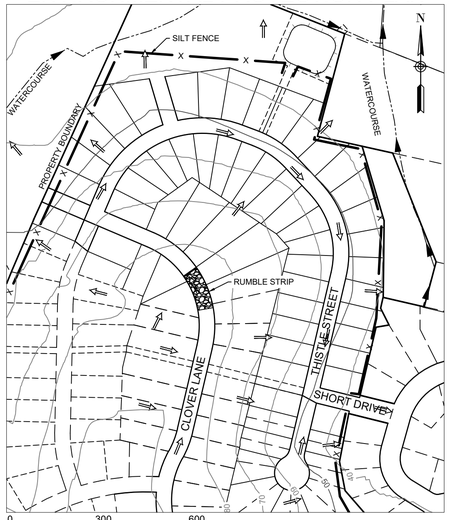
FILE: C:\Users\Ken\zzap.ca\Business Development - Documents\2020\027 Brison - Meadows\1_DWG\1_Site Plan\20-BD-027-SITE_PLAN-104.dwg SHEET: 11x17

GENERAL EROSION AND SEDIMENT CONTROL NOTES

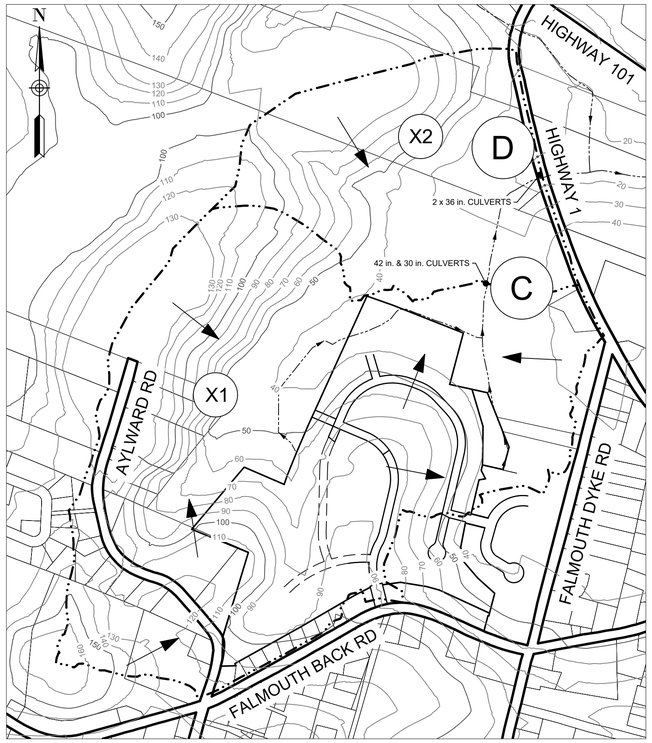
Schedule 'C'
Stormwater Management Plan

1. EXPOSED SOIL TO BE MINIMIZED AT ALL TIMES DURING CONSTRUCTION TO LIMIT SEDIMENT LADEN RUNOFF. THIS IS TO BE ACCOMPLISHED BY COMPLETING ALL WORK IN A GIVEN AREA ONCE EXCAVATION HAS BEGUN BEFORE DISTURBING ADDITIONAL SOIL. CONTRACTOR IS TO BE AWARE OF CURRENT WEATHER FORECASTS AND PLAN SOIL STABILIZATION ACCORDINGLY.
2. ALL WORKS TO BE IN ACCORDANCE WITH NOVA SCOTIA ENVIRONMENT REQUIREMENTS.
3. CONTRACTOR TO ACQUIRE ALL PERMITS REQUIRED TO PERFORM WORK AND TO COMPLY WITH ALL PERMIT REQUIREMENTS DURING CONSTRUCTION.
4. CONTRACTOR TO PROTECT NATURAL WATERCOURSES FROM SILT LADEN RUNOFF FROM CONSTRUCTION SITE. CONSTRUCTION PROCEDURES CAN BE FOUND IN THE CURRENT EDITION OF "EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" BY NOVA SCOTIA ENVIRONMENT.
5. CONTRACTOR TO ENSURE THAT ALL EXPOSED AREAS ARE STABILIZED PRIOR TO RAINFALL EVENTS BY CHECKING ENVIRONMENT CANADA FORECASTS (https://weather.gc.ca/canada_e.html).
6. CONTRACTOR TO PERFORM WEEKLY INSPECTIONS OF SEDIMENT CONTROL MEASURES AND MAKE REPAIRS AS NEEDED. ADDITIONAL INSPECTION AND REPAIR TO BE CARRIED OUT BEFORE AND AFTER ANY RAINFALL EXCEEDING 10 mm. A LOG OF EACH INSPECTION AND REPAIR IS TO BE KEPT ALONG WITH A WEEKLY REPORT OF EXPOSED AREAS.
7. TRIBUTARY STORM RUNOFF FROM SITE TO BE DIRECTED INTO SEDIMENT CONTROL DEVICES DURING CONSTRUCTION.
8. CONTRACTOR TO CONSTRUCT AND MAINTAIN DIVERSION DITCHES THROUGH AND AROUND THE SITE TO MINIMIZE CONTAMINATION OF CLEAN WATER.
9. CONTRACTOR TO HAVE ADDITIONAL SEDIMENT CONTROL MEASURES ON SITE INCLUDING SILT FENCE, BALED HAY, AND LOOSE HAY/MULCH TO MAINTAIN OR INSTALL CONTROL MEASURES AS REQUIRED.
10. EXPOSED SURFACES TO BE COVERED WITH HAY, MULCH, OR WOOD CHIPS TO LIMIT SEDIMENT RUNOFF.
11. CONTRACTOR MAY SUBSTITUTE WOOD CHIP BERM FOR SILT FENCE IN ROCKY AREAS WHERE SILT FENCE CANNOT BE INSTALLED.
12. SEDIMENTATION BERMS AND PONDS TO REMAIN IN SERVICE UNTIL PROJECT ENGINEER OR THE MUNICIPALITY REQUESTS THEIR REMOVAL. THIS WILL ONLY OCCUR AFTER LOT AND BUILDING CONSTRUCTION IS COMPLETE.
13. SEDIMENTATION BERMS AND PONDS TO BE REMOVED IN THE FOLLOWING ORDER. LEVEL OFF BERMS, HYDROSEED AND COVER ALL EXPOSED AREAS WITH HAY, THEN FILL IN PONDS.
14. UPON COMPLETION OF GRADING ACTIVITY, ALL LOT DRAINAGE EASEMENTS ARE TO BE HYDROSEEDED AND MULCHED.
15. TOPSOIL AND HYDROSEED TO BE PLACED ON ALL AREAS NOT FINISHED WITH ASPHALT, CONCRETE, GRAVEL, OR SOD.
16. ACCESS ROADS TO SITE ARE TO BE MAINTAINED WITH CLEAN GRAVEL APPLIED PERIODICALLY TO COVER MUDDY AREAS. CLEANING OF ADJACENT STREETS IS THE RESPONSIBILITY OF THE CONTRACTOR AS DIRECTED BY THE ENGINEER.
17. VEHICLE ACCESS TO CONSTRUCTION SITE TO BE RESTRICTED.
18. STABILIZE ON-SITE STOCKPILES USING APPROPRIATE MEASURES (SILT FENCE, HAY, TARPS, ETC.)
19. SITE ACTIVITY TO ADHERE TO REQUIREMENTS OF HALIFAX REGIONAL MUNICIPALITY TOPSOIL BY-LAW.
20. ALL SEDIMENT CONTROL MEASURES TO BE OPERATIONAL OVER ENTIRE CONSTRUCTION PERIOD.
21. SEDIMENTATION AND EROSION CONTROL MEASURES ARE SUBJECT TO CHANGE. ADDITIONAL MEASURES MAY BE REQUIRED DEPENDING ON SITE CONDITIONS DURING CONSTRUCTION.

ENVIRONMENTAL PROTECTION PLAN



PRE-DEVELOPMENT DRAINAGE PLAN



CATCHMENT	AREA (ac) ±	CN
A1	4.75	77
A2	1.47	77
A3	1.75	77
A4	0.81	77
A5	0.83	77
A6	2.16	77
B1	2.10	77
C1	2.06	77
C2	5.48	77
C3	4.80	77
X1	152.31	63
X1A	131.85	63
X2	56.23	63

FLOWS ARE BASED ON RAINFALL DATA FROM ENVIRONMENT CANADA - KENTVILLE 24 HOUR STORM.

- 5-YEAR: 3.36 in.
- 10-YEAR: 3.84 in.
- 25-YEAR: 4.56 in.
- 50-YEAR: 5.04 in.
- 100-YEAR: 5.52 in.

APPROXIMATE POND/WATER ELEVATIONS (ft)	
BOTTOM	30.00
TOP	37.50
5-YR	32.84
10-YR	33.64
25-YR	34.34
50-YR	34.89

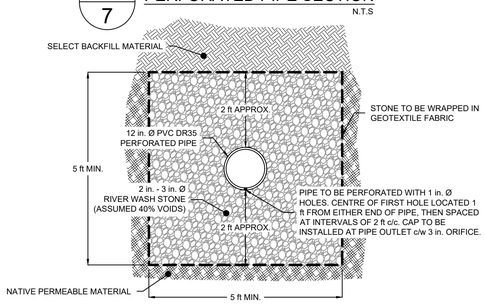
STORM	FLOW TO POINT A (cfs)		FLOW TO POINT B (cfs)		FLOW TO POINT C (cfs)		FLOW TO POINT D (cfs)	
	PRE DEVELOPMENT	POST DEVELOPMENT	PRE DEVELOPMENT	POST DEVELOPMENT	PRE DEVELOPMENT	POST DEVELOPMENT	PRE DEVELOPMENT	POST DEVELOPMENT
5-YEAR	6.20	5.83	0.87	0.89	20.01	20.18	24.64	24.83
10-YEAR	9.49	7.6	1.51	0.91	32.3	31.98	39.12	39.03
25-YEAR	14.7	10.13	2.56	0.91	52.6	52	63.07	62.68
50-YEAR	18.66	12.89	3.37	0.91	68.19	67.59	81.08	80.7
100-YEAR	22.84	16.54	4.24	0.91	84.71	83.72	99.92	99.28

MINOR PIPED STORM SYSTEM DRAINAGE ANALYSIS - SCS METHOD

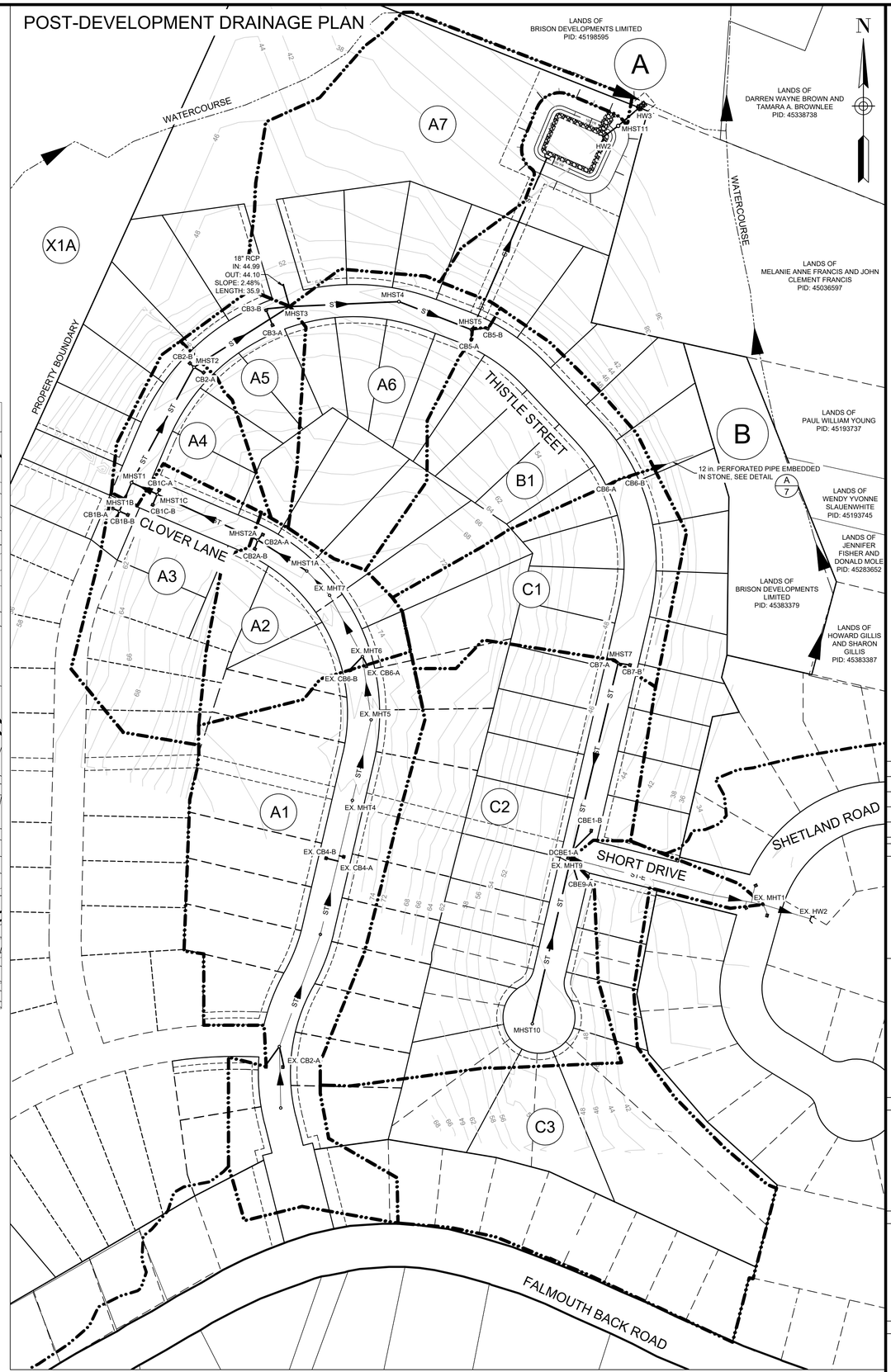
UPSTREAM MH	DOWNSTREAM MH	TRIBUTARY AREA	TRIBUTARY AREA (ac)	Qd - DESIGN FLOW (cfs)	PIPE SIZE (in.)	PIPE SLOPE (%)	Qc - PIPE CAPACITY (cfs)	Qd/Qc
EX. 7	1A	A1	4.75	8.77	18	1.50	12.90	0.68
1A	2A	A1	4.75	8.77	18	3.25	18.99	0.46
2A	1C	A1-A2	6.23	10.29	18	4.00	21.06	0.49
1C	1	A1-A2	6.23	10.29	18	4.16	21.48	0.48
1B	1	A3	1.75	3.03	18	2.50	16.65	0.18
1	2	A1-A3	7.98	12.63	21	0.70	13.29	0.95
2	3	A1-A4	8.78	14.02	24	0.70	18.98	0.74
3	4	A1-A5	9.61	15.36	24	0.80	20.29	0.76
4	5	A1-A5	9.61	15.36	24	1.00	22.68	0.68
5	OUTFALL	A1-A6	11.77	18.77	30	0.75	35.62	0.53
CB6-B	OUTFALL	B1	2.10	3.12	12	5.00	10.38	0.30
7	EX. 9	C1	2.06	3.83	15	1.10	6.79	0.56
EX. 9	EX. 1	C1-C2	7.54	13.83	24	0.75	19.64	0.70
EX. 1	OUTFALL	C1-C3	12.34	22.55	30	0.50	29.08	0.78

A/7 PERFORATED PIPE SECTION

N.T.S



POST-DEVELOPMENT DRAINAGE PLAN



PRE-DEVELOPMENT DRAINAGE BOUNDARY
POST-DEVELOPMENT DRAINAGE BOUNDARY
STORM SEWER
PRECAST HEADWALL
TRIBUTARY AREA ID
SILT FENCE
MAJOR DRAINAGE ROUTE

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

ISSUE	DATE	DESCRIPTION
4	JUL. 16, 2020	PERFORATED PIPE ADDED
3	JUN. 12, 2019	REVISED AS PER MDWH COMMENTS
2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
1	MAR. 27, 2015	ISSUED FOR REGULATORY REVIEW

CONSULTANT

DESIGN POINT ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
DATE JUL. 16, 2020
Glen woodford
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

STORM DRAINAGE / ENVIRONMENTAL PROTECTION PLAN

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	7 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	AS NOTED	14-033CBase.dwg	

June 22, 2020

West Hants Regional Municipality
100 King Street
Windsor, Nova Scotia B0N 2T0
Attention: Rick Sherrard, Manager of Technical Engineering Services

RE: The Meadows Phase 2A – Storm Drainage System Modification Request
DesignPoint Project #: 14-033

Further to our site meeting, I herein request that the Municipality allow the Developer to modify the storm drainage plan as follows:

1) Install an additional 250 mmØ PVC DR35 storm pipe from CB7-A and CB7-B to rear lot line between lots 240 and 242. This pipe will discharge water from area A7 only (2.1 acres). The discharge will be directed into the existing ditch/drainage route at the rear of the lots, the property at this location is owned by Brison Developments. This ditch drains to the same watercourse that the discharge from the drainage pond for the project discharges to.

2) Remove the deep storm sewer pipes from MHST7A to MHST9 and from MHST7 to MHST5, with CB7-A and CB7-B directed to the ditch as described above. The deep storm sewer pipes are not needed for CB7-A and CB7-B. The Developer has decided to build all homes as slab on grade and therefore a deep storm sewer for footing drains is not required.

We will be able to balance the pre and post development flows with oversized pipe or perforated pipe. This storm water design approach will provide adequate drainage for this project and will meet all regulatory requirements.

For reference, refer to attached design drawings for The Meadows Phase 2, sheets 1-11, revision 3, dated June 12, 2019, as signed by myself.

If this is acceptable to the Municipality, we will submit a revised design along with the storm drainage calculations.

If you have any questions, please feel free to contact me.

Thank you,
DesignPoint Engineering & Surveying Ltd.

Glenn Woodford

Glenn Woodford, P.Eng.
Senior Engineer & Principal

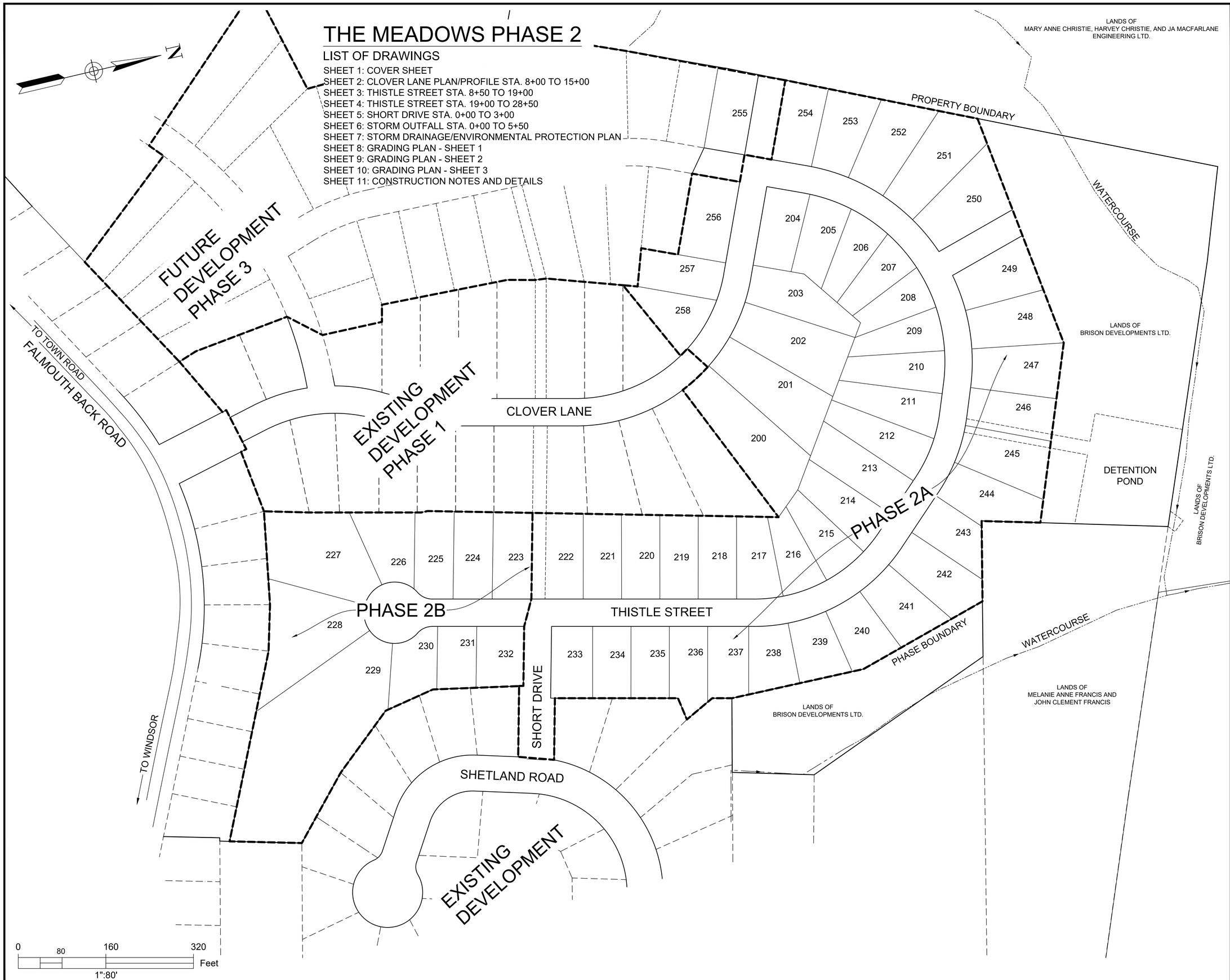
GSW/alc

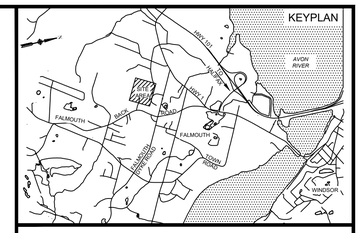
Enclosures: The Meadows Phase 2 Design Drawings

THE MEADOWS PHASE 2

LIST OF DRAWINGS

SHEET 1: COVER SHEET
SHEET 2: CLOVER LANE PLAN/PROFILE STA. 8+00 TO 15+00
SHEET 3: THISTLE STREET STA. 8+50 TO 19+00
SHEET 4: THISTLE STREET STA. 19+00 TO 28+50
SHEET 5: SHORT DRIVE STA. 0+00 TO 3+00
SHEET 6: STORM OUTFALL STA. 0+00 TO 5+50
SHEET 7: STORM DRAINAGE/ENVIRONMENTAL PROTECTION PLAN
SHEET 8: GRADING PLAN - SHEET 1
SHEET 9: GRADING PLAN - SHEET 2
SHEET 10: GRADING PLAN - SHEET 3
SHEET 11: CONSTRUCTION NOTES AND DETAILS





ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

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2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
1	MAR. 27, 2015	ISSUED FOR REGULATORY REVIEW

CONSULTANT

DESIGN POINT ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
PROVINCE OF NOVA SCOTIA
JUN. 12, 2019
Glenn Woodford
G.S. WOODFORD
6078

CLIENT

BRISON DEVELOPMENTS

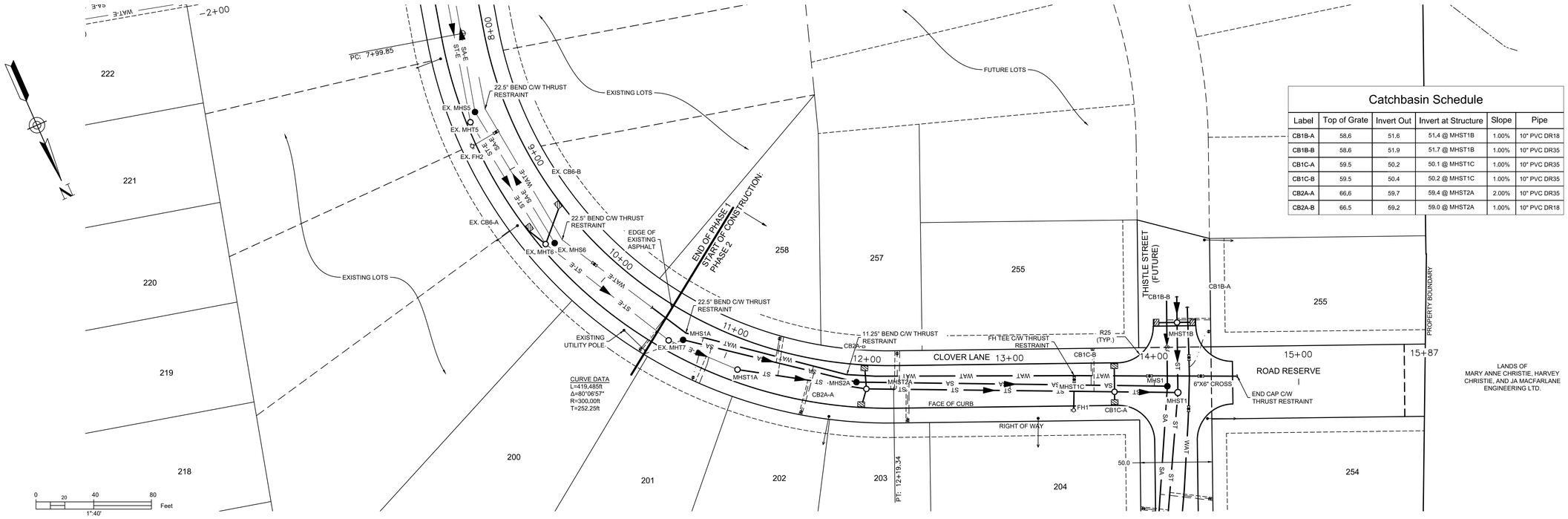
PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

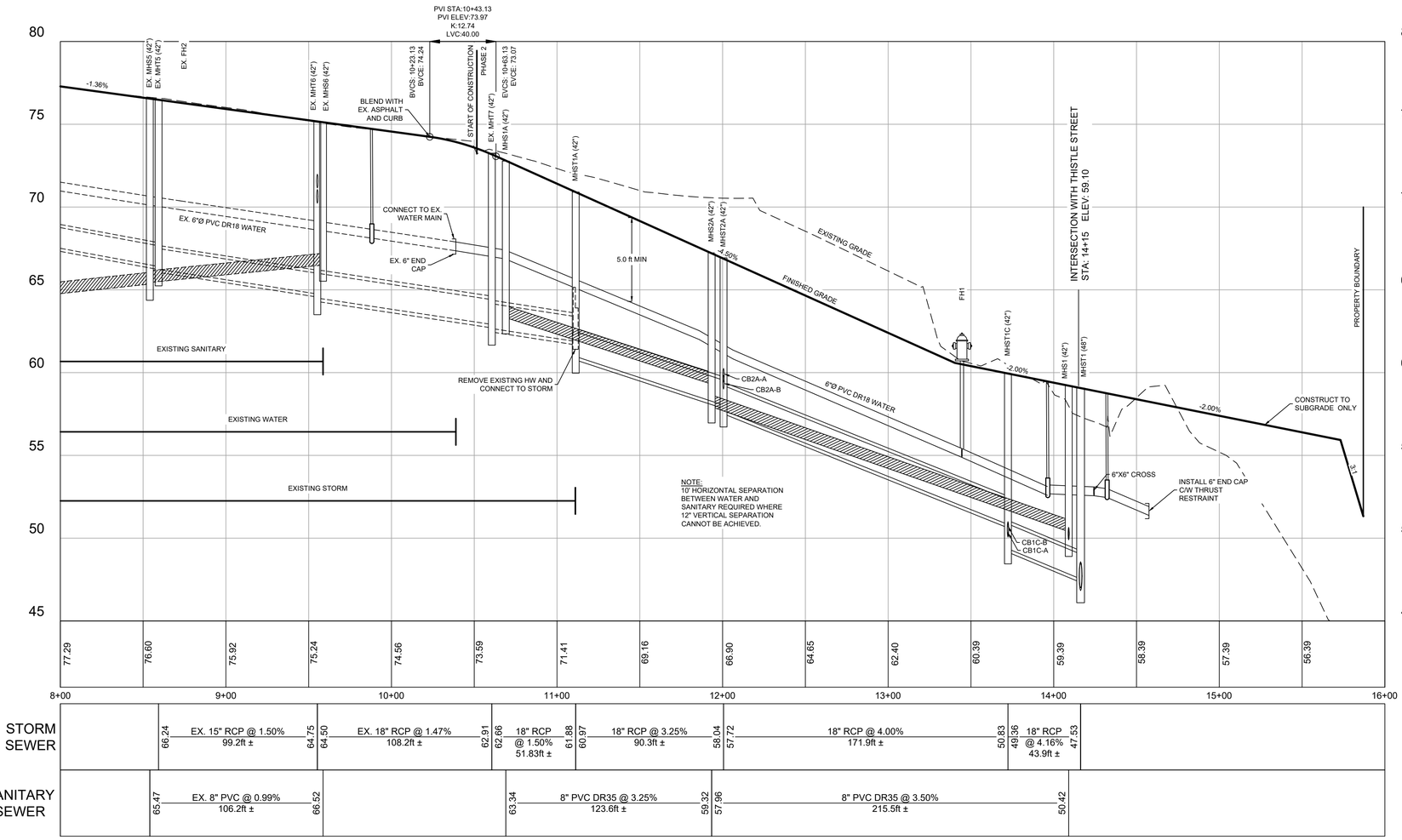
COVER SHEET

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	1 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":80' H	14-033CBase.dwg	

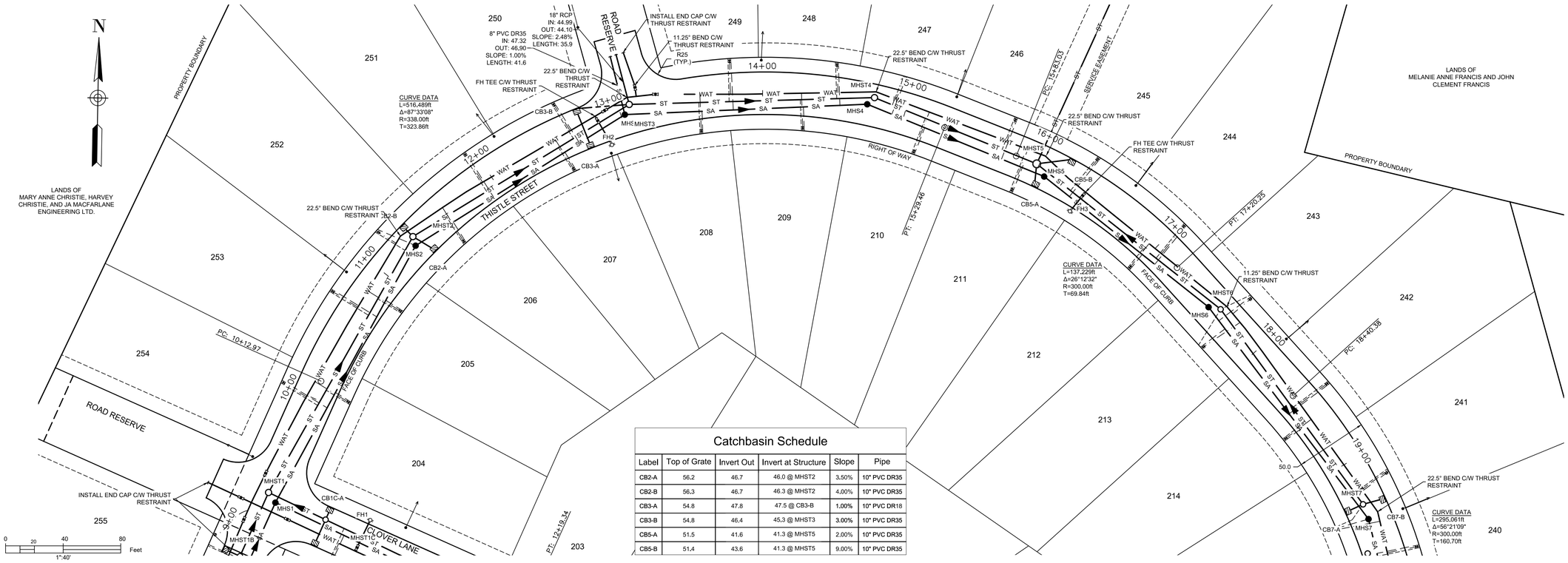


Catchbasin Schedule

Label	Top of Grate	Invert Out	Invert at Structure	Slope	Pipe
CB1B-A	58.6	51.6	51.4 @ MHST1B	1.00%	10" PVC DR18
CB1B-B	58.6	51.9	51.7 @ MHST1B	1.00%	10" PVC DR35
CB1C-A	59.5	50.2	50.1 @ MHST1C	1.00%	10" PVC DR35
CB1C-B	59.5	50.4	50.2 @ MHST1C	1.00%	10" PVC DR35
CB2A-A	66.6	59.7	59.4 @ MHST2A	2.00%	10" PVC DR35
CB2A-B	66.5	59.2	59.0 @ MHST2A	1.00%	10" PVC DR18

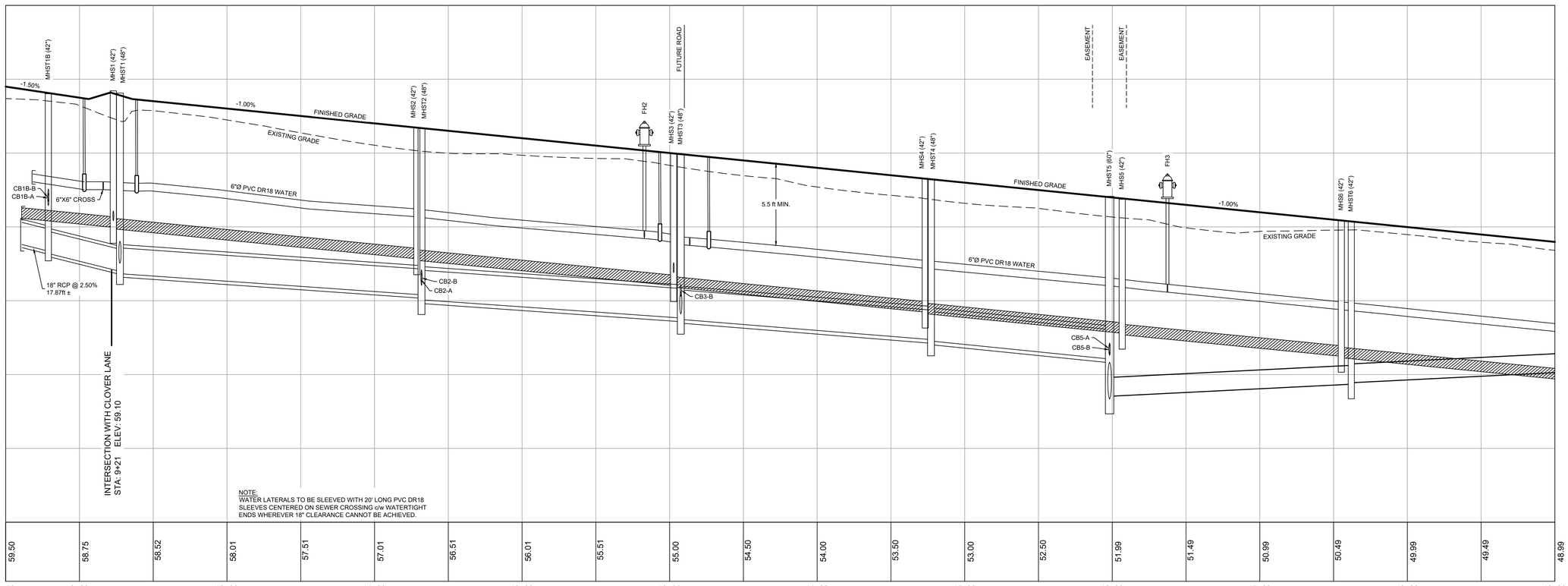


| | | |



Catchbasin Schedule

Label	Top of Grate	Invert Out	Invert at Structure	Slope	Pipe
CB2-A	56.2	46.7	46.0 @ MHST2	3.50%	10" PVC DR35
CB2-B	56.3	46.7	46.3 @ MHST2	4.00%	10" PVC DR35
CB3-A	54.8	47.8	47.5 @ CB3-B	1.00%	10" PVC DR18
CB3-B	54.8	46.4	45.3 @ MHST3	3.00%	10" PVC DR35
CB5-A	51.5	41.6	41.3 @ MHST5	2.00%	10" PVC DR35
CB5-B	51.4	43.6	41.3 @ MHST5	9.00%	10" PVC DR35



STORM SEWER	48.81 / 48.36	18" RCP @ 2.50% 48.52ft ±	48.20 / 46.99	46.83	21" RCP @ 0.70% 204.1ft ±	45.40	45.06	24" RCP @ 0.70% 176.1ft ±	43.83	43.73	24" RCP @ 0.80% 170.5ft ±	42.37	42.27	24" RCP @ 1.00% 121.7ft ±	41.05	38.54	15" PVC DR35 @ 0.50% 162.9ft ±	39.36	39.46	15" PVC DR35 @ 0.50% 167.8ft ±	40.30
SANITARY SEWER	8" PVC DR35 @ 1.00% 61.79ft ± IN: 50.61 OUT: 49.99			49.89	8" PVC DR35 @ 1.00% 203.4ft ±	47.86	47.76	8" PVC DR35 @ 1.00% 171.5ft ±	46.04	45.94	8" PVC DR35 @ 1.00% 168.6ft ±	44.25	44.15	8" PVC DR35 @ 1.00% 132.8ft ±	42.82	42.72	8" PVC DR35 @ 1.00% 145.9ft ±	41.26	41.16	8" PVC DR35 @ 1.00% 184.5ft ±	39.32

LEGEND

DESIGN GRADE	
EXISTING GRADE	
CENTERLINE	
RIGHT OF WAY	
CURB	
EASEMENT	
PROPERTY BOUNDARY	
SANITARY LINE	MHS — SA — SA — MHS
STORM LINE	MHST — ST — ST — MHST
WATER LINE	WAT — WAT
SANITARY LATERAL	
STORM LATERAL	
WATER LATERAL	
STORM EASEMENT	
OVERHEAD UTILITY	OH — OH
WATER VALVE	FIRE HYDRANT
CURB STOP	UTILITY POLE
CATCHBASIN	PRECAST HEADWALL

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ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
JUN. 12, 2019
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON
DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS PHASE 2

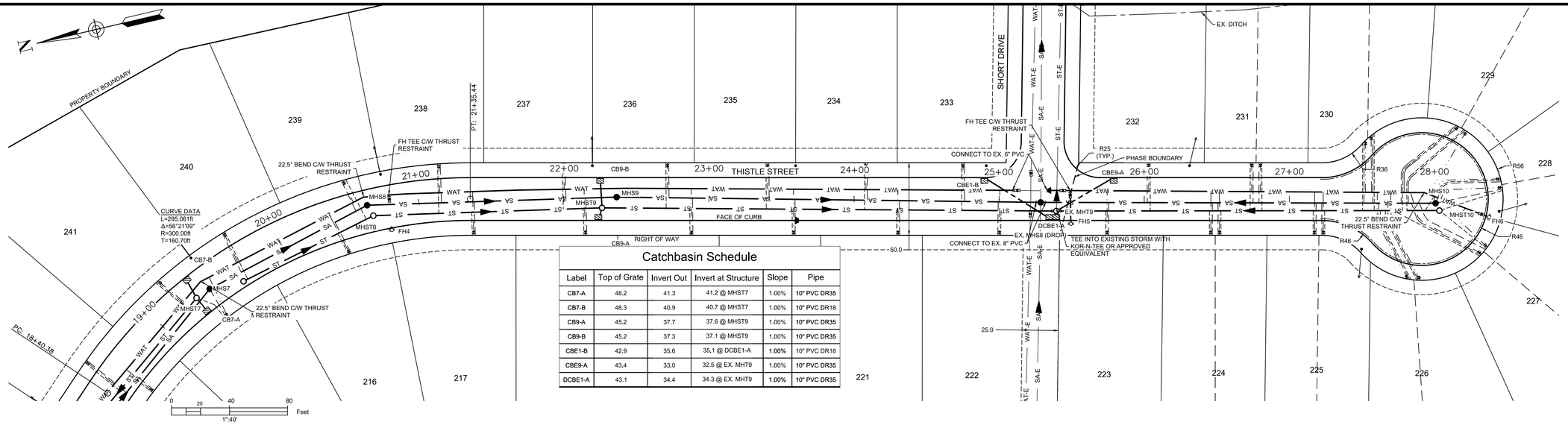
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

PLAN / PROFILE

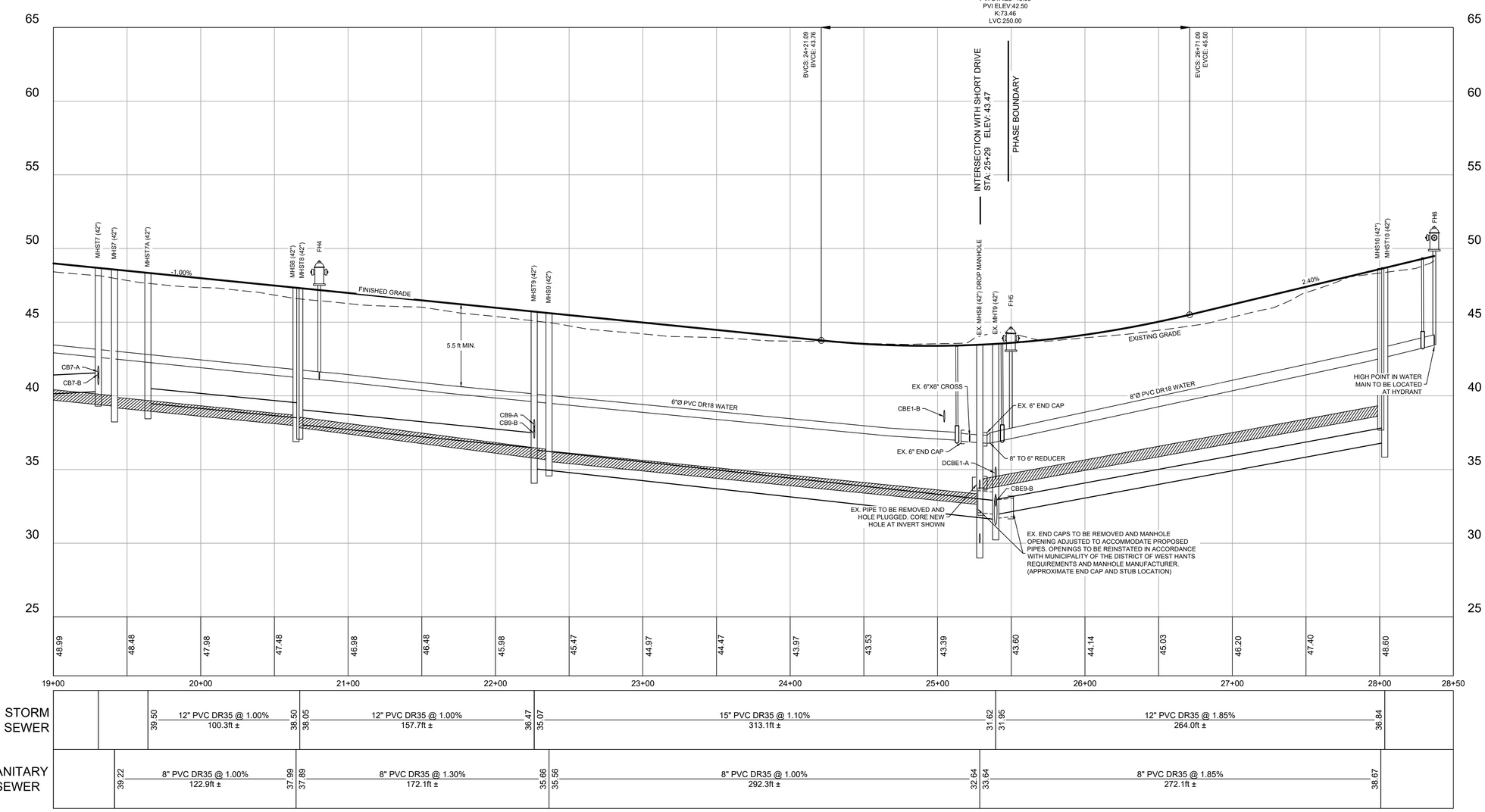
THISTLE STREET
STA. 8+50 TO 19+00

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	3 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H, 1":4' V	14-033CBase.dwg	



Catchbasin Schedule

Label	Top of Grate	Invert Out	Invert at Structure	Slope	Pipe
CB7-A	48.2	41.3	41.2 @ MHST7	1.00%	10" PVC DR35
CB7-B	48.3	40.9	40.7 @ MHST7	1.00%	10" PVC DR18
CB9-A	45.2	37.7	37.6 @ MHST9	1.00%	10" PVC DR35
CB9-B	45.2	37.3	37.1 @ MHST9	1.00%	10" PVC DR35
CBE1-B	42.9	35.6	35.1 @ DCBE1-A	1.00%	10" PVC DR18
CBE9-A	43.4	33.0	32.5 @ EX. MHT9	1.00%	10" PVC DR35
DCBE1-A	43.1	34.4	34.3 @ EX. MHT9	1.00%	10" PVC DR35



LEGEND

DESIGN GRADE	
EXISTING GRADE	
CENTERLINE	
RIGHT OF WAY	
CURB	
EASEMENT	
PROPERTY BOUNDARY	
SANITARY LINE	MHS — SA — SA — MHS
STORM LINE	MHST — ST — ST — MHST
WATER LINE	WAT — WAT
SANITARY LATERAL	
STORM LATERAL	
WATER LATERAL	
STORM EASEMENT	
OVERHEAD UTILITY	OH — OH
WATER VALVE	FIRE HYDRANT
CURB STOP	UTILITY POLE
CATCHBASIN	PRECAST HEADWALL

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G.S. WOODFORD
6078
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THE MEADOWS PHASE 2

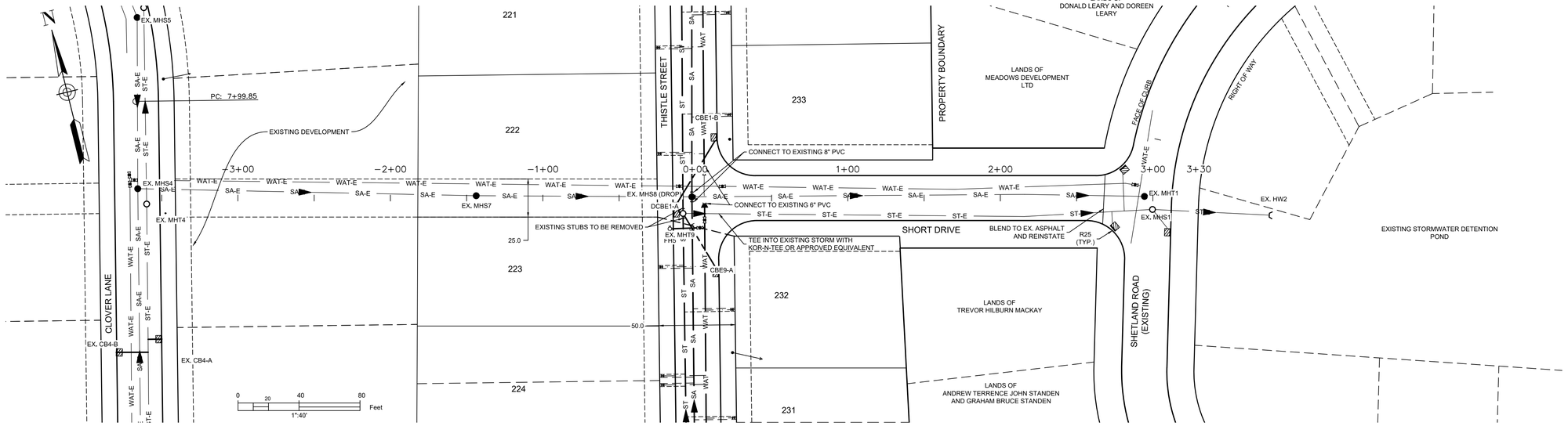
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

PLAN / PROFILE

THISTLE STREET
STA. 19+00 TO 28+50

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	4 of 11
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LEGEND

DESIGN GRADE	
EXISTING GRADE	
CENTERLINE	
RIGHT OF WAY	
CURB	
EASEMENT	
PROPERTY BOUNDARY	
SANITARY LINE	MHS SA SA MHS
STORM LINE	MHST ST ST MHST
WATER LINE	WAT WAT
SANITARY LATERAL	
STORM LATERAL	
WATER LATERAL	
STORM EASEMENT	
OVERHEAD UTILITY	OH OH
WATER VALVE	FIRE HYDRANT
CURB STOP	UTILITY POLE
CATCHBASIN	PRECAST HEADWALL

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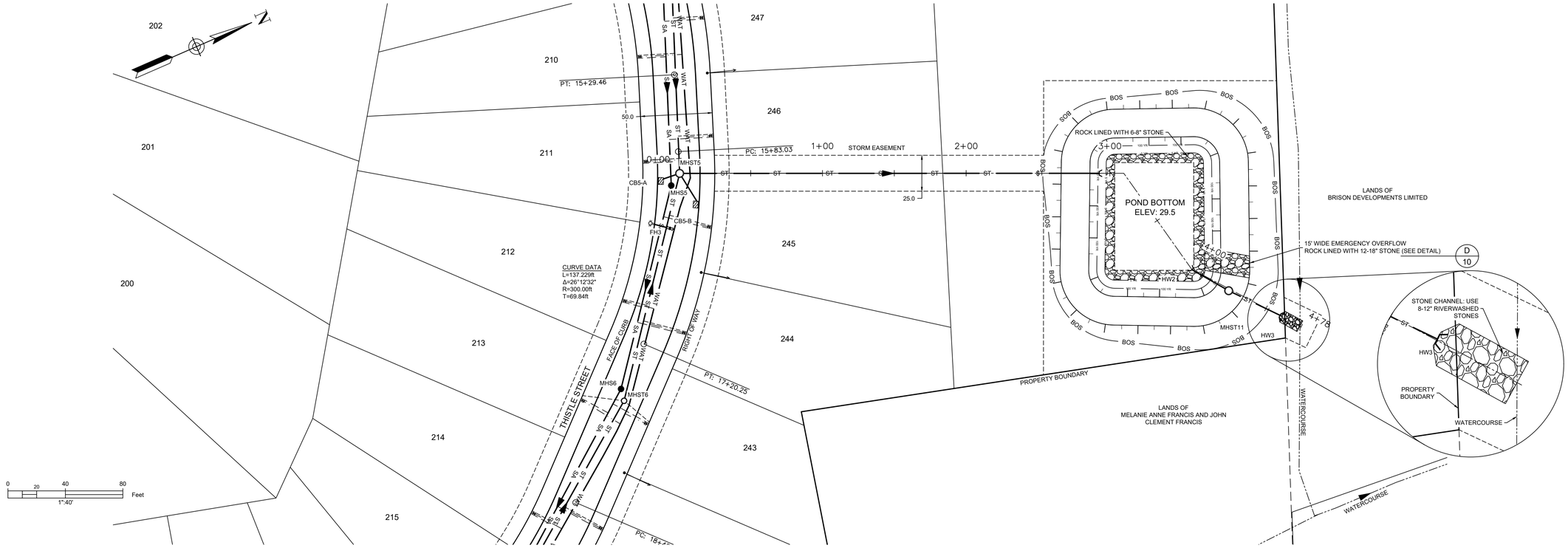
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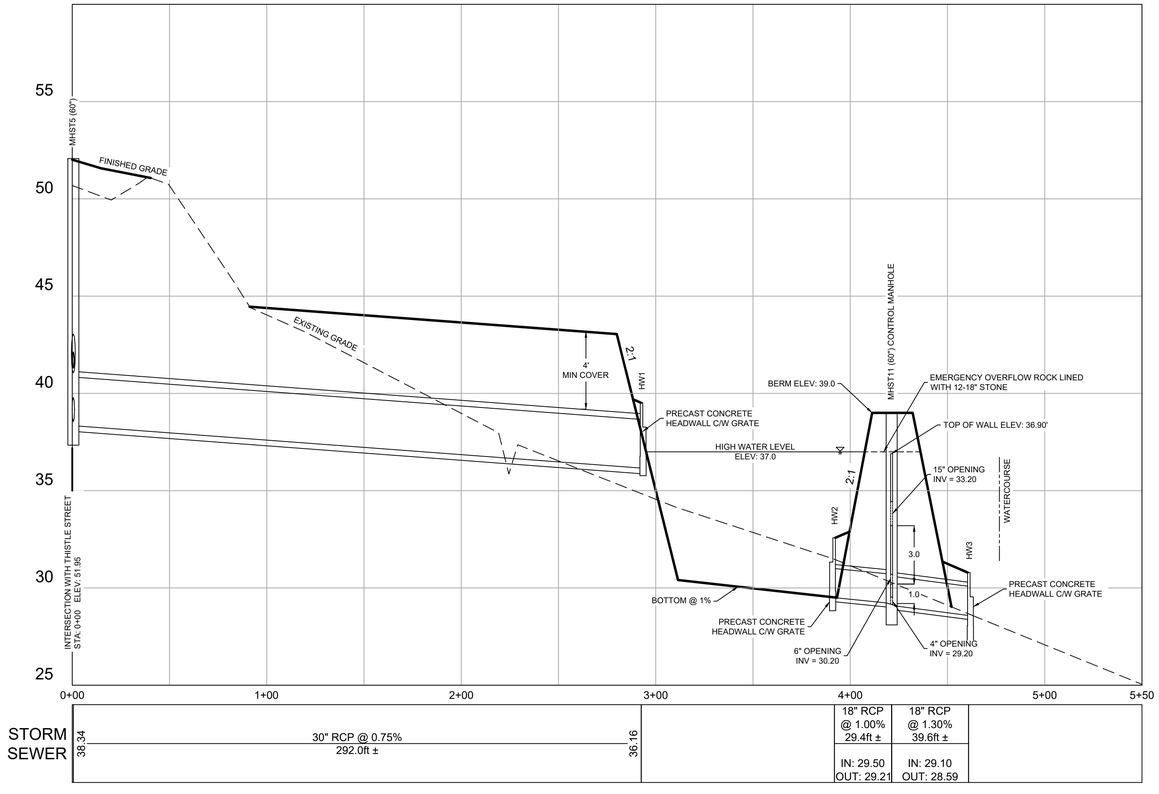
SHEET DESCRIPTION

PLAN / PROFILE

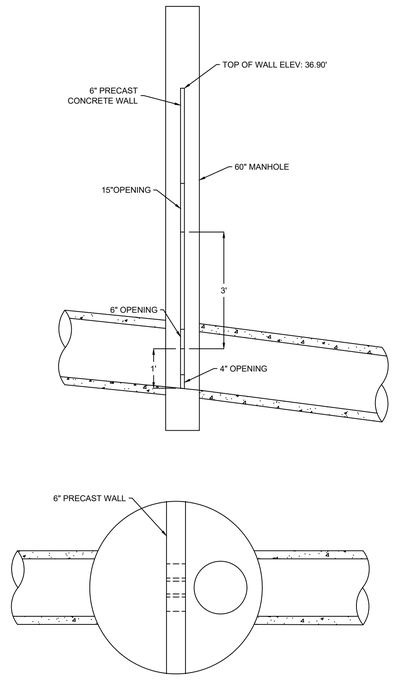
SHORT DRIVE
STA. 0+00 TO 3+00

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	5 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H, 1":4' V	14-033CBase.dwg	





DETAIL FOR MHST11 (NTS)



LEGEND

DESIGN GRADE	
EXISTING GRADE	
CENTERLINE	
RIGHT OF WAY	
CURB	
EASEMENT	
PROPERTY BOUNDARY	
SANITARY LINE	MHS — SA — SA — MHS
STORM LINE	MHST — ST — ST — MHST
WATER LINE	WAT — WAT
SANITARY LATERAL	
STORM LATERAL	
WATER LATERAL	
STORM EASEMENT	
OVERHEAD UTILITY	OH — OH
WATER VALVE	FIRE HYDRANT
CURB STOP	UTILITY POLE
CATCHBASIN	PRECAST HEADWALL

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FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

PLAN / PROFILE

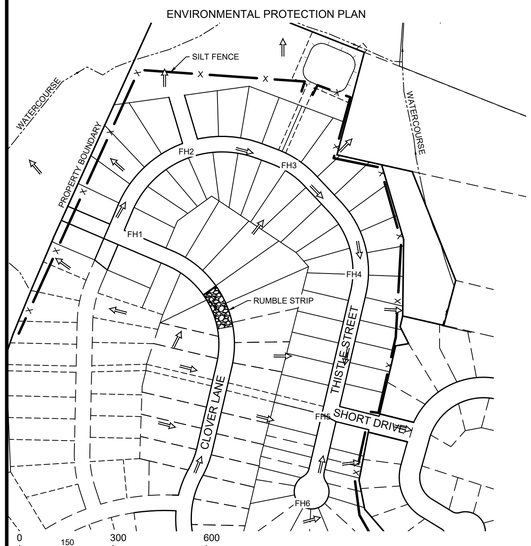
STORM OUTFALL
STA. 0+00 TO 5+50

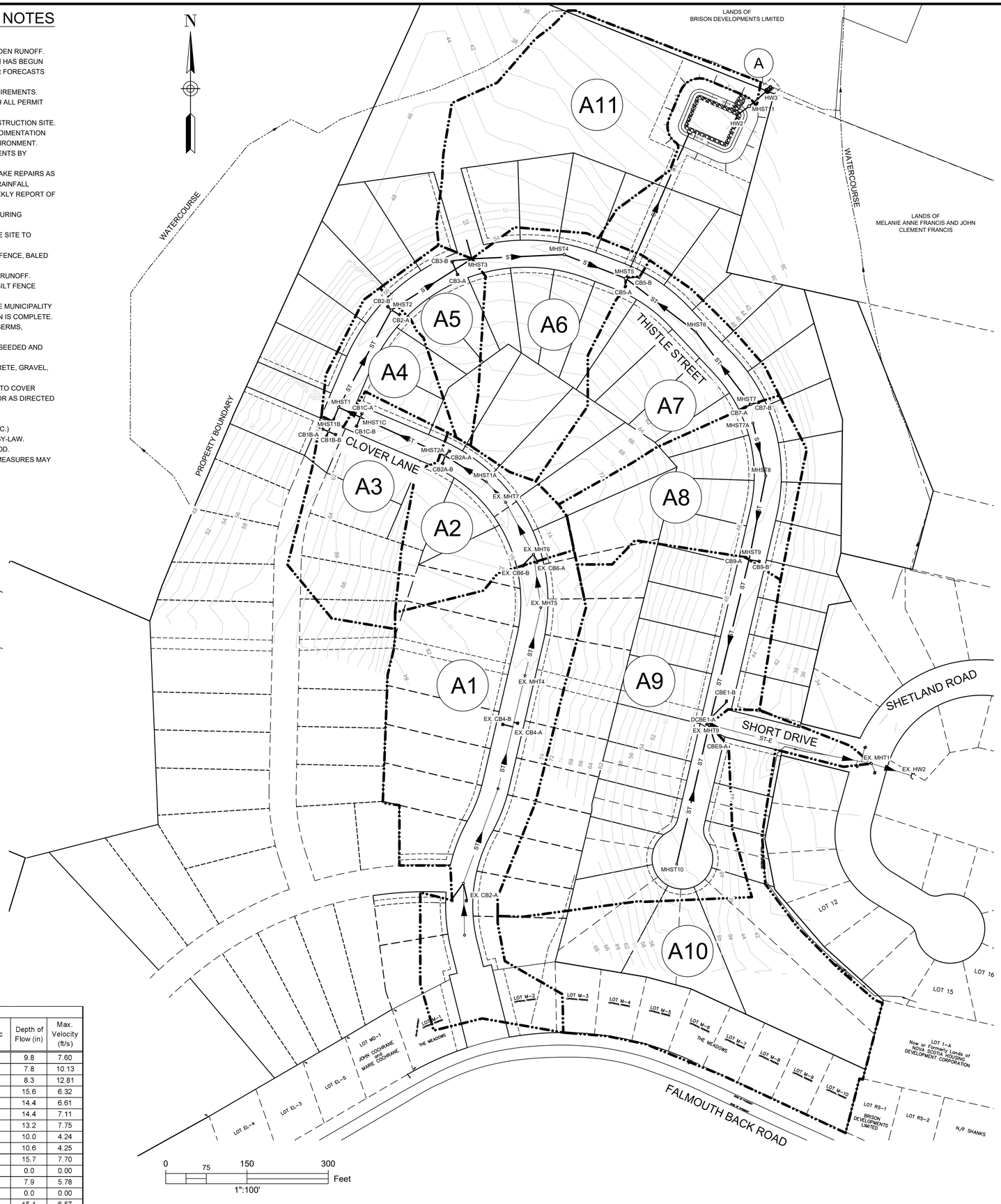
Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	6 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H, 1":4' V	14-033CBase.dwg	

GENERAL EROSION AND SEDIMENT CONTROL NOTES

1. EXPOSED SOIL TO BE MINIMIZED AT ALL TIMES DURING CONSTRUCTION TO LIMIT SEDIMENT LADEN RUNOFF. THIS IS TO BE ACCOMPLISHED BY COMPLETING ALL WORK IN A GIVEN AREA ONCE EXCAVATION HAS BEGUN BEFORE DISTURBING ADDITIONAL SOIL. CONTRACTOR IS TO BE AWARE OF CURRENT WEATHER FORECASTS AND PLAN SOIL STABILIZATION ACCORDINGLY.
2. ALL WORKS TO BE IN ACCORDANCE WITH NOVA SCOTIA DEPARTMENT OF ENVIRONMENT REQUIREMENTS.
3. CONTRACTOR TO ACQUIRE ALL PERMITS REQUIRED TO PERFORM WORK AND TO COMPLY WITH ALL PERMIT REQUIREMENTS DURING CONSTRUCTION.
4. CONTRACTOR TO PROTECT NATURAL WATERCOURSES FROM SILT LADEN RUNOFF FROM CONSTRUCTION SITE. CONSTRUCTION PROCEDURES CAN BE FOUND IN THE CURRENT EDITION OF "EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
5. CONTRACTOR TO ENSURE THAT ALL EXPOSED AREAS ARE STABILIZED PRIOR TO RAINFALL EVENTS BY CHECKING ENVIRONMENT CANADA FORECASTS (https://weather.gc.ca/canada_e.html).
6. CONTRACTOR TO PERFORM WEEKLY INSPECTIONS OF SEDIMENT CONTROL MEASURES AND MAKE REPAIRS AS NEEDED. ADDITIONAL INSPECTION AND REPAIR TO BE CARRIED OUT BEFORE AND AFTER ANY RAINFALL EXCEEDING 10mm. A LOG OF EACH INSPECTION AND REPAIR IS TO BE KEPT ALONG WITH A WEEKLY REPORT OF EXPOSED AREAS.
7. TRIBUTARY STORM RUNOFF FROM SITE TO BE DIRECTED INTO SEDIMENT CONTROL DEVICES DURING CONSTRUCTION.
8. CONTRACTOR TO CONSTRUCT AND MAINTAIN DIVERSION DITCHES THROUGH AND AROUND THE SITE TO MINIMIZE CONTAMINATION OF CLEAN WATER.
9. CONTRACTOR TO HAVE ADDITIONAL SEDIMENT CONTROL MEASURES ON SITE INCLUDING SILT FENCE, BALED HAY, AND LOOSE HAY/MULCH TO MAINTAIN OR INSTALL CONTROL MEASURES AS REQUIRED.
10. EXPOSED SURFACES TO BE COVERED WITH HAY, MULCH, OR WOOD CHIPS TO LIMIT SEDIMENT RUNOFF.
11. CONTRACTOR MAY SUBSTITUTE WOOD CHIP BERM FOR SILT FENCE IN ROCKY AREAS WHERE SILT FENCE CANNOT BE INSTALLED.
12. SEDIMENTATION BERMS AND PONDS TO REMAIN IN SERVICE UNTIL PROJECT ENGINEER OR THE MUNICIPALITY REQUESTS THEIR REMOVAL. THIS WILL ONLY OCCUR AFTER LOT AND BUILDING CONSTRUCTION IS COMPLETE.
13. SEDIMENTATION BERMS AND PONDS TO BE REMOVED IN THE FOLLOWING ORDER. LEVEL OFF BERMS, HYDROSEED AND COVER ALL EXPOSED AREAS WITH HAY, THEN FILL IN PONDS.
14. UPON COMPLETION OF GRADING ACTIVITY, ALL LOT DRAINAGE EASEMENTS ARE TO BE HYDROSEEDED AND MULCHED.
15. TOPSOIL AND HYDROSEED TO BE PLACED ON ALL AREAS NOT FINISHED WITH ASPHALT, CONCRETE, GRAVEL, OR SOD.
16. ACCESS ROADS TO SITE ARE TO BE MAINTAINED WITH CLEAN GRAVEL APPLIED PERIODICALLY TO COVER MUDDY AREAS. CLEANING OF ADJACENT STREETS IS THE RESPONSIBILITY OF THE CONTRACTOR AS DIRECTED BY THE ENGINEER.
17. VEHICLE ACCESS TO CONSTRUCTION SITE TO BE RESTRICTED.
18. STABILIZE ON-SITE STOCKPILES USING APPROPRIATE MEASURES (SILT FENCE, HAY, TARPS, ETC.)
19. SITE ACTIVITY TO ADHERE TO REQUIREMENTS OF HALIFAX REGIONAL MUNICIPALITY TOPSOIL BY-LAW.
20. ALL SEDIMENT CONTROL MEASURES TO BE OPERATIONAL OVER ENTIRE CONSTRUCTION PERIOD.
21. SEDIMENTATION AND EROSION CONTROL MEASURES ARE SUBJECT TO CHANGE. ADDITIONAL MEASURES MAY BE REQUIRED DEPENDING ON SITE CONDITIONS DURING CONSTRUCTION.

ENVIRONMENTAL PROTECTION PLAN





- DRAINAGE BOUNDARY
- STORM SEWER
- PRECAST HEADWALL
- A1 — TRIBUTARY AREA ID
- SILT FENCE
- MAJOR DRAINAGE ROUTE

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Catchment	Area (ac) ±	Catchment	Area (ac) ±
A1	4.75	A7	2.10
A2	1.47	A8	2.06
A3	1.75	A9	5.48
A4	0.81	A10	4.80
A5	0.83	A11	3.66
A6	2.16	Total	29.87

Storm	Flow to Point A (cfs)	
	Pre-Development	Post-Development
5 Year	6.20	5.87
10 Year	9.49	7.59
25 Year	14.7	11.72
50 Year	18.66	15.18
100 Year	22.84	18.95

Minor Piped Storm System Drainage Analysis - SCS Method (10 Year Return)

Upstream MH	Downstream MH	Tributary Area	Tributary Area +/- (Ac)	Qd - Design Flow (cfs)	Pipe Size (in)	Pipe Slope (%)	Qc - Pipe Capacity (cfs)	Qd/Qc	Depth of Flow (in)	Max. Velocity (ft/s)
EX. 7	1A	A1	4.75	7.55	18	1.50	12.89	0.59	9.8	7.60
1A	2A	A1	4.75	7.58	18	3.25	18.92	0.40	7.8	10.13
2A	1	A1-A2	6.23	10.29	18	4.95	23.38	0.44	8.3	12.81
1	2	A1-A3	7.98	12.63	21	0.70	13.26	0.95	15.6	6.32
2	3	A1-A4	8.78	14.02	24	0.70	18.91	0.74	14.4	6.61
3	4	A1-A5	9.61	15.36	24	0.80	20.20	0.76	14.4	7.11
4	5	A1-A5	9.61	15.36	24	1.00	22.65	0.68	13.2	7.75
6	5	A7	2.10	3.88	15	0.50	4.58	0.85	10.0	4.24
7	6	A7	2.10	3.95	15	0.50	4.57	0.86	10.6	4.25
5	Outfall	A1-A7	13.87	22.60	30	0.75	35.44	0.64	15.7	7.70
8	9	-	-	0.00	12	1.00	3.57	0.00	0.0	0.00
9	EX. 9	A8	2.06	3.83	15	1.10	6.78	0.57	7.9	5.78
10	EX. 9	-	-	0.00	12	1.85	4.85	0.00	0.0	0.00
EX. 9	EX. 1	A8-A9	7.54	13.83	24	0.68	18.59	0.74	15.1	6.57
EX. 1	Outfall	A8-A10	12.34	22.55	30	0.50	29.00	0.78	19.4	6.53

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CONSULTANT

DESIGN POINT
ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
JUN. 12, 2019
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS PHASE 2

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

STORM DRAINAGE / ENVIRONMENTAL PROTECTION PLAN

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	7 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":100' H	14-033CBase.dwg	

N

WATERCOURSE

PROPERTY BOUNDARY

THISTLE STREET

CLOVER LANE

PHASE 2A

FUTURE DEVELOPMENT

EXISTING DEVELOPMENT

LANDS OF
BRISON DEVELOPMENTS LIMITED

LANDS OF
MELANIE ANNE FRANCIS AND JOHN
CLEMENT FRANCIS

STORM EASEMENT

FINISHED SURFACE TO
BE GRADED TO DIRECT
RUNOFF AROUND POND

END OF
ASPHALT

SANITARY LATERAL
INVERT (TYP.)

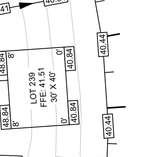
MINIMUM SANITARY
LATERAL INVERT
ELEVATION (TYP.)

END OF
EXISTING
ROAD

SWALE

0 20 40 80 Feet
1":40'

POND BERM DETAIL (NTS)



LEGEND

CONTOUR	38		
CURB			
PROPERTY LINE WITH FLOW ARROW			
TOP OF SLOPE			
BOTTOM OF SLOPE	BOS	BOS	
UTILITY POLE		FIRE HYDRANT	
FINISHED GRADE	42.00	SANITARY LATERAL INVERT	42.00

NOTES:
1. CONTOURS BASED ON TOPOGRAPHIC SURVEY CONDUCTED BY DESIGNPOINT ON NOVEMBER 20, 2014. CONTOUR INTERVAL = 2FT.
2. MINIMUM LOT GRADE TO BE 2%.
3. MAXIMUM LOT GRADE TO BE 3:1.
4. INDIVIDUAL LOT GRADING DESIGN TO BE COMPLETED PRIOR TO HOUSE CONSTRUCTION BASED ON AS BUILT CONDITIONS.
5. FLOOR ELEVATIONS TO BE CONFIRMED AS PART OF INDIVIDUAL LOT GRADING DESIGN BASED ON AS BUILT LATERAL LOCATIONS.
6. FOUNDATION DRAIN INVERT ELEVATIONS AT BUILDING TO BE A MINIMUM OF 1' BELOW FFE.
7. FOUNDATION DRAIN INVERT ELEVATIONS TO BE MINIMUM 2' ABOVE THE STORM MAIN CROWN AT THE POINT OF CONNECTION.

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

ISSUE	DATE	DESCRIPTION
3	JUN. 12, 2019	REVISED AS PER MDWH COMMENTS
2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
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PROJECT DESCRIPTION

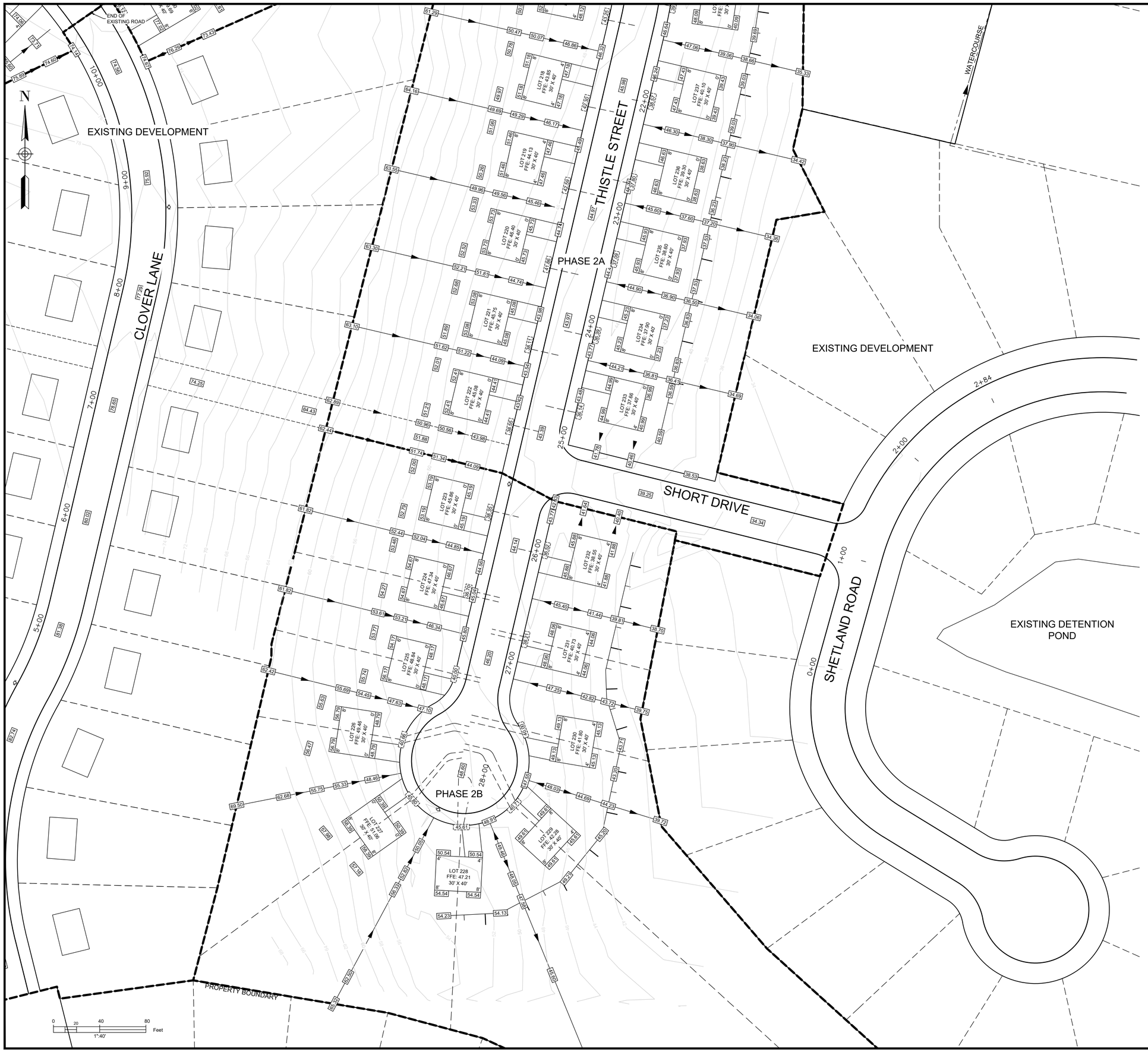
THE MEADOWS PHASE 2

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

GRADING PLAN - SHEET 1

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	8 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H	14-033CBase.dwg	



LEGEND

CONTOUR	38		
CURB			
PROPERTY LINE WITH FLOW ARROW			
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BOTTOM OF SLOPE	BOS	BOS	
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PROJECT DESCRIPTION

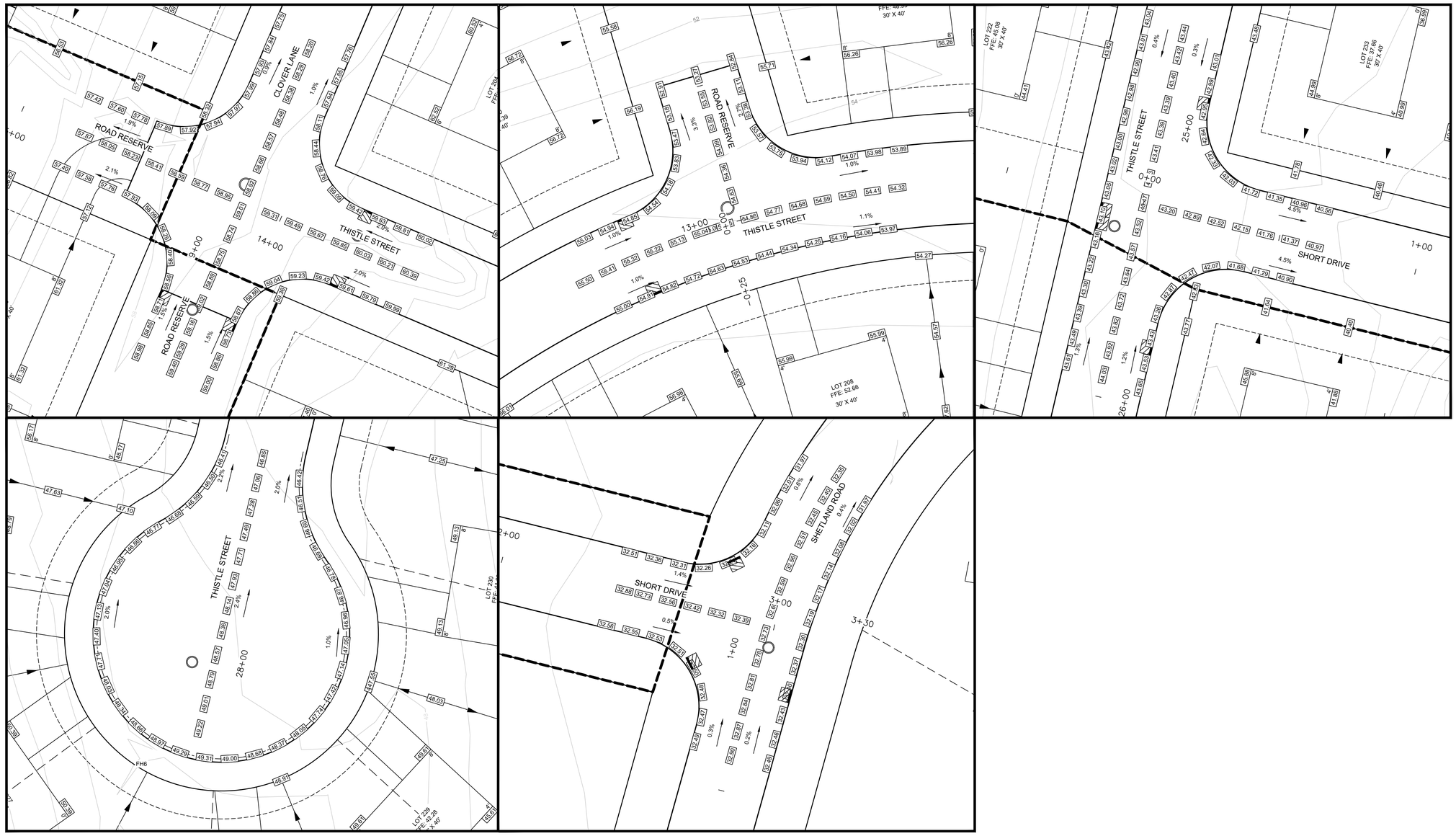
THE MEADOWS PHASE 2

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

GRADING PLAN - SHEET 2

Drawn: A. SKETCHLEY	Engineer: G. WOODFORD	Project No.: 14-033	Drawing No.: 9 of 11
Date of 1st Issue: MAR. 27, 2015	Scale: 1":40' H	Filename: 14-033CBase.dwg	



N

LEGEND

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PROPERTY LINE WITH FLOW ARROW			
TOP OF SLOPE			
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THE MEADOWS PHASE 2

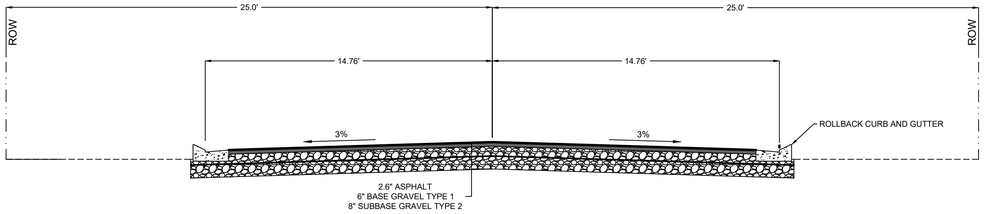
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

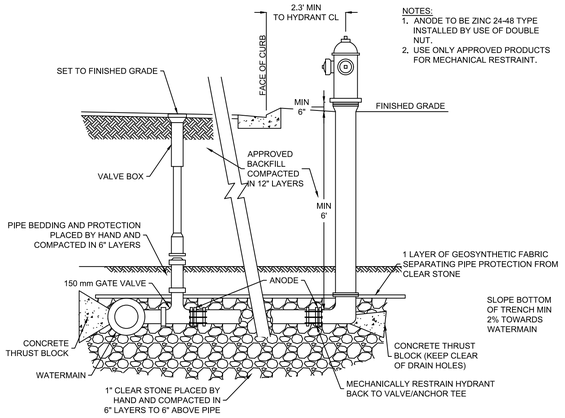
GRADING PLAN - SHEET 3

Drawn: A. SKETCHLEY	Engineer: G. WOODFORD	Project No.: 14-033	Drawing No.: 10 of 11
Date of 1st Issue: MAR. 27, 2015	Scale: 1":20' H	Filename: 14-033CBase.dwg	

TYPICAL ROAD CROSS SECTION — A 11



STANDARD HYDRANT INSTALLATION — B 11

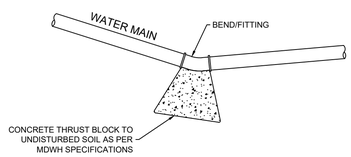


NOTES:
1. ANODE TO BE ZINC 24-48 TYPE INSTALLED BY USE OF DOUBLE NUT.
2. USE ONLY APPROVED PRODUCTS FOR MECHANICAL RESTRAINT.

GENERAL CONSTRUCTION NOTES:

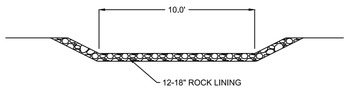
1. **SAFETY IS PARAMOUNT AND THE CONTRACTOR MUST USE SAFE WORK PRACTICES IN ACCORDANCE WITH THE NOVA SCOTIA OCCUPATIONAL HEALTH AND SAFETY ACT.**
2. MDWH'S MUNICIPAL SERVICES SPECIFICATION MANUAL SHALL FORM PART OF THE DESIGN AND SHALL BE ADHERED TO AND THE CONTRACTOR SHALL HAVE A COPY OF THE MANUAL ON SITE DURING CONSTRUCTION.
3. ALL WORKS TO BE IN ACCORDANCE WITH THE "STANDARD SPECIFICATION FOR MUNICIPAL SERVICES" PREPARED JOINTLY BY THE NOVA SCOTIA ROADBUILDERS ASSOCIATION AND THE CONSULTING ENGINEERS OF NOVA SCOTIA (CURRENT EDITION).
4. ALL WORKS TO BE IN ACCORDANCE WITH REQUIREMENTS OF ALL PERMITS AND REGULATIONS AS ISSUED BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
5. CONTRACTOR TO NOTIFY DESIGNPOINT AND THE MUNICIPALITY OF THE DISTRICT OF WEST HANTS REGARDING CONSTRUCTION SCHEDULING PRIOR TO COMMENCING CONSTRUCTION.
6. CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF NATURAL WATERCOURSES FROM DAMAGE DUE TO SILT LADEN RUNOFF FROM THE CONSTRUCTION SITE. ACCEPTABLE CONSTRUCTION PROCEDURES MAY BE OBTAINED FROM 'EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" (CURRENT EDITION), BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
7. ALL DISTURBED AREAS NOT STABILIZED BY GRAVEL, ASPHALT, CONCRETE, OR SOD ARE TO BE STABILIZED WITH HYDROSEED AND HAY. HYDROSEEDED AREAS THAT DO NOT SHOW ACTIVE GROWTH WITHIN THE FIRST GROWING SEASON TO BE RE-STABILIZED.
8. MATERIALS SHALL NOT BE SUBSTITUTED UNLESS PRIOR APPROVAL IS PROVIDED BY THE ENGINEER.
9. SHOP DRAWINGS TO BE PROVIDED FOR REVIEW AND APPROVAL BY THE ENGINEER PRIOR TO CONSTRUCTION.
10. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS REQUIRED TO PERFORM WORKS AND TO COMPLY WITH ALL PERMIT REQUIREMENTS AND CONDITIONS.
11. LOCATIONS OF EXISTING INFRASTRUCTURE IS BASED ON BEST AVAILABLE INFORMATION, INCLUDING RECORD INFORMATION. CONTRACTOR TO CONFIRM LOCATIONS OF EXISTING INFRASTRUCTURE AND NOTIFY ENGINEER OF ANY DISCREPANCIES IMMEDIATELY. CONTRACTOR TO ALLOW A 1 WEEK REVIEW PERIOD BY THE ENGINEER.
12. CONTRACTOR TO VERIFY ALL EXISTING UTILITY LOCATIONS, SUCH AS NOVA SCOTIA POWER, BELL ALIANT, EASTLINK, AND THE MUNICIPALITY. CONTRACTOR TO COORDINATE ALL WORK WITH THE NECESSARY UTILITIES.
13. PERMISSION FROM LANDOWNER(S) REQUIRED TO WORK ON PRIVATE PROPERTY.
14. ALL ELEVATIONS ARE IMPERIAL AND GEODETIC. TOPOGRAPHICAL SURVEY CONDUCTED BY DESIGNPOINT ON NOVEMBER 20, 2014. CONTRACTOR TO CONTACT DESIGNPOINT FOR CONSTRUCTION LAYOUT CONTROL INFORMATION 2 WEEKS PRIOR TO CONSTRUCTION.
15. ALL EARTHWORK, TRENCH WORK, PIPE BEDDING, AND SURFACE TREATMENT TO BE REVIEWED AND CERTIFIED BY PROJECT GEOTECHNICAL ENGINEER.
16. DRAWINGS SUBJECT TO CONSTRUCTION APPROVAL BY THE APPLICABLE APPROVAL AGENCIES (i.e. THE MUNICIPALITY AND NOVA SCOTIA DEPARTMENT OF ENVIRONMENT) PRIOR TO CONSTRUCTION.
17. CONTRACTOR RESPONSIBLE FOR ALL TRAFFIC CONTROL MEASURES REQUIRED FOR THE PROJECT.
18. INSULATION TO BE 50 mm THICK HI40 RIGID STYROFOAM (ROAD AND TRAFFIC RATED).
19. CONTRACTOR MAY REQUEST GRADE ADJUSTMENTS SUBJECT TO REVIEW AND APPROVAL BY ENGINEER AND APPLICABLE APPROVAL AGENCIES. CONTRACTOR RESPONSIBLE FOR COSTS ASSOCIATED WITH DRAWING REVISIONS AND APPROVALS.
20. CATCHBASINS TO BE 42"Ø PRECAST CONCRETE. WATER MAIN TO BE PVC DR18 AND SANITARY MAIN TO BE PVC DR35. STORM TO BE PVC DR35 (8" - 15") AND REINFORCED CONCRETE TO CSA A257.2 (18" AND LARGER).
21. ALL STORM AND SANITARY SERVICE LATERALS TO HAVE A MINIMUM SLOPE OF 2%.
22. ALL MANHOLE FRAMES AND COVERS ARE TO BE IMP TYPE R60 (IMP R12 FOR PARKS AND EASEMENTS) AND WILL INCLUDE A 2" RISER AS MANUFACTURED BY IMP.

THRUST BLOCK DETAIL (NTS) — C 11

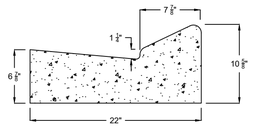


MEGALUG OR APPROVED EQUIVALENT MECHANICAL JOINT RESTRAINT AS PER WEST HANTS SPECIFICATIONS. MINIMUM OF TWO FULL PIPE LENGTHS ON EACH SIDE OF JOINT.

STORMWATER POND EMERGENCY OVERFLOW DETAIL (NTS) — D 11



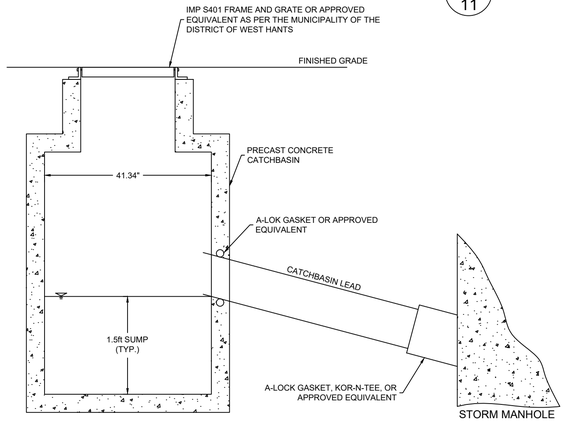
ROLLBACK CURB AND GUTTER DETAIL (NTS) — G 11



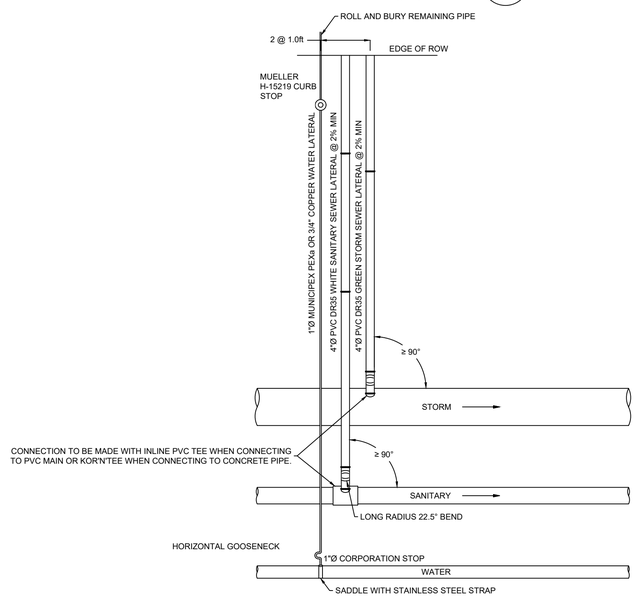
NOTE:

CURB AND GUTTER SHALL BE PLACED ON AN APPROVED GRANULAR BASE HAVING A MINIMUM DEPTH OF 6"

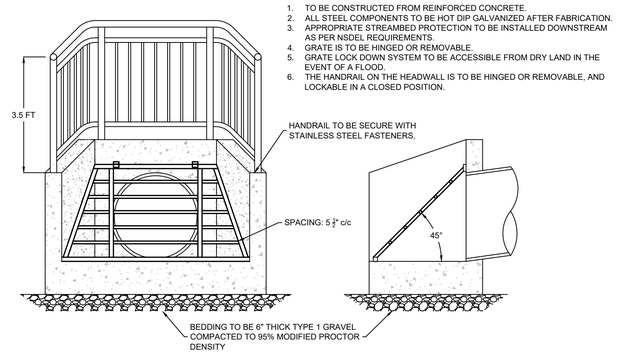
TYPICAL CATCHBASIN DETAIL (NTS) — E 11



SERVICE LATERAL DETAIL (NTS) SEE MDWH DETAIL #10 — F 11



STORM OUTFALL DETAIL (NTS) — F 11



NOTES:
1. TO BE CONSTRUCTED FROM REINFORCED CONCRETE.
2. ALL STEEL COMPONENTS TO BE HOT DIP GALVANIZED AFTER FABRICATION.
3. APPROPRIATE STREAMBED PROTECTION TO BE INSTALLED DOWNSTREAM AS PER NSDEL REQUIREMENTS.
4. GRATE IS TO BE HINGED OR REMOVABLE.
5. GRATE LOCK DOWN SYSTEM TO BE ACCESSIBLE FROM DRY LAND IN THE EVENT OF A FLOOD.
6. THE HANDRAIL ON THE HEADWALL IS TO BE HINGED OR REMOVABLE, AND LOCKABLE IN A CLOSED POSITION.

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BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS PHASE 2

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

CONSTRUCTION NOTES AND DETAILS

Drawn: A. SKETCHLEY	Engineer: G. WOODFORD	Project No.: 14-033	Drawing No.: 11 of 11
Date of 1st Issue: MAR. 27, 2015	Scale: NTS	Filename: 14-033CBase.dwg	

April 1, 2020

Brison Developments
411 Gabriel Road
Falmouth, Nova Scotia B0P 1L0
Attention: Mitch Brison

RE: The Meadows Phase 2 – Storm Drainage System
DesignPoint Project #: 14-033

Further to our discussion, I understand that you are interested in changing the large 75 ft wide R1 lots to semi-detached, townhomes, or small R1 lots. The changes apply to The Meadows Phase 2 including Thistle Street, the extension of Clover Lane, and Short Drive.

The storm drainage system as designed in my latest drawing package for this project (dated June 12, 2019, Rev 3) is adequate to accommodate these changes to the development.

For reference, please refer to the Storm Drainage / Environmental Protection Plan, Sheet 7 of 11, Revision 3, dated June 12, 2019 (included with this letter).

If you have any questions, please feel free to contact me.

Thank you,
DesignPoint Engineering & Surveying Ltd.

Glenn Woodford, P.Eng.
Senior Engineer & Principal

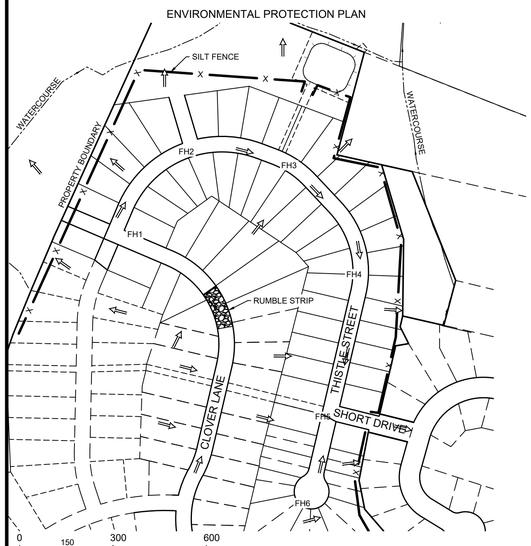
GSW/alc

Enclosures: Storm Drainage / Environmental Protection Plan

GENERAL EROSION AND SEDIMENT CONTROL NOTES

1. EXPOSED SOIL TO BE MINIMIZED AT ALL TIMES DURING CONSTRUCTION TO LIMIT SEDIMENT LADEN RUNOFF. THIS IS TO BE ACCOMPLISHED BY COMPLETING ALL WORK IN A GIVEN AREA ONCE EXCAVATION HAS BEGUN BEFORE DISTURBING ADDITIONAL SOIL. CONTRACTOR IS TO BE AWARE OF CURRENT WEATHER FORECASTS AND PLAN SOIL STABILIZATION ACCORDINGLY.
2. ALL WORKS TO BE IN ACCORDANCE WITH NOVA SCOTIA DEPARTMENT OF ENVIRONMENT REQUIREMENTS.
3. CONTRACTOR TO ACQUIRE ALL PERMITS REQUIRED TO PERFORM WORK AND TO COMPLY WITH ALL PERMIT REQUIREMENTS DURING CONSTRUCTION.
4. CONTRACTOR TO PROTECT NATURAL WATERCOURSES FROM SILT LADEN RUNOFF FROM CONSTRUCTION SITE. CONSTRUCTION PROCEDURES CAN BE FOUND IN THE CURRENT EDITION OF "EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
5. CONTRACTOR TO ENSURE THAT ALL EXPOSED AREAS ARE STABILIZED PRIOR TO RAINFALL EVENTS BY CHECKING ENVIRONMENT CANADA FORECASTS (https://weather.gc.ca/canada_e.html).
6. CONTRACTOR TO PERFORM WEEKLY INSPECTIONS OF SEDIMENT CONTROL MEASURES AND MAKE REPAIRS AS NEEDED. ADDITIONAL INSPECTION AND REPAIR TO BE CARRIED OUT BEFORE AND AFTER ANY RAINFALL EXCEEDING 10mm. A LOG OF EACH INSPECTION AND REPAIR IS TO BE KEPT ALONG WITH A WEEKLY REPORT OF EXPOSED AREAS.
7. TRIBUTARY STORM RUNOFF FROM SITE TO BE DIRECTED INTO SEDIMENT CONTROL DEVICES DURING CONSTRUCTION.
8. CONTRACTOR TO CONSTRUCT AND MAINTAIN DIVERSION DITCHES THROUGH AND AROUND THE SITE TO MINIMIZE CONTAMINATION OF CLEAN WATER.
9. CONTRACTOR TO HAVE ADDITIONAL SEDIMENT CONTROL MEASURES ON SITE INCLUDING SILT FENCE, BALED HAY, AND LOOSE HAY/MULCH TO MAINTAIN OR INSTALL CONTROL MEASURES AS REQUIRED.
10. EXPOSED SURFACES TO BE COVERED WITH HAY, MULCH, OR WOOD CHIPS TO LIMIT SEDIMENT RUNOFF.
11. CONTRACTOR MAY SUBSTITUTE WOOD CHIP BERM FOR SILT FENCE IN ROCKY AREAS WHERE SILT FENCE CANNOT BE INSTALLED.
12. SEDIMENTATION BERMS AND PONDS TO REMAIN IN SERVICE UNTIL PROJECT ENGINEER OR THE MUNICIPALITY REQUESTS THEIR REMOVAL. THIS WILL ONLY OCCUR AFTER LOT AND BUILDING CONSTRUCTION IS COMPLETE.
13. SEDIMENTATION BERMS AND PONDS TO BE REMOVED IN THE FOLLOWING ORDER. LEVEL OFF BERMS, HYDROSEED AND COVER ALL EXPOSED AREAS WITH HAY, THEN FILL IN PONDS.
14. UPON COMPLETION OF GRADING ACTIVITY, ALL LOT DRAINAGE EASEMENTS ARE TO BE HYDROSEEDED AND MULCHED.
15. TOPSOIL AND HYDROSEED TO BE PLACED ON ALL AREAS NOT FINISHED WITH ASPHALT, CONCRETE, GRAVEL, OR SOD.
16. ACCESS ROADS TO SITE ARE TO BE MAINTAINED WITH CLEAN GRAVEL APPLIED PERIODICALLY TO COVER MUDDY AREAS. CLEANING OF ADJACENT STREETS IS THE RESPONSIBILITY OF THE CONTRACTOR AS DIRECTED BY THE ENGINEER.
17. VEHICLE ACCESS TO CONSTRUCTION SITE TO BE RESTRICTED.
18. STABILIZE ON-SITE STOCKPILES USING APPROPRIATE MEASURES (SILT FENCE, HAY, TARPS, ETC.)
19. SITE ACTIVITY TO ADHERE TO REQUIREMENTS OF HALIFAX REGIONAL MUNICIPALITY TOPSOIL BY-LAW.
20. ALL SEDIMENT CONTROL MEASURES TO BE OPERATIONAL OVER ENTIRE CONSTRUCTION PERIOD.
21. SEDIMENTATION AND EROSION CONTROL MEASURES ARE SUBJECT TO CHANGE. ADDITIONAL MEASURES MAY BE REQUIRED DEPENDING ON SITE CONDITIONS DURING CONSTRUCTION.

ENVIRONMENTAL PROTECTION PLAN

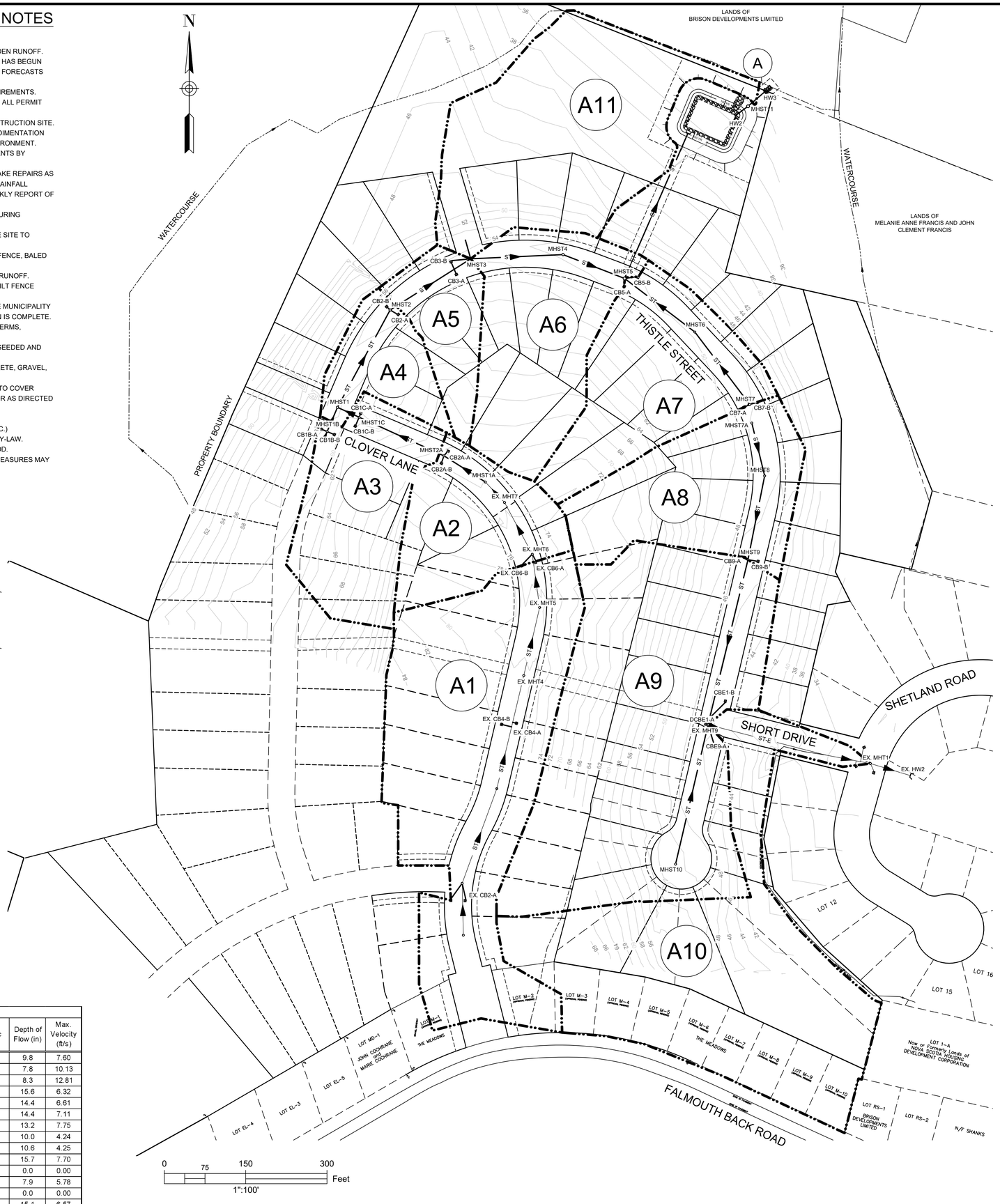


Catchment	Area (ac) ±	Catchment	Area (ac) ±
A1	4.75	A7	2.10
A2	1.47	A8	2.06
A3	1.75	A9	5.48
A4	0.81	A10	4.80
A5	0.83	A11	3.66
A6	2.16	Total	29.87

Storm	Flow to Point A (cfs)	
	Pre-Development	Post-Development
5 Year	6.20	5.87
10 Year	9.49	7.59
25 Year	14.7	11.72
50 Year	18.66	15.18
100 Year	22.84	18.95

Minor Piped Storm System Drainage Analysis - SCS Method (10 Year Return)

Upstream MH	Downstream MH	Tributary Area	Tributary Area +/- (Ac)	Qd - Design Flow (cfs)	Pipe Size (in)	Pipe Slope (%)	Qc - Pipe Capacity (cfs)	Qd/Qc	Depth of Flow (in)	Max. Velocity (ft/s)
EX_7	1A	A1	4.75	7.55	18	1.50	12.89	0.59	9.8	7.60
1A	2A	A1	4.75	7.58	18	3.25	18.92	0.40	7.8	10.13
2A	1	A1-A2	6.23	10.29	18	4.95	23.38	0.44	8.3	12.81
1	2	A1-A3	7.98	12.63	21	0.70	13.26	0.95	15.6	6.32
2	3	A1-A4	8.78	14.02	24	0.70	18.91	0.74	14.4	6.61
3	4	A1-A5	9.61	15.36	24	0.80	20.20	0.76	14.4	7.11
4	5	A1-A5	9.61	15.36	24	1.00	22.65	0.68	13.2	7.75
6	5	A7	2.10	3.88	15	0.50	4.58	0.85	10.0	4.24
7	6	A7	2.10	3.95	15	0.50	4.57	0.86	10.6	4.25
5	Outfall	A1-A7	13.87	22.60	30	0.75	35.44	0.64	15.7	7.70
8	9	-	-	0.00	12	1.00	3.57	0.00	0.0	0.00
9	EX_9	A8	2.06	3.83	15	1.10	6.78	0.57	7.9	5.78
10	EX_9	-	-	0.00	12	1.85	4.85	0.00	0.0	0.00
EX_9	EX_1	A8-A9	7.54	13.83	24	0.68	18.59	0.74	15.1	6.57
EX_1	Outfall	A8-A10	12.34	22.55	30	0.50	29.00	0.78	19.4	6.53



DRAINAGE BOUNDARY
STORM SEWER
PRECAST HEADWALL
A1 TRIBUTARY AREA ID
SILT FENCE
MAJOR DRAINAGE ROUTE

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

ISSUE	DATE	DESCRIPTION
3	JUN. 12, 2019	REVISED AS PER MDWH COMMENTS
2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
1	MAR. 27, 2015	ISSUED FOR REGULATORY REVIEW

CONSULTANT

DESIGN POINT
ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
JUN. 12, 2019
Glenn Woodford
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

STORM DRAINAGE / ENVIRONMENTAL PROTECTION PLAN

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	7 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":100' H	14-033CBase.dwg	

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Members of Planning Advisory Committee

Submitted by: _____
Saira Shah, Planner

Date: 2021-03-11

Subject: File 19-05 Meadows Development

LEGISLATIVE AUTHORITY

Municipal Government Act Section 229 and 230.

RECOMMENDATION

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

PAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow two-unit residential uses at PID 45371879, 45383379, 45371887, and 45383957, Falmouth, in a manner substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated March 11, 2021, taking note that this development agreement will discharge and replace the development agreement for PID 45371879 recorded at the Registry of Deeds on September 27, 2007 as document 88923751.

BACKGROUND

An initial application was received on December 13, 2019 from Brison Developments Limited to permit two-unit residential development at PID 45371879, 45383379, 45371887, and 45383957, Falmouth, West Hants. All necessary material for the application was submitted on July 14, 2020.

On December 11, 2020 the applicant requested that staff consider three and four-unit dwellings in addition to the two-unit dwellings requested on December 13, 2019.

On February 23, 2021 the applicant withdrew their request for three and four-unit dwellings and asked that staff only consider the initial application request for two-unit

residential development. The change in application is further explained in the "Applicant Requests" section of this report.

The combined properties are approximately 49 acres and are all owned by Brison Developments Limited. There is a registered development agreement between Meadows Development Limited (former owners) and the Municipality on PID 45371887 in August 2007 to permit eight (8) semi-detached dwellings. Brison Developments Limited wishes to discharge that agreement as part of this application to ensure the same requirements apply to the entire development site.

DISCUSSION

All four (4) properties are designated Residential in the Falmouth Growth Centre on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1).

The properties are all zoned Single Unit Residential (R-1) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). The properties are bound on almost all sides by properties zoned Single Unit Residential (R-1) except for PID 45371887 which neighbours a property zoned institutional (I) to the east and PID 45371879 which neighbours a property zoned Agricultural Priority 3 (Ar-3) to the north.

Only single unit dwellings, accessory apartments, and existing manufactured homes are permitted in the Single Unit Residential (R-1) zone. The applicant would like the opportunity to develop two-unit dwellings which are not permitted as-of-right.

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:*

(d) comprehensively designed multiple residential development consisting of a mix of single unit, semi-detached, duplex and townhouse dwellings in the Falmouth Growth Centre in accordance with Policy 5.4.4 of the Municipal Planning Strategy;

A semi-detached dwelling is defined in the WHLUB as *a building that is divided vertically into two dwelling units, each of which has an independent entrance*. A duplex is defined in the WHLUB as *a building that is divided horizontally into two dwelling units, each of which has an independent entrance directly or through a common vestibule*. The current definitions for semi-detached and duplex are specific in terms of construction type and staff have discussed adopting more general definitions for two-unit dwellings as part of the plan review with PAC. Staff have added the two-unit dwelling definition accepted by the PAC for the plan review to the agreement and use the term two-unit dwelling instead of semi-detached or duplex in the agreement. This will give the applicant more flexibility in terms of construction type while still restricting the number of units per building to two (2) meeting the overall intention of Council in Section 6.1 (d) of the WHLUB.

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.

Applicant Requests

The applicant is proposing a mix of single and two-unit dwellings built over three phases: Phase 2A, 2B and 3. The draft development agreement, including the concept plan, can be found in Appendix C. Lot dimensions and street layout are established in the concept plan for Phase 2A and Phase 2B. However, the applicant has not provided those details for Phase 3 and wishes to have flexibility in terms of the layout. The agreement enables the applicant to use any lot configuration or design elements from Phase 2A and 2B in Phase 3 and the lot requirements are outlined in the text of the agreement. Any new streets not shown on the concept plan must meet the requirements of the Municipal Services Specifications Manual and the West Hants Subdivision By-law.

The applicant wishes to have flexibility in terms of the types of dwelling units permitted in Phase 3 to meet changing market demand. This included a request to list "dwelling types" as a non-substantive amendment to the development agreement. A non-substantive amendment would not require a Public Hearing by Council. Staff determined an amendment to add additional "dwelling types" to the list of uses permitted would have a major impact on the community and should not be considered a non-substantive amendment. However, staff have discussed alternative options to create flexibility for the applicant. The criteria that enables Council to consider this development agreement specifies that a minimum of 30 percent of the development must be single unit dwellings and the density of development must be limited to four and a half (4.5) dwelling units per acre. These requirements are included in the development agreement to reflect Council's intention for the area. The concept plan states a maximum of 75 units can be constructed in Phase 3. However, the specific number of two-unit dwellings permitted has not been specified in the concept plan or text of the development agreement for Phase 3 which will create flexibility for the applicant.

Policy 5.4.4 which enables Council to consider this application by development agreement includes criteria which requires the property (or development site) to have frontage on an arterial or collector street and be at least 25 acres. Staff told the applicant if they sell the property that provides the frontage or subdivide and sell several properties reducing the overall development site to under 25 acres future amendment applications for the agreement may not be recommended by staff as the development site would no longer meet the criteria. In December 2020, the applicant requested the addition of three and four-unit dwellings to be considered for Phase 3 of the development to avoid a future amendment application for the agreement. Staff sent out additional inquiries to receive comments on the criteria as the addition of three and four-unit dwellings was considered a major change to the application. The Department of Transportation and Infrastructure Renewal (DTIR) requested that a traffic impact study (TIS) be provided before a development permit could be issued. This was different than DTIR's initial request based on the initial application for two-unit dwellings. In the first request for comment DTIR asked for a traffic impact study after the 100th residential permit had been issued or any development commenced in Phase 3. When staff asked for clarification as the proposed maximum number of units permit had not changed DTIR stated *"The TIS is triggered by the number of trips generated as opposed to the actual number of structures. With the increased population density*

(from single and two-unit to the addition of three and four-unit dwellings), it is anticipated that the trip generation threshold will be met sooner than at 100 structures." The applicant was made aware of this requirement and on February 23, 2021 they withdrew their request for three and four-unit dwellings to proceed with the initial request for two-unit dwellings as the applicant felt the additional requirements from DTIR would place an unnecessary burden on them.

The applicant requested a reduced minimum lot frontage requirement for single-unit dwellings of 50 ft. and reduced side yard requirements of 6 ft. Staff have no concerns with these reductions as it will enable compact development that better utilizes municipal services and National Building Code requirements would still apply.

The applicant has entered into two (2) parkland agreements with the Municipality for development in the surrounding area. As a large area of parkland is dedicated in the agreements, staff have enabled the Development Officer to consider the Public Parkland outlined in the parkland agreements on August 22, 2011 and April 10, 2012 as part of the parkland contribution requirement for this development. If additional parkland is required to meet the requirements of the Subdivision By-law and the agreement the Development Officer can request additional land.

Sections of the development agreement related to storm drainage and ownership of the detention pond required extensive consultation with the Director of Public Works, the applicant, and the Chief Administrative Officer. Staff have determined the requirements of the Subdivision By-law and the Municipal Services Specifications Manual for West Hants are sufficient. However, if the owner wishes to maintain ownership of the detention pond, the owner will need to submit confirmation of performance on an annual basis and fix any issues that arise.

WHMPS Specific Criteria

Policy 5.4.4 of the WHMPS establishes Council's intention to consider proposals for comprehensively designed multiple residential developments in the Falmouth Growth Centre by development agreement. The above policy establishes the criteria to be considered by Council, which are examined in detail in Appendix A. In summary, the criteria are met since:

- the development agreement has specific stipulations for density and ensures that a minimum of 30 percent of the total number of dwelling units will be single unit dwellings;
- a traffic impact study will be required before the 100th residential unit development permit can be issued or before any development can start in Phase 3 and all work required by the recommendations in the traffic impact study must be completed;
- the reduced setback requirements will enable a planned compact community that makes efficient use of streets and municipal infrastructure; and
- the stormwater management plan is considered satisfactory by the Municipal Engineer.

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 of Building and Fire Inspections Services, Director of Public Works and Department of Transportation and Infrastructure Renewal have no major concerns which have not been address in the draft development agreement.

Request for Discharge

West Hants entered into a development agreement with Meadows Development Limited in 2007 to permit eight (8) semi-detached dwellings on PID 45371887. To include this property in the new agreement, staff recommend discharging the current agreement.

Section 229 (2) of the MGA states *A council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with the concurrence of the property owner*.

The applicant has indicated they agree to a discharge of the previoys agreement. Clause 5.7 (b) of the draft development agreement would discharge the existing development agreement for PID 45371887.

Municipal Climate Change Action Plan

Based on the Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps there may be a risk of inland and coastal flooding in close vicinity to the properties but not directly on the properties as shown in Figure 3 and 4. The Falmouth Stormwater Management Plan (Falmouth SWMP) shows similar flooding potential downstream from the development site (Figure 5). The Municipal Engineer is satisfied that the stormwater management ponds will reduce the post-development flows by 10% to 23% compared to the pre-development flows to the downstream area based on the stormwater model presented.

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 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 allow two-unit dwellings at PID 45371879, 45383379, 45371887, and 45383957 in Falmouth.

Approval Process

Staff Review

▼

Public Information Meeting

▼

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

▼

Regional Council First Reading

▼

Public Hearing held and adjourned to next meeting of Council

▼

Council completes Public Hearing and holds Second Reading

▼

Notice of Approval in Local Paper

▼

14-day Appeal Period

FINANCIAL IMPLICATIONS

There would be an increase in households using water, sewer, and waste disposal services in the area. However, the increased services are expected to be paid for, at least in part, by new residents moving to the development.

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
Figure 3	MCCAP Inland Flooding Map (Falmouth)
Figure 4	MCCAP Coastal Flooding Map (Falmouth)
Figure 5	Falmouth SWMP 1 In 100 Year Flooding Extent with Climate Change Map
Appendix A	Specific Criteria for Development Agreement
Appendix B	General Criteria for Development Agreement
Appendix C	Draft Development Agreement

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

FIGURE 1
GENERALIZED FUTURE LAND USE MAP

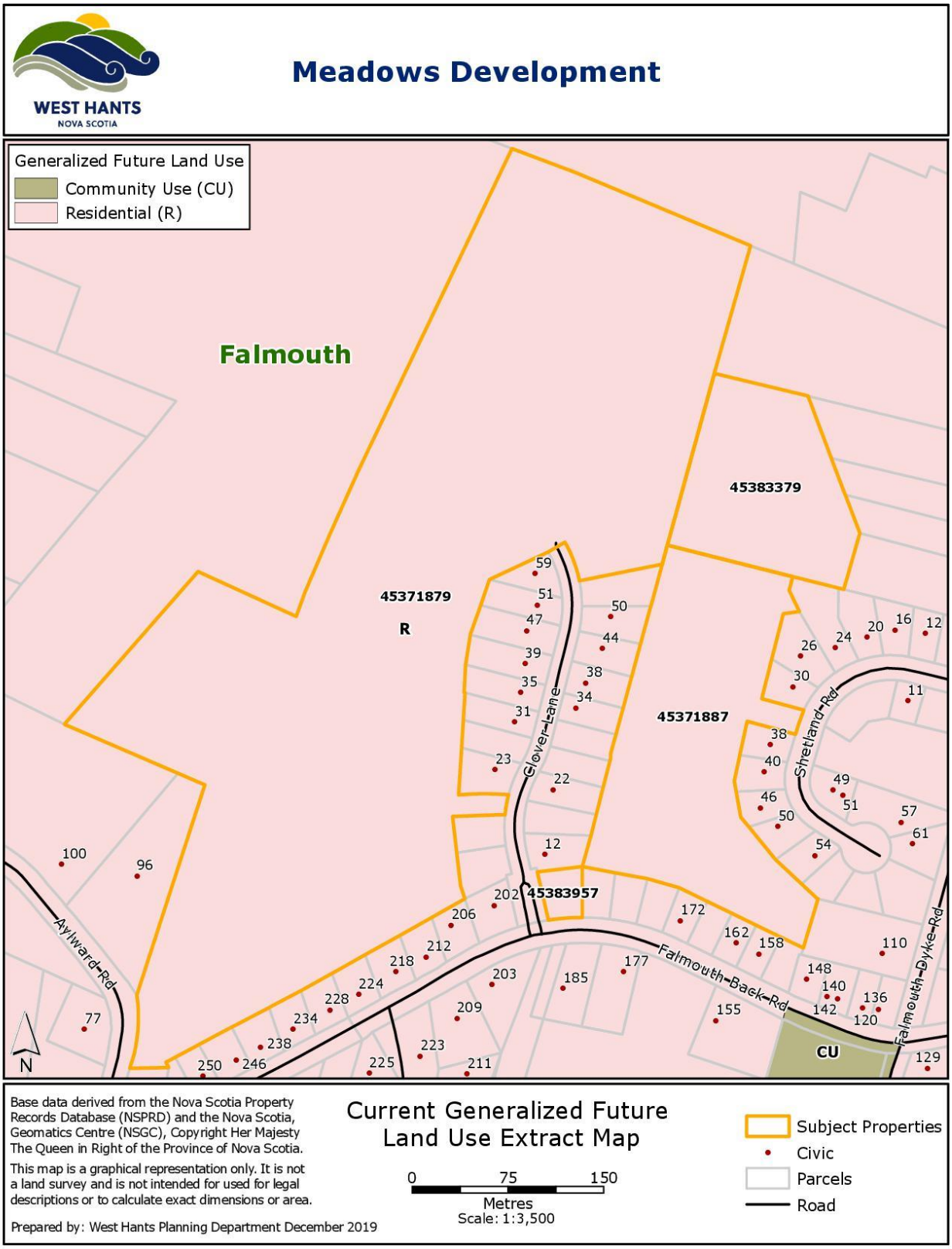


FIGURE 2
EXISTING ZONING MAP

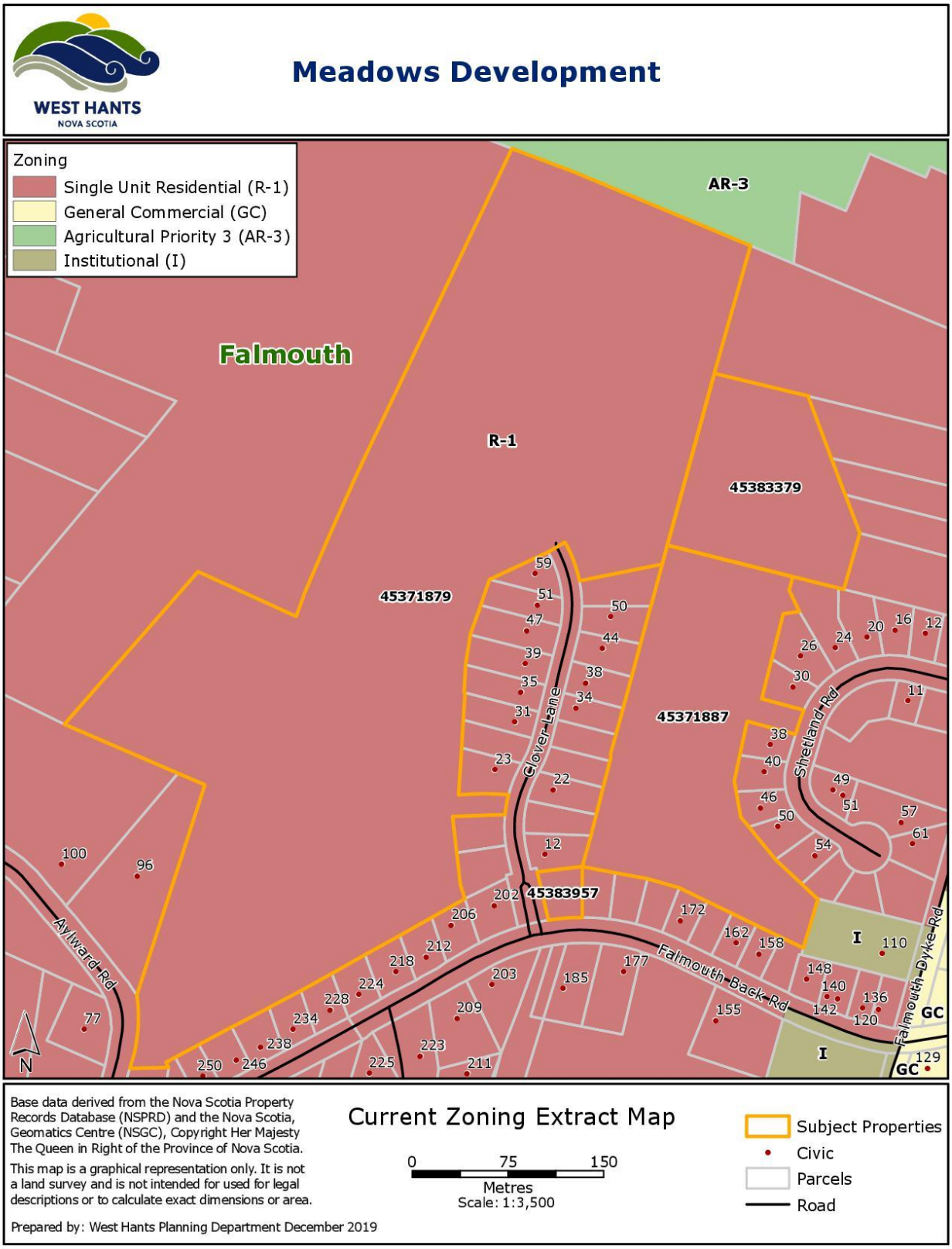
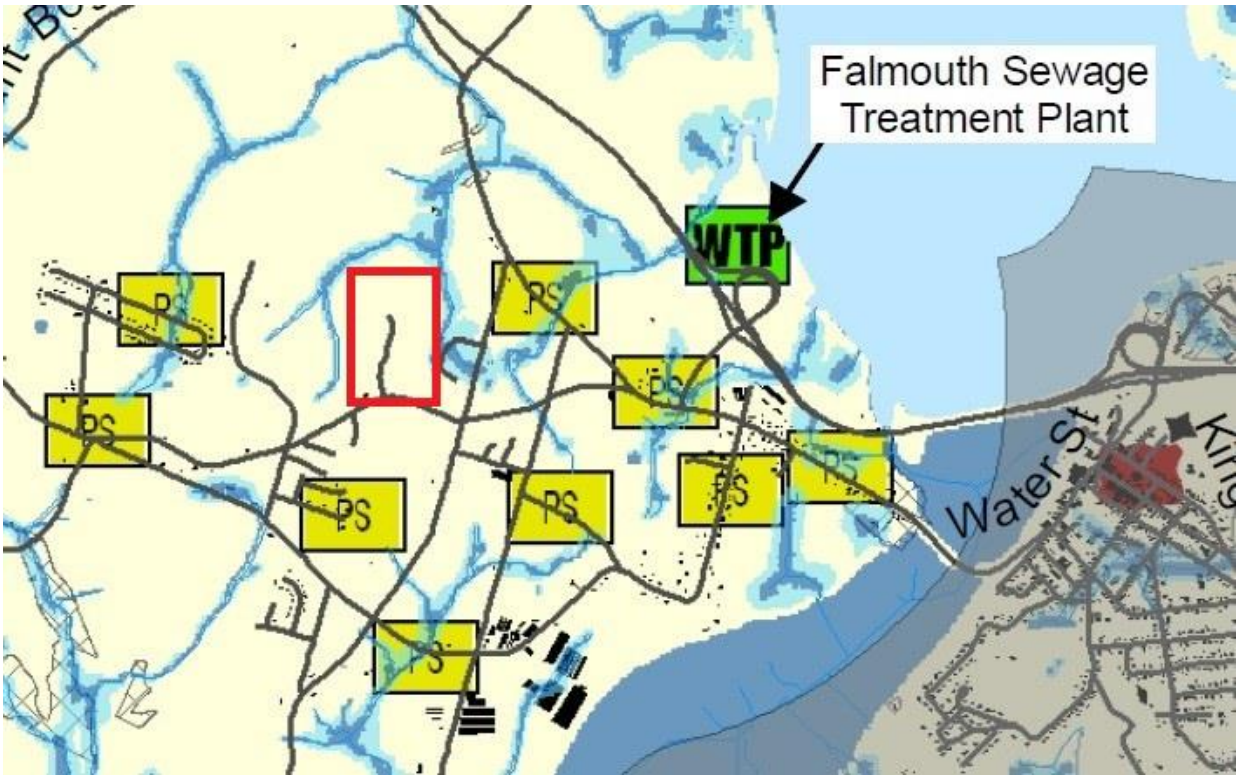


FIGURE 3
MCCAP INLAND FLOODING MAP (FALMOUTH)



Town of Windsor
Roads
Flow Accumulation

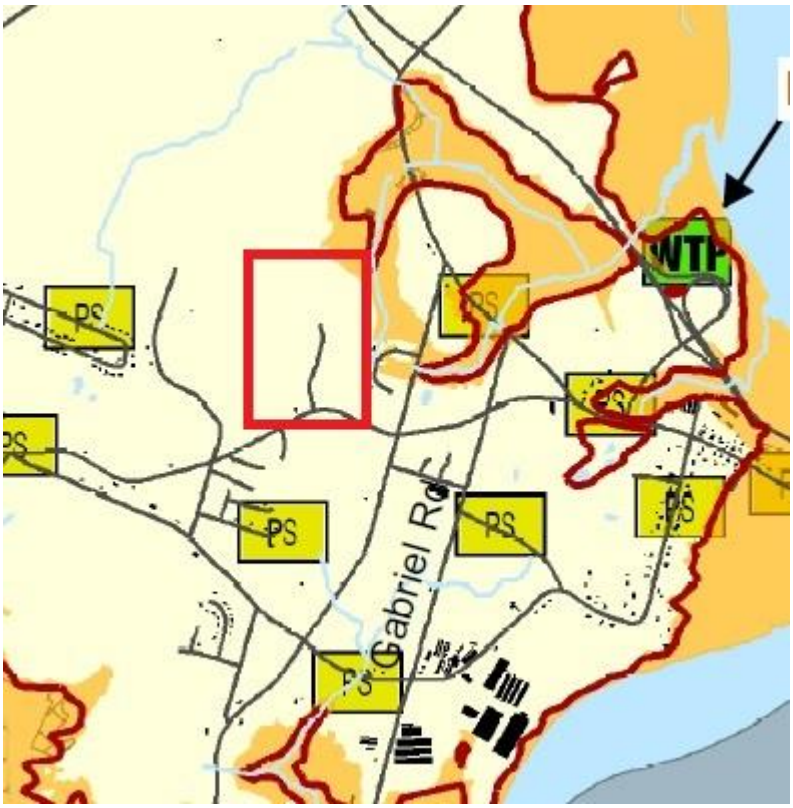
Depth to Water Table

Depth (metres)

0 - 0.10m
0.11 - 0.50m
Buildings
Emergency Services - Paramedic
Fire Department
Hospital
Municipal Building
Pumping Station
Rural RCMP
Town of Windsor/RCMP
Water Treatment Plant
Variance
Watersheds
Municipality of West Hants

Development site

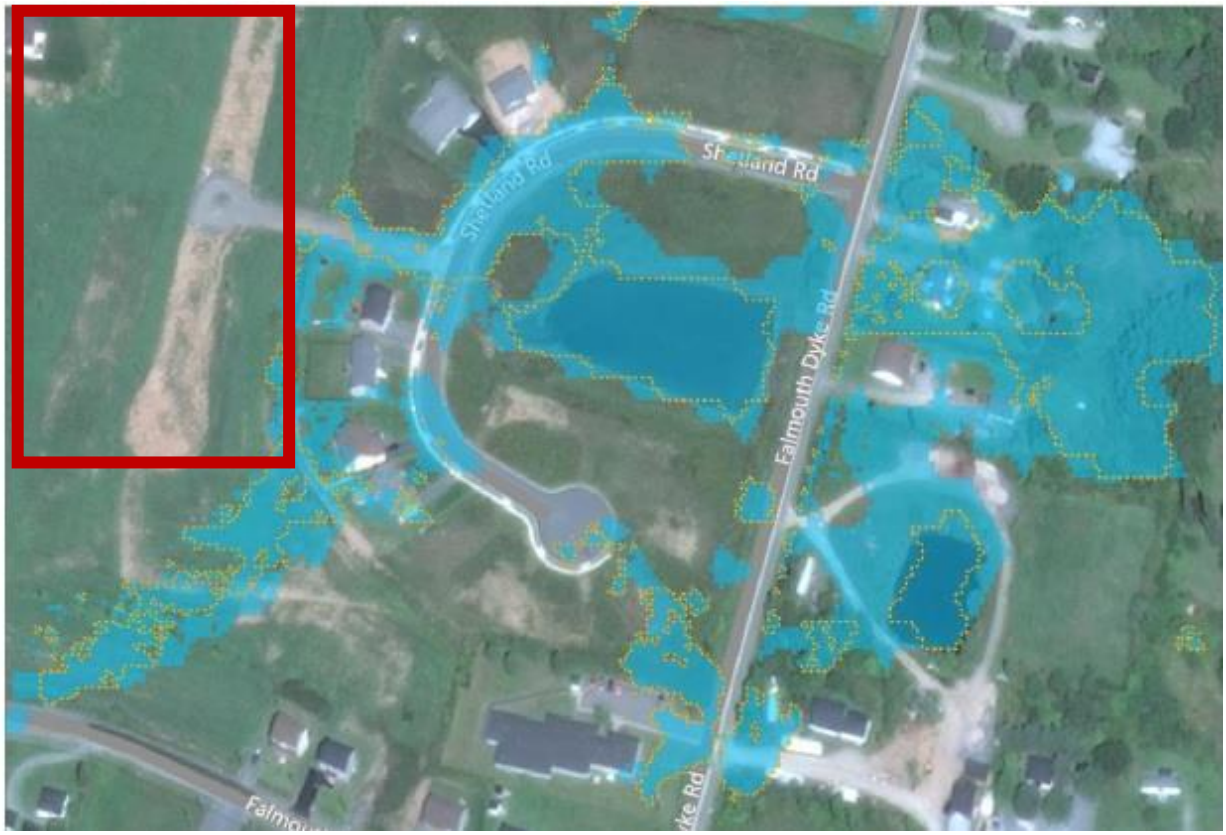
FIGURE 4
MCCAP COASTAL FLOODING MAP (FALMOUTH)



Development site

- Town of Windsor
- Rivers
- 10 m Contour
- Roads
- Sea Level 10 m
- Buildings
- Water
- Emergency Services - Paramedic
- Fire Department
- Hospital
- Municipal Building
- Pumping Station
- Rural RCMP
- Town of Windsor/RCMP
- Water Treatment Plant
- Variance
- Watersheds
- Municipality of West Hants

FIGURE 5
Falmouth SWMP 1 IN 100 YEAR FLOODING EXTENT
WITH CLIMATE CHANGE MAP



Legend

1 in 100 Year Flooding Extent with Additional Detention Pond

1 in 100 Year Flooding Extent without Additional Detention Pond

Development site

APPENDIX A
SPECIFIC CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 5.4.4 *It shall be the policy of Council to consider proposals for comprehensively designed multiple residential developments in the Falmouth Growth Centre by development agreement subject to the following:*

CRITERIA	**COMMENT**
(a) the development consists of a mix of housing types where:	
(i) a minimum of 30 percent of the total number of dwelling units shall be single unit dwellings; and	Clause 2.2 (a) of the development agreement addresses this requirement.
(ii) the remaining dwelling units may include any combination of townhouse dwellings along with semi-detached or duplex dwellings, provided that not more than four dwelling units shall be permitted per building or attached structure;	In Section 2.1 *Uses* of the development agreement two-unit dwellings are the largest dwellings permitted which means no building will have more than two (2) dwelling units meeting the intent of this criterion.
(b) the property:	
(i) is at least 25 acres (10.12 ha) in size;	As the development site is a combination of multiple properties that will be subdivided into individual residential lots, staff are not requiring the applicant to consolidate the four (4) properties into one (1) property and are considering the development site the "property" for policy criteria. The development site is 49 acres.
(ii) is serviced, or is capable of being serviced, by both municipal water and sewer; and (Amendment WHMPS 14-01 Effective January 22, 2015)	The Director of Public Works has confirmed that portions of the development site are currently serviced with potable water and central sewer services and the remaining portions of the development site are capable of being serviced.
(iii) has frontage on an arterial or collector street designated on the Transportation Map (Map 2);	The development site has frontage on an arterial street (Falmouth Back Road) designated on the Transportation Map. This criterion does not specify that direct access to an arterial street is necessary. The development site will have access to Falmouth Back Road though Clover Lane.
(c) the development exhibits comprehensive site planning and design with an emphasis on the conservation of significant natural	The concept plan exhibits comprehensive planning and design with conservation of existing watercourses. Staff considered the landscaping and buffering

features of the site, provision of open space and recreational areas, and landscaping and buffering to screen views of the development from existing developed properties;	requirements based on potential land use conflicts. Staff will not require landscaping and buffering for the existing agricultural and institutional uses. The concept plan shows significant distance between the proposed residential uses and existing farm operations. PID 45371887 is adjacent to an institutional use (senior's complex) which is surrounded by existing residential uses. The Development Officer has confirmed there have not been any land use conflicts between the existing institutional use and adjacent residential uses. In the Development Officer's experience, they have not witnessed a conflict between any institutional use and residential uses in West Hants. The remainder of the existing developed properties are designated and zoned residential and the proposed development is not expected to create potential land use conflicts.
(d) the gross density of the development shall not exceed 4.5 dwelling units per acre; where the gross density exceeds 3 dwelling units per acre, at least 10 percent of the total area of the property shall be dedicated to the Municipality for parkland or open space purposes;	Clause 2.2 (d) of the development agreement addresses this requirement.
(e) the Multiple Residential (R-3) zone standards are used as a guide for minimum lot area, frontage and yards; however, Council may consider reduced lot requirements where the proposed development is a planned compact community that makes efficient use of streets and municipal infrastructure;	The Single Unit Residential (R-1) and Two Unit Residential (R-2) zone requirements in the West Hants Land Use By-law will apply to single and two-unit dwellings with the exception of the minimum lot frontage and side yard requirements for single-unit dwellings which have been reduced at the applicant's request. These reductions will enable a planned compact community that makes efficient use of streets and Municipal infrastructure.
(f) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;	DTIR has requested a Traffic Impact Study be submitted before the 100th development permit can be issued for a residential unit or before development starts in Phase 3. Section 2.4 of the development agreement addresses this request.

(g) the development is compatible with the surrounding area in terms of building height, scale and architectural design;	The building height and scale requirements will be the same as the requirements in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones in Falmouth. There are no architectural design requirements. The applicant has provided photos to illustrate the architectural style of the development.
(h) a stormwater management plan shall be submitted, satisfactory to the Municipal Engineer, that shows the development will not adversely affect receiving watercourses and downstream properties;	The Municipal Engineer is satisfied with the stormwater management plan submitted and has stated that *"the retention ponds will reduce the post-development flows by 10% to 23% less than the pre-developed flows to the downstream area based on the stormwater model presented."* In addition, DTIR has reviewed the stormwater management plan in relation to the Provincial road network and find the proposed system to be acceptable.
(i) the application is accompanied by:	
(i) a site plan showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;	The site plan which forms part of the Development Agreement as the concept plan shows all relevant information required.
(ii) other supporting maps showing the topography of the lot including contours at five meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and	Topography and significant natural features such as watercourses are shown on the concept plan.
(iii) photo examples, plans or drawings showing the exterior design of the proposed buildings;	Photos were included in the application showing the style of the buildings.
(j) any other matter which may be addressed by development agreement; and	No other matter has been raised.
(k) Policy 16.3.1.	Please see Appendix B for further details.

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;	Please see 5.4.4 (b) (ii) for further details.
(ii) the adequacy of school facilities;	The Director of Operations for the Annapolis Valley Regional Centre for Education has stated they have no concerns as schools in West Hants are projected to decreased in enrollment over the next ten years.
(ii) 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.
(iii) the adequacy of road networks adjacent to, or leading to the development; and	Please see 5.4.4 (f) for further details.
(iv) the financial capacity of the Municipality to absorb any costs relating to the development.	There would be an increase in households using water, sewer, and waste disposal services in the area. New residents moving to the development would be expected to cover some of the increased costs for the Municipality.
(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;	Please see 5.4.4 (b) (ii) for further details.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Please see 5.4.4 (f) for further details. All new roads must be built to the standards in the Municipal Services Specifications Manual and West Hants Subdivision By-law.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	The lot dimensions and shape will be regulated in section *2.3 Setbacks and Buffering* of the development agreement.
(e) the pattern of development which the proposal might create;	Policy 5.1.1 encourages concentrated residential development in designated

	Growth Centres. Two-unit dwellings are in line with this policy.
(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, geological conditions, and location of water courses or wetlands. In terms of flooding, the MCCAP Inland and Coastal Flooding maps show there may be a risk of inland and coastal flooding in close vicinity to the properties but not directly on the properties. The Falmouth Stormwater Management Plan shows flooding potential downstream from the development site. Please see 5.4.4 (h) for comments from the Municipal Engineer regarding stormwater management. 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 , 2021.

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 -

BRISON DEVELOPMENTS LIMITED, a body corporate, with a head office at 258 King Street, Windsor, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the "Owner")

OF THE SECOND PART

WHEREAS the Owner is the registered Owner of several lots located in Falmouth (PIDs 45371879, 45383379, 45371887, and 45383957), hereinafter referred to as the "Properties", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Properties are designated Residential on the Generalized Future Land Use Map of the Municipality of the District of West Hants Municipal Planning Strategy (June 26, 2008) (the "Municipal Planning Strategy") and zoned Single Unit Residential (R-1) on the Zoning Map of the Municipality of the District of West Hants Land Use By-law (June 26, 2008) (the "Land Use By-law") and are in the Falmouth Growth Centre; and

WHEREAS the Owner requested that the Municipality discharge a development agreement registered on PID 45371879 on September 27, 2007 and enter into a new development agreement for PIDs 45371879, 45383379, 45371887, and 45383957 to permit two-unit residential development (the "Development"); and

WHEREAS Policy 5.4.4 of the Municipal Planning Strategy; and Section 6.1 (d) of the Land Use By-law enables Council to consider new comprehensively designed multiple residential developments in the Falmouth Growth Centre by development agreement; and

WHEREAS the Council of the Municipality, at a meeting held on Date, approved this request and adopted this Agreement by policy subject to the execution of this development agreement by the parties hereto;

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 By-law, except those defined as follows:

"Municipal Engineer" means the engineer of the West Hants Regional Municipality and includes a person acting under the supervision and direction of the engineer.

"Two-unit Dwelling" means a completely detached building containing only two (2) dwelling units.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

- Schedule A - Legal Description
- Schedule B – Concept Plan
- Schedule C – Stormwater Management Plan

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 2 DEVELOPMENT REQUIREMENTS

2.1 Use

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

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

(b) two-unit dwellings.

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 development location and design shall conform to the following at all times:

(a) a minimum of 30 percent of the dwellings constructed must be single unit dwellings;

(b) maximum units per phase shall not exceed the numbers shown on the Unit Summary table on Schedule B;

(c) the development shall be constructed using any of the lot configurations or design elements shown in Schedule B; and

(d) the gross density of the development shall not exceed four and a half (4.5) dwelling units per acre. Where the gross density exceeds three (3) dwelling units per acre, at least 10 percent of the total area of the property shall be dedicated to the Municipality for parkland or open space purposes. This includes the 5% parkland dedication required in the Subdivision By-law. The Public Parkland outlined in the parkland agreements entered into by the Owner and the Municipality on August 22, 2011 and April 10, 2012 may be used as part of the parkland contribution requirement for this development.

2.3 Lot and Yard Requirements

All Single Unit dwellings shall conform to the following lot requirements:

Minimum Lot Area	6,000 ft^2 (557.40 m^2) 7,000 ft^2 (650.30 m^2) for corner lots
Minimum Lot Frontage	50 ft. (15.24 m)
Minimum Front/Flankage Yard	25 ft (7.62 m)
Minimum Rear Yard	25 ft (7.62 m)
Minimum Side Yard	6 ft. (1.83 m) on both sides
Maximum Height of Main Building	35 ft (10.67 m)

All Two-unit dwellings shall be regulated under sections 9.2 and 9.3 of the Land Use By-law.

The Development Officer may grant a variance from one or more of the following subject to the requirements of the Municipal Government Act:

(a) minimum lot area and frontage;

(b) minimum yard dimensions;

(c) percentage of land that may be built upon;

(d) number of parking and loading spaces required;

(e) height of a structure;

(f) floor area occupied by a home-based business; and

(g) height and area of a sign.

2.4 Access and Egress

Before a development permit can be issued for the 100th residential unit within the area of the development agreement and/or prior to the commencement of any development in Phase 3 as shown on Schedule B, a Traffic Impact Study must be submitted to the Municipality and approved by Department of Transportation and Infrastructure Renewal, and all work required by the recommendations in the Ttraffic Impact Study must be completed. This requirement applies only to applications for development permits made following the effective date of this development agreement.

2.5 Roads and Municipal Services

Roads and Municipal Services in the development shall conform to the following:

(a) the layout of streets within the development shall be as generally shown on Schedule B. The Development Officer, in consultation with the Municipal Engineer, may give consideration to minor incidental changes to the street layout;

(b) all streets and municipal services within the development shall be designed and constructed in accordance with the requirements of the Municipal Services Specifications Manual. Detailed design plans of the street networks, water and sewer servicing and storm water systems shall be approved by the Municipal Engineer for each phase of the development prior to construction commencing for that phase; and

(c) the development of new streets not shown on Schedule B for the purpose of development shall be permitted provided all requirements of the Subdivision By-law are met.

2.6 Parking

Parking shall be provided in accordance with the requirements of section 5.31 of the Land Use By-law.

2.7 Signs and Lighting

Signage and illumination shall be regulated under sections 5.18 and 7.0 of the Land Use By-law which controls 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 Maintenance

The Owner shall keep the Properties 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.

2.9 Storm Drainage

The Owner shall ensure the Stormwater Management Plan, Schedule C, is implemented to ensure neighboring properties are not negatively impacted by storm drainage.

The Owner may transfer ownership of the stormwater management system, and specifically the detention pond, to the Municipality provided all acceptance requirements in the Subdivision By-law are met. If the Owner wishes to enable alternative requirements for acceptance, the Owner may enter into a servicing agreement with the Municipality as outlined in the Subdivision By-law.

If the Owner wishes to retain ownership of the stormwater management system, and specifically the detention pond, the Owner must provide the Municipal Engineer evidence annually, or upon request of the Municipality, that the detention pond conforms to the performance expectations detailed in Schedule "C" of this agreement. All costs associated with addressing performance concerns will be at the sole expense of the owner and must be addressed by the Owner within six (6) months of notification. The Owner may be given an extension in writing by the Development Officer to complete the work for an equivalent period. Should the owner not address the concerns, the Municipality reserves the rights to make any repairs necessary and charge the Owner for the costs incurred.

PART 3 CHANGES AND DISCHARGE

3.1 The Owner shall not vary or change the use of the Properties from that provided for in *Section 2.1 Uses* of this Agreement 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 overall intended effect of this Agreement.

3.3 The following matters are substantive matters:

(a) the uses permitted on the Properties as listed in *Section 2.1 Use* of this Agreement;

(b) the location and design requirements for the Properties as listed in *Section 2.2 Development Location and Design*;

(c) the lot and yard requirements for the Properties as listed in *Section 2.3 Lot and Yard Requirements* of this Agreement; and

(d) the stormwater management plan for the Properties as described in Section 2.9 Storm Drainage of this Agreement.

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

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

(a) as provided for in *Section 4.1 Commencement of Operation* of this Agreement; or

(b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least forty-eight (48) months; or

(c) at any time upon the written request of the Owner, provided the use of the Properties is in accordance with the Land Use By-law or a new Agreement has been entered into.

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

PART 4 IMPLEMENTATION

4.1 Commencement of Operation

(a) The Owner may not commence any construction or use on the Properties related to this development 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 forty-eight (48) 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 30 days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, 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 Owner is bona fide delayed from commencing the development for reasons which are beyond the Owner's control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owner is excused for the period of the delay and the time period for the Owner 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 Owner shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required within ten (10) days of completion of any work which requires the engineered design.

(b) The Owner 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 By-laws and Regulations

(a) Nothing in this Agreement shall exempt the Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.

(b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Properties (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 Owner about the suitability of the Properties for the development proposed by this agreement. The Owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the Development.

(b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the 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 Owner shall pay all costs associated with the costs of registering this Agreement and discharging any prior agreements encumbering the Properties, and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

(a) 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.

(b) This Agreement replaces and discharges the Development Agreement between the Municipality of the District of West Hants and the Owner dated August 7, 2007 and recorded at the Registry of Deeds in the Province of Nova Scotia on September 27, 2007 as Document No. 88923751.

5.8 Assignment of Agreement

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

5.9 Written Notice

(a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to 258 King Street P.O. Box 2018 Windsor, NS, CA B0N 2T0, or at any other address provided by the Owner.

(b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, Nova Scotia, B0N 2T0.

5.10 Full Agreement

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

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

SIGNED, SEALED AND DELIVERED
In the presence of:

WEST HANTS REGIONAL MUNICIPALITY

)
)
)
_____) Per: _____
Witness) Abraham Zebian, Mayor
)

_____) Per: _____
Witness) Rhonda Brown, Municipal Clerk
)

) **Brison Developments Limited**
)
)
_____) Per: _____
Witness) Mitchel Brison, President

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2021, 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. 2021, 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. 2021, 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 **MITCHEL BRISON**, 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

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 _____, 2021.

_____ _____
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

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mitchel Brison, Nova Scotia, make oath and say that:

1. I am Mitchel Brison of Brison Developments Limited, the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment 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 ss.79 and 83 of the Land Reglstration Act as the case may be.

3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.

4. The Corporation is a resident of Canada under the Income Tax Act (Canada).

5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this Month Day, 2021 the Deponent came before me, made oath, and swore the foregoing affidavit at_____, Nova Scotia.

Print Name:

Authority (e.g. Commissioner of Oaths):
Please affix seal

Schedule 'A'
Legal Description – PID 45371879

Place Name: FALMOUTH BACK ROAD FALMOUTH
Municipality/County: MUNICIPALITY OF THE DISTRICT OF HANTS WEST/HANTS COUNTY
Designation of Parcel on Plan: BLOCK 1-R
Title of Plan: SURVEY PARCEL PH-2, S/D PORTION BLOCK 1, LANDS OF MEADOWS DEVELOPMENT LTD, FALMOUTH BACK RD, AYLWARD RD & SHETLAND RD (PROPOSED), FALMOUTH, APP PARCEL PH-2 & BLOCK 1-R
Registration County: HANTS COUNTY
Registration Number of Plan: 88595377
Registration Date of Plan: 2007-08-16 13:49:14

SAVING and EXCEPTING Lot MD-1 as shown on registered Plan No. 91651050 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOTS M-1 to M-4, inclusive as shown on registered Plan No. 97335914 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOTS 114-121 inclusive, as shown on registered Plan No. 99835861 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 113 as shown on registered Plan No. 99835861 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 112 as shown on registered Plan No. 100545707 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 103 as shown on registered Plan No. 104799615 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 104 and LOT 105 as shown on registered Plan No. 105333000 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 109 as shown on registered Plan No. 106182976 at the Land Registration Office for Hants County.

SAVING AND EXCEPTING Lot 108 as shown on registered plan no. 107755051 recorded in the Land Registration Office for Hants County.

SAVING AND EXCEPTING Lot 106 as shown on registered plan no. 108175689 recorded in the Land Registration Office for Hants County.

SAVING and EXCEPTING Lot 107 as shown on registered Plan No. 108291684 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 110 as shown on registsred Plan No. 108314981 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 101 and LOT 102 as shown on registsred Plan No. 110487163 at the Land Registration Office for Hants County.

*** 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: 2017
Plan or Document Number: 110487163

The MGA compliance statement has been applied by SNSMR during the processing of Land Registration Plan.

Legal Description – PID 45383379

Registration County: HANTS COUNTY
Street/Place Name: FALMOUTH DYKE ROAD /FALMOUTH
Title of Plan: PLAN OF S/D OF LOT GE-2, LAND OF RICHARD ARNOLD ELDRIDGE, TO FORM LOT GE-2A & REMAINDER LOT GE-2B, FALMOUTH DYKE RD, FALMOUTH
Designation of Parcel on Plan: LOT GE-2A
Registration Number of Plan: 96299525
Registration Date of Plan: 2010-07-07 11:26:40

Legal Description – PID 45371887

Place Name: FALMOUTH BACK ROAD FALMOUTH
Municipality/County: MUNICIPALITY OF THE DISTRICT OF HANTS WEST/HANTS COUNTY
Designation of Parcel on Plan: PARCEL PH-2
Title of Plan: SURVEY PARCEL PH-2, S/D PORTION BLOCK 1, LANDS OF MEADOWS DEVELOPMENT LTD, FALMOUTH BACK RD, AYLWARD RD & SHETLAND RD (PROPOSED), FALMOUTH, APP PARCEL PH-2 & BLOCK 1-R
Registration County: HANTS COUNTY
Registration Number of Plan: 88595377
Registration Date of Plan: 2007-08-16 13:49:14

SAVING and EXCEPTING LOTS M-2 to M-10, inclusive as shown on registered Plan No. 97335914 at the Land Registration Office for Hants County.

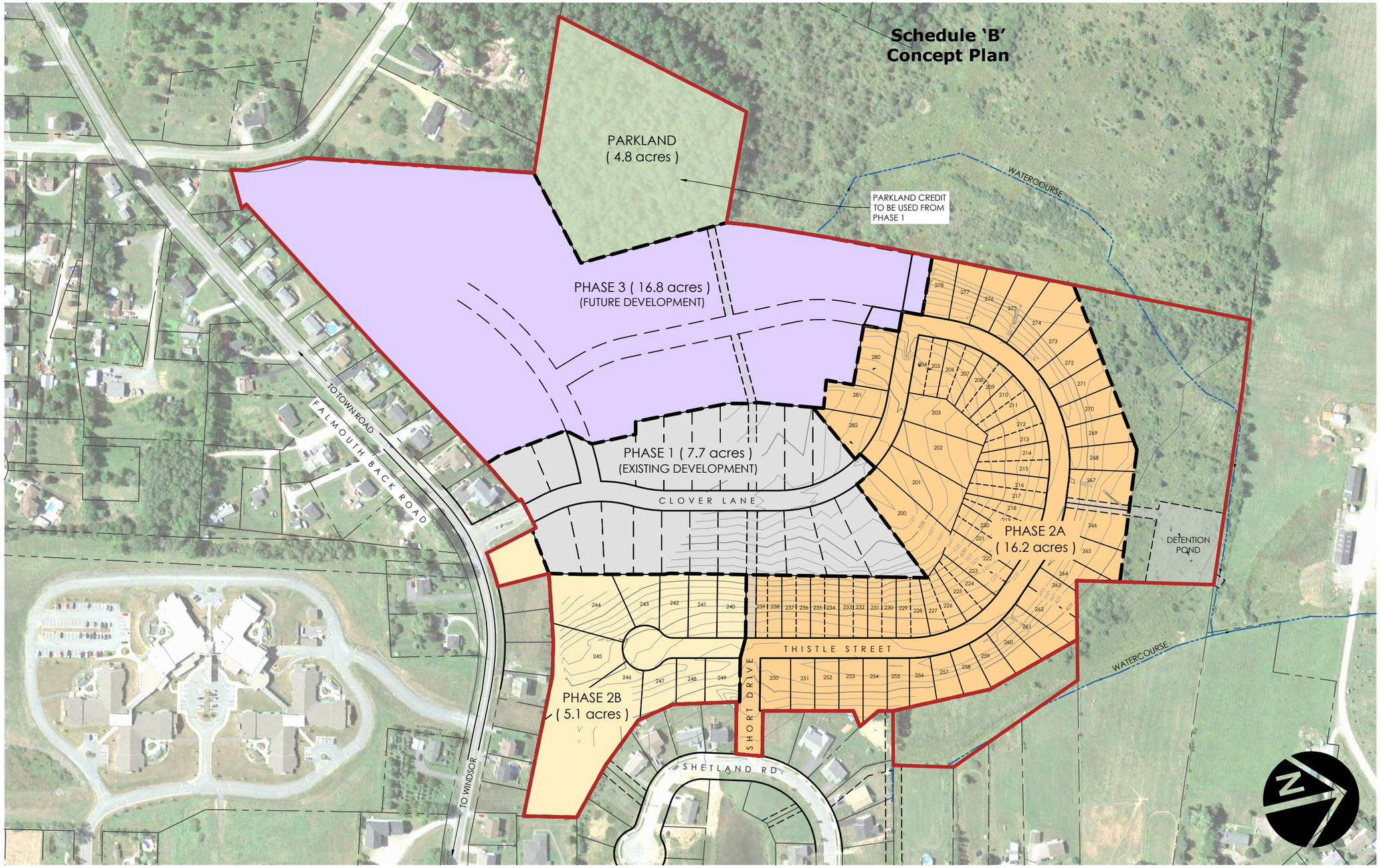
The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Hants as plan or document number 97335914.

The MGA compliance statement has been applied by SNSMR during the processing of the abovementioned plan 97335914.

Legal Description – PID 45383957

Parcel Description
Registration County: HANTS COUNTY
Street/Place Name: FALMOUTH BACK ROAD /FALMOUTH
Title of Plan: PLAN OF SURVEY OF LOTS M-1 TO M-10, BEING A S/D AND CONSOLIDATION OF BLOCK 1-RA & PARCEL PH-2, LANDS OF BUCKWOOD INVESTMENTS LTD & LANDS CLAIMED BY BUCKWOOD INVESMENTS LTD, (THE OLD TOWNSHIP RD), FALMOUTH BACK RD, FALMOUTH
Designation of Parcel on Plan: LOT M-2
Registration Number of Plan: 97335914
Registration Date of Plan: 2010-12-02 13:22:33

Schedule 'B'
Concept Plan



LEGEND

- Site Boundary
- Adjacent Property Boundary

UNIT SUMMARY		
	Area (acres)	Maximum Units
Phase 2A (R1)	16.2	36
Phase 2A (R2)		36
Phase 2B (R1)	5.1	10
Total	**21.3**	**82**

Phase 3 up to maximum of 75 units

SITE SUMMARY:

- Existing Zone: Multiple Residential
- Total Land Area: 56.7 acres

NOTES:

- Subject to survey. Property lines and topographic features are approximate only.
- Site subject to by-law review and regulations.

SOURCES:

- Plan based on DesignPoint Site Plan file: '14-033_Base_20200401.dwg'

SCALE:

0 15 30 75 150m

1 : 3,000 contour interval 2 feet

Zwicker Zareski architecture + planning

1 Canal Street, Dartmouth, NS B2Y 2W1 ZZap.ca

Site Plan : The Meadows

Falmouth, Nova Scotia

Version 104

Designer: K.WATTERS

Planner: C.MARKIDES

Date: JUNE 08, 2020

FILE: C:\Users\Ken\zzap.ca\Business Development - Documents\2020\027 Brison - Meadows\1_DWG\1_Site Plan\20-BD-027-SITE_PLAN-104.dwg SHEET: 11x17

June 22, 2020

West Hants Regional Municipality
100 King Street
Windsor, Nova Scotia B0N 2T0
Attention: Rick Sherrard, Manager of Technical Engineering Services

RE: The Meadows Phase 2A – Storm Drainage System Modification Request
DesignPoint Project #: 14-033

Further to our site meeting, I herein request that the Municipality allow the Developer to modify the storm drainage plan as follows:

1) Install an additional 250 mmØ PVC DR35 storm pipe from CB7-A and CB7-B to rear lot line between lots 240 and 242. This pipe will discharge water from area A7 only (2.1 acres). The discharge will be directed into the existing ditch/drainage route at the rear of the lots, the property at this location is owned by Brison Developments. This ditch drains to the same watercourse that the discharge from the drainage pond for the project discharges to.

2) Remove the deep storm sewer pipes from MHST7A to MHST9 and from MHST7 to MHST5, with CB7-A and CB7-B directed to the ditch as described above. The deep storm sewer pipes are not needed for CB7-A and CB7-B. The Developer has decided to build all homes as slab on grade and therefore a deep storm sewer for footing drains is not required.

We will be able to balance the pre and post development flows with oversized pipe or perforated pipe. This storm water design approach will provide adequate drainage for this project and will meet all regulatory requirements.

For reference, refer to attached design drawings for The Meadows Phase 2, sheets 1-11, revision 3, dated June 12, 2019, as signed by myself.

If this is acceptable to the Municipality, we will submit a revised design along with the storm drainage calculations.

If you have any questions, please feel free to contact me.

Thank you,
DesignPoint Engineering & Surveying Ltd.

Glenn Woodford

Glenn Woodford, P.Eng.
Senior Engineer & Principal

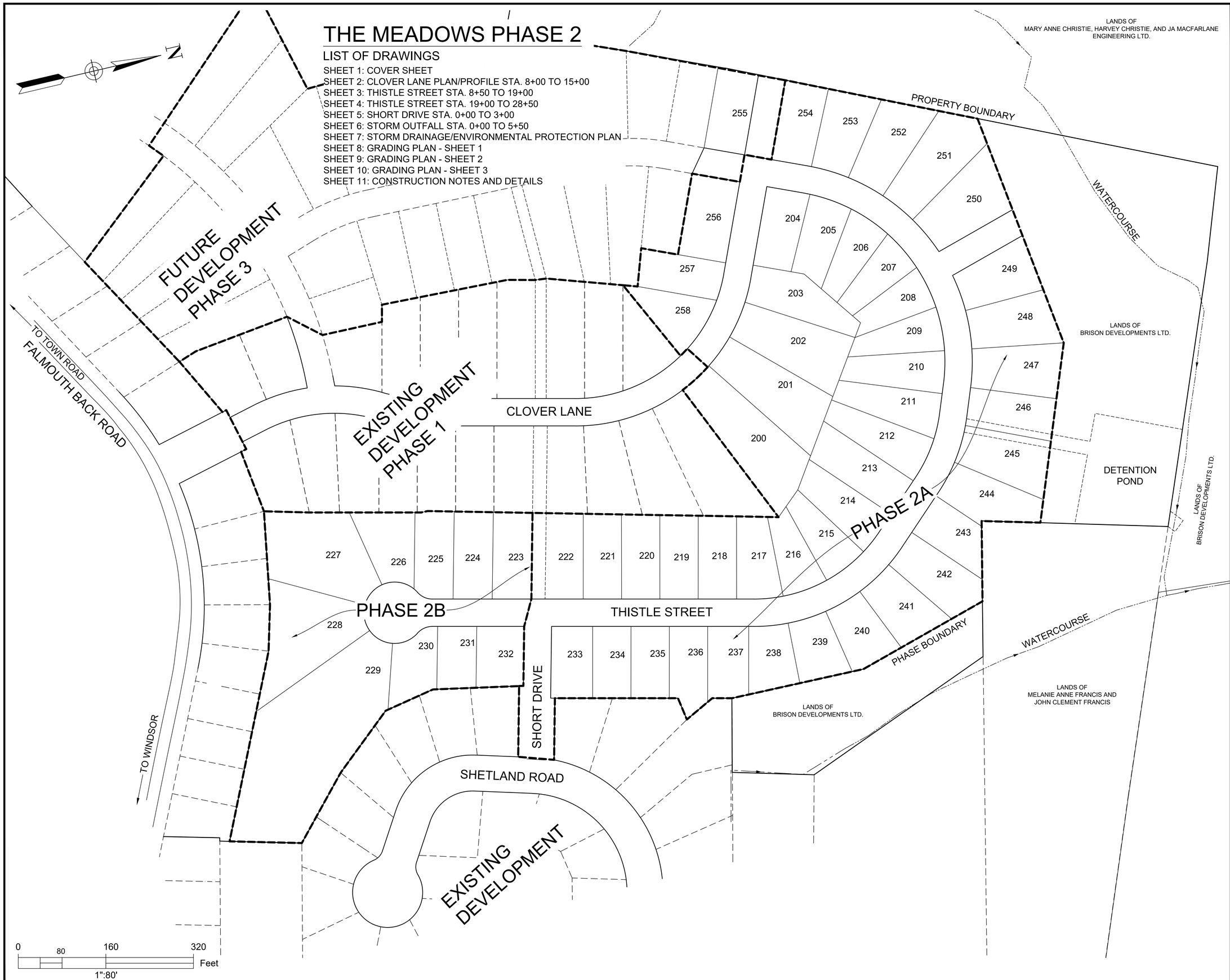
GSW/alc

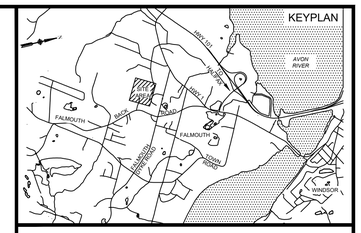
Enclosures: The Meadows Phase 2 Design Drawings

THE MEADOWS PHASE 2

LIST OF DRAWINGS

SHEET 1: COVER SHEET
SHEET 2: CLOVER LANE PLAN/PROFILE STA. 8+00 TO 15+00
SHEET 3: THISTLE STREET STA. 8+50 TO 19+00
SHEET 4: THISTLE STREET STA. 19+00 TO 28+50
SHEET 5: SHORT DRIVE STA. 0+00 TO 3+00
SHEET 6: STORM OUTFALL STA. 0+00 TO 5+50
SHEET 7: STORM DRAINAGE/ENVIRONMENTAL PROTECTION PLAN
SHEET 8: GRADING PLAN - SHEET 1
SHEET 9: GRADING PLAN - SHEET 2
SHEET 10: GRADING PLAN - SHEET 3
SHEET 11: CONSTRUCTION NOTES AND DETAILS





ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

ISSUE	DATE	DESCRIPTION
3	JUN. 12, 2019	REVISED AS PER MDWH COMMENTS
2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
1	MAR. 27, 2015	ISSUED FOR REGULATORY REVIEW

CONSULTANT

DESIGN POINT ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
PROVINCE OF NOVA SCOTIA
JUN. 12, 2019
Glenn Woodford
G.S. WOODFORD
6078

CLIENT

BRISON DEVELOPMENTS

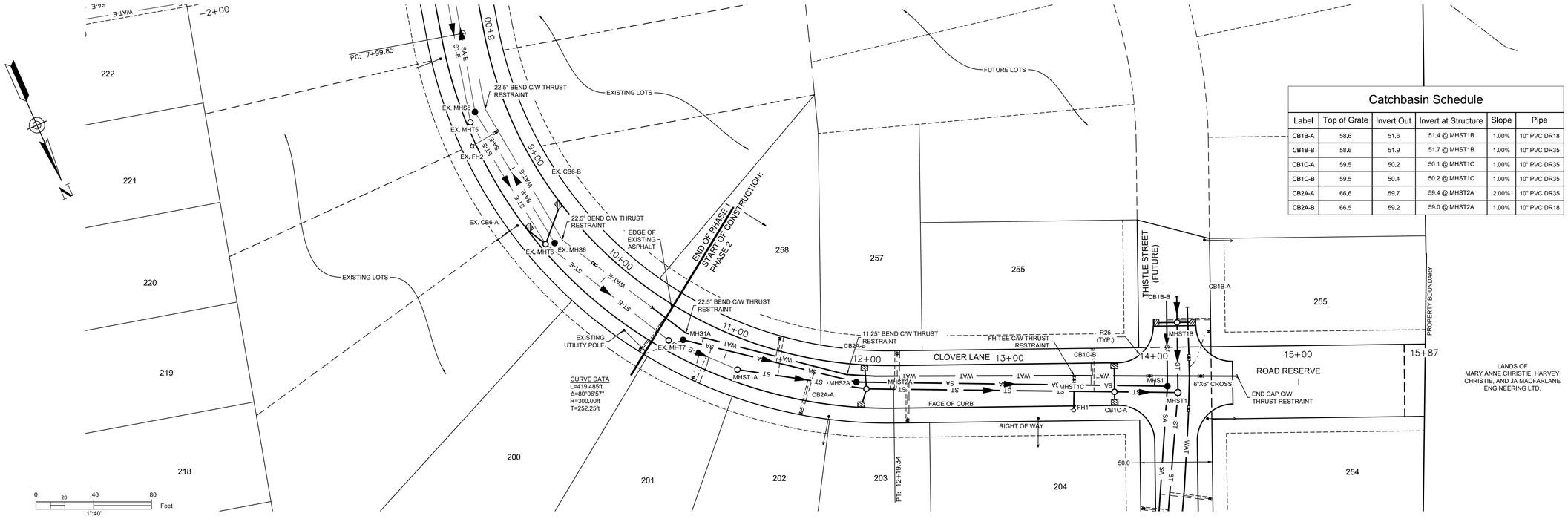
PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

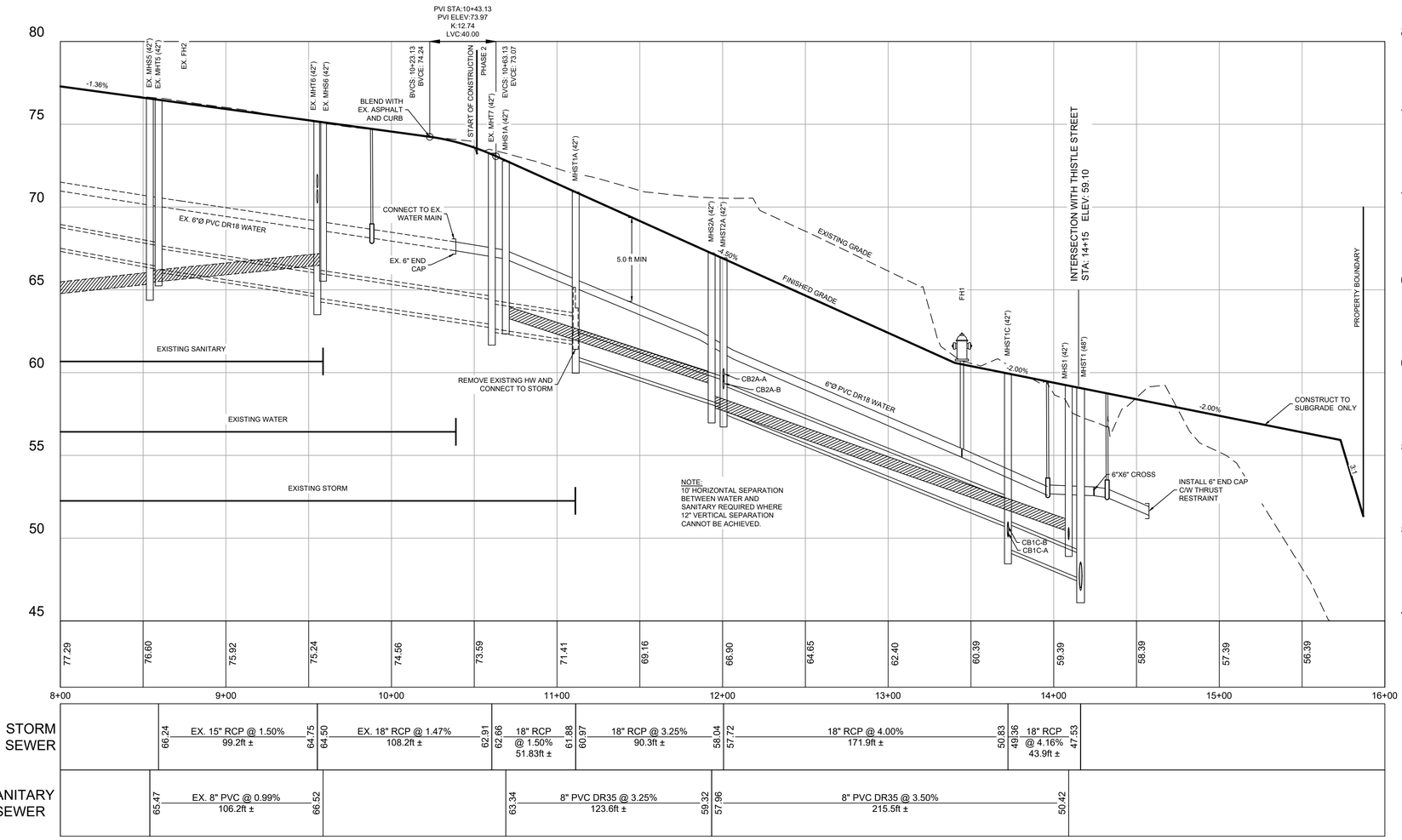
COVER SHEET

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	1 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":80' H	14-033CBase.dwg	

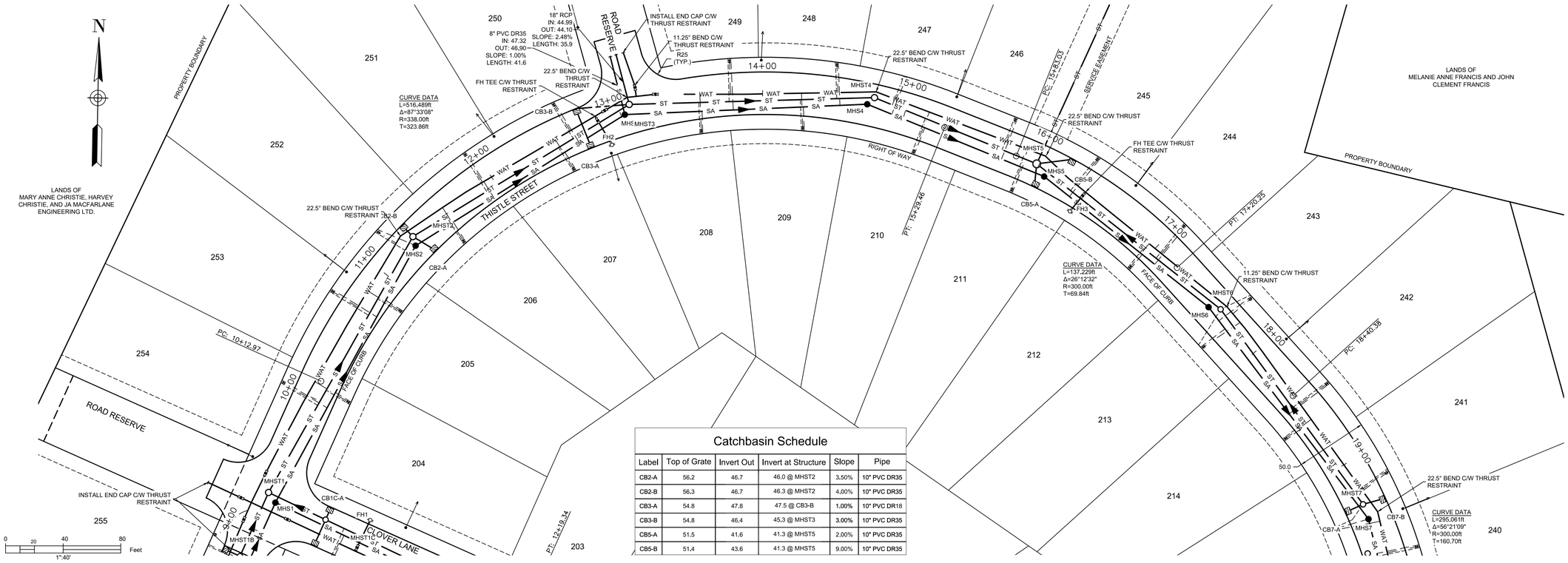


Catchbasin Schedule

Label	Top of Grate	Invert Out	Invert at Structure	Slope	Pipe
CB1B-A	58.6	51.6	51.4 @ MHST1B	1.00%	10" PVC DR18
CB1B-B	58.6	51.9	51.7 @ MHST1B	1.00%	10" PVC DR35
CB1C-A	59.5	50.2	50.1 @ MHST1C	1.00%	10" PVC DR35
CB1C-B	59.5	50.4	50.2 @ MHST1C	1.00%	10" PVC DR35
CB2A-A	66.6	59.7	59.4 @ MHST2A	2.00%	10" PVC DR35
CB2A-B	66.5	59.2	59.0 @ MHST2A	1.00%	10" PVC DR18

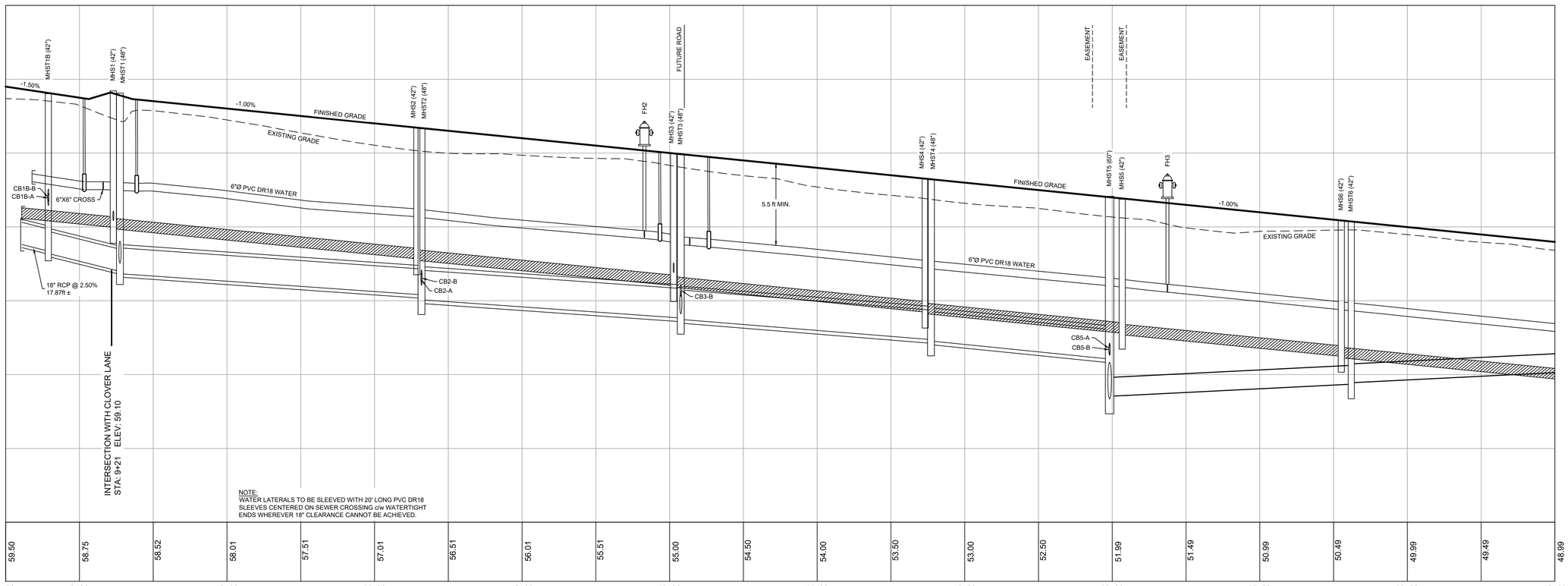


| | | |



Catchbasin Schedule

Label	Top of Grate	Invert Out	Invert at Structure	Slope	Pipe
CB2-A	56.2	46.7	46.0 @ MHST2	3.50%	10" PVC DR35
CB2-B	56.3	46.7	46.3 @ MHST2	4.00%	10" PVC DR35
CB3-A	54.8	47.8	47.5 @ CB3-B	1.00%	10" PVC DR18
CB3-B	54.8	46.4	45.3 @ MHST3	3.00%	10" PVC DR35
CB5-A	51.5	41.6	41.3 @ MHST5	2.00%	10" PVC DR35
CB5-B	51.4	43.6	41.3 @ MHST5	9.00%	10" PVC DR35



STORM SEWER	48.81 / 48.36	18" RCP @ 2.50% 48.52ft ±	48.20 / 46.99	46.83	21" RCP @ 0.70% 204.1ft ±	45.40	45.06	24" RCP @ 0.70% 176.1ft ±	43.83	43.73	24" RCP @ 0.80% 170.5ft ±	42.37	42.27	24" RCP @ 1.00% 121.7ft ±	41.05	38.54	15" PVC DR35 @ 0.50% 162.9ft ±	39.36	39.46	15" PVC DR35 @ 0.50% 167.8ft ±	40.30
SANITARY SEWER	8" PVC DR35 @ 1.00% 61.79ft ± IN: 50.61 OUT: 49.99			49.89	8" PVC DR35 @ 1.00% 203.4ft ±	47.86	47.76	8" PVC DR35 @ 1.00% 171.5ft ±	46.04	45.94	8" PVC DR35 @ 1.00% 168.6ft ±	44.25	44.15	8" PVC DR35 @ 1.00% 132.8ft ±	42.82	42.72	8" PVC DR35 @ 1.00% 145.9ft ±	41.26	41.16	8" PVC DR35 @ 1.00% 184.5ft ±	39.32

LEGEND

DESIGN GRADE	
EXISTING GRADE	
CENTERLINE	
RIGHT OF WAY	
CURB	
EASEMENT	
PROPERTY BOUNDARY	
SANITARY LINE	MHS — SA — SA — MHS
STORM LINE	MHST — ST — ST — MHST
WATER LINE	WAT — WAT
SANITARY LATERAL	
STORM LATERAL	
WATER LATERAL	
STORM EASEMENT	
OVERHEAD UTILITY	OH — OH
WATER VALVE	FIRE HYDRANT
CURB STOP	UTILITY POLE
CATCHBASIN	PRECAST HEADWALL

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

ISSUE	DATE	DESCRIPTION
3	JUN. 12, 2019	REVISED AS PER MDWH COMMENTS
2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
1	MAR. 27, 2015	ISSUED FOR REGULATORY REVIEW

CONSULTANT

DESIGN POINT
ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
JUN. 12, 2019
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON
DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS PHASE 2

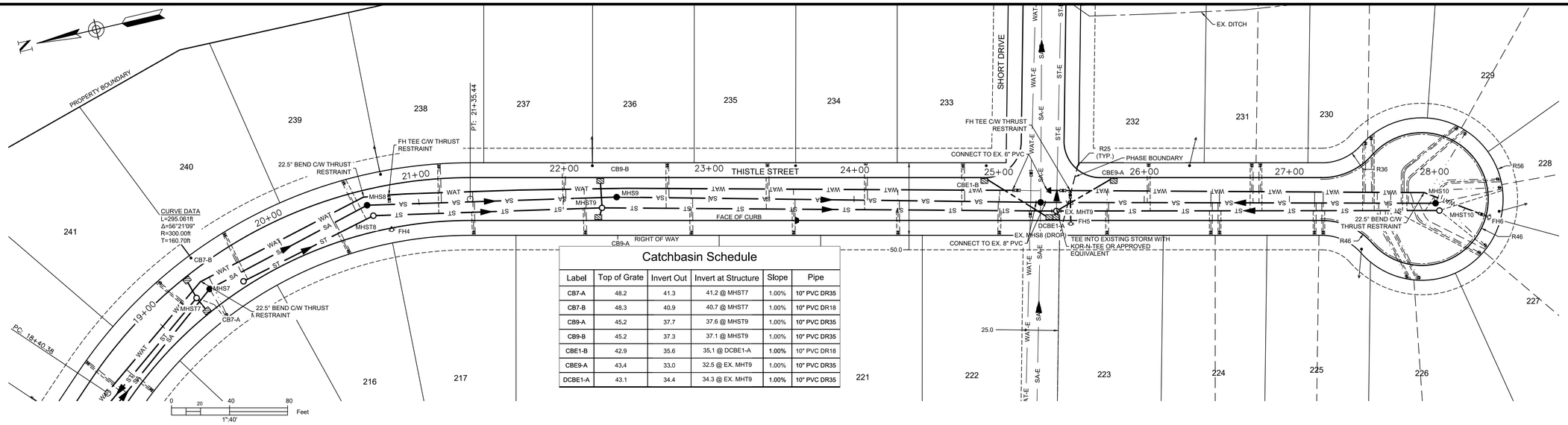
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

PLAN / PROFILE

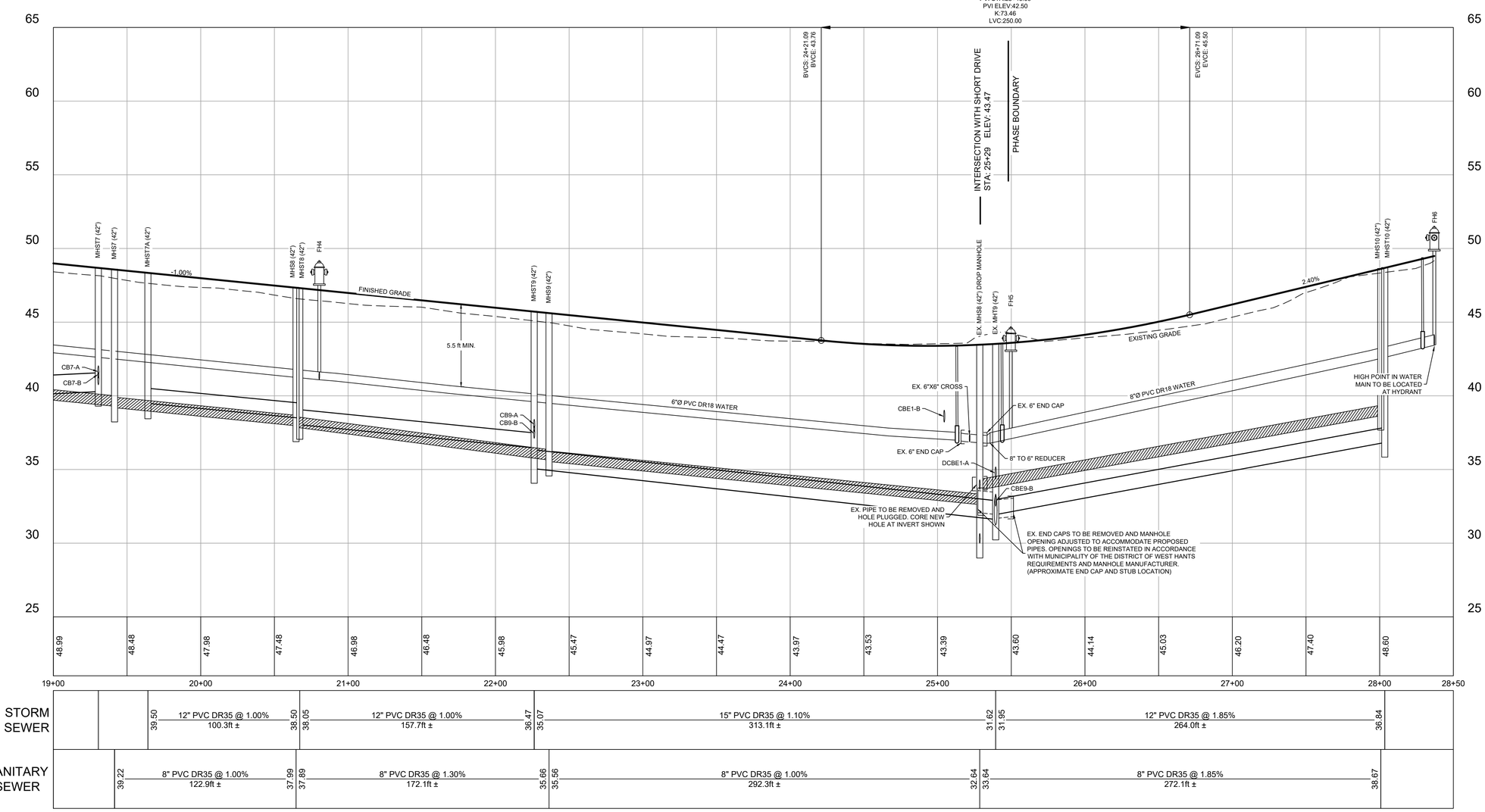
THISTLE STREET
STA. 8+50 TO 19+00

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	3 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H, 1":4' V	14-033CBase.dwg	



Catchbasin Schedule

Label	Top of Grate	Invert Out	Invert at Structure	Slope	Pipe
CB7-A	48.2	41.3	41.2 @ MHST7	1.00%	10" PVC DR35
CB7-B	48.3	40.9	40.7 @ MHST7	1.00%	10" PVC DR18
CB9-A	45.2	37.7	37.6 @ MHST9	1.00%	10" PVC DR35
CB9-B	45.2	37.3	37.1 @ MHST9	1.00%	10" PVC DR35
CBE1-B	42.9	35.6	35.1 @ DCBE1-A	1.00%	10" PVC DR18
CBE9-A	43.4	33.0	32.5 @ EX. MHT9	1.00%	10" PVC DR35
DCBE1-A	43.1	34.4	34.3 @ EX. MHT9	1.00%	10" PVC DR35



LEGEND

DESIGN GRADE	
EXISTING GRADE	
CENTERLINE	
RIGHT OF WAY	
CURB	
EASEMENT	
PROPERTY BOUNDARY	
SANITARY LINE	MHS — SA — SA — MHS
STORM LINE	MHST — ST — ST — MHST
WATER LINE	WAT — WAT
SANITARY LATERAL	
STORM LATERAL	
WATER LATERAL	
STORM EASEMENT	
OVERHEAD UTILITY	OH — OH
WATER VALVE	FIRE HYDRANT
CURB STOP	UTILITY POLE
CATCHBASIN	PRECAST HEADWALL

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CONSULTANT

DESIGN POINT ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
PROVINCE OF NOVA SCOTIA
G.S. WOODFORD
6078
JUN. 12, 2019

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS PHASE 2

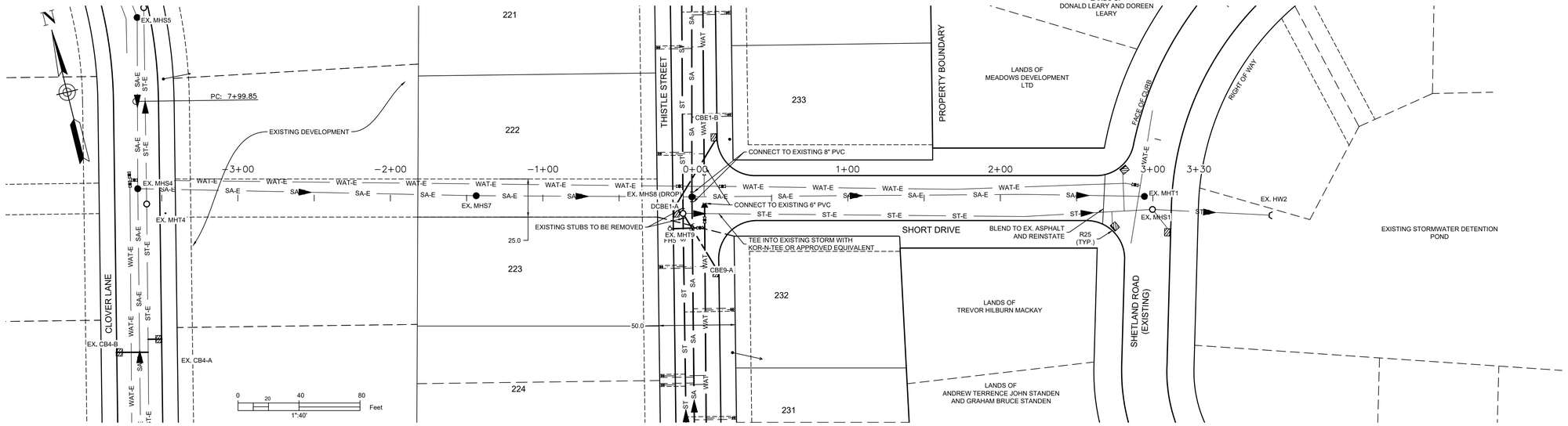
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

PLAN / PROFILE

THISTLE STREET
STA. 19+00 TO 28+50

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	4 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H, 1":4' V	14-033CBase.dwg	



LEGEND

DESIGN GRADE	
EXISTING GRADE	
CENTERLINE	
RIGHT OF WAY	
CURB	
EASEMENT	
PROPERTY BOUNDARY	
SANITARY LINE	MHS SA SA MHS
STORM LINE	MHST ST ST MHST
WATER LINE	WAT WAT
SANITARY LATERAL	
STORM LATERAL	
WATER LATERAL	
STORM EASEMENT	
OVERHEAD UTILITY	OH OH
WATER VALVE	FIRE HYDRANT
CURB STOP	UTILITY POLE
CATCHBASIN	PRECAST HEADWALL

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G.S. WOODFORD
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PROVINCE OF NOVA SCOTIA

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS PHASE 2

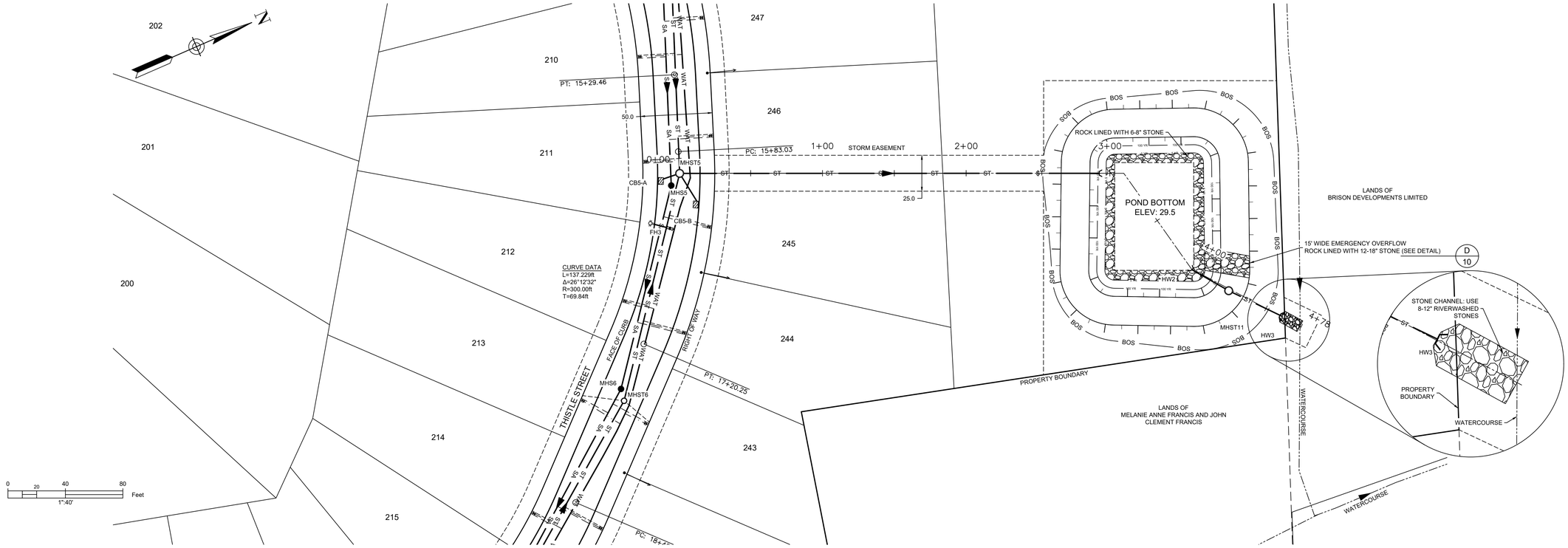
FALMOUTH, NOVA SCOTIA

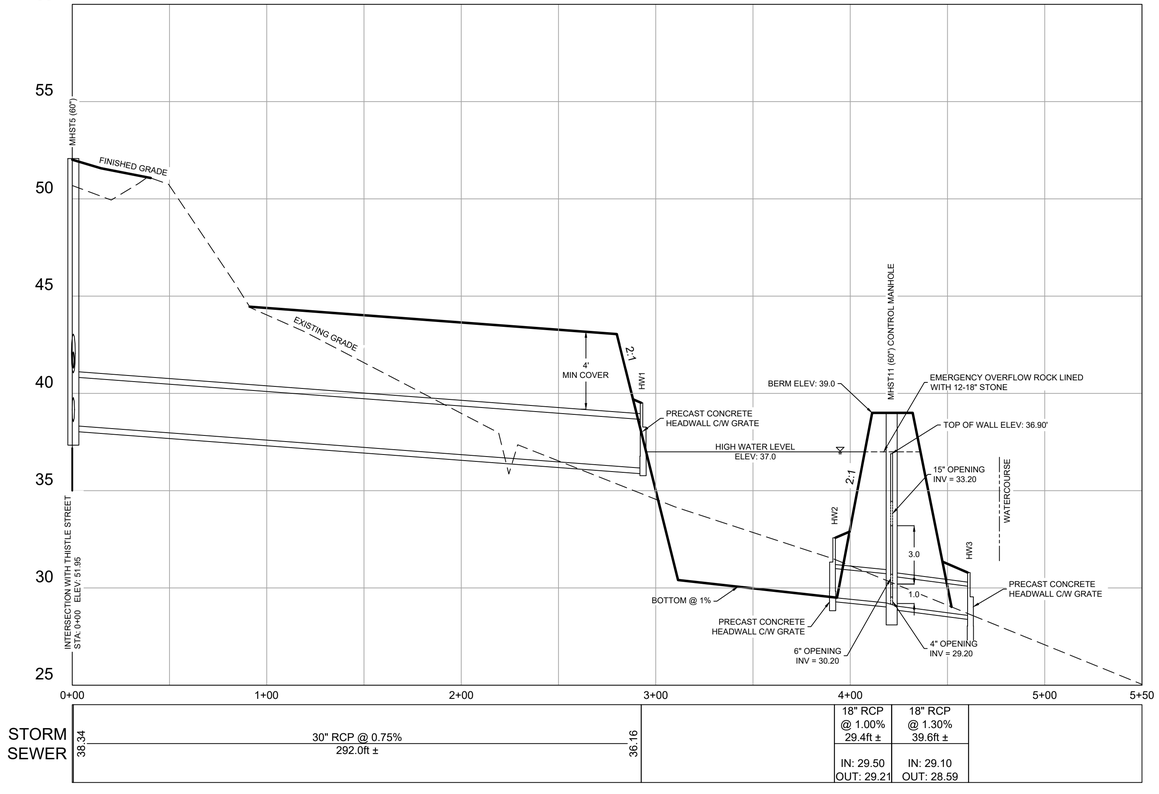
SHEET DESCRIPTION

PLAN / PROFILE

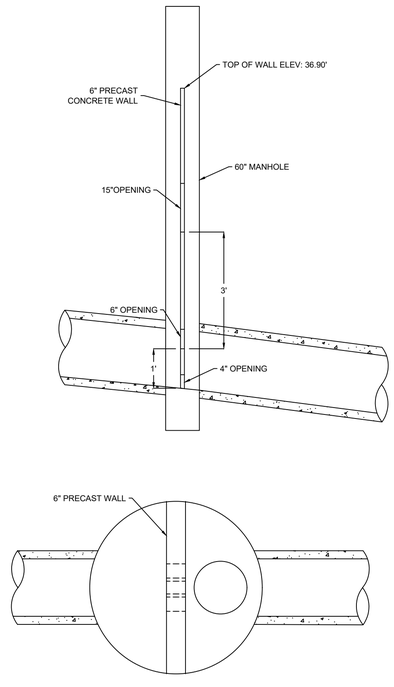
SHORT DRIVE
STA. 0+00 TO 3+00

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	5 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H, 1":4' V	14-033CBase.dwg	





DETAIL FOR MHST11 (NTS)



LEGEND

DESIGN GRADE	
EXISTING GRADE	
CENTERLINE	
RIGHT OF WAY	
CURB	
EASEMENT	
PROPERTY BOUNDARY	
SANITARY LINE	MHS — SA — SA — MHS
STORM LINE	MHST — ST — ST — MHST
WATER LINE	WAT — WAT
SANITARY LATERAL	
STORM LATERAL	
WATER LATERAL	
STORM EASEMENT	
OVERHEAD UTILITY	OH — OH
WATER VALVE	FIRE HYDRANT
CURB STOP	UTILITY POLE
CATCHBASIN	PRECAST HEADWALL

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JUN. 12, 2019
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6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON
DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS
PHASE 2

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

PLAN / PROFILE

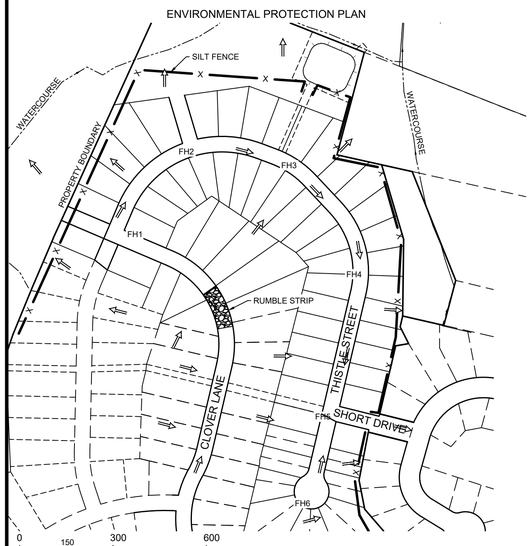
STORM OUTFALL
STA. 0+00 TO 5+50

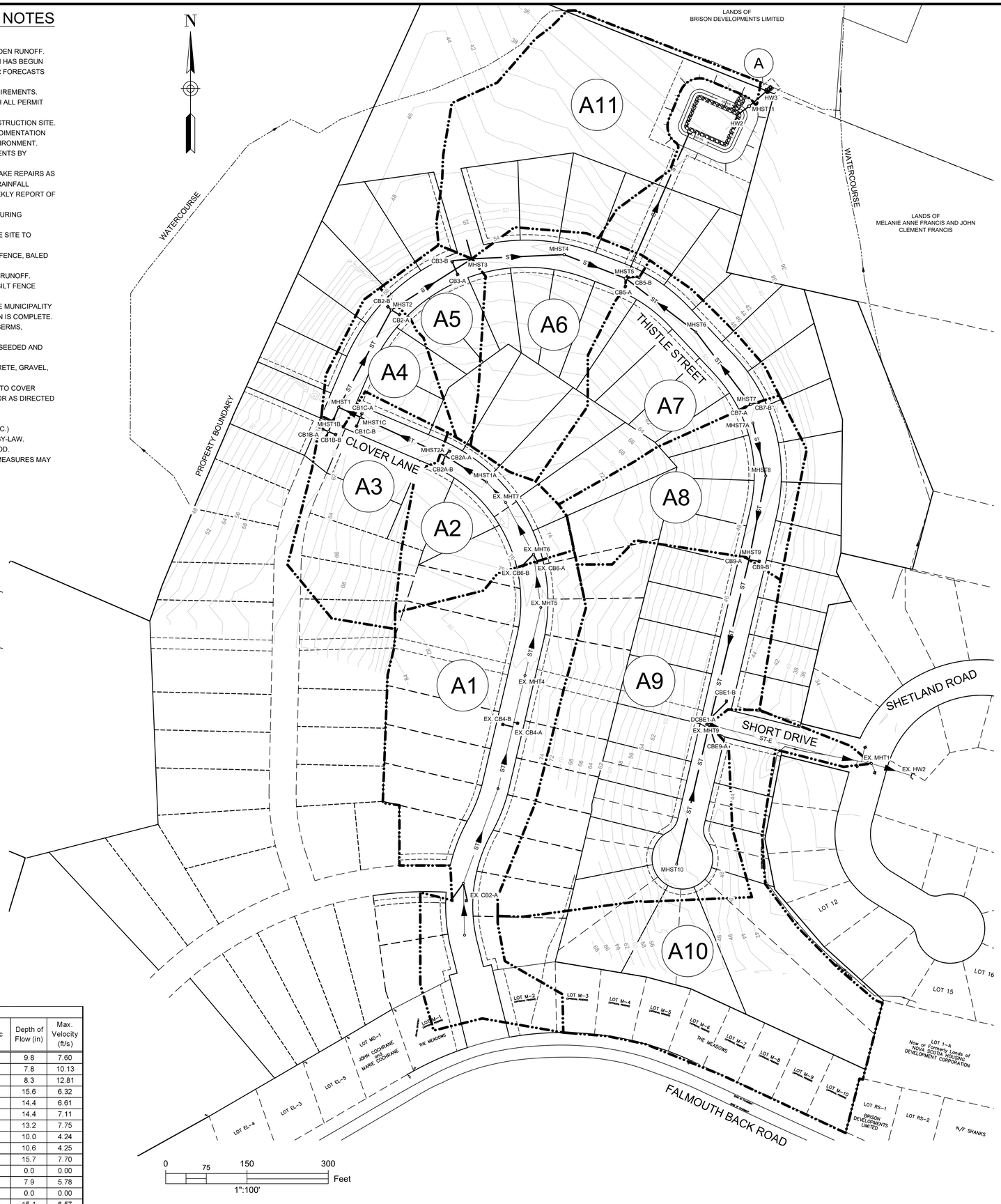
Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	6 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H, 1":4' V	14-033CBase.dwg	

GENERAL EROSION AND SEDIMENT CONTROL NOTES

1. EXPOSED SOIL TO BE MINIMIZED AT ALL TIMES DURING CONSTRUCTION TO LIMIT SEDIMENT LADEN RUNOFF. THIS IS TO BE ACCOMPLISHED BY COMPLETING ALL WORK IN A GIVEN AREA ONCE EXCAVATION HAS BEGUN BEFORE DISTURBING ADDITIONAL SOIL. CONTRACTOR IS TO BE AWARE OF CURRENT WEATHER FORECASTS AND PLAN SOIL STABILIZATION ACCORDINGLY.
2. ALL WORKS TO BE IN ACCORDANCE WITH NOVA SCOTIA DEPARTMENT OF ENVIRONMENT REQUIREMENTS.
3. CONTRACTOR TO ACQUIRE ALL PERMITS REQUIRED TO PERFORM WORK AND TO COMPLY WITH ALL PERMIT REQUIREMENTS DURING CONSTRUCTION.
4. CONTRACTOR TO PROTECT NATURAL WATERCOURSES FROM SILT LADEN RUNOFF FROM CONSTRUCTION SITE. CONSTRUCTION PROCEDURES CAN BE FOUND IN THE CURRENT EDITION OF "EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
5. CONTRACTOR TO ENSURE THAT ALL EXPOSED AREAS ARE STABILIZED PRIOR TO RAINFALL EVENTS BY CHECKING ENVIRONMENT CANADA FORECASTS (https://weather.gc.ca/canada_e.html).
6. CONTRACTOR TO PERFORM WEEKLY INSPECTIONS OF SEDIMENT CONTROL MEASURES AND MAKE REPAIRS AS NEEDED. ADDITIONAL INSPECTION AND REPAIR TO BE CARRIED OUT BEFORE AND AFTER ANY RAINFALL EXCEEDING 10mm. A LOG OF EACH INSPECTION AND REPAIR IS TO BE KEPT ALONG WITH A WEEKLY REPORT OF EXPOSED AREAS.
7. TRIBUTARY STORM RUNOFF FROM SITE TO BE DIRECTED INTO SEDIMENT CONTROL DEVICES DURING CONSTRUCTION.
8. CONTRACTOR TO CONSTRUCT AND MAINTAIN DIVERSION DITCHES THROUGH AND AROUND THE SITE TO MINIMIZE CONTAMINATION OF CLEAN WATER.
9. CONTRACTOR TO HAVE ADDITIONAL SEDIMENT CONTROL MEASURES ON SITE INCLUDING SILT FENCE, BALED HAY, AND LOOSE HAY/MULCH TO MAINTAIN OR INSTALL CONTROL MEASURES AS REQUIRED.
10. EXPOSED SURFACES TO BE COVERED WITH HAY, MULCH, OR WOOD CHIPS TO LIMIT SEDIMENT RUNOFF.
11. CONTRACTOR MAY SUBSTITUTE WOOD CHIP BERM FOR SILT FENCE IN ROCKY AREAS WHERE SILT FENCE CANNOT BE INSTALLED.
12. SEDIMENTATION BERMS AND PONDS TO REMAIN IN SERVICE UNTIL PROJECT ENGINEER OR THE MUNICIPALITY REQUESTS THEIR REMOVAL. THIS WILL ONLY OCCUR AFTER LOT AND BUILDING CONSTRUCTION IS COMPLETE.
13. SEDIMENTATION BERMS AND PONDS TO BE REMOVED IN THE FOLLOWING ORDER. LEVEL OFF BERMS, HYDROSEED AND COVER ALL EXPOSED AREAS WITH HAY, THEN FILL IN PONDS.
14. UPON COMPLETION OF GRADING ACTIVITY, ALL LOT DRAINAGE EASEMENTS ARE TO BE HYDROSEEDED AND MULCHED.
15. TOPSOIL AND HYDROSEED TO BE PLACED ON ALL AREAS NOT FINISHED WITH ASPHALT, CONCRETE, GRAVEL, OR SOD.
16. ACCESS ROADS TO SITE ARE TO BE MAINTAINED WITH CLEAN GRAVEL APPLIED PERIODICALLY TO COVER MUDDY AREAS. CLEANING OF ADJACENT STREETS IS THE RESPONSIBILITY OF THE CONTRACTOR AS DIRECTED BY THE ENGINEER.
17. VEHICLE ACCESS TO CONSTRUCTION SITE TO BE RESTRICTED.
18. STABILIZE ON-SITE STOCKPILES USING APPROPRIATE MEASURES (SILT FENCE, HAY, TARPS, ETC.)
19. SITE ACTIVITY TO ADHERE TO REQUIREMENTS OF HALIFAX REGIONAL MUNICIPALITY TOPSOIL BY-LAW.
20. ALL SEDIMENT CONTROL MEASURES TO BE OPERATIONAL OVER ENTIRE CONSTRUCTION PERIOD.
21. SEDIMENTATION AND EROSION CONTROL MEASURES ARE SUBJECT TO CHANGE. ADDITIONAL MEASURES MAY BE REQUIRED DEPENDING ON SITE CONDITIONS DURING CONSTRUCTION.

ENVIRONMENTAL PROTECTION PLAN





- DRAINAGE BOUNDARY
- STORM SEWER
- PRECAST HEADWALL
- A1 — TRIBUTARY AREA ID
- SILT FENCE
- MAJOR DRAINAGE ROUTE

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

Catchment	Area (ac) ±	Catchment	Area (ac) ±
A1	4.75	A7	2.10
A2	1.47	A8	2.06
A3	1.75	A9	5.48
A4	0.81	A10	4.80
A5	0.83	A11	3.66
A6	2.16	Total	29.87

Storm	Flow to Point A (cfs)	
	Pre-Development	Post-Development
5 Year	6.20	5.87
10 Year	9.49	7.59
25 Year	14.7	11.72
50 Year	18.66	15.18
100 Year	22.84	18.95

Minor Piped Storm System Drainage Analysis - SCS Method (10 Year Return)

Upstream MH	Downstream MH	Tributary Area	Tributary Area +/- (Ac)	Qd - Design Flow (cfs)	Pipe Size (in)	Pipe Slope (%)	Qc - Pipe Capacity (cfs)	Qd/Qc	Depth of Flow (in)	Max. Velocity (ft/s)
EX. 7	1A	A1	4.75	7.55	18	1.50	12.89	0.59	9.8	7.60
1A	2A	A1	4.75	7.58	18	3.25	18.92	0.40	7.8	10.13
2A	1	A1-A2	6.23	10.29	18	4.95	23.38	0.44	8.3	12.81
1	2	A1-A3	7.98	12.63	21	0.70	13.26	0.95	15.6	6.32
2	3	A1-A4	8.78	14.02	24	0.70	18.91	0.74	14.4	6.61
3	4	A1-A5	9.61	15.36	24	0.80	20.20	0.76	14.4	7.11
4	5	A1-A5	9.61	15.36	24	1.00	22.65	0.68	13.2	7.75
6	5	A7	2.10	3.88	15	0.50	4.58	0.85	10.0	4.24
7	6	A7	2.10	3.95	15	0.50	4.57	0.86	10.6	4.25
5	Outfall	A1-A7	13.87	22.60	30	0.75	35.44	0.64	15.7	7.70
8	9	-	-	0.00	12	1.00	3.57	0.00	0.0	0.00
9	EX. 9	A8	2.06	3.83	15	1.10	6.78	0.57	7.9	5.78
10	EX. 9	-	-	0.00	12	1.85	4.85	0.00	0.0	0.00
EX. 9	EX. 1	A8-A9	7.54	13.83	24	0.68	18.59	0.74	15.1	6.57
EX. 1	Outfall	A8-A10	12.34	22.55	30	0.50	29.00	0.78	19.4	6.53

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REGISTERED PROFESSIONAL ENGINEER
JUN. 12, 2019
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS PHASE 2

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

STORM DRAINAGE / ENVIRONMENTAL PROTECTION PLAN

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	7 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":100' H	14-033CBase.dwg	

N

WATERCOURSE

PROPERTY BOUNDARY

THISTLE STREET

CLOVER LANE

PHASE 2A

FUTURE DEVELOPMENT

EXISTING DEVELOPMENT

LANDS OF
BRISON DEVELOPMENTS LIMITED

LANDS OF
MELANIE ANNE FRANCIS AND JOHN
CLEMENT FRANCIS

STORM EASEMENT

FINISHED SURFACE TO
BE GRADED TO DIRECT
RUNOFF AROUND POND

END OF
ASPHALT

SANITARY LATERAL
INVERT (TYP.)

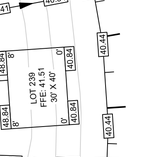
MINIMUM SANITARY
LATERAL INVERT
ELEVATION (TYP.)

END OF
EXISTING
ROAD

SWALE

0 20 40 80 Feet
1":40'

POND BERM DETAIL (NTS)



LEGEND

CONTOUR	38		
CURB			
PROPERTY LINE WITH FLOW ARROW			
TOP OF SLOPE			
BOTTOM OF SLOPE	BOS	BOS	
UTILITY POLE		FIRE HYDRANT	
FINISHED GRADE	42.00	SANITARY LATERAL INVERT	42.00

NOTES:
1. CONTOURS BASED ON TOPOGRAPHIC SURVEY CONDUCTED BY DESIGNPOINT ON NOVEMBER 20, 2014. CONTOUR INTERVAL = 2FT.
2. MINIMUM LOT GRADE TO BE 2%.
3. MAXIMUM LOT GRADE TO BE 3:1.
4. INDIVIDUAL LOT GRADING DESIGN TO BE COMPLETED PRIOR TO HOUSE CONSTRUCTION BASED ON AS BUILT CONDITIONS.
5. FLOOR ELEVATIONS TO BE CONFIRMED AS PART OF INDIVIDUAL LOT GRADING DESIGN BASED ON AS BUILT LATERAL LOCATIONS.
6. FOUNDATION DRAIN INVERT ELEVATIONS AT BUILDING TO BE A MINIMUM OF 1' BELOW FFE.
7. FOUNDATION DRAIN INVERT ELEVATIONS TO BE MINIMUM 2' ABOVE THE STORM MAIN CROWN AT THE POINT OF CONNECTION.

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G.S. WOODFORD
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PROVINCE OF NOVA SCOTIA

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BRISON DEVELOPMENTS

PROJECT DESCRIPTION

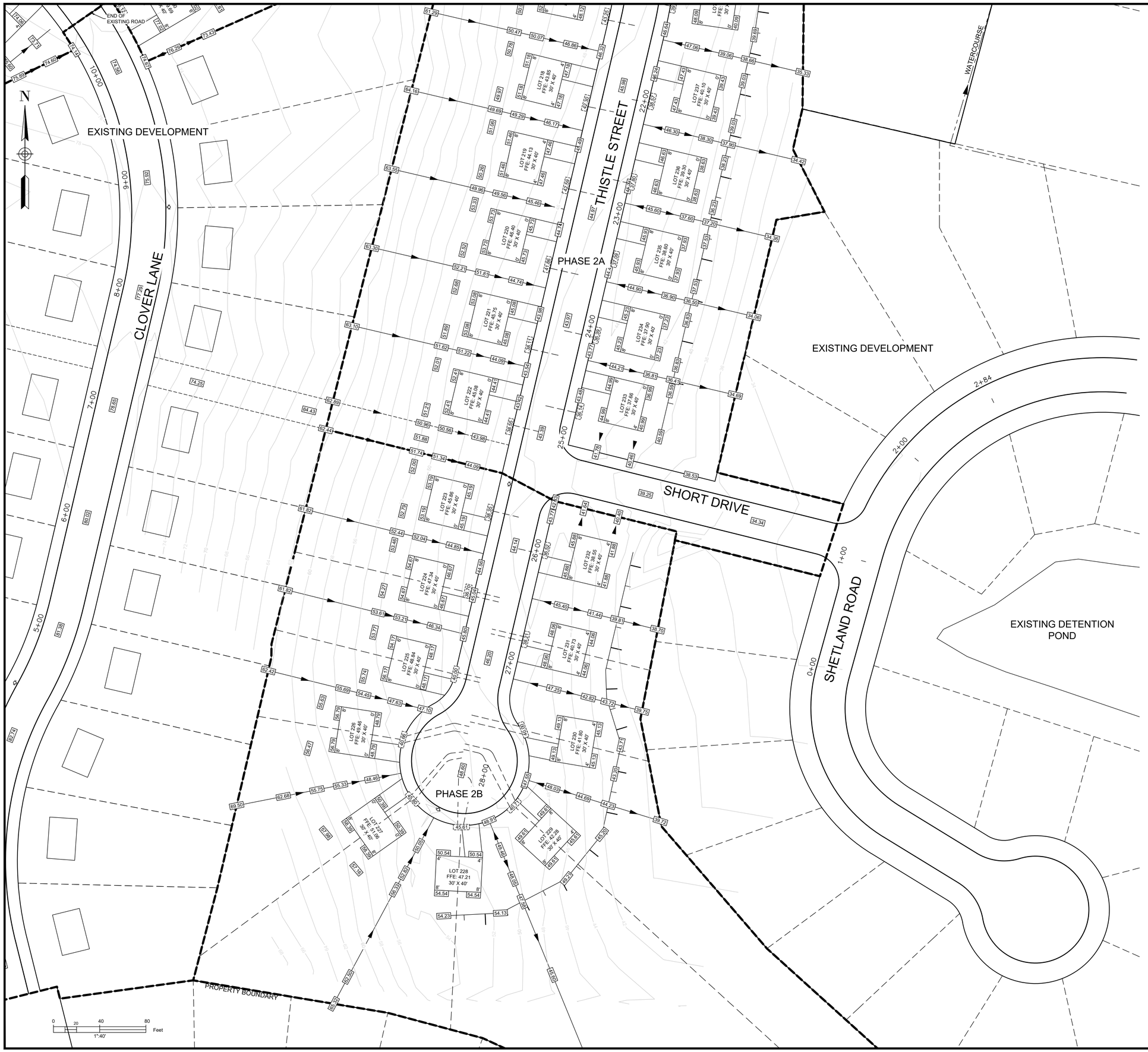
THE MEADOWS PHASE 2

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

GRADING PLAN - SHEET 1

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	8 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":40' H	14-033CBase.dwg	



LEGEND

CONTOUR	38		
CURB			
PROPERTY LINE WITH FLOW ARROW			
TOP OF SLOPE			
BOTTOM OF SLOPE	BOS	BOS	
UTILITY POLE		FIRE HYDRANT	
FINISHED GRADE	42.00	SANITARY LATERAL INVERT	42.00

NOTES:
1. CONTOURS BASED ON TOPOGRAPHIC SURVEY CONDUCTED BY DESIGNPOINT ON NOVEMBER 20, 2014. CONTOUR INTERVAL = 2FT.
2. MINIMUM LOT GRADE TO BE 2%.
3. MAXIMUM LOT GRADE TO BE 3:1.
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BRISON DEVELOPMENTS

PROJECT DESCRIPTION

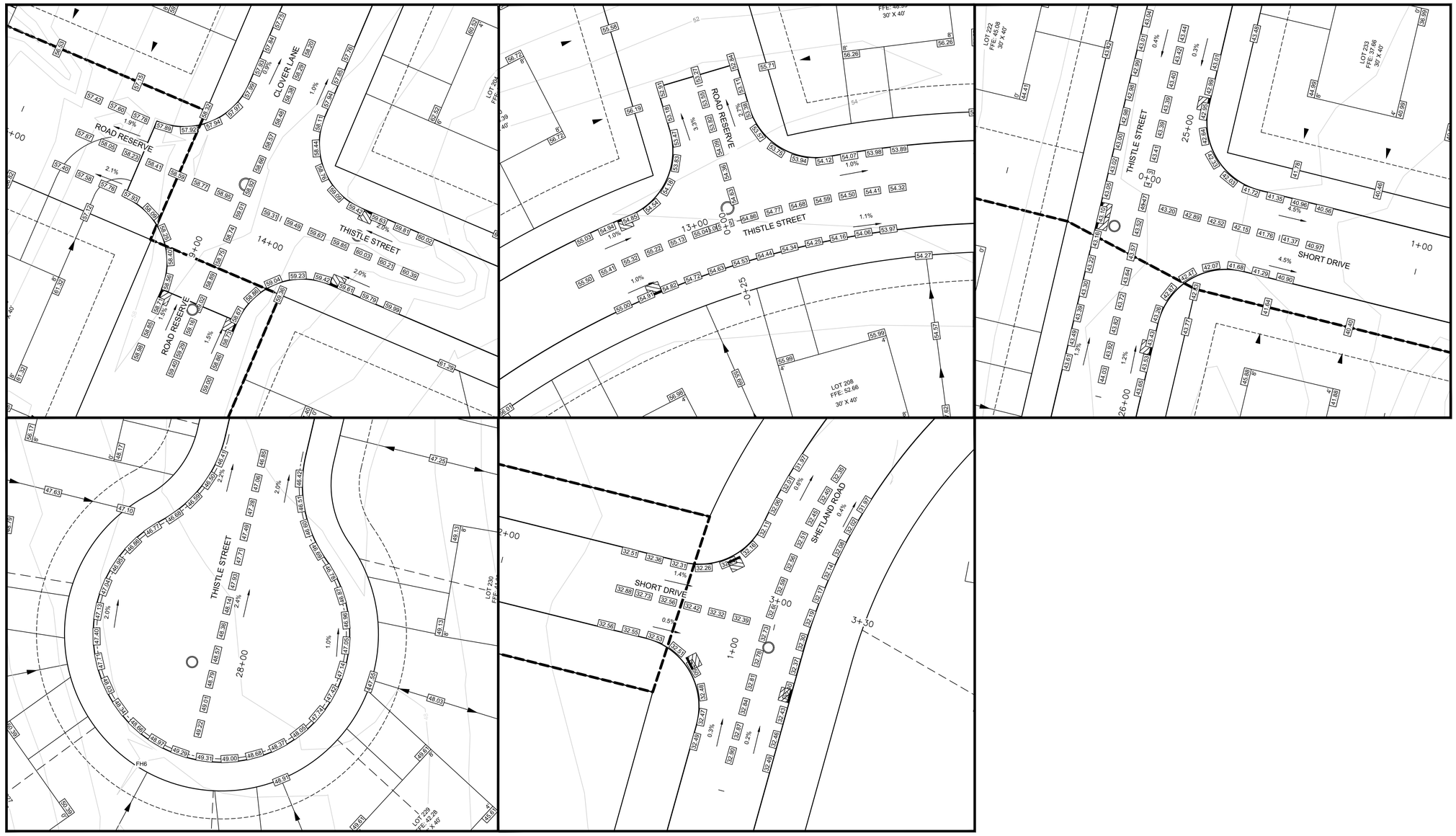
THE MEADOWS PHASE 2

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

GRADING PLAN - SHEET 2

Drawn: A. SKETCHLEY	Engineer: G. WOODFORD	Project No.: 14-033	Drawing No.: 9 of 11
Date of 1st Issue: MAR. 27, 2015	Scale: 1":40' H	Filename: 14-033CBase.dwg	



N

LEGEND

CONTOUR	38		
CURB			
PROPERTY LINE WITH FLOW ARROW			
TOP OF SLOPE			
BOTTOM OF SLOPE	BOS	BOS	
UTILITY POLE		FIRE HYDRANT	
FINISHED GRADE	42.00	SANITARY LATERAL INVERT	42.00

NOTES:
1. CONTOURS BASED ON TOPOGRAPHIC SURVEY CONDUCTED BY DESIGNPOINT ON NOVEMBER 20, 2014. CONTOUR INTERVAL = 2FT.
2. MINIMUM LOT GRADE TO BE 2%.
3. MAXIMUM LOT GRADE TO BE 3:1.
4. INDIVIDUAL LOT GRADING DESIGN TO BE COMPLETED PRIOR TO HOUSE CONSTRUCTION BASED ON AS BUILT CONDITIONS.
5. FLOOR ELEVATIONS TO BE CONFIRMED AS PART OF INDIVIDUAL LOT GRADING DESIGN BASED ON AS BUILT LATERAL LOCATIONS.
6. FOUNDATION DRAIN INVERT ELEVATIONS AT BUILDING TO BE A MINIMUM OF 1' BELOW FFE.
7. FOUNDATION DRAIN INVERT ELEVATIONS TO BE MINIMUM 2' ABOVE THE STORM MAIN CROWN AT THE POINT OF CONNECTION.

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

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3	JUN. 12, 2019	REVISED AS PER MDWH COMMENTS
2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
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CONSULTANT

DESIGN POINT
ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
JUN. 12, 2019
Glenn Woodford
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS PHASE 2

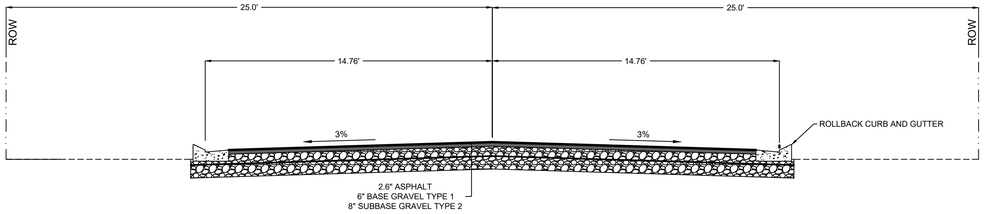
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

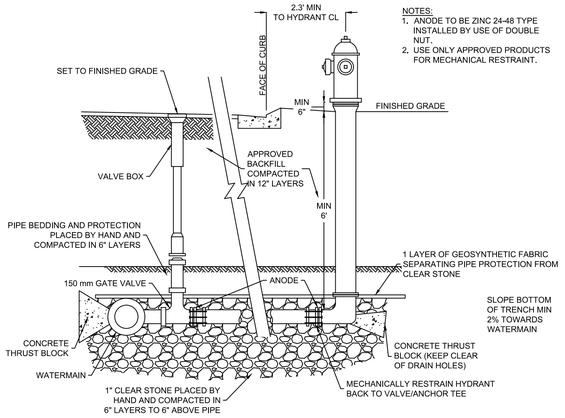
GRADING PLAN - SHEET 3

Drawn: A. SKETCHLEY	Engineer: G. WOODFORD	Project No.: 14-033	Drawing No.: 10 of 11
Date of 1st Issue: MAR. 27, 2015	Scale: 1":20' H	Filename: 14-033CBase.dwg	

TYPICAL ROAD CROSS SECTION — A 11



STANDARD HYDRANT INSTALLATION — B 11

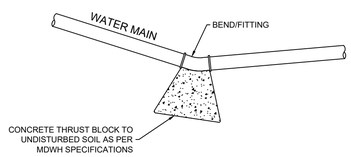


NOTES:
1. ANODE TO BE ZINC 24-48 TYPE INSTALLED BY USE OF DOUBLE NUT.
2. USE ONLY APPROVED PRODUCTS FOR MECHANICAL RESTRAINT.

GENERAL CONSTRUCTION NOTES:

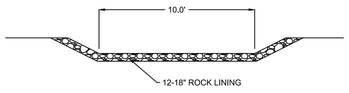
1. **SAFETY IS PARAMOUNT AND THE CONTRACTOR MUST USE SAFE WORK PRACTICES IN ACCORDANCE WITH THE NOVA SCOTIA OCCUPATIONAL HEALTH AND SAFETY ACT.**
2. MDWH'S MUNICIPAL SERVICES SPECIFICATION MANUAL SHALL FORM PART OF THE DESIGN AND SHALL BE ADHERED TO AND THE CONTRACTOR SHALL HAVE A COPY OF THE MANUAL ON SITE DURING CONSTRUCTION.
3. ALL WORKS TO BE IN ACCORDANCE WITH THE "STANDARD SPECIFICATION FOR MUNICIPAL SERVICES" PREPARED JOINTLY BY THE NOVA SCOTIA ROADBUILDERS ASSOCIATION AND THE CONSULTING ENGINEERS OF NOVA SCOTIA (CURRENT EDITION).
4. ALL WORKS TO BE IN ACCORDANCE WITH REQUIREMENTS OF ALL PERMITS AND REGULATIONS AS ISSUED BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
5. CONTRACTOR TO NOTIFY DESIGNPOINT AND THE MUNICIPALITY OF THE DISTRICT OF WEST HANTS REGARDING CONSTRUCTION SCHEDULING PRIOR TO COMMENCING CONSTRUCTION.
6. CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF NATURAL WATERCOURSES FROM DAMAGE DUE TO SILT LADEN RUNOFF FROM THE CONSTRUCTION SITE. ACCEPTABLE CONSTRUCTION PROCEDURES MAY BE OBTAINED FROM 'EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" (CURRENT EDITION), BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
7. ALL DISTURBED AREAS NOT STABILIZED BY GRAVEL, ASPHALT, CONCRETE, OR SOD ARE TO BE STABILIZED WITH HYDROSEED AND HAY. HYDROSEEDED AREAS THAT DO NOT SHOW ACTIVE GROWTH WITHIN THE FIRST GROWING SEASON TO BE RE-STABILIZED.
8. MATERIALS SHALL NOT BE SUBSTITUTED UNLESS PRIOR APPROVAL IS PROVIDED BY THE ENGINEER.
9. SHOP DRAWINGS TO BE PROVIDED FOR REVIEW AND APPROVAL BY THE ENGINEER PRIOR TO CONSTRUCTION.
10. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS REQUIRED TO PERFORM WORKS AND TO COMPLY WITH ALL PERMIT REQUIREMENTS AND CONDITIONS.
11. LOCATIONS OF EXISTING INFRASTRUCTURE IS BASED ON BEST AVAILABLE INFORMATION, INCLUDING RECORD INFORMATION. CONTRACTOR TO CONFIRM LOCATIONS OF EXISTING INFRASTRUCTURE AND NOTIFY ENGINEER OF ANY DISCREPANCIES IMMEDIATELY. CONTRACTOR TO ALLOW A 1 WEEK REVIEW PERIOD BY THE ENGINEER.
12. CONTRACTOR TO VERIFY ALL EXISTING UTILITY LOCATIONS, SUCH AS NOVA SCOTIA POWER, BELL ALIANT, EASTLINK, AND THE MUNICIPALITY. CONTRACTOR TO COORDINATE ALL WORK WITH THE NECESSARY UTILITIES.
13. PERMISSION FROM LANDOWNER(S) REQUIRED TO WORK ON PRIVATE PROPERTY.
14. ALL ELEVATIONS ARE IMPERIAL AND GEODETIC. TOPOGRAPHICAL SURVEY CONDUCTED BY DESIGNPOINT ON NOVEMBER 20, 2014. CONTRACTOR TO CONTACT DESIGNPOINT FOR CONSTRUCTION LAYOUT CONTROL INFORMATION 2 WEEKS PRIOR TO CONSTRUCTION.
15. ALL EARTHWORK, TRENCH WORK, PIPE BEDDING, AND SURFACE TREATMENT TO BE REVIEWED AND CERTIFIED BY PROJECT GEOTECHNICAL ENGINEER.
16. DRAWINGS SUBJECT TO CONSTRUCTION APPROVAL BY THE APPLICABLE APPROVAL AGENCIES (i.e. THE MUNICIPALITY AND NOVA SCOTIA DEPARTMENT OF ENVIRONMENT) PRIOR TO CONSTRUCTION.
17. CONTRACTOR RESPONSIBLE FOR ALL TRAFFIC CONTROL MEASURES REQUIRED FOR THE PROJECT.
18. INSULATION TO BE 50 mm THICK HI40 RIGID STYROFOAM (ROAD AND TRAFFIC RATED).
19. CONTRACTOR MAY REQUEST GRADE ADJUSTMENTS SUBJECT TO REVIEW AND APPROVAL BY ENGINEER AND APPLICABLE APPROVAL AGENCIES. CONTRACTOR RESPONSIBLE FOR COSTS ASSOCIATED WITH DRAWING REVISIONS AND APPROVALS.
20. CATCHBASINS TO BE 42"Ø PRECAST CONCRETE. WATER MAIN TO BE PVC DR18 AND SANITARY MAIN TO BE PVC DR35. STORM TO BE PVC DR35 (8" - 15") AND REINFORCED CONCRETE TO CSA A257.2 (18" AND LARGER).
21. ALL STORM AND SANITARY SERVICE LATERALS TO HAVE A MINIMUM SLOPE OF 2%.
22. ALL MANHOLE FRAMES AND COVERS ARE TO BE IMP TYPE R60 (IMP R12 FOR PARKS AND EASEMENTS) AND WILL INCLUDE A 2" RISER AS MANUFACTURED BY IMP.

THRUST BLOCK DETAIL (NTS) — C 11

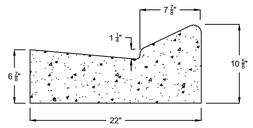


MEGALUG OR APPROVED EQUIVALENT MECHANICAL JOINT RESTRAINT AS PER WEST HANTS SPECIFICATIONS. MINIMUM OF TWO FULL PIPE LENGTHS ON EACH SIDE OF JOINT.

STORMWATER POND EMERGENCY OVERFLOW DETAIL (NTS) — D 11



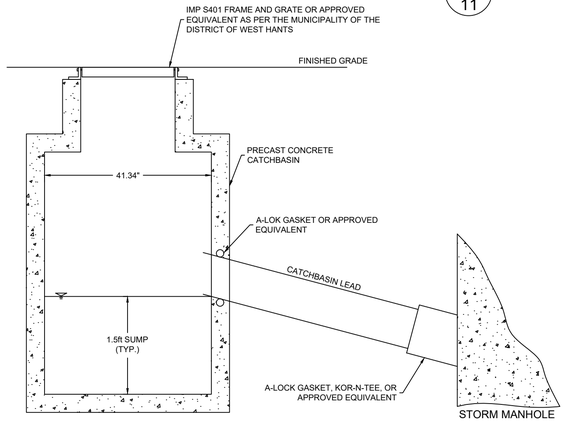
ROLLBACK CURB AND GUTTER DETAIL (NTS) — G 11



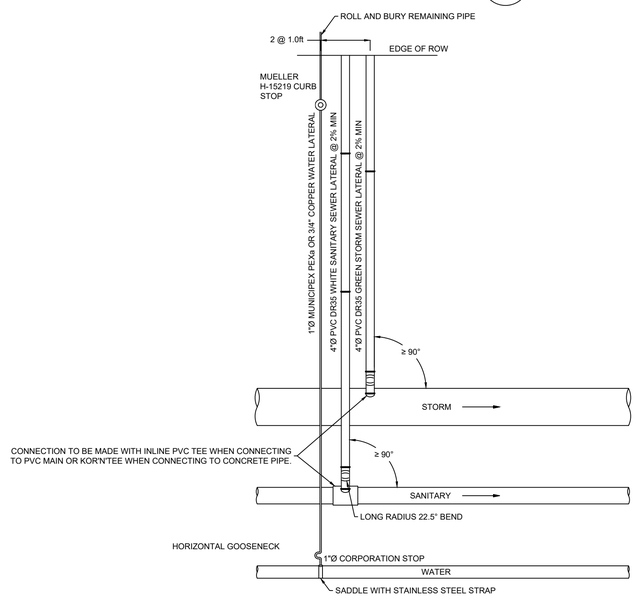
NOTE:

CURB AND GUTTER SHALL BE PLACED ON AN APPROVED GRANULAR BASE HAVING A MINIMUM DEPTH OF 6"

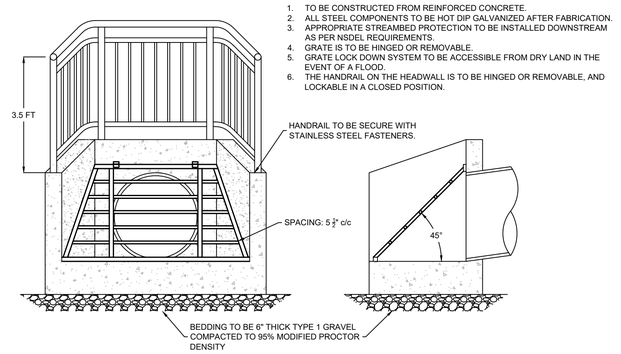
TYPICAL CATCHBASIN DETAIL (NTS) — E 11



SERVICE LATERAL DETAIL (NTS) SEE MDWH DETAIL #10 — F 11



STORM OUTFALL DETAIL (NTS) — F 11



NOTES:
1. TO BE CONSTRUCTED FROM REINFORCED CONCRETE.
2. ALL STEEL COMPONENTS TO BE HOT DIP GALVANIZED AFTER FABRICATION.
3. APPROPRIATE STREAMBED PROTECTION TO BE INSTALLED DOWNSTREAM AS PER NSDEL REQUIREMENTS.
4. GRATE IS TO BE HINGED OR REMOVABLE.
5. GRATE LOCK DOWN SYSTEM TO BE ACCESSIBLE FROM DRY LAND IN THE EVENT OF A FLOOD.
6. THE HANDRAIL ON THE HEADWALL IS TO BE HINGED OR REMOVABLE, AND LOCKABLE IN A CLOSED POSITION.

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CONSULTANT

DESIGN POINT ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
PROVINCE OF NOVA SCOTIA
JUN. 12, 2019
G.S. WOODFORD
6078

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS PHASE 2

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

CONSTRUCTION NOTES AND DETAILS

Drawn: A. SKETCHLEY	Engineer: G. WOODFORD	Project No.: 14-033	Drawing No.: 11 of 11
Date of 1st Issue: MAR. 27, 2015	Scale: NTS	Filename: 14-033CBase.dwg	

April 1, 2020

Brison Developments
411 Gabriel Road
Falmouth, Nova Scotia B0P 1L0
Attention: Mitch Brison

RE: The Meadows Phase 2 – Storm Drainage System
DesignPoint Project #: 14-033

Further to our discussion, I understand that you are interested in changing the large 75 ft wide R1 lots to semi-detached, townhomes, or small R1 lots. The changes apply to The Meadows Phase 2 including Thistle Street, the extension of Clover Lane, and Short Drive.

The storm drainage system as designed in my latest drawing package for this project (dated June 12, 2019, Rev 3) is adequate to accommodate these changes to the development.

For reference, please refer to the Storm Drainage / Environmental Protection Plan, Sheet 7 of 11, Revision 3, dated June 12, 2019 (included with this letter).

If you have any questions, please feel free to contact me.

Thank you,
DesignPoint Engineering & Surveying Ltd.

Glenn Woodford, P.Eng.
Senior Engineer & Principal

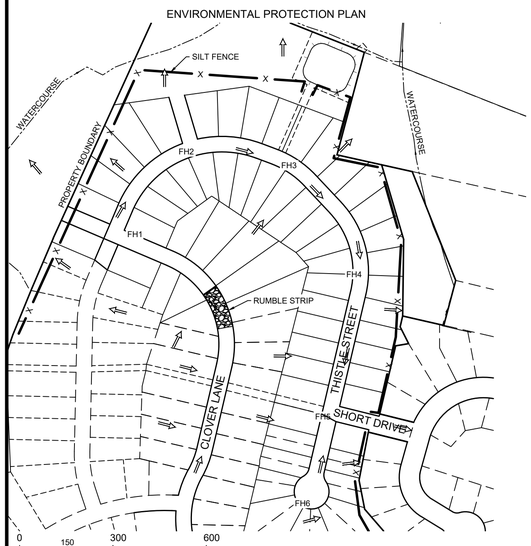
GSW/alc

Enclosures: Storm Drainage / Environmental Protection Plan

GENERAL EROSION AND SEDIMENT CONTROL NOTES

1. EXPOSED SOIL TO BE MINIMIZED AT ALL TIMES DURING CONSTRUCTION TO LIMIT SEDIMENT LADEN RUNOFF. THIS IS TO BE ACCOMPLISHED BY COMPLETING ALL WORK IN A GIVEN AREA ONCE EXCAVATION HAS BEGUN BEFORE DISTURBING ADDITIONAL SOIL. CONTRACTOR IS TO BE AWARE OF CURRENT WEATHER FORECASTS AND PLAN SOIL STABILIZATION ACCORDINGLY.
2. ALL WORKS TO BE IN ACCORDANCE WITH NOVA SCOTIA DEPARTMENT OF ENVIRONMENT REQUIREMENTS.
3. CONTRACTOR TO ACQUIRE ALL PERMITS REQUIRED TO PERFORM WORK AND TO COMPLY WITH ALL PERMIT REQUIREMENTS DURING CONSTRUCTION.
4. CONTRACTOR TO PROTECT NATURAL WATERCOURSES FROM SILT LADEN RUNOFF FROM CONSTRUCTION SITE. CONSTRUCTION PROCEDURES CAN BE FOUND IN THE CURRENT EDITION OF "EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
5. CONTRACTOR TO ENSURE THAT ALL EXPOSED AREAS ARE STABILIZED PRIOR TO RAINFALL EVENTS BY CHECKING ENVIRONMENT CANADA FORECASTS (https://weather.gc.ca/canada_e.html).
6. CONTRACTOR TO PERFORM WEEKLY INSPECTIONS OF SEDIMENT CONTROL MEASURES AND MAKE REPAIRS AS NEEDED. ADDITIONAL INSPECTION AND REPAIR TO BE CARRIED OUT BEFORE AND AFTER ANY RAINFALL EXCEEDING 10mm. A LOG OF EACH INSPECTION AND REPAIR IS TO BE KEPT ALONG WITH A WEEKLY REPORT OF EXPOSED AREAS.
7. TRIBUTARY STORM RUNOFF FROM SITE TO BE DIRECTED INTO SEDIMENT CONTROL DEVICES DURING CONSTRUCTION.
8. CONTRACTOR TO CONSTRUCT AND MAINTAIN DIVERSION DITCHES THROUGH AND AROUND THE SITE TO MINIMIZE CONTAMINATION OF CLEAN WATER.
9. CONTRACTOR TO HAVE ADDITIONAL SEDIMENT CONTROL MEASURES ON SITE INCLUDING SILT FENCE, BALED HAY, AND LOOSE HAY/MULCH TO MAINTAIN OR INSTALL CONTROL MEASURES AS REQUIRED.
10. EXPOSED SURFACES TO BE COVERED WITH HAY, MULCH, OR WOOD CHIPS TO LIMIT SEDIMENT RUNOFF.
11. CONTRACTOR MAY SUBSTITUTE WOOD CHIP BERM FOR SILT FENCE IN ROCKY AREAS WHERE SILT FENCE CANNOT BE INSTALLED.
12. SEDIMENTATION BERMS AND PONDS TO REMAIN IN SERVICE UNTIL PROJECT ENGINEER OR THE MUNICIPALITY REQUESTS THEIR REMOVAL. THIS WILL ONLY OCCUR AFTER LOT AND BUILDING CONSTRUCTION IS COMPLETE.
13. SEDIMENTATION BERMS AND PONDS TO BE REMOVED IN THE FOLLOWING ORDER. LEVEL OFF BERMS, HYDROSEED AND COVER ALL EXPOSED AREAS WITH HAY, THEN FILL IN PONDS.
14. UPON COMPLETION OF GRADING ACTIVITY, ALL LOT DRAINAGE EASEMENTS ARE TO BE HYDROSEEDED AND MULCHED.
15. TOPSOIL AND HYDROSEED TO BE PLACED ON ALL AREAS NOT FINISHED WITH ASPHALT, CONCRETE, GRAVEL, OR SOD.
16. ACCESS ROADS TO SITE ARE TO BE MAINTAINED WITH CLEAN GRAVEL APPLIED PERIODICALLY TO COVER MUDDY AREAS. CLEANING OF ADJACENT STREETS IS THE RESPONSIBILITY OF THE CONTRACTOR AS DIRECTED BY THE ENGINEER.
17. VEHICLE ACCESS TO CONSTRUCTION SITE TO BE RESTRICTED.
18. STABILIZE ON-SITE STOCKPILES USING APPROPRIATE MEASURES (SILT FENCE, HAY, TARPS, ETC.)
19. SITE ACTIVITY TO ADHERE TO REQUIREMENTS OF HALIFAX REGIONAL MUNICIPALITY TOPSOIL BY-LAW.
20. ALL SEDIMENT CONTROL MEASURES TO BE OPERATIONAL OVER ENTIRE CONSTRUCTION PERIOD.
21. SEDIMENTATION AND EROSION CONTROL MEASURES ARE SUBJECT TO CHANGE. ADDITIONAL MEASURES MAY BE REQUIRED DEPENDING ON SITE CONDITIONS DURING CONSTRUCTION.

ENVIRONMENTAL PROTECTION PLAN

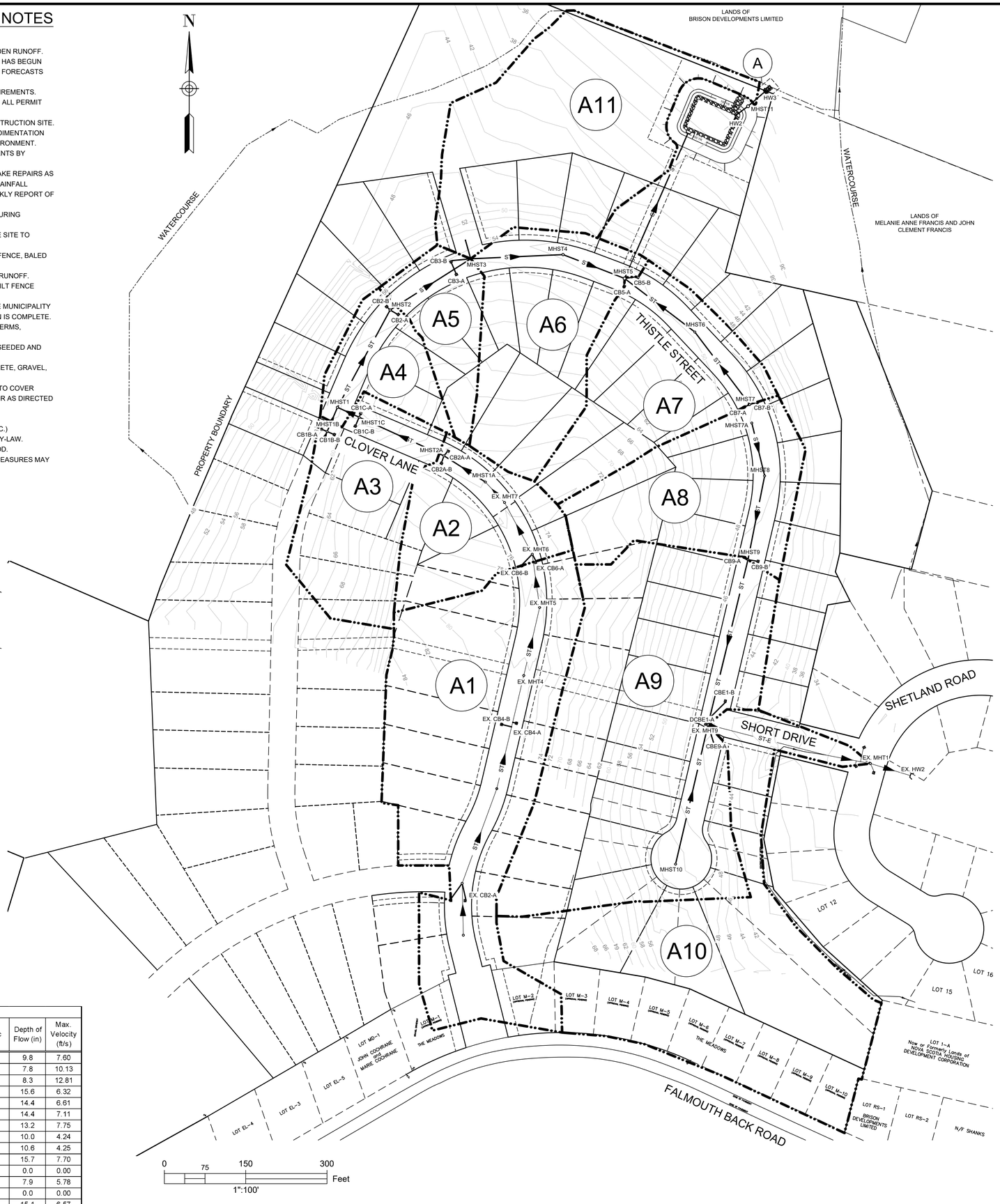


Catchment	Area (ac) ±	Catchment	Area (ac) ±
A1	4.75	A7	2.10
A2	1.47	A8	2.06
A3	1.75	A9	5.48
A4	0.81	A10	4.80
A5	0.83	A11	3.66
A6	2.16	Total	29.87

Storm	Flow to Point A (cfs)	
	Pre-Development	Post-Development
5 Year	6.20	5.87
10 Year	9.49	7.59
25 Year	14.7	11.72
50 Year	18.66	15.18
100 Year	22.84	18.95

Minor Piped Storm System Drainage Analysis - SCS Method (10 Year Return)

Upstream MH	Downstream MH	Tributary Area	Tributary Area +/- (Ac)	Qd - Design Flow (cfs)	Pipe Size (in)	Pipe Slope (%)	Qc - Pipe Capacity (cfs)	Qd/Qc	Depth of Flow (in)	Max. Velocity (ft/s)
EX_7	1A	A1	4.75	7.55	18	1.50	12.89	0.59	9.8	7.60
1A	2A	A1	4.75	7.58	18	3.25	18.92	0.40	7.8	10.13
2A	1	A1-A2	6.23	10.29	18	4.95	23.38	0.44	8.3	12.81
1	2	A1-A3	7.98	12.63	21	0.70	13.26	0.95	15.6	6.32
2	3	A1-A4	8.78	14.02	24	0.70	18.91	0.74	14.4	6.61
3	4	A1-A5	9.61	15.36	24	0.80	20.20	0.76	14.4	7.11
4	5	A1-A5	9.61	15.36	24	1.00	22.65	0.68	13.2	7.75
6	5	A7	2.10	3.88	15	0.50	4.58	0.85	10.0	4.24
7	6	A7	2.10	3.95	15	0.50	4.57	0.86	10.6	4.25
5	Outfall	A1-A7	13.87	22.60	30	0.75	35.44	0.64	15.7	7.70
8	9	-	-	0.00	12	1.00	3.57	0.00	0.0	0.00
9	EX_9	A8	2.06	3.83	15	1.10	6.78	0.57	7.9	5.78
10	EX_9	-	-	0.00	12	1.85	4.85	0.00	0.0	0.00
EX_9	EX_1	A8-A9	7.54	13.83	24	0.68	18.59	0.74	15.1	6.57
EX_1	Outfall	A8-A10	12.34	22.55	30	0.50	29.00	0.78	19.4	6.53



DRAINAGE BOUNDARY
STORM SEWER
PRECAST HEADWALL
A1 TRIBUTARY AREA ID
SILT FENCE
MAJOR DRAINAGE ROUTE

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PROVINCE OF NOVA SCOTIA

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

STORM DRAINAGE / ENVIRONMENTAL PROTECTION PLAN

Drawn	Engineer	Project No.	Drawing No.
A. SKETCHLEY	G. WOODFORD	14-033	7 of 11
Date of 1st Issue	Scale	Filename	
MAR. 27, 2015	1":100' H	14-033CBase.dwg	

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: _____
Sara Poirier, Planner

Date: 2021-04-27

Subject: File # 20-28 D: WHLUB Text Amendment: 234 Mountain Rd, Three Mile Plains; PID 45213758

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210.

POSSIBLE MOTION

Should Council wish to approve the text amendment to allow mobile homes in the Two Unit Residential (R-2) zone of the Three Mile Plains Growth Centre following completion of the Public Hearing, the following motion would be in order:

…that Council gives Second Reading to and approves amending the text of the West Hants Land Use By-law to add "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone in a manner substantively the same as the draft set out in Attachment A of the Planning and Heritage Advisory Committee report regarding File#20-28 dated March 11, 2021.

BACKGROUND

An application was received from Mr. Jack Lantz and Ms. Aletha Lantz to permit mobile homes in the Two Unit Residential (R-2) zone of the Three Mile Plains Growth Centre which would allow the applicants to apply for development and occupancy permits for the mobile home they have placed on their property at 234 Mountain Road, Three Mile Plains.

A Public Information Meeting (PIM) was held virtually and broadcast live on the Municipal Facebook page on February 18, 2021 to consider the requested amendment (Appendix A).

On March 11, 2021 staff presented a recommendation report to the Planning Advisory Committee / Heritage Advisory Committee (PAC/HAC) (Appendix B). The PAC/HAC recommended in favour of the amendment.

Council held first reading on March 23, 2021.

NEXT STEPS

Staff Review

▼

Public Information Meeting – February 18

▼

PAC/HAC Review and Recommendation – March 11

▼

Council First Reading – March 23

▼

Public Hearing – April 27

▼

Council completes Public Hearing and holds Second Reading – May 25*

▼

Notice of Approval in Paper

▼

14 Day Appeal period

*anticipated dates; final dates will be set by Council

APPENDICIES

Appendix A	2021-02-18 Public Information Meeting Notes – File 20-28 A
Appendix B	2021-03-11 Staff Report – Land Use By-law Text Amendment: 234 Mountain Rd, Three Mile Plains; PID 45213758; File #20-28

Report Prepared by: _____
Sara Poirier, Planner

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

Report Approved by: _____
Mark Phillips, CAO

Attachment A

Public Information Meeting Notes
February 18, 2021
File 20-28 A
234 Mountain Road, Three Mile Plains; Land Use By-law Text Amendment, Mobile Homes in the Three Mile Plains Growth Centre

Meeting date and time	A virtual Public Information Meeting was held on February 18, 2021 beginning at 6:00 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Francis Three (3) members of staff: • Director LeMay • Planner Shah • Planner Poirier Doug Symonds (Resident) As this meeting was held virtually other members of the public viewed the meeting on Facebook.
Applicant Overview	Planner Poirier outlined the request from Mr. Jack Lantz and Ms. Aletha Lantz to permit mobile homes in the Two Unit Residential (R-2) zone of the Three Mile Plains Growth Centre which would allow the applicants to apply for development and occupancy permits for the mobile home they have placed on their property at 234 Mountain Road, Three Mile Plains.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone. Twelve (12) residents provided written comments. Emails and letters are attached. Staff responses are included in purple. Five (5) Facebook comments and three (3) verbal comments were received from the public. All five (5) Facebook comments were in favour of the application. Two (2) of the verbal comments received were in favour of the application; one (1) was against the application citing that this amendment would not be in the best interest for the community. Questions from the public included:

	• What are they using for sewer and water? If the amendment is approved and mobile homes are permitted in Three Mile Plains Growth Centre, the property owner would apply to be connected to municipal water and sewer, unless they already have an approved on-site system. • Are they paying any taxes to West Hants? If this change were to be made, how would these mobile homes be taxed? Every property owner in West Hants pays property taxes to the Municipality based on the assessed value of the property. If the amendment is approved, and a resident of the Three Mile Plains Growth Centre places a mobile home on-site, Property Valuation Services Corporation (PVSC) would assess the property value based on the residential use (e.g., going from a vacant lot to placing a mobile home on-site) and they would be taxed according to that assessment. • I was just wondering if the comments regarding the proposed changes in Three Mile Plains can come from anyone or just residents of the area? Any resident in West Hants Regional Municipality is welcome to comment on the proposed amendment in Three Mile Plains. • Are you able to explain what this amendment means? Would people who currently own property in Three Mile Plains be putting mobile homes on their land and renting them out? The Two Unit Residential (R-2) zone in West Hants (excluding Hantsport and Windsor) currently permits single unit dwellings, two-unit dwellings, mini homes, accessory apartments and existing manufactured homes (which includes existing mobile homes and mini homes). The proposal being considered for Three Mile Plains is to add "mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone. If the amendment is approved it would permit anyone with a vacant lot in Three Mile Plains that is zoned Two Unit Residential (R-2) to place a mobile home on site. This would not allow anyone with an existing dwelling on a lot

	zoned Two Unit Residential (R-2) in Three Mile Plains to put a mobile home on site unless the lot is large enough to be subdivided; this is based on other policies that we have regarding one main building on the lot in residential zones. • I am also curious as to the reasoning to not allow mobile homes. Is it an aesthetics issue? There is currently no reason given in the text of the West Hants Municipal Planning Strategy as to why mobile homes were not permitted in the Two Unit Residential (R-2) zone but mini homes were, other than Council wanting to consider mobile homes in mobile home parks in the Growth Centers (Falmouth and Three Mile Plains) by development agreement. • There was a mobile on the property for 30+ years, wouldn't this fall under the grandfather clause? The property was purchased as a vacant lot by the property owner in 2019. They have confirmed that the lot was vacant for at least the last 6-8 years. The Land Use By-law currently permits "mini homes" and "existing manufactured homes" which includes existing mini homes and existing mobile homes in the Two Unit Residential (R-2) Zone. This means that new mini homes are permitted to be placed on site but new mobile homes are not. As this mobile home was newly placed on the Mountain Road property in 2020 it would not be permitted as per the current planning documents. This is the reason the property owner has applied to amend the current planning documents to have Council consider adding "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) Zone. Discussion points included: • Housing affordability and accessibility • Aesthetics • Current background statements for the Three Mile Plains Growth Centre stating mobile homes should be considered by development agreement in a manufactured home park

	• Property values • Municipal Services • Taxes
Adjournment	The presentation portion of the Public Information Meeting ended at 6:08 p.m.; comments could be submitted by mail, e-mail, telephone, or be dropped-off to the Municipal Office to Planner Poirier between February 18 and March 10, 2021.

Public Email Responses Submitted for the Application PIM

From Doug Symonds - February 14 and February 19, 2021

Dear Sara Poirier:

I saw this on the WWH website: "We would like your input on a proposed West Hants Land Use By-law text amendment to consider adding "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone"

Could you please direct me to the text of this proposed amendment?

It is unclear to me how mobile homes would fit into the R-2 zoning.

If the proposed change means that someone can buy a lot in the Three Mile Plains R-2 zone and put a "mobile" home on it, I am totally opposed.

I do not belong to Facebook. Can I still participate in the Virtual Public Hearing - 6:00pm Tues, Feb 23, 2021?

Thank you.

Doug Symonds, Three Mile Plains

Hi Sara:

I just finished watching the "PIM – Mobile Homes in Three Mile Plains" presentation via Zoom.

As I understand from the presentation, the owner(s) of the property at 234 Mountain Road put a mobile home on their property without the required permits (in violation of the R-2 zoning bylaw).

I am against having mobile homes added to the R-2 zoning for the Three Mile Plains growth centre as I think that they could potentially devalue existing properties. I think that prospective property purchasers in the Three Mile Plains area (or any other area) would be put off by the presence of bow-truss roofed trailers with tow hitches, ready to be moved at a moment's notice. It would definitely affect the "curb appeal" of the area. There are many vacant lots scattered along the main streets in the area, and if these lots were occupied by an influx of cheap trailers, it could have a significant negative impact on property values.

The owners at 234 Mountain Road should be required to move the illegal mobile home off the property. Also, what are they using for sewer and water? Are they paying any taxes to West Hants?

If this change were to be made, how would these mobile homes be taxed?

I'm not trying to be an elitist by any means, but I bought my house under the terms of the existing R-2 zoning, which is quite reasonable. A change like this to the zoning could have many negative effects.

Thank you for the work that you are doing.

Yours truly,

Doug Symonds, Three Mile Plains

Hi Sara:

The West Hants Municipal Planning Strategy, Section 5.3 (last revised December 25, 2018) specifically prohibits mobile homes, except as noted in the Section.

"5.3 Three Mile Plains Growth Centre – Residential Policies

A range of housing types and densities is considered appropriate for the Three Mile Plains Growth Centre. To allow for this, three residential zones will be applied: Single Unit Residential; Two Unit Residential; and Multiple Residential.
The majority of residential land in the Three Mile Plains Growth Centre will be zoned Two Unit Residential (R-2) which permits one and two unit dwellings and mini homes. Mobile homes will not be permitted except in manufactured home parks which will be considered by development agreement. As in the previous planning documents, only the Hillcrest Drive and Kendall Lane areas will be zoned solely for single detached dwellings. New multiple residential development will be considered through rezoning."

I would suggest that Municipal Planning Strategy, as approved by the Minister of Service Nova Scotia & Municipal Relations, is a good plan and should be followed.

Thanks,

Doug Symonds, Three Mile Plains

From Cody Lantz - February 22 and March 4, 2021

Hello I hope you are having a great day so far. I was emailing to say that I am ok with Aletha lantz living in that trailer on mountain road. Thanks

---

Hello Cody,

I just wanted to clarify your comment on the application for 234 Mountain Road, Three Mile Plains. The amendment would be to add "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone. Are you okay with the potential for any property owner with a vacant property zoned Two Unit Residential in the Three Mile Plains Growth Centre putting a mobile home on site?

Thanks again for your comments.

All the best,

Sara

Yes, that would be fine.

From Jenn Upshaw - February 22, 2021

Good morning Sara,

I was just wondering if the comments regarding the proposed changes in Three Mile Plains can come from anyone or just residents of the area? I live in the growth area and I am for the proposed change. I am also working with a few groups looking to see what we can do to help with the housing situation right now. I am sure many of those people would support the proposed change as well but I do not want to ask them to comment if it will not count.

Thanks
Jenn Upshaw, Three Mile Plains

From Kayla Todd - February 22, 2021

Hi Sara,

I've been talking with Jennifer Upshaw and she mentioned an amendment currently taking place for Three Mile Plains regarding mobile homes. I'm wondering if you're able to explain what this means? Would people who currently own property in Three Mile Plains be putting mobile homes on their land and renting them out? I just want to be sure I understand as best I can. Also if people are for or against this do they send their emails directly to you?

Any and all information would be greatly appreciated.

Thanks and kind regards,

Kayla

Hi Kayla,

Thank you for your email. The Two Unit Residential (R-2) zone in West Hants (excluding Hantsport and Windsor) currently permits single unit dwellings, two-unit dwellings, mini homes, accessory apartments and existing manufactured homes (which includes existing mobile homes and mini homes). The proposal being considered for Three Mile Plains is to add "mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone. If the amendment is approved it would permit anyone with a vacant lot in Three Mile Plains that is zoned Two Unit Residential (R-2) to place a mobile home on site. This would not allow anyone with an existing dwelling on a lot zoned Two Unit Residential (R-2) in Three Mile Plains to put a mobile home on site unless the lot is large enough to be subdivided; this is based on other policies that we have regarding one main building on the lot in residential zones.

Yes, individuals can reach out to me either via email or phone until March 10. I will include all the comments I receive regarding this application in the Public Information Meeting notes for the Planning Advisory Committee meeting on March 11, 2021. I would ask that individuals include their name and street or community within the municipality at the end of the email or even over the phone. This provides Council a context for the comment. Prior to COVID-19, when the meetings were in person, we would be asking the individual to state their name and community before or after their comment/question.

Please let me know if you have any further questions.

All the best,
Sara

From Rob Kehoe - February 22, 2021

To whom it may concern,

I am in favor of the mobile home in TMP. I am also curious as to the reasoning to not allow mobile homes. Is it an aesthetics issue? Because I think a 74 year old woman not being able to live there because some people don't like the looks of mobile homes is absolutely ridiculous.

Hello Rob,

Thank you for your email. I will ensure your comments are included in the Public Information Meeting notes for the Planning Advisory Committee meeting on March 11, 2021.

There is currently no reason given in the text of the West Hants Municipal Planning Strategy as to why mobile homes were not permitted in the Two Unit Residential (R-2) zone but mini homes were, other than Council wanting to consider mobile homes in mobile home parks in the Growth Centers (Falmouth and Three Mile Plains) by development agreement.

All the best,

Sara

From Shawn Johnson - February 22, 2021

Hello,

I want to write in response to the information session the other evening.

The mobile home amendment in Three Mile plains.

I am voicing my concern and do not agree with the change for the following:

1) Stress on municipal services

2) Potential for trailer parks which I do not support. We have that already at the crossing.

3) Making the change for that would not benefit the community and by-laws do not need to be changed.

For the property highlighted you should just have a development agreement. Not a full zoning change. Site specific going further if need be.

Does not need to be a zoning change for 1 property. Moving forward these issues should be case by case respecting the current outlines already in place.

Thank you

Shawn Johnson, Three Mile Plains

From Brenda Church - February 23 and March 3, 2021

Hello,

I am more than fine with Aletha Lantz living in a trailer on Mountain Road.

Thank you for your time and attention to this matter,

Brenda Church

Hello Brenda,

I just wanted to clarify your comment on the application for 234 Mountain Road, Three Mile Plains. The amendment would be to add "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone. Are you okay with the potential for any property owner with a vacant property zoned Two Unit Residential in the Three Mile Plains Growth Centre putting a mobile home on site?

Thanks again for your comments.

All the best,

Sara

Yes, that would be fine.

From Rose Hawboldt - February 24, March 4 and 8, 2021

I am for this, there is no reason it can't be on the property.

Thank you
Rose Hawboldt

Hello Rose,

I just wanted to clarify your comment on the application for 234 Mountain Road, Three Mile Plains. The amendment would be to add "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone. Are you okay with the potential for any property owner with a vacant property zoned Two Unit Residential in the Three Mile Plains Growth Centre putting a mobile home on site?

Thanks again for your comments.

All the best,

Sara

Absolutely I am you okay with the potential for any property owner with a vacant property zoned Two Unit Residential in the Three Mile Plains Growth Centre putting a mobile home on site.

Thank you

Also there was a mobile on the property for 30+ years. wouldn't this fall under the grandfathers clause?

Hi Rose,

The property was purchased as a vacant lot by the property owner in 2019. They have confirmed that the lot was vacant for at least the last 6-8 years. The Land Use

By-law currently permits "mini homes" and "existing manufactured homes" which includes existing mini homes and existing mobile homes in the Two Unit Residential (R-2) Zone. This means that new mini homes are permitted to be placed on site but new mobile homes are not. As this mobile home was newly placed on the Mountain Road property in 2020 it would not be permitted as per the current planning documents. This is the reason the property owner has applied to amend the current planning documents to have Council consider adding "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) Zone.

Please let me know if you have any additional questions.

All the best,

Sara

From Emilie Smith – March 9, 2021

West Hants Regional Municipality
76 Morison Drive
PO Box 3000
Windsor, NS B0N 2T0

To Whom It May Concern;

I am writing to express support of the proposed amendment to the Three Mile Plains growth centre to allow mobile homes as private dwellings. I am a social worker who lives and works in West Hants. Affordable housing has been an ongoing issue faced by families I have worked with throughout my career. Over the past several years this issue has been growing and I have experienced families needing to leave this community because they are unable to find any housing, regardless of affordability. Permitting mobile homes allows for further housing options which are significantly more affordable than new home construction and also timelier in their installation. It is a human right to have shelter. Prohibiting dwellings that are affordable is nothing short of discrimination. In an article written about social inequality regarding mobile home residents, Katherine MacTavish (2007) discusses development in rural areas and that wealth, rather than reputation is becoming measures of character and deciding who does, and thus, who does not, belong. Growth is tightening rural housing markets, particularly in areas that are within a commutable distance to urban centres. Housing ownership is challenging and right now we know that we are in a seller's market. Home prices are at an all-time high.

Rental properties are basically at a zero vacancy rate and rent prices have surpassed affordability for so many people. Those of us who are fortunate enough to be adequately housed should not be afforded the luxury to make things more difficult for those who are not.

Sincerely,

Emilie Smith MSW, RSW

From Jennifer McCulloch – March 9, 2021

To Whom It May Concern;

I am writing to express support of the proposed amendment to the Three Mile Plains growth centre to allow the use of mobile homes as private dwellings. I live in the Three Mile Plains Growth Centre and work in West Hants. I work for Department of Community Services and affordable housing is an ongoing issue faced by the many families I work with. Throughout my career, spanning several years, the issue of attaining affordable housing has been increasing at an alarming rate and I have first hand experience of families needing to leave this community because they are unable to find any housing, regardless of affordability. When I was younger buying land and placing a mobile home on it to reside in was very common. Families would do this and then save to be able to build a home. This is an important step in homeownership, due to the skyrocketing prices of houses it may be the only way some families will be able to own a home.

Since December of 2019 I have been a member of a housing coalition formed by concerned service providers in Hants County due to the ongoing concerns being recognized in our community through the groups various service roles. The West Hants Housing Coalition is a group of professional community partners who recognize there is a direct need for increased opportunities for individuals in the area to have opportunities to access safe and affordable homes.

Permitting mobile homes to be used, allows for a larger expansion of housing options in the area which can be more affordable than new home construction and be placed for occupancy quickly and efficiently.

It is a basic human right to have shelter. Prohibiting dwellings that are possibly more affordable is nothing short of discrimination to the cohort of society in which would greatly benefit from the amendment to allow mobile homes as private dwellings for the area of Three Mile Plains in the county of West Hants. In an article written about social inequality regarding home residents, Katherine MacTavish (2007) discusses development in rural areas and that wealth, rather than reputation is becoming measures of character and deciding who does, and

thus, who does not, belong. Growth is tightening rural housing markets, again particularly in areas that are within a commutable distance to urban centres. Housing ownership is challenging and right now we know that we are in a seller's market. Home prices are at an all-time high. Rental properties are basically at a zero vacancy rate and rent prices have surpassed affordability for so many people. Those of us who are fortunate enough to be adequately housed should not be afforded the luxury to make things more difficult for those who are not.

Jennifer McCulloch,

Income Assistance and Employment Support Services Caseworker

DCS Windsor

From Kelly McGregor – March 9, 2021

To Whom It May Concern;

I am writing to express support of the proposed amendment to the Three Mile Plains growth centre to allow the use of mobile homes as private dwellings. I am a housing locator for the Annapolis Valley and West Hants is part of my catchment. Affordable housing is an ongoing issue faced by all of the clients I work with. .

Since 2020 I have been a member of concerned service providers in Hants County who of necessity, formed a housing coalition due to the ongoing concerns being recognized in our community through the groups various service roles. The West Hants Housing Coalition is a group of professional community partners who recognize there is a direct need for increased opportunities for individuals in the area to have opportunities to access safe and affordable homes.

Permitting mobile homes to be used, allows for a larger expansion of housing options in the area which can be more affordable than new home construction and be placed for occupancy quickly and efficiently.

It is a basic human right to have shelter. Prohibiting dwellings that are possibly more affordable is nothing short of discrimination to the cohort of society in which would greatly benefit from the amendment to allow mobile homes as private dwellings for the area of Three Mile Plains in the county of West Hants. In an article written about social inequality regarding home residents, Katherine MacTavish (2007) discusses development in rural areas and that wealth, rather than reputation is becoming measures of character and deciding who does, and thus, who does not, belong. Growth is tightening rural housing markets, again particularly in areas that are within a commutable distance to urban centres.

Housing ownership is challenging and right now we know that we are in a seller's market. Home prices are at an all-time high. Rental properties are basically at a zero vacancy rate and rent prices have surpassed affordability for so many people. Those of us who are fortunate enough to be adequately housed should not be afforded the luxury to make things more difficult for those who are not.

Regards,

Kelly McGregor

From Kimm Kent – March 9, 2021

HI Sara,

I am writing in support of the land use by law amendment permitting mobile homes in Three Mile Plains Growth center. I am writing this as a citizen in West Hants and also in my professional capacity, witnessing the current housing crisis facing citizens of our community.

Thank you.

Peace,

Kimm Kent

Co-Founder / Manager / Facilitator

Peer Outreach Support Services & Education (POSSE) - MetroWorks

Family Resource Centre of West Hants
61 Morison Drive
P.O. Box 2847
Windsor, NS
B0N 2T0
Email: frcowh@gmail.com
Phone: 902-798-5961

March 9th, 2021.

West Hants Regional Municipality
76 Morison Drive
PO Box 3000
Windsor NS B0N 2T0

To Whom It May Concern,

I am writing to express my support of the proposed amendment to the Three Mile Plains Growth Centre to allow the use of mobile homes to be added to the list of permitted uses in the Two Unit Residential (R-2) zone, permitting anyone with a vacant lot in Three Mile Plains that is zoned Two Unit Residential (R-2) to place a mobile home on site.

I am a Housing Support Worker who lives and works in West Hants. The lack of affordable housing in this area is an ongoing issue that majority of my clients are dealing with daily, which is why they need additional support from someone such as myself.

When I took on the role of Housing Support Worker, I also accepted the role of re-launching the West Hants Housing Coalition, a group of professional community partners formed in December 2019, who recognize that there is a need for safe, affordable housing to be more accessible in our area.

In an article published in the Chronicle Herald by Nicole Munro on March 4, 2021, Halifax MP Andy Filmore was interviewed regarding a parking lot in the north end of Halifax being converted into affordable housing units. Filmore speaks about how Halifax much like the rest of the province continues to grow and develop with

an increased population, and notes that affordable housing is struggling to keep up. “Here in Halifax as our city has grown, we’ve seen access to affordable housing struggle to keep pace with the population increase.” (Munro, 2021) He goes on to say, “The situation has become even more dire with the current pandemic. As we’ve sheltered in place to stop the spread of COVID-19, our homes have become a place of safety and refuge, but in a time of crisis the hardest hit are often the most vulnerable.” (Munro, 2021) Those of us that are fortunate enough to be housed, can do our part to help prevent the spread of the global pandemic known as COVID-19. But what about those who are struggling to find housing? Their safety and well-being is just as important.

Mobile homes are a more cost efficient and timelier way to offer housing opportunities to those who need it the most. In a blog post published by Remax Commercial the average cost to build a home in Halifax, Nova Scotia is between $90-$150 a square foot. (Remax Commercial, 2020) Given that a mobile home would contain significantly less square footage than a multi level house, the cost to develop these would be considerably less, thus making mobile homes available at a more affordable rate.

According to the results of Canada Mortgage and Housing Corporation’s Rental Market Survey conducted in October 2019, the Halifax CMA vacancy rate was 1% versus 1.6% in October 2018. (CMHC 2020) By increasing the number of affordable housing options in the West Hants Municipality, we can do our part to help increase the vacancy rate in our area and decrease the number of people suffering from or at risk of homelessness.

Sincerely,

Kayla Todd
Housing Support Worker
Family Resource Centre of West Hants

Munro, N. (2021, March 4). *57 Affordable Housing Units To Replace Parking Lot in North-end Halifax.* The Chronicle Herald https://www.thechronicleherald.ca/news/local/57-affordable-housing-units-to-replace-parking-lot-in-north-end-halifax-559772/

Remax Commercial (2020, September 29th). *How Much Does It Cost To Build A Home in Ontario, Canada (2020)?* https://blog.remax.ca/how-much-does-it-cost-to-build-a-house/

Canada Mortgage and Housing Corporation (2020). *Rental Market Report – Halifax CMA* https://assets.cmhc-schl.gc.ca/sites/cmhc/data-research/publications-reports/rental-market-reports/2019/rental-market-reports-halifax-64387-2020-a01-en.pdf?rev=2797a15c-e25b-48a6-b4d1-a26964484bbd

Attachment B

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Members of Planning and Heritage Advisory Committee

Submitted by: _____
Sara Poirier, Planner

Date: 2021-03-11

Subject: WHLUB Amendment: 234 Mountain Rd, Three Mile Plains; PID 45213758; File #20-28

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

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

that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Land Use By-law to add "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone in a manner substantively the same as the draft set out in Attachment A of the report to the Planning and Heritage Advisory Committee report #20-28 dated March 11, 2021.

BACKGROUND

A completed application was received on December 24, 2020 from Jack and Aletha Lantz to consider permitting a mobile home on the lot at 234 Mountain Road, Three Mile Plains (PID 45213758). The lot is owned by Mr. Jack Richard Lantz; Ms. Aletha Lantz is his mother.

The subject lot is zoned Two Unit Residential (R-2) and within the Residential designation and the Three Mile Plains Growth Centre. The lot is approximately 15,000 sq. ft. (0.34 acres) in size. A survey plan of the lot from 1988 shows that a mobile home was located

on the lot. The owner purchased the then-vacant lot in October 2019. Mr. Lantz stated that he believes the lot has been vacant for at least the last 6-8 years.

A mobile home was placed on the lot in November 2020 without first receiving development and occupancy permits. Only single and two-unit dwellings, mini homes, accessory apartments and existing manufactured homes are permitted in the Two Unit Residential (R-2) zone, as per the West Hants Land Use By-law. Therefore, the Development Officer could not issue a permit for the mobile home that was placed on site and the resident was advised to apply to have Council consider the addition of mobile homes to the list of permitted uses in the Two Unit Residential (R-2) zone in Three Mile Plains.

DISCUSSION

The subject lot is located on Mountain Road in Three Mile Plains. The lot is designated Residential on the Generalized Future Land Use Map (Figure 1) of the West Hants Municipal Planning Strategy (WHMPS) and is within the Three Mile Plains Growth Centre. Part 5.3 of the WHMPS contains the overall intention for properties designated Residential within the Three Mile Plains Growth Centre in West Hants.

The lot is zoned Two Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). As noted above only single and two-unit dwellings, mini homes, accessory apartments and existing manufactured homes are permitted in the Two Unit Residential (R-2) zone. The lot abuts properties zoned Two Unit Residential (R-2) and designated Residential within the Three Mile Plains Growth Centre.

The applicant requested that Council consider amending the text of the West Hants Land Use By-law (WHLUB) to permit "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone. If the application is approved, any vacant lot within the Three Mile Plains Growth Centre would be permitted to place a mobile home on the lot (Figure 3), subject to receiving the required development and building permits.

Mobile Homes

A mobile home is a type of manufactured home incorporating a bow-truss roof and designed for transportation on its own frame. Table 1 outlines the definitions for mobile homes, mini homes and manufactured home as per the current West Hants Land Use By-law and as per the list of definitions accepted by the Planning Advisory Committee on September 10, 2020 for incorporation in the Regional planning documents.

The Manager of Building and Fire Inspection Services has confirmed that there is no difference in terms of building or fire codes between mobile homes and mini homes as per the National Building Code of Canada and added that mobile homes are just an older style factory built home.

Table 1: Definition of Mobile Home, Mini Home and Manufactured Home

Term	Description
Mobile Home	*means a manufactured home incorporating a bow-truss roof and designed for transportation on its own frame;* (Definition from the West Hants Land Use By-law and approved for incorporation in the Regional documents) Identifiers: • bow-truss roof • designed for transportation on its own frame  Website: https://toughnickel.com/real-estate/Tips-on-Buying-and-Older-Mobile-Home  Mobile home placed on site at 234 Mountain Rd., Three Mile Plains
Mini Home	*means a manufactured home incorporating a pitched roof;* (Definition from the West Hants Land Use By-law) *means a dwelling unit built as a manufactured home to a CSA standard which meets or exceeds a length to width ratio of 3:1 and incorporates pitched roof;* (Definition approved for incorporation in the Regional documents) Identifiers: • meets or exceeds a length to width ratio of 3:1 • incorporates pitched roof  Website: http://www.havillsminihomes.com  Website: https://heatherhomes.co/new-3-bdrm-mini-homes/

Manufactured Home	*means a dwelling unit manufactured in a factory and designed for transportation after fabrication, whether on its own wheels or a trailer, which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor unpacking and assembling operations to place the building on an acceptable foundation), and having a width of not more than 6 m (20 ft), but does not include a travel trailer or recreational vehicle. Manufactured home includes a mobile home and a mini home, but does not include a modular or sectional home transported in two or more sections and assembled on site;* (Definition from the West Hants Land Use By-law and approved for incorporation in the Regional documents)

DOCUMENT REVIEW

The Province of Nova Scotia has six (6) *Statements of Provincial Interests* which form part of the *Municipal Government Act* and provide municipalities guidance on certain aspects of development in the Province: drinking water, flood risk areas, agricultural land, infrastructure, housing and the development of the Nova Centre. The *Statement of Provincial Interest* related to housing specifies that the goal is to "provide housing opportunities to meet the needs of all Nova Scotians" by incorporating housing policies into the municipal planning documents which address affordable housing, special-needs housing, rental accommodation, and providing for manufactured housing. All of the planning documents for the Region have housing policies and discuss residential development in specific communities. Staff reviewed the planning documents for Hantsport, West Hants and Windsor to determine where mobile homes are permitted in the Region (Table 2).

Table 2: Zones where Mobile Homes are Permitted in the Regional Municipality

Hantsport	West Hants	Windsor
Mini Home Park Zone permits "Mini homes"; this zone is not used anywhere in Hantsport.	**Single Unit Residential (R-1) Zone** permits "Existing manufactured homes" **Two Unit Residential (R-2) Zone** permits "Mini homes" but not mobile or manufactured homes; and permits "Uses permitted in the R-1 zone subject to the R-1 zone requirements" **Rural Residential (R-4), Manufactured Home Park (MHP), Agricultural Priority Two (AR-2), General Resource (GR)**	No discussion on mobile or mini homes in Windsor.

	and **Mineral Resource (MR) Zones** permit "Manufactured homes" **General Commercial (GC) Zone** permits "Single unit dwellings or mini homes on existing vacant lots under 10,000 ft2 in area, subject to the R-1 zone requirements" **Agricultural Priority Three (AR-3) Zone** permits "Manufactured homes" however "21.3 (b) mobile homes shall not be permitted on properties zoned AR-3 in a Growth Centre or Village designation." **Resource Industrial (M-1)** and **Hamlet Industrial (M-2) Zones** permit "One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot"	

West Hants Municipal Planning Strategy

As the application to permit a mobile home came from a resident in Three Mile Plains, staff concentrated on the housing policies in the West Hants Municipal Planning Strategy for guidance and direction.

An excerpt from Section 4.11, *Housing*, of the West Hants Municipal Planning Strategy outlines Councils intention for housing in West Hants by stating *"Council feels it is important to encourage the provision of housing that is inclusive of all citizens of West Hants regardless of socio-economic status, age or physical or mental disability".* Policy 4.11.1 outlines that Council will *"encourage the provision of housing adequate to meet the needs of all citizens of West Hants. Affordable housing, special-needs housing and rental accommodation shall be encouraged to develop in a manner that is sensitive to the needs of the community and those being served"* and Policy 4.11.2 states that Council shall *"provide for the development of a range of housing types in West Hants".*

Manufactured Home Parks

Section 4.15 of the West Hants Municipal Planning Strategy General Land Use Policies describes the policies for the creation of manufactured home parks where "residents may own, lease or rent their homes, but do not own the land". Policy 4.15.1 specifies that a Manufactured Home Park (MHP) Zone will be created and applied to existing manufactured home parks, and Policy 4.15.2 specifies that new manufactured home parks will be considered by development agreement only in the Growth Centres.

The specific sections for the Falmouth and Three Mile Plains Growth Centres also outline a corresponding policy which allows manufactured home parks to be considered by development agreement (Policy 5.3.9 and 5.4.6). To determine if stand alone mobile homes are permitted in specific areas of the municipality the specific policies for each community were reviewed.

Falmouth

Some of the general development objectives of the Falmouth Growth Centre are to provide for predominantly residential development, accommodate rural lifestyle activities that are compatible with moderate density residential development, and to monitor the extension of services to ensure the capacity of the municipal sewer and water system is not exceeded. Section 5.4 of the West Hants Municipal Planning Strategy discusses the residential policies for the Falmouth Growth Centre. Policy 5.4.7 specifically states that *"It shall be the policy of Council to prohibit the development of mobile homes on separate lots which are not part of a manufactured home park in the Falmouth Growth Centre."*.

Staff are not recommending any changes that would permit mobile homes on individual lots in the Falmouth Growth Centre.

Brooklyn

The general development objectives for the community of Brooklyn are to maintain the quiet, village atmosphere and continue its role as a commercial and institutional service centre for surrounding communities. Section 6.2 of the West Hants Municipal Planning Strategy discusses the residential policies for the community of Brooklyn, currently referred to as a Village in the planning documents. Policy 6.2.2 specifically states that *"It shall be the policy of Council to apply Two Unit Residential (R-2) zoning to the majority of residential land outside the Village Core area of Brooklyn. Within the Village designation, the R-2 zone will permit one and two unit dwellings and mini homes; however, mobile homes will not be permitted."*

Staff are not recommending any changes that would permit mobile homes on individual lots in the community of Brooklyn.

Three Mile Plains

Some of the general development objectives of the Three Mile Plains Growth Centre are to accommodate the majority of future commercial growth in West Hants, permit an urban residential growth pattern which includes higher density development, and allow the development of small lots to make better use of existing infrastructure. Section 5.3 of the West Hants Municipal Planning Strategy discusses residential policies for the Three Mile Plains Growth Centre. The background statement for the residential policies in the Three Mile Plains Growth Centre states "*The majority of residential land in the Three Mile Plains Growth Centre will be zoned Two Unit Residential (R-2) which permits one and two unit dwellings and mini homes. Mobile homes will not be permitted except in manufactured home parks which will be considered by development agreement".* Unlike the sections of the West Hants Municipal Planning Strategy for Falmouth and Brooklyn,

there is no policy that corresponds with this background statement to prohibit stand alone mobile homes in Three Mile Plains. Therefore, staff are requesting Council consider the request to add "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) Zone.

Two Unit Residential (R-2) Zone

Staff investigated where else in West Hants the Two Unit Residential (R-2) zone is permitted. The Two Unit Residential (R-2) zone is one of the residential zones in the communities of Three Mile Plains, Brooklyn, Currys Corner, Garlands Crossing and Falmouth (Figure 3). The Three Mile Plains Growth Centre incorporates the land zoned Two Unit Residential (R-2) in the communities of Currys Corner, Garlands Crossing and Three Mile Plains (Figure 4).

As the amendment to the list of permitted uses in the Two Unit Residential (R-2) zone would be written specifically as "Mobile homes in the Three Mile Plains Growth Centre", this use would not be permitted on any other lot zoned Two Unit Residential (R-2) outside of the Three Mile Plains Growth Centre. This amendment would be consistent with the policies described earlier.

WHMPS Specific Criteria

There are no specific criteria for this text amendment.

WHMPS General Criteria

The proposed amendment will meet the general criteria for amendments and development agreements set out in WHMPS Policy 16.3.1. These criteria are examined in detail in Attachment B. 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, Manager of Building and Fire Inspection Services, Director of Public Works, Manager of Public Works Operations, and Area Manager for the Department of Transportation and Infrastructure Renewal have no concerns.

West Hants Land Use By-law

Section 5.23 of the West Hants Land Use By-law states that "where manufactured homes are permitted by this By-law, the following conditions shall be met:

(a) No wheels, hitches or other transport attachments shall be visible; and

(b) The structure shall be skirted within 30 days of placement on the lot."

The applicants would be required to follow these regulations if this application is approved.

Text Amendment

To permit the requested use, an amendment to the text of the West Hants Land Use By-law (WHLUB) would be required. The proposed amendment is to add "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone (Attachment A).

Map Amendment

As the subject lot is currently zoned Two Unit Resdiential (R-2), a map amendment is not required as part of this application.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for West Hants (2013) identifies that overtopping of the Lebreau Creek Brook has caused flooding of homes adjacent to the brook along Highway 1, near Panuke Road, and in Three Mile Plains. Map 2B shows that some properties along Highway 14 and the Windsor Back Road may experience flooding in the future due to sea level rise, and Appendix B, the Inland Flooding Map, shows some areas in Three Mile Plains that may face inland flooding in the future.

The Three Mile Plains Stormwater Management Study (2019) completed a series of simulations to identify areas that may be potentially vulnerable to flooding. Specific Lebreau Creek Brook crossings at Old Shanks Road, Mountain Road and Panuke Road in Three Mile Plains were identified as areas that may be vulnerable to flooding. Other flood vulnerable areas in Three Mile Plains include: Alexander Drive, Denise Drive, Windsor Back Road, Highway 1, and Three Mile Plains Cross Road.

As this is a general text amendment and not a map amendment for a specific lot, any property owner within the Three Mile Plains Growth Centre should review the MCCAP and Three Mile Plains Stormwater Management Study to be aware of any potential flood risk to their lot prior to developing.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of the general policies of the WHMPS and is consistent with the intent, objectives and policies of the WHMPS. The amendment meets the general criteria for amendment to the WHLUB. As a result, it is reasonable to amend the text of the West Hants Land Use By-law to add "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone.

Approval Process

Staff Review

▼

Public Information Meeting

▼

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

▼

Regional Council First Reading

▼

Public Hearing held and adjourned to
next meeting of Council

▼

Council completes Public Hearing and

holds Second Reading

▼

Ministerial Approval or Appeal Period

▼

Notice of Approval in Local Paper

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

- recommend that Council hold First Reading and authorize a Public Hearing to approve the WHLUB amendment 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	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	West Hants Zoning Map Extract - Two Unit Residential (R-2) Zone
Figure 4	West Hants Zoning Map Extract - Two Unit Residential (R-2) Zone within the Three Mile Plains Growth Centre
Attachment A	Draft Amendments to the West Hants Land Use By-law
Attachment B	General Criteria for Amendment

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1
West Hants GFLUM Extract

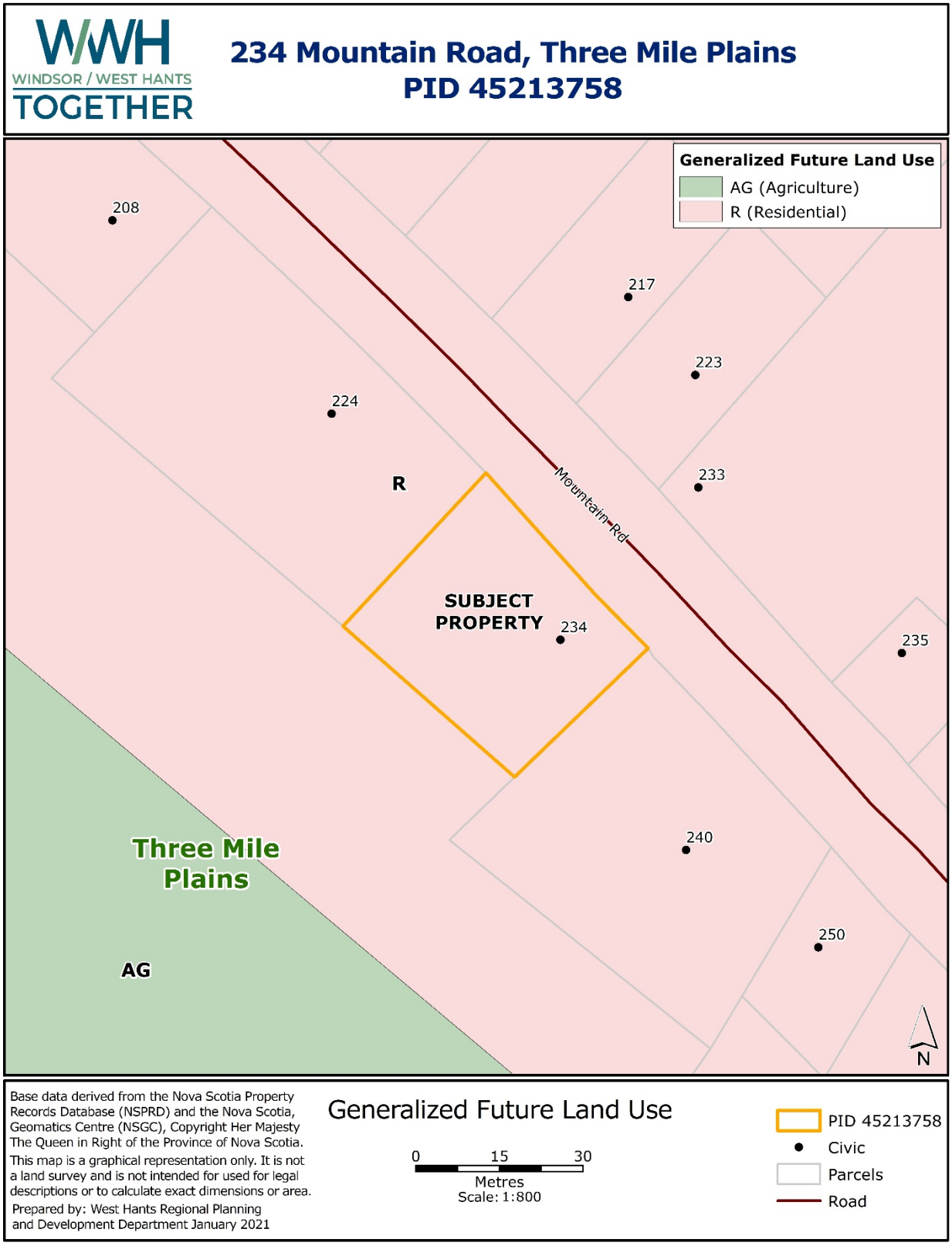


Figure 2
West Hants Zoning Map Extract

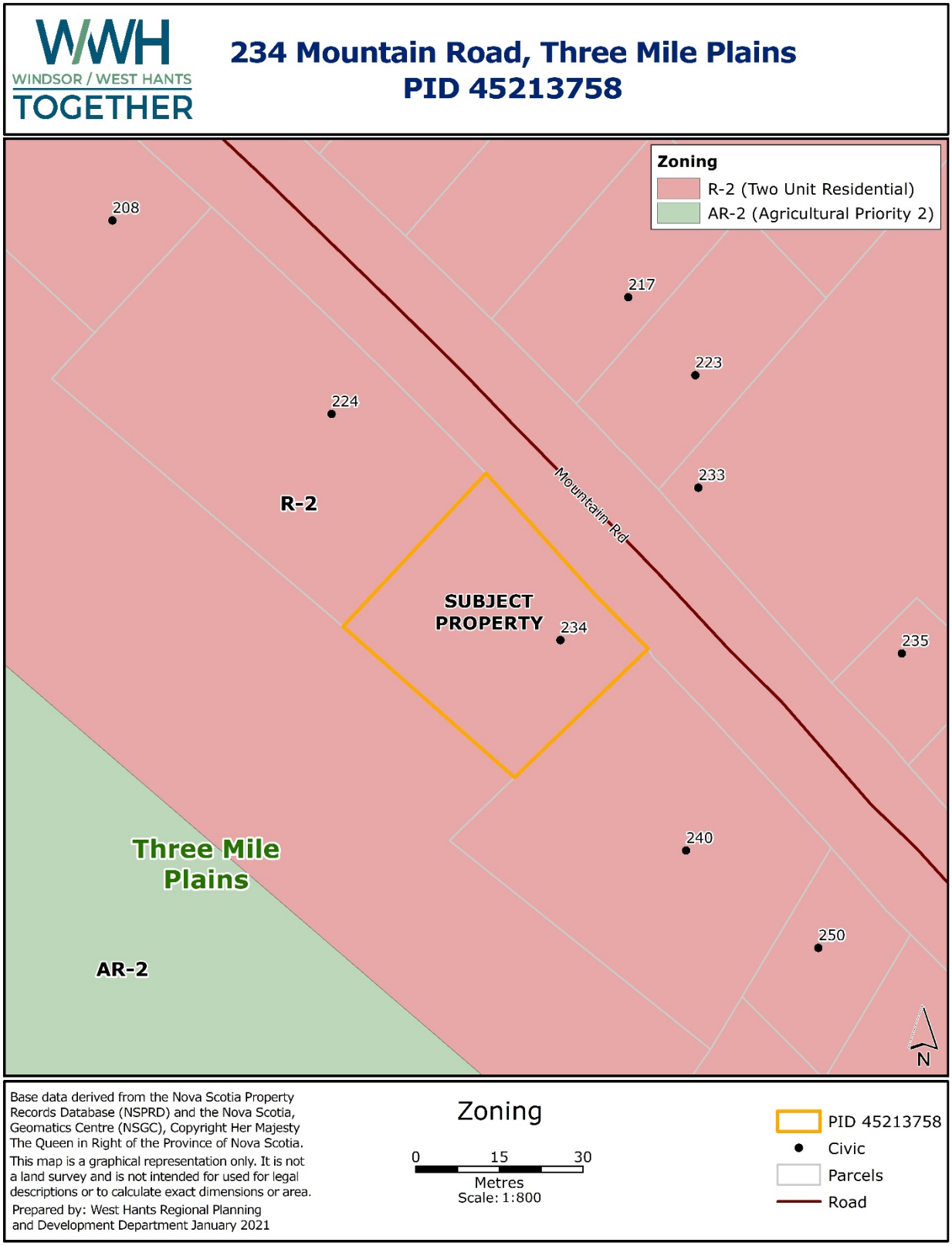


Figure 3
West Hants Zoning Map Extract
Two Unit Residential (R-2) Zone

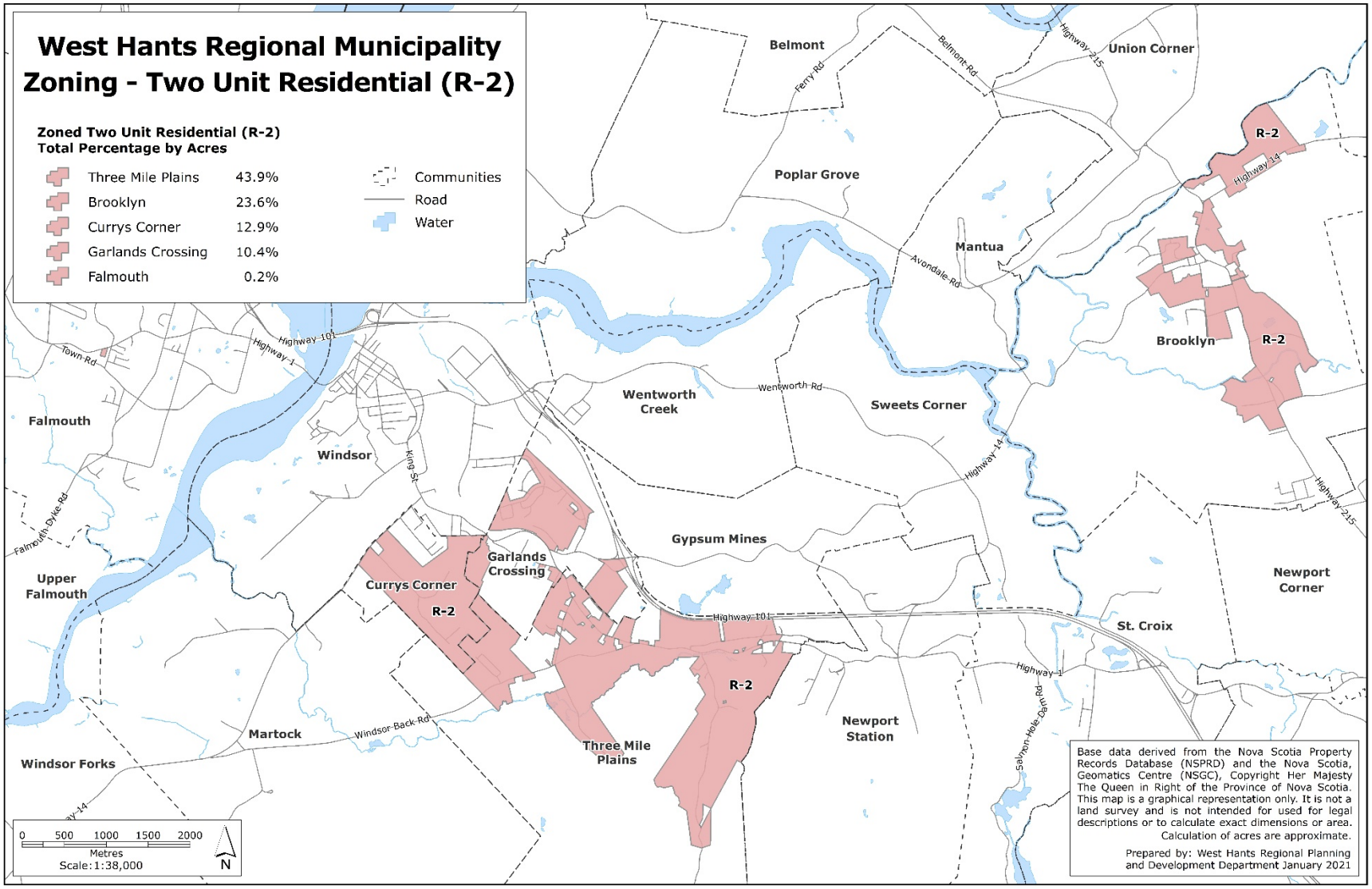
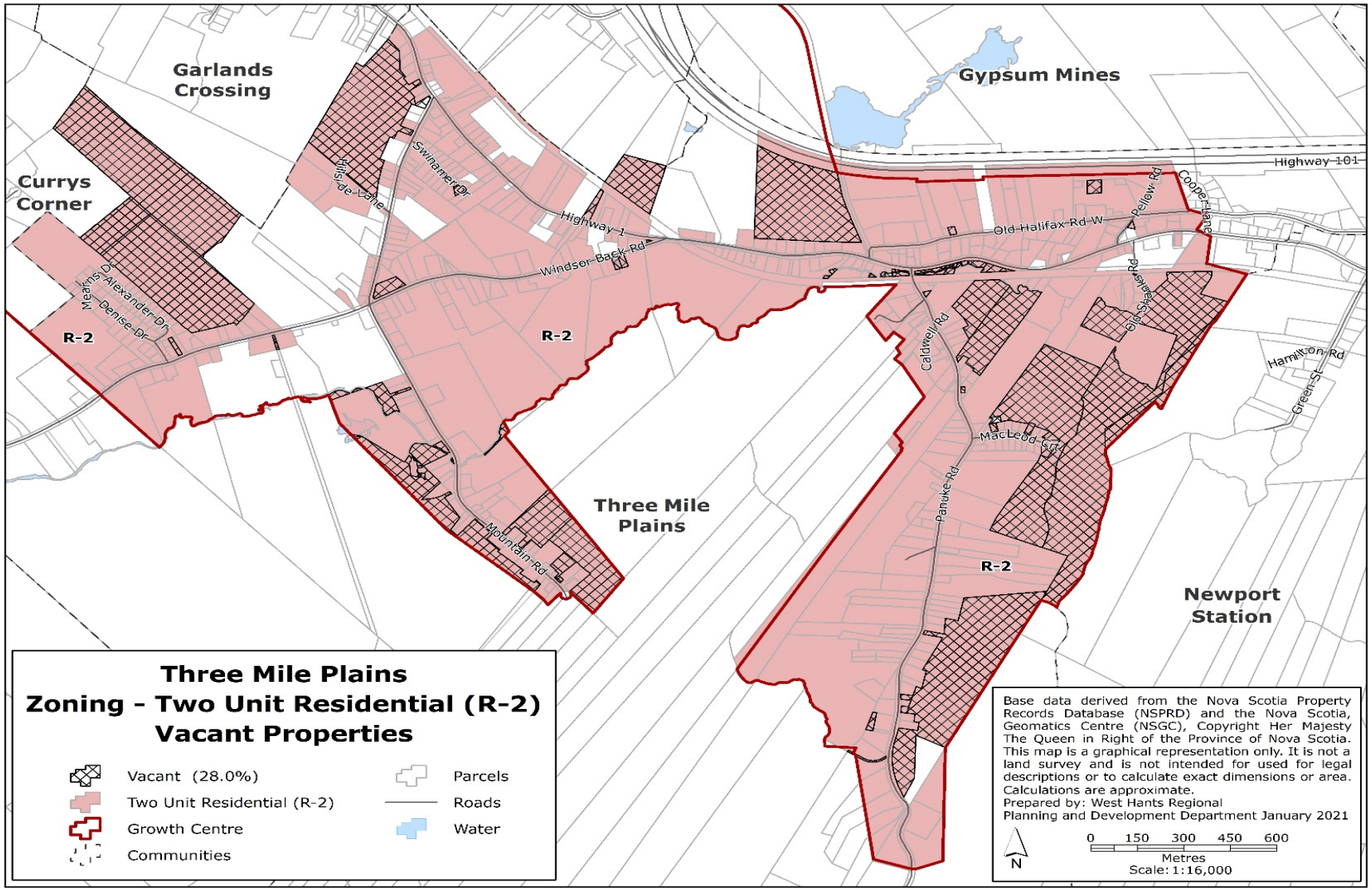


Figure 4
West Hants Zoning Map Extract
Two Unit Residential (R-2) within the Three Mile Plains Growth Centre



Attachment A
Draft Amendments to the West Hants Land Use By-law

A text amendment to the list of permitted uses in the Two Unit Residential (R-2) Zone in the West Hants Land Use By-law to permit mobile homes in the Three Mile Plains Growth Centre.

In Part 9.0 of the West Hants Land Use By-law, *Two Unit Residential (R-2)*:

1. **Amend Part 9.1 *Permitted Uses* to include mobile homes in the Three Mile Plains Growth Centre to the list of permitted uses by adding "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses; and**
2. **Amend the lot specification chart in Part 9.2 to require the same lot specifications for mobile homes as mini homes by adding "Mobile homes", so that it reads as follows:**

9.0 TWO UNIT RESIDENTIAL (R-2)

Permitted Uses

9.1 The following uses shall be permitted in the Two Unit Residential (R-2) zone:

- Two-unit dwellings
- Mini homes
- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Mobile homes in the Three Mile Plains Growth Centre

9.2 In the R-2 zone, no development permit shall be issued except in conformity with the following:

	Mobile homes and Mini homes		**Two-unit dwellings**	
	with municipal services	**with on-site services**	**with municipal services**	**with on-site services**
Minimum lot area	6,000 ft^2 (557.40 m^2); 7,000 ft^2 (650.30 m^2) for corner lots	29,000 ft^2 (2,694.10 m^2)	3,500 ft^2 (325.15 m^2)/unit	29,000 ft^2 (2,694.10 m^2)/unit
Minimum lot frontage	50 ft (15.24 m)	100 ft (30.48 m)	30 ft (9.14 m) / unit	100 ft (30.48 m) / unit
Minimum front yard	15 ft (7.62 m)			

Minimum rear yard		25 ft (7.62 m)
Minimum side yard	**one side**	6 ft (1.83 m)
	other side	6 ft (3.05 m)
Max. height of main building		35 ft (10.67 m)

(Amendment GC2LUB 17-01 Effective March 7, 2018)

Subdivision of Semi-detached Units

9.3 Semi-detached dwelling units located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provisions of the West Hants Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

Attachment B
General Criteria for Amendment

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 has stated that adding mobile homes in the Three Mile Plains Growth Centre to the list of permitted uses in the Two Unit Residential (R-2) zone would have no negative impact related to the adequacy of municipal services in these serviced areas. They also noted that some of the areas shown on the map (Figure 3) may not have access to municipal water / wastewater services.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	In response to an inquiry, the local Fire Chief stated "I do not have any fire resource or hazard concerns with these structures being permitted in the county. There are many of these that are older models and we do definitely adjust our approach to them, but none that would refuse them being allowed in bylaws." The Manager of Building and Fire Inspection Services stated that "under the Building & Fire Codes, there is no difference between Mini Homes & Mobile Homes. Mobile Homes are just an older style factory built home". They have no issues with this change with regard to fire safety.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Area Manager for the Department of Transportation and Infrastructure Renewal stated that "the Department does not anticipate an impact to the adequacy of the Provincial road network with the proposed changes to the West Hants Land Use By-law." The Manager of Public Works Operations stated they would not anticiapte any

	impact or have any concerns related to transportation of the mobile homes on the West Hants Regional Municipality road network by permitting mobile homes in the Two Unit Residential (R-2) zone of the West Hants Land Use By-law.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	There are no anticipated costs to the Municipality related to this development agreement amendment.
(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;	The Director of Public Works noted that some areas on the map (Figure 3) may not have access to municipal water / wastewater services. This would be assessed as permits are requested for specific properties.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Area Manager for the Department of Transportation and Infrastructure Renewal stated that "the Department has no transportation concerns with respect to permitting mobile homes in the Two Unit Residential (R-2) zone." The Manager of Public Works Operations stated they would not anticiapte any impact or have any concerns related to transportation of the mobile homes on the West Hants Regional Municipality road network by permitting mobile homes in the Two Unit Residential (R-2) zone of the West Hants Land Use By-law. There are no anticipated impacts to rail or pedestrian traffic by permitting mobile homes in the Three Mile Plains Growth Centre.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	The dimensions and shape of the lot for a mobile home would have to meet the Two Unit Residential (R-2) zone requirements. This would be assessed as permits are requested for specific properties.
(e) the pattern of development which the proposal might create;	One of the Development Officer stated that they do not have any issues or concerns allowing mobile homes in the Two Unit Residential (R-2) zone as they may provide a more affordable housing option for residents. However, they did note that mobile homes are encouraged in Mobile Home Parks by Development Agreement and are not encouraged in

	Falmouth and Brooklyn as per policy based on public input. They stated that if mobile homes were permitted in Falmouth and Brooklyn the general public may be opposed. The proposed amendments to the documents would only allow mobile homes on properties zoned Two Unit Residential (R-2) in the Three Mile Plains Growth Centre. The other Development Officer added that "Mobile homes provide an affordable housing option. Mobile homes are sometimes a first step in an effort to find affordable housing and quite often leads to a future investment in a mini home, single unit dwelling, etc. Although they may not be appropriate in all R2 zones, I do not have a problem in permitting them in the R2 zones in the Three Mile Plains Growth Centre as the area is already the location for many mobile homes. As the availability of mobile homes due to decreasing production over time will become a factor and with the increase in popularity of mini homes, it can be expected the number of mobile homes will greatly be reduced. Allowing mobile homes in the R2 zones of the Three Mile Plains Growth Centre I don't believe would create a pattern of development negatively affecting other areas."
(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;	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 would have to be assessed as permits are requested for specific properties. The lot for a mobile home would have to meet the Two Unit Residential (R-2) zone requirements. This would be assessed as permits are requested for specific properties.
(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	All Municipal, Provincial and Federal regulations will have to be met.

(h) any other matter required by relevant policies of this Strategy.	All other matters have been addressed elsewhere in this report.

WEST HANTS REGIONAL MUNICIPALITY
Mayor's Report

To:	**West Hants Regional Municipality Council**
Submitted by:	**Mayor Zebian**
Date:	**May 25, 2021**

The last month has been busy.

VREN - The Valley Regional Enterprise Network (VREN) Task force is meeting regularly discussing business supports and updates on the work the Valley REN has been doing to assist our business sector. The board and I have also been discussing the proposed meeting with Council that will happen soon. The VREN board is very eager to showcase the work they have been doing in the region for West Hants Council and I've been very impressed lately with them.

Consolidation - I have been discussing our consolidation process and working with over a dozen Municipal units over the last 2 months. Our leadership on this file has garnered national attention and will serve as a template for all units going forward.

Branding - The branding team is nearing completion of the new brand for the Regional Municipality. I am very impressed to this point with our team and the detailed debates that happen during our meetings. The end product, once launched, will blow your socks off! I can't wait!

Volunteers - I've taken on the initiative to reach out to our volunteers and thank them for all they do in our communities. It's so hard to find time between family life, work, responsibilities, and day to day activities to be able to volunteer but some people just cannot be stopped! God bless you all and a HUGE THANK YOU for all you do!

COVID Testing - I've had many COVID related questions lately about COVID testing sites and vaccine roll outs. I would like to make a formal motion after this report to request that a COVID testing site be set up in West Hants.

Public Engagement - Also, I have been receiving a lot of questions about the numerous DA's we have on the go currently. I am also impressed with the increasing level of engagement from out residents compared to just 5 years ago. Council's strategy on increasing public engagement, going out into the community, councillors engaging

people, and access to friendly staff has really had a positive effect. Keep it up everyone!

Avon Causeway/Lake Pisiquid - There has also been a very healthy engagement with our residents on the causeway file. I know it can be overwhelming to Council to receive such large amounts of correspondence but always remember it's healthy and important for us to hear opinions and thoughts. It keeps us grounded and in touch with the residents we serve. I just want to thank everyone who does reach out. We absolutely enjoy hearing from you. Respectful dialogue is the key, regardless of differing opinion. I would like to clarify to all who are watching this meeting now and have been misinformed on the motion put forward. As the creator of the motion, I know the full intent of the motion and I believe it was clear. Firstly, the motion read "on behalf of the impacted residents…". My intention was the residents bordering the freshwater reservoir/lake whose concerns have not been addressed under the Ministerial Order issued in March of 2021. The motion was not speaking on behalf of all residents. As I have stated to those who reached out personally to understand the topic factually, the Ministerial Order issued by Minister Jordan addressed only fish passage while ignoring the effects on other members of our community. After sitting back, patiently, and quietly, for many months and hoping to have correspondence from DFO to those who have concerns I took the leadership step to request on their behalf in the hopes to get a response. Yes, I agree, it was drastic, and I did submit it a day and a half before the council meeting, but it was necessary, in my opinion, and supported by Council. I believe it was that strongly worded motion that got Council its requested meeting. I have no regrets. And, we also have an update on a future meeting of the CLC. I look forward to the update and ask the community to practise calm and patience. It is time the bickering ends. We are better than this.

There has been a lot of questioning who I represent as Mayor and the correspondence that we have received speaks volumes about the misinformation being spread on council's motion. I will reiterate once more; the motion spoke on behalf of the "impacted residents" with my intention of meaning the residents bordering Pisiquid Lake and down stream. While all of our residents are impacted, this was the intent of the motion for those not being heard.

Meeting Procedures - There was also insinuation of improper meeting procedures. Under Roberts Rules, the Chair may make a motion to be considered by Council. I've practised this rule previously with making motions that Council has approved. There was also insinuation of an improper special meeting being called. I had given more than 24 hours notice, as I stated my intentions in the report to Council and it is under my jurisdiction to call an urgent meeting of council if I deem it necessary. With the unanimous support of Council, the meeting was approved. I will stress to all our residents the importance of reaching out to the proper authorities for factual, correct information before proceeding to inform an opinion.

Councillor Richard Murphy Resignation - I would like to express a very huge thank you to Councillor Richard Murphy for the time he gave serving the residents of District 9. Richard was a very well informed, level-headed Councillor who always came prepared and was ready to engage in proper, respectful debate. You will be missed greatly, and we wish you all the success in your future endeavours and some well-deserved private time with your family. Thank you Richard.

Mayor Zebian

Suggested motion re. COVID testing site

…that Council send a letter to NS Department of Health and Wellness, Minister Zach Churchill, requesting that a COVID-19 testing site be set up in the West Hants Regional Municipality, and that MLA Chuck Porter, and Dept. of Municipal Affairs and Housing Minister, Brendan Maquire be copied on the letter.

WINDSOR / WEST HANTS TOGETHER

Committee of the Whole Excerpts
May 11, 2021

65 Fort Edward – Surplus Lands

The former Windsor Outdoor Pool site has not been used for municipal purposes since its operations closed in 2006. The new Hants Aquatic Centre opened in 2007 accommodating aquatic activities for the former Town and Municipality. The lower parking area has been used for municipal parking since that time until present day.

Appraisals were conducted in 2019 and market values are higher now; however, the realtors currently being used would advise of the market value.

Should staff relocate to 100 King Street, the parking area could be unlisted if need be. There is potentially other parking opportunities up by Fort Edward as well (at the Armouries).

The recommended motion was…

> **…THAT PID #S 45059797 AND 45059805 FORMERLY KNOWN AS THE WINDSOR OUTDOOR POOL SITE, 65 FORT EDWARD STREET, WINDSOR, NS, BE DEEMED AS SURPLUS PROPERTY AND THAT THE PROPERTIES 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: May 11, 2021

Subject: Former Windsor Outdoor Pool Site – Surplus Lands

LEGISLATIVE AUTHORITY

Municipal Government Act, Chapter 18 of the Acts of 1998
Allows for sale of land at market value when property is 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 PIDs 45059797 and 45059805 formerly known as the Windsor Outdoor Pool site, 65 Fort Edward Street, Windsor, NS, be deemed as surplus property and that the properties be listed for sale at market value.

BACKGROUND

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

The former Windsor Outdoor Pool site has not been used for municipal purposes since it's operations closed in 2006. The new Hants Aquatic Centre opened in 2007 accommodating aquatic activities for the former Town and Municipality. The lower parking area has been used for municipal parking since that time until present day.

In the years 2010 and 2013 the Town pursued development opportunities with a developer which did not translate into a sale of the lands or a development.

In the fall of 2018, an exercise was undertaken by the former Town to explore a project in association with the 100th Anniversary of the Jewish Legion and its' historic connectivity to the Fort Edward Site. This project was not pursued by the Town. Parks Canada has further confirmed they do not have a desire to explore the project or development of the site in relation to Parks Canada.

Prior to consolidation in the fall of 2019 the former Town finished its' remediation of the site and removed all remaining structures including concrete and hard surfaces. All wood and steel were disposed of. The concrete was broken into 6-12" pieces, voids were filled with 6-12" rock and top dressed with type 1 gravel. The sites today would appear as gravel parking lots with areas that are grassed or in a natural state.

Property Information

Details regarding the two noted properties:

#1 PID 45059797 (upper pool site)

Square Area:	28,600 Sq.Ft.
Assessed Value:	$121,000
Zoning:	Open Space (OS) designated Community Use (CU)

#2 PID 45059805 (lower parking lot area)

Square Area:	16,800 Sq.Ft.
Assessed Value:	$47,500
Zoning:	Two Unit Residential (R2) designated Residential (R)

2019 Appraisals

#1 PID 45059797 (upper pool site)

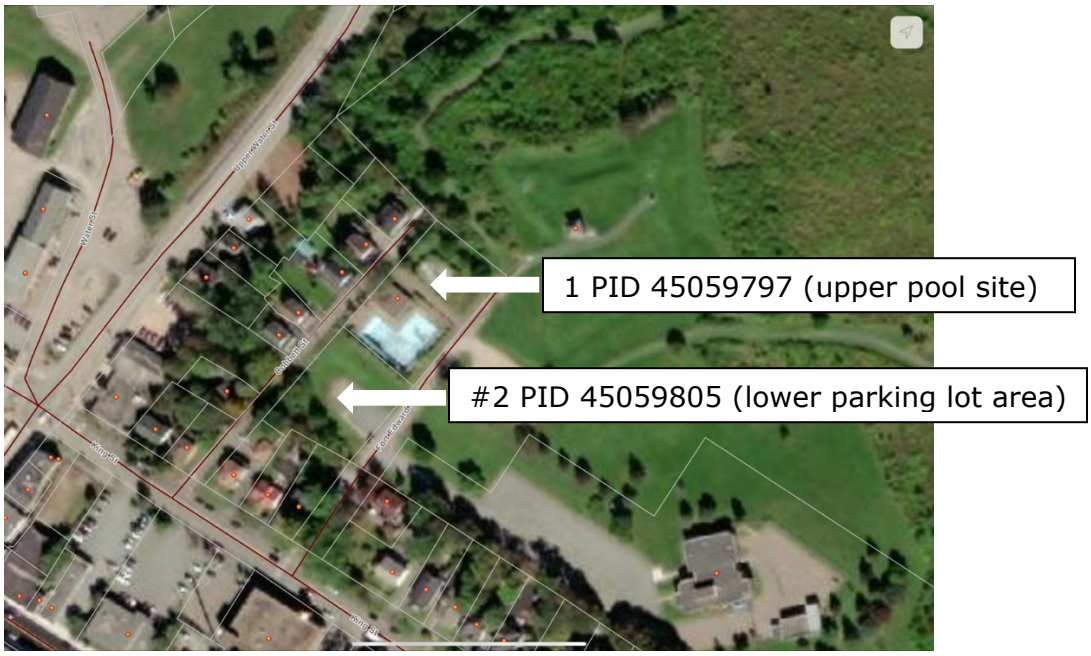
Square Area:	28,600 Sq.Ft.	
Appraised Value:	"as is"	$43,000
	"improved" (current conditions)	**$191,000**

#2 PID 45059805 (lower parking lot area)

Square Area:	16,800 Sq.Ft.	
Appraised Value:		**$112,000**

Independent appraisals were carried out for both properties in 2019. Both have been provided for Council's reference. As noted above the upper pool site was assigned two values, "as is" and "improved". The site has been improved due to the demolition and restoration of the site and the values listed should be used pending rezoning.

An additional appraisal from 2010 is attached to the report for reference. The noted values were established presuming the sites would be remediated and that the lands would be ready for R4 development. The report concluded the estimated final value to be $192,950 R4 for a combined 45,400 Sq.Ft. and reflect the values of the day (2010).



DISCUSSION

As the Regional Municipality moves forward it must evaluate the use of municipal properties and buildings to ensure the highest level of efficiencies are achieved in relation to costs and revenue generation. The properties are surplus and not used for municipal purposes, with the exception, of the lower parcel which currently accommodates municipal parking. Alternative parking for the municipality is being discussed with neighboring federal lands should municipal operations be consolidated at the 100 King Street location. Alternatively, the municipality reserves the right to retain one, both or part of the properties later should we decide they are of value to operations by taking the property(s) off the market.

In addition to the comments noted above, it is felt that the property(s) can help to serve as an economic stimulus to the core business area with what is assumed at this time as potential resident development. Housing needs are high, and it is hoped that positioning these parcels on the market will help to respond to those demands within our community.

NEXT STEPS

Pending Council approval of the recommendation.

1. Municipal staff inventory all documentation associated with the properties.
2. Survey the properties.
3. Geotechnical assessment being carried out - $11,200.
4. Consider a rezoning request to facilitate its best future use.
5. Assign a Commercial Realtor.

FINANCIAL IMPLICATIONS

- Geotechnical costs $11,200 plus HST.

ALTERNATIVES

1. Council may elect to retain the property or part of the properties for Municipal purposes.
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 non-profit or charitable organization.
4. Council may elect to donate the property to a non-profit or charitable organization.

ATTACHMENTS

1. 36 Fort Edward Street Appraisal – May 28, 2019
2. 65 Fort Edward Street Appraisal – May 28, 2019
3. Appraisal of 65 and PID 45059805 Fort Edward Street Windsor, NS – September 16, 2010. Provided by: Jacklyn Parker Appraisals Limited.

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

COMPLETE SUMMARY APPRAISAL
ON THE SUBJECT PROPERTY
VACANT LAND LOCATED AT
36 FORT EDWARD STREET, WINDSOR,
HANTS COUNTY, NOVA SCOTIA

Carmquin Property Appraisals Ltd.
30 Peter Street
New Minas, NS
B4N 3C4

Submitted to: Town of Windsor
Submitted by: Carmel O'Quinn, AACI, P.App
Accredited Appraiser
NSREAA - Registration #243730

Carmquin
Property
Appraisals Ltd.

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Carmel O'Quinn, AACI, P.App
Accredited Appraiser
NSREAA - Registration # 243730

Tuesday, May 28, 2019

Town of Windsor
100 King Street
Windsor, NS B0N 2T0

Attn: Mr. Louis Coutinho, Chief Administrative Officer

RE: Complete Summary Appraisal Report on the Subject Vacant Land, PID # 45059805, Located at 36 Fort Edward Street, Windsor, Hants County, Nova Scotia

Dear Mr. Coutinho:

In accordance with your request, the Appraiser has carried out an inspection and completed an appraisal for the purpose of estimating the fair Market Value of the above referenced property for possible sale purposes.

Market Value is as defined on Page IX of this report and in the attached Contingent and Limiting Conditions.

This appraisal is being completed for the purpose of expressing our opinion of the Market Value of the freehold interest in the subject property, VACANT land only, located at 36 Fort Edward Street, Windsor, as of the effective date, April 25, 2019.

The subject site is located on the north side of Fort Edward Street and the south side of Corbett Street in the Town of Windsor and is in close proximity to downtown commercial area. The site is basically rectangular shaped and level at Fort Edward Street and slopes slightly upward from Corbett Street and has an area of approximately 16,800 square foot.

At the date of the inspection the site was covered with gravel and natural vegetation. The site area has been obtained from the GIS Land Registry and is approximate and subject to legal verification.

Tuesday, May 28, 2019

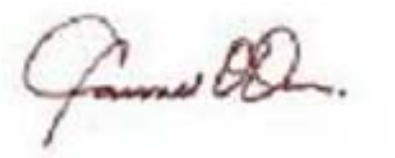
Town of Windsor
Attn: Mr. Louis Coutinho, Chief Administrative Officer

As a result of the investigation and analysis, it is the Appraiser's opinion that the Market Value of the subject property, land only, subject to there being no contamination of any kind to the site, to legal verification of the site and to the Contingent and Limiting Conditions listed in this Report, as of the effective date, April 25, 2019 is as follows:

$ 112,000.00
ONE HUNDRED AND TWELVE THOUSAND DOLLARS

We trust that the enclosed Report is satisfactory and should you require any further clarification or additional information, please contact the undersigned.

Respectfully submitted,



Carmel O'Quinn, AACI, P.App
Accredited Appraiser
NSREEA Registration # 243730

PHOTOGRAPHS OF SUBJECT PROPERTY



VIEW OF SUBJECT SITE LOOKING TOWARD CORBETT STREET



VIEW OF SUBJECT SITE LOOKING TOWARD FORT EDWARD STREET

PHOTOGRAPHS OF SUBJECT PROPERTY



STREET VIEW LOOKING EAST ON FORT EDWARD STREET

CARMQUIN PROPERTY APPRAISALS LTD.
CONTINGENT AND LIMITING CONDITIONS
(To be attached to all Appraisal Reports)
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1. *This Report is prepared at the request of Mr. Louis Coutinho, Chief Administrative Officer with the Town of Windsor, Nova Scotia for the purpose of an Appraisal as of April 25, 2019 to assist in estimating the Market Value of the subject Vacant Parcel of Land, for possible sale purposes. It is not reasonable for any person, other than the Town of Windsor, to rely upon this Appraisal without first obtaining written authorization from the client and this Appraiser. There may be qualifications, assumptions or Limiting Conditions in addition to those set out below relevant to that persons' identity or their intended use.*

   The Report is prepared on the assumption that no other person will rely on it for any other purpose and that all liability to all such persons is denied.

2. *While expert in appraisal matters, the Author is not qualified and does not purport to give legal advice. It is assumed that:*

   a) *The site information as obtained from the GIS Land Registry is accurate and is subject to legal verification;*
   b) *title to the property is good and marketable;*
   c) *there are no encroachments, encumbrances, restrictions, leases or covenants that would in any way affect the valuation, except as expressly noted herein;*
   d) *the existing use is a legally conforming use which may be continued by any purchaser from the existing owner;*
   e) *rights of way, easements or encroachments over other real property and leases or other covenants noted herein are legally enforceable;*
   f) *the final estimate of value of the subject site is subject to there being no contamination of any kind to the site and to legal verification of the site area and measurements.*

   Because these assumptions have been made, no investigation, legal or otherwise, has been undertaken which would verify these assumptions except as expressly noted herein.

3. *The Author is not a qualified surveyor. Sketches, drawings, diagrams, photographs, etc., are presented in this Report for the limited purpose of illustration and are not to be relied upon in themselves.*

Carmquin Property Appraisals Ltd.
Contingent of Limiting Conditions (cont'd)

4. *The Author is not qualified to give engineering advice. It is assumed that there are no patent or latent defects in the subject improvement, that no objectionable materials such as Urea Formaldehyde Foam are present and that it is structurally sound in need of no immediate repairs, unless expressly noted within this Report. No soil tests have been done, nor have tests been done of the heating, plumbing, electrical, elevator, or other systems and for the purpose of this Report, they are assumed to be in good working order.*

5. *No investigation has been undertaken with the local zoning office, the fire department, the building inspector, the health department or any other government regulatory agency unless such investigations are expressly represented to have been made in this Report. The subject property must comply with such government regulations and if it does not comply, non-compliance may affect the Market Value. To be certain of compliance, further investigations may be necessary.*

6. *Neither possession of this Report nor a copy of it carries with it the right of publication. All copyright is reserved to the Author and is considered confidential by the Author and their client. It shall not be disclosed, quoted from or referred to, in whole or in part, or published in any manner, without the express written consent of the Appraiser. This is subject only to confidential review by the APPRAISAL INSTITUTE OF CANADA as provided in the Code of Ethics, Standards of Professional Conduct and Standards of Professional Practice of the Appraisal Institute of Canada.*

7. *Market data has been obtained, in part, from documents at the land registry office, or as reported by the Real Estate Board. As well as using such documented and generally reliable evidence of market transactions, it was also necessary to rely on hearsay evidence. Except as noted herein, a reasonable attempt has been made to verify all such information.*

8. *Because market conditions, including economic, social and political factors, change rapidly and, on occasion, without warning, the Market Value expressed as of the date of the Appraisal cannot be relied upon to estimate the Market Value as of any other date except with further advice of the Appraiser.*

Carmquin Property Appraisals Ltd.
Contingent of Limiting Conditions (cont'd)

9. *The compensation for services rendered in this Report does not include a fee for court preparation or court appearance, which must be negotiated separately. However, neither this nor any other of these Limiting Conditions is an attempt to limit the use that might be made of this Report should it properly become evidence in a judicial proceeding. In such a case, it is acknowledged that it is the judicial body which will decide the use of the Report which best services the administration of justice.*

10. *It is assumed that there is no contamination to the subject site. While no evidence of contamination was noted, should any contaminants exist, the final estimate of value contained in this Report may not reflect the actual value of the property.*

11. *It is imperative that the reader or any other interested party be aware that the Appraiser did not inspect the premises for fire detection or smoke detection systems, or for the presence of Carbon Monoxide Detectors, nor did the Appraiser inspect the condition of such equipment, if present. The Appraiser takes no responsibility whatsoever for the lack of, or condition of, detection devices that may be located on the premises, nor does the Appraiser warrant compliance in any manner of such equipment, if present.*

12. *The Appraiser is not qualified to comment on environmental issues that may affect the market value of the property appraised, including but not limited to pollution or contamination of land, buildings, water, groundwater or air. Unless expressly stated, the property is assumed to be free and clear of pollutants and contaminants, including, but not limited to moulds or mildews or the conditions that might give rise to other, and in compliance with all regulatory environmental requirements, government or otherwise and free of any environmental conditions, past, present or future, that might affect the market value of the property appraised. If the party relying on this report requires information about environmental issues, than that party is cautioned to retain an expert qualified in such issues. We expressly deny any legal liability relating to the effect of environmental issues on the market value of the property appraised.*

Carmquin Property Appraisals Ltd.
Contingent of Limiting Conditions (cont'd)

13. DEFINITION OF MARKET VALUE: 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 under conditions whereby:

a) Buyer and seller are typically motivated;

b) both parties are well informed or well advised and acting in what they consider their own best interest;

c) a reasonable time is allowed for exposure in the open market;

d) payment is made in terms of cash in Canadian dollars or in terms of comparable financial arrangements comparable thereto; and

e) 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.

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PART I - PREFACE

SUMMARY OF SALIENT FACTS AND IMPORTANT CONCLUSIONS

ADDRESS:	*36 Fort Edward Street, Windsor, Hants County, Nova Scotia.*
TYPE:	*Vacant Parcel of Land. PID # 45059805*
SITE AREA:	*16,800 square feet*
ASSESSED OWNERS:	*Town of Windsor*
ZONING:	*R2- Two Unit Residential*
HIGHEST AND BEST USE:	*Development in conjunction with the present zoning for R2- Two Unit Residential Zone*
ASSESSED VALUE:	*$ 36,700.00 - 2019 Account # 04657101*
TAXES:	*Tax Exempt*
EFFECTIVE DATE OF APPRAISAL:	*April 25. 2019*
DATE OF INSPECTION:	*April 25, 2019*
FINAL ESTIMATE OF VALUE:	*$ 112,000.00 (land only)*

TERMS OF REFERENCE

SCOPE OF THE APPRAISAL

The scope of the Appraisal encompasses the necessary research and analysis to prepare a Report in accordance with the intended use, the Canadian Standards of Professional Practice of the Appraisal Institute of Canada and the Canadian Uniform Standards of Professional Practices of the Appraisal Foundation. In regard to the subject property, this involves the following steps:

1. *The subject site was inspected by the Appraiser on April 25, 2019 during working hours and photographs were taken at that time. Information concerning the property was obtained from the client.*

2. *Regional and neighbourhood data were based on information available on the Province and Communities in the Appraisal Library of Carmquin Property Appraisals Ltd. This information was originally obtained from the Town of Windsor, Municipality of the County of Hants and from other sources. The zoning, assessment and services for the subject were obtained from the Town Planning Department, office Zoning Maps and Regulations Library and from the applicable government and municipal departments.*

3. *The data concerning the area of the subject site was obtained from the GIS Land Registry and is subject to legal verification.*

4. *In estimating the Highest and Best Use for the subject property, an analysis was made of data compiled in the three steps noted above. In addition, a market analysis was completed of similar type land to help determine the best used of the property. The zoning for the subject site is R2- Two Unit Residential and the property is located in an area of Windsor which is developed with the Fort Edward Park and single family and multi unit residential dwellings.*

5. *In developing the approach to value, the market data utilized was taken from the data collected in the office files of Carmquin Property Appraisals Ltd., and from other appraisers, realtors, property managers or other persons familiar with the subject market.*

6. *After assembling and analyzing the data defined in this Scope of the Appraisal, a final estimate of Market Value was made.*

TERMS OF REFERENCE (cont'd)

PURPOSE OF THE APPRAISAL

The purpose of this Appraisal is to provide the client with an estimate of the Market Value of the subject vacant land located at 36 Fort Edward Street, Hants County, Nova Scotia, as at the effective date, April 25, 2019.

FUNCTION OF THE APPRAISAL

The function of the Appraisal is to provide the client with an estimate of the Market Value of the subject vacant land located at 36 Fort Edward Street, Hants County, Nova Scotia, as at the effective date, April 25, 2019 for possible sale purposes.

PROPERTY RIGHTS APPRAISED

The property rights being appraised are those of Fee Simple Interest, which is free and clear of all encumbrances, charges or restrictions other than those mentioned in this Report.

DEFINITION OF MARKET VALUE

Market Value is defined 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 under conditions whereby:

1. *buyer and seller are typically motivated;*
2. *both parties are well informed or well advised and acting in what they consider their own best interest;*
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 comparable 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.*

TERMS OF REFERENCE (cont'd)

HISTORY OF THE SUBJECT PROPERTY

The subject land has been vacant for a few years and is owned by the Town of Windsor who is presently looking at selling the property. It is understood that the subject has not been listed on the market or privately over the years.

MORTGAGES, LIENS OR ENCUMBRANCES

The property is being appraised on the basis that there are no mortgages, liens or other encumbrances claimed against them.

EFFECTIVE DATE OF THE APPRAISAL

The subject property was inspected on April 25, 2019 and this is considered to be the effective date of the Appraisal.

EXPOSURE TIME

The value is estimated as if the subject property was to be exposed for sale on the open market in a manner typical for this class of property for at least six to twelve months prior to the effective date of the listing.

REGIONAL DATA

The subject property is located in the Town of Windsor, Hants County, Nova Scotia. The Province of Nova Scotia, located on the Eastern Atlantic Seaboard, is actually a peninsula connected to the remainder of Canada by 27 kilometres of land. The Island of Cape Breton is joined to mainland Nova Scotia by the Canso Causeway.

The Province has a total area of 54,400 square kilometres and according to information obtained from Statistics Canada 2006 Census, Nova Scotia has a population of 913,462 residents. The Province is divided into five geographical regions, with Halifax as the capital. One of these geographical regions, where the subject property is located, is the Annapolis Valley, which is world famous as a farming area. The climate is suited for the growing of all types of vegetables and produce, with apples being the speciality. (Refer to Schedule "A" - Area Map in the Addenda)

NEIGHBOURHOOD DATA

The subject site is located on the north side of Fort Albert Street and the south side of Corbett Street and in close proximity to the downtown commercial area in Windsor and close to all amenities. Over the past few years the town has expanded its commercial development onto Wentworth Road with an Atlantic Super Store, a second Tim Hortons, MacDonalds and a new Super 8 Motel. Windsor is the county seat for Hants County and has a population of approximately 3,700. The Town of Windsor has a Business Development Centre which was formed to assist residents of the area in establishing a library of relevant data related to the establishment of small businesses in the Windsor-West Hants area. The twinning of the 101 Highway to the Cities of Halifax and Dartmouth has made the town more attractive for new residents and businesses. There are two Industrial Parks in the town, The Town of Windsor Industrial Park and the Windsor-West Hants Industrial Park. Both parks are centrally located, easily accessible and provide serviced lots and mini-malls for new and existing buildings. Opportunities are available in various sections of the Town for further commercial development which lies in close proximity to downtown commercial area. (Refer to Schedule “B” - Neighbourhood Map in the Addenda)

SITE DESCRIPTION

The subject site, PID # 45059805, is located on the north side of Fort Edward Street and the south side of Corbett Street in the Town of Windsor. The site is basically rectangular shaped and level at street grade at Fort Edward Street and slopes upward slightly at the rear from Corbett Street. The site measurements were not available to the Appraiser and the site area of approximately 16,800 square feet has been obtained from the GIS Land Registry and is subject to legal verification. The site is gravelled over and has natural vegetation.

SUBJECT SITE



ASSESSMENT AND TAXES

From information obtained from the Town of Windsor, Assessment Department it is understood that the subject property is assessed on the 2019 Assessment Roll as at base date January 1, 2018 at account # 04657101 for $ 36,700.00.

From information obtained from the Town of Windsor, Tax Department it is understood that the subject site is owned by the town and is tax exempt.

SERVICES

From information obtained from the Town of Windsor, it is understood that the subject property is located in an area which is serviced with town water and sewer.

Other services provided to the site include paved roads, street lights, snow removal, garbage collection and police and fire protection.

ZONING

From information obtained from the Town of Windsor Planning Department, it is understood that the subject site is located in an area of the town which is zoned R2- Two Unit Residential, which permits the development of two unit dwellings. (Refer to Schedule "C" Zoning Map and Schedule "D" Zoning Regulations in the Addenda)

R2- TWO UNIT RESIDENTIAL

Permitted Uses

9.1 The following uses shall be permitted in the Two Unit Residential (R2)

- *Uses permitted in the R-1 Zone subject to the R-1 zone requirements.*
- *Converted dwellings to a maximum of two dwelling units*
- *Two Unit dwellings*

PART II - ANALYSIS AND CONCLUSIONS

HIGHEST AND BEST USE

Highest and Best Use, as defined by the Appraisal Institute of Canada, is "that use which is most likely to produce the greatest net return in monies or amenities over a given period of time". Net return may involve net income as from an investment property, or satisfaction and amenities as from a residential property.

Many factors and appraisal principals become a consideration in determining the Highest and Best Use of a property such as current zoning, physical characteristics, neighbourhood trends, present usage and profitability.

The concept of Highest and Best Use recognizes that land can change over a period of time and the optimum use of a site is determined by need or demand at any given period of time. Other factors of consideration in the analysis of Highest and Best Use are government regulations, supply and demand, productivity, contribution, competition and public opinion.

The subject approximate 16,800 square foot vacant site located on Fort Edward Street and on Corbett street at the rear. The site is located in an area of Windsor which is zoned R2- Two Unit Residential and the area is developed with residential dwellings and the Fort Edward Park and is in close proximity to the downtown commercial area.

Based on the information provided, and after giving consideration to all factors concerned, it is the Appraiser's opinion that the Highest and Best Use of the subject site is for development in conjunction with the present R2- zoning for duplex dwellings.

SITE VALUATION AND ANALYSIS

In estimating the value of a site, there are four basic methods of valuation depending upon the type and use of the site, as well as the available market evidence. These methods include:

1. *The Comparative Sales Method*
2. *The Abstraction Method*
3. *The Development Method*
4. *Land Residual Method*

The usual method of valuing undeveloped land, and the most used, is the Comparative Sales Method, which is the comparison with similarly zoned land in an area similar to the subject or in another comparable area, which has recently sold on the market. Information is also analysed from the past record of sales of similar sites and from land which is presently listed for sale on the Real Estate Market.

This Comparative Sales Approach is based on the idea that an informed purchaser would pay no more for a site than the cost of acquiring one of equal attractiveness and utility on the open market.

In estimating the value of the subject vacant parcel of land, the Appraiser has considered all relevant factors including:

1. *Size, location and zoning.*

2. *Supply and demand of vacant land.*

3. *Recent sales and asking prices of vacant land similar to the subject.*

4. *Other factors considered necessary.*

In analysing the Market Value of the subject site, an investigation was undertaken of the real estate market for recent sales of residential and other land in the subject and similar areas.

The following sales were acquired and analysed, and adjustments were applied to reflect the variations from the subject site. These sales are thought to give the greatest degree of comparability to the subject.

DIRECT COMPARISON APPROACH

In valuing a site by the Direct Comparison Approach, land values are obtained from land sales which have occurred in the subject or similar areas. Adjustments are applied to the comparables to reflect variations from the subject for site size, location, zoning, utility and topography.

LAND SALES

Item	Subject	Comparable 1	Comparable 2
Address	36 Fort Edward Street, Street, Windsor	54 Woodworth Road, Kentville	245-247 Victoria Street, Windsor
Vendor or Purchaser	PID # 45059805	PID # 55048698	PID # 45056690
Sale Price	N/A	$19,500.00	$40,000.00
Sale Date	N/A	05/03/2019	10/24/2018
Lot Size	16,800 sf	10,010 sf	6,000 sf
Sale Price per SF	N/A	$1.95	6.67
Zoning	R2- Two Unit Residential	Residential	R2- Two Unit Residential
Comments	The subject vacant site has an area of approximately 16,800 square feet and has road frontage on Fort Edward Street and Corbett Street in the Town of Windsor	Comp One is a lot in Kentville in a residential zoned area and in close proximity to the Valley Regional Hospital. Inferior in location and lot size.	Comp Two is a R2-zoned lot in Windsor area. Similar in location and zoning and inferior in lot size.

LAND SALES (cont'd)

Item	Comparable 3	Comparable 4	Comparable 5
Address	Unit # 3 Town Road, Falmouth	Lot 14 Woodman Road, Wolfville	7270 Highway # 1, Coldbrook
Vendor or Purchaser	PID # 45339116	PID # 55509608	Not available
Sale Price	$62,000.00	$127,000.00	$405,000.00
Sale Date	09/19/2018	09/11/2018	06/21/ 2016
Lot Size	16,592 sf	19,716 sf	265,298 sf
Sale Price per SF	$3.74	$6.44	$1.53
Zoning	Residential	Residential	C1- Highway Commercial
Comments	Comp Three is a residential lot in Falmouth which lies in close proximity to the west of Windsor. Inferior in location and similar in lot size.	Comp Four is a large lot in an executive subdivision in the Town of Wolfville in close proximity to the downtown area. Similar in location and utility and superior in lot size.	Comp Five is a large acreage site in Coldbrook zoned Commercial which was improved with a hotel. There was a fire in the hotel which burnt down and only a small one storey section of the building remained and is to be removed from the site. Inferior in location and superior in lot size and zoning.

THE COST APPROACH (cont'd)

SUMMARY

Of the land sales analyzed, those listed are the most recent and offer the best indication of value for the subject site. The value ranges of the five sales analyzed before adjustments range from $ 1.53 to $ 6.67 per square foot. Comparable Two is located in the subject area and is zoned r2- Two Unit Residential and is most comparable to the subject. The subject has road frontage on two streets and is also zoned r20 Two Unit Residential and can be developed with two unit dwellings. Adjustments were applied to the comparables to reflect the differences from the subject for site size, location, utility and zoning. It is the Appraiser's opinion that the price per square foot most applicable to the subject site is $ 6.67.

LAND VALUE: (rounded)

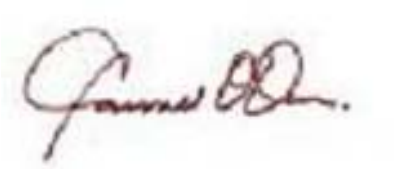
16,800 square feet X $ 6.67/sq.ft. = $ 112,000.00

RECONCILIATION AND FINAL ESTIMATE OF VALUE

The indicated value of the subject vacant site has been obtained from comparable vacant land sales in the subject and surrounding areas. Based on the data analysed in this Report, it is the Appraiser's opinion, subject to the Contingent and Limiting Conditions listed in this Report, to there being no contamination of any kind to the subject site, and to legal verification of the site area and measurements, that the final estimate of value as of the effective date, April 25, 2019 is:

$ 112,000.00
ONE HUNDRED AND TWELVE THOUSAND DOLLARS

Respectfully submitted



Carmel O'Quinn, AACI, P.App
Accredited Appraiser
NSREEA Registration # 243730

CERTIFICATE OF APPRAISER

The Appraiser hereby certifies:

1) *That I personally inspected the subject property of this Complete Summary Appraisal Report on April 25, 2019 and that I have investigated and considered all factors affecting its value.*

2) *That I have no past, present or contemplated interest in the property that is the subject of this Report and that I have no personal interest or bias with respect to the parties involved.*

3) *That to the best of my knowledge and belief, all of the information reported in this Report is true and factual data has been verified where possible.*

4) *That this Complete Summary Appraisal Report has been made and the Report rendered in conformance with the Code of Ethics and the Canadian Uniform Standards of Professional Appraisal Practices of the Appraisal Institute of Canada.*

5) *That this Report is subject only to the Contingent and Limiting Conditions, whether such conditions are imposed by the terms of this assignment or by the Appraiser.*

6) *That neither the terms of employment nor the compensation from rendering my opinion in this Report are contingent upon value found, nor anything else than the delivery of this Report.*

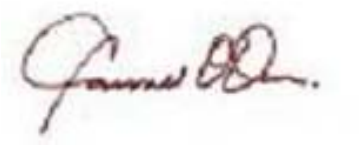
7) *No one provided professional assistance to the person signing this Report.*

8) *The Appraiser has fulfilled the requirements of the Appraisal Institute of Canada Continuing Professional Development program for designated members and is recertified.*

CERTIFICATE OF APPRAISER (cont'd)

9) That the Final Estimate of Value of the subject vacant land, as defined elsewhere in this Report, as of the effective date, April 25, 2019, subject to there being no contamination of any kind to site, to verification of the site area and to the Contingent and Limiting Conditions listed in this Report, is $ 112,000.00

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Carmel O'Quinn, AACI, P.App
Accredited Appraiser
NSREEA Registration # 243730

QUALIFICATIONS OF CARMEL O'QUINN, AACI, P.App

BACKGROUND

Born in Grand Falls, Newfoundland and educated at Windsor, Grand Falls and St. John's, Newfoundland.

EDUCATION AND PROFESSIONAL BACKGROUND

College of Trades and Technology, St. John's, Newfoundland, Diploma in Appraisal/Assessment Technology.

Memorial University of Newfoundland, St. John's, Newfoundland, five credits.

Appraisal Institute of Canada, Accredited Appraiser Canadian Institute, AACI plus the P.App. for Professional Appraiser

APPRAISAL EXPERIENCE

Presently self-employed as Carmquin Property Appraisals in New Minas, Nova Scotia as a Fee Appraiser having a wide variety of appraisal functions. Appraisals of commercial, industrial, agricultural and residential properties. Experience in other functions in the appraisal of properties such as consultancy, research work, compiling comparable data banks for commercial and residential appraisals, market analysis, computer programming and data entry.

Appraisals completed of large commercial office buildings, retail stores, industrial buildings, nursing homes, motels, hotels, agricultural properties, Fish Plants, Wharves and Vacant Land. V.Day valuations for Capital Tax, Replacement Costs and Actual Cash Value for insurance purposes, appraisals for mortgage financing for sales and refinancing, estate sales, assessment appeals and various other functions.

Several years appraisal experience working as Appraisal Manager with MacKay Real Estate Limited, Appraisal Division, Wolfville, Nova Scotia and other appraisal companies in St. John's, Newfoundland, in commercial and residential work, as well as self-employed for two years with own appraisal company in Newfoundland.

CORPORATE MEMBERSHIP

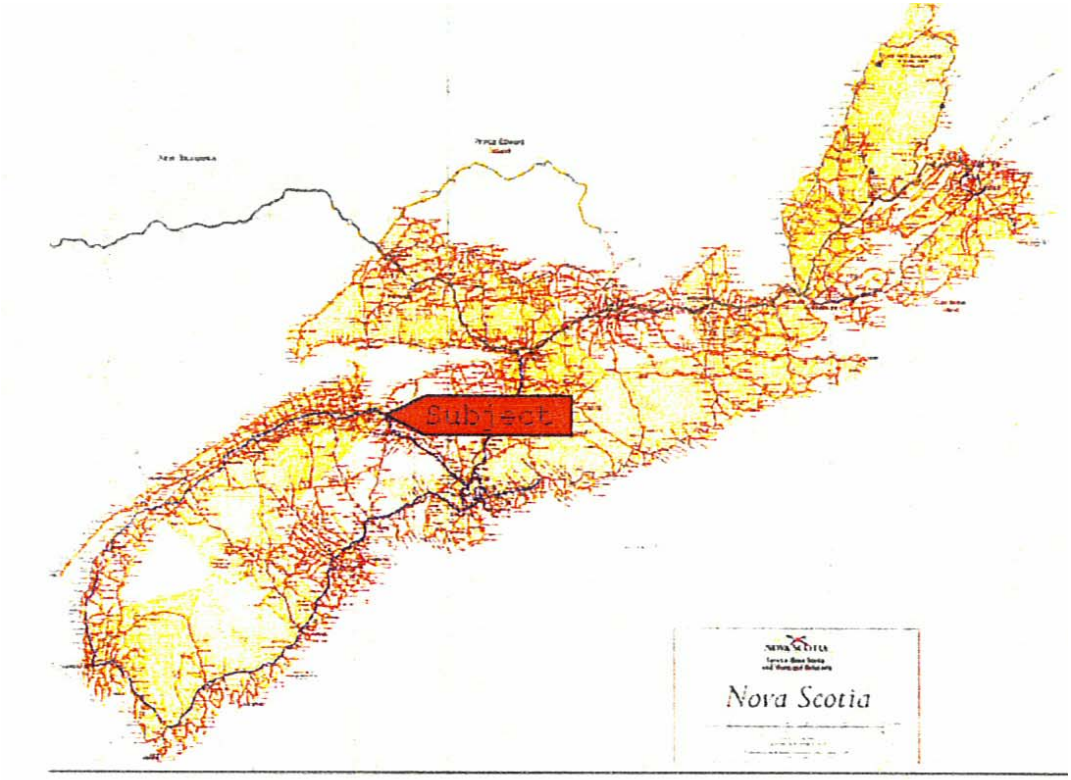
Member, Appraisal Institute of Canada, Winnipeg.

EXPERT WITNESS

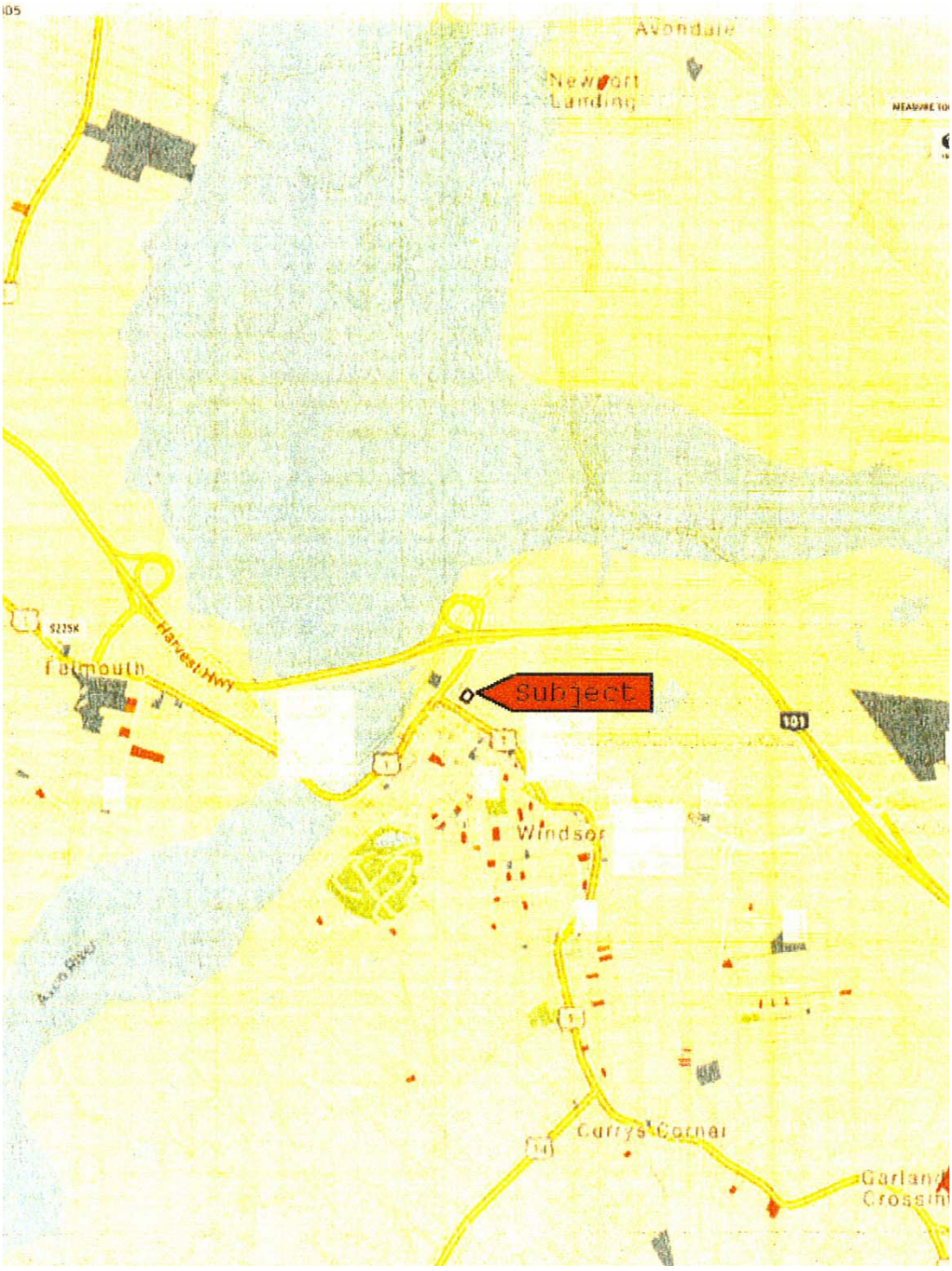
Supreme Court of Canada

PART III - ADDENDA

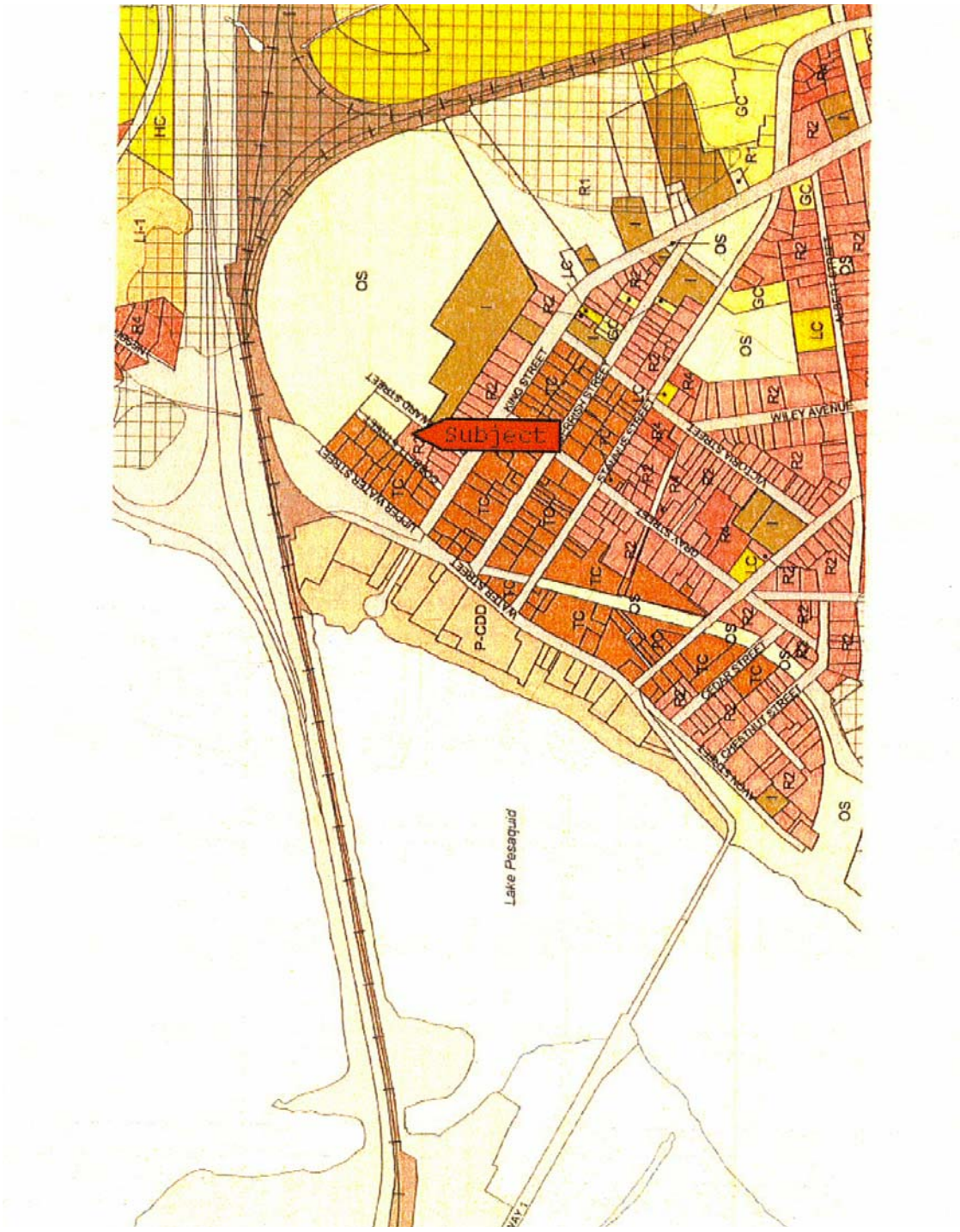
SCHEDULE "A" - AREA MAP



SCHEDULE "B" - NEIGHBOURHOOD MAP



SCHEDULE "C" - ZONING MAP



9.0 TWO UNIT RESIDENTIAL (R-2)

Permitted Uses

9.1 The following uses shall be permitted in the Two Unit Residential (R-2) zone:

- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Converted dwellings to a maximum of two dwelling units
- Two unit dwellings

R-2 Zone General Requirements
(Amendment WLUB 10-01 Effective July 16, 2010)

9.2 (a) In the R-2 zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	3,500 ft²/unit (325.15 m²/unit)
Minimum lot frontage	35 ft/unit (10.67 m/unit)
Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	10 ft (3.05 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)

(b) **Exception for PID 45336773** - Notwithstanding section 9.2(a), the minimum side yard requirement for an approximately 13.6 acre parcel of land owned by Brison Developments Limited, Payzant Drive (PID 45336773) shall be 8 ft (2.44 m).

Converted Dwellings - Special Requirements

9.3 In addition to all other regulations, the following provisions shall apply to converted dwellings in the R-2 zone:

(a) all conversions shall be limited to one additional dwelling unit;

(b) no alterations shall change the roof line or increase the height of the existing dwelling except for the addition of dormers or structures necessary for public safety;

(c) no alteration shall be undertaken which will extend into the front or side yard of the lot;

(d) lot coverage of the entire structure shall be limited to 50 percent; and

(e) parking shall be provided as required in Section 5.25 in the side or rear yard of the lot.

Services Required

9.4 A development permit shall not be issued for a new residential dwelling of two or more units in the R-2 zone where the proposed development is not serviced with Town water and sewer.

Subdivision of Semi-detached Units

9.5 Semi-detached dwelling units located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provisions of the Town of Windsor Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

COMPLETE SUMMARY APPRAISAL
ON THE SUBJECT PROPERTY
VACANT LAND LOCATED AT
65 FORT EDWARD STREET, WINDSOR,
HANTS COUNTY, NOVA SCOTIA

Carmquin Property Appraisals Ltd.
30 Peter Street
New Minas, NS
B4N 3C4

Submitted to: Town of Windsor
Submitted by: Carmel O'Quinn, AACI, P.App
Accredited Appraiser
NSREAA - Registration #243730

Carmquin
Property
Appraisals Ltd.

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Carmel O'Quinn, AACI, P.App
Accredited Appraiser
NSREAA - Registration # 243730

Wednesday, May 29, 2019

Town of Windsor
100 King Street
Windsor, NS B0N 2T0

Attn: Mr. Louis Coutinho, Chief Administrative Officer

RE: Complete Summary Appraisal Report on the Subject Vacant Land, PID # 45059805, Located at 65 Fort Edward Street, Windsor, Hants County, Nova Scotia

Dear Mr. Coutinho:

In accordance with your request, the Appraiser has carried out an inspection and completed an appraisal for the purpose of estimating the fair Market Value of the above referenced property for possible sale purposes.

Market Value is as defined on Page IX of this report and in the attached Contingent and Limiting Conditions.

This appraisal is being completed for the purpose of expressing our opinion of the Market Value of the freehold interest in the subject property, vacant land "As Is" and "As Improved" located at 65 Fort Edward Street, Windsor, as of the effective date, April 25, 2019.

The subject site is located on the north side of Fort Edward Street and the south side of Corbett Street in the Town of Windsor and is in close proximity to downtown commercial area. The site is basically rectangular shaped and level at Fort Edward Street and slopes slightly upward from Corbett Street and has an area of approximately 28,600 square foot. The site is the location of the old swimming pool for the Town of Windsor.

At the date of the inspection the site was enclosed with a chain link fence and a concrete in-ground pool with approximately 4,788 square feet and various depths from four to eight feet, is still in place and is empty and has been vacant for ten or more years. There is also a concrete block building with approximately 1,645 square feet on the site which was used as a pool house and is also vacant.

Wednesday, May 29, 2019

Town of Windsor
Attn: Mr. Louis Coutinho, Chief Administrative Officer

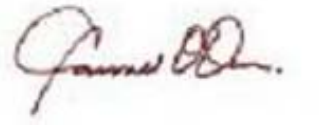
There is a gravel driveway at the east side of the site. The fence was locked at the inspection date and the pool and pool house were measured on the exterior of the fence and the measurements are approximate and subject to legal verification. The site area has been obtained from the GIS Land Registry and is approximate and subject to legal verification.

The client has requested the value of the subject site in its "As Is" condition with the vacant in-ground pool and pool house and the "As Improved" value with the pool removed and the site filled in and ready for development. As a result of the investigation and analysis, it is the Appraiser's opinion that the Market Value of the subject property, "As Is" and "As Improved" as vacant land only, subject to there being no contamination of any kind to the site, to legal verification of the site and to the Contingent and Limiting Conditions listed in this Report, as of the effective date, April 25, 2019 is as follows:

"AS IMPROVED"	***= $ 191,000.00***
"AS IS "	***= $ 43,000.00***

We trust that the enclosed Report is satisfactory and should you require any further clarification or additional information, please contact the undersigned.

Respectfully submitted,



Carmel O'Quinn, AACI, P.App
Accredited Appraiser
NSREEA Registration # 243730

PHOTOGRAPHS OF SUBJECT PROPERTY



VIEW OF SUBJECT SITE LOOKING TOWARD CORBETT STREET



VIEW OF SUBJECT SITE LOOKING TOWARD FORT EDWARD STREET

PHOTOGRAPHS OF SUBJECT PROPERTY



STREET VIEW LOOKING EAST ON FORT EDWARD STREET



STREET VIEW LOOKING WEST ON FORT EDWARD STREET

CARMQUIN PROPERTY APPRAISALS LTD.
CONTINGENT AND LIMITING CONDITIONS
(To be attached to all Appraisal Reports)
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1. *This Report is prepared at the request of Mr. Louis Coutinho, Chief Administrative Officer with the Town of Windsor, Nova Scotia for the purpose of an Appraisal as of April 25, 2019 to assist in estimating the Market Value of the subject property "As Is" and "As Improved" as vacant land, for possible sale purposes. It is not reasonable for any person, other than the Town of Windsor, to rely upon this Appraisal without first obtaining written authorization from the client and this Appraiser. There may be qualifications, assumptions or Limiting Conditions in addition to those set out below relevant to that persons' identity or their intended use.*

   The Report is prepared on the assumption that no other person will rely on it for any other purpose and that all liability to all such persons is denied.

2. *While expert in appraisal matters, the Author is not qualified and does not purport to give legal advice. It is assumed that:*

   a) *The site information as obtained from the GIS Land Registry is accurate and is subject to legal verification;*
   b) *title to the property is good and marketable;*
   c) *there are no encroachments, encumbrances, restrictions, leases or covenants that would in any way affect the valuation, except as expressly noted herein;*
   d) *the existing use is a legally conforming use which may be continued by any purchaser from the existing owner;*
   e) *rights of way, easements or encroachments over other real property and leases or other covenants noted herein are legally enforceable;*
   f) *the final estimate of value of the subject site is subject to there being no contamination of any kind to the site and to legal verification of the site area and measurements.*

   Because these assumptions have been made, no investigation, legal or otherwise, has been undertaken which would verify these assumptions except as expressly noted herein.

3. *The Author is not a qualified surveyor. Sketches, drawings, diagrams, photographs, etc., are presented in this Report for the limited purpose of illustration and are not to be relied upon in themselves.*

Carmquin Property Appraisals Ltd.
Contingent of Limiting Conditions (cont'd)

4. *The Author is not qualified to give engineering advice. It is assumed that there are no patent or latent defects in the subject improvement, that no objectionable materials such as Urea Formaldehyde Foam are present and that it is structurally sound in need of no immediate repairs, unless expressly noted within this Report. No soil tests have been done, nor have tests been done of the heating, plumbing, electrical, elevator, or other systems and for the purpose of this Report, they are assumed to be in good working order.*

5. *No investigation has been undertaken with the local zoning office, the fire department, the building inspector, the health department or any other government regulatory agency unless such investigations are expressly represented to have been made in this Report. The subject property must comply with such government regulations and if it does not comply, non-compliance may affect the Market Value. To be certain of compliance, further investigations may be necessary.*

6. *Neither possession of this Report nor a copy of it carries with it the right of publication. All copyright is reserved to the Author and is considered confidential by the Author and their client. It shall not be disclosed, quoted from or referred to, in whole or in part, or published in any manner, without the express written consent of the Appraiser. This is subject only to confidential review by the APPRAISAL INSTITUTE OF CANADA as provided in the Code of Ethics, Standards of Professional Conduct and Standards of Professional Practice of the Appraisal Institute of Canada.*

7. *Market data has been obtained, in part, from documents at the land registry office, or as reported by the Real Estate Board. As well as using such documented and generally reliable evidence of market transactions, it was also necessary to rely on hearsay evidence. Except as noted herein, a reasonable attempt has been made to verify all such information.*

8. *Because market conditions, including economic, social and political factors, change rapidly and, on occasion, without warning, the Market Value expressed as of the date of the Appraisal cannot be relied upon to estimate the Market Value as of any other date except with further advice of the Appraiser.*

Carmquin Property Appraisals Ltd.
Contingent of Limiting Conditions (cont'd)

9. *The compensation for services rendered in this Report does not include a fee for court preparation or court appearance, which must be negotiated separately. However, neither this nor any other of these Limiting Conditions is an attempt to limit the use that might be made of this Report should it properly become evidence in a judicial proceeding. In such a case, it is acknowledged that it is the judicial body which will decide the use of the Report which best services the administration of justice.*

10. *It is assumed that there is no contamination to the subject site. While no evidence of contamination was noted, should any contaminants exist, the final estimate of value contained in this Report may not reflect the actual value of the property.*

11. *It is imperative that the reader or any other interested party be aware that the Appraiser did not inspect the premises for fire detection or smoke detection systems, or for the presence of Carbon Monoxide Detectors, nor did the Appraiser inspect the condition of such equipment, if present. The Appraiser takes no responsibility whatsoever for the lack of, or condition of, detection devices that may be located on the premises, nor does the Appraiser warrant compliance in any manner of such equipment, if present.*

12. *The Appraiser is not qualified to comment on environmental issues that may affect the market value of the property appraised, including but not limited to pollution or contamination of land, buildings, water, groundwater or air. Unless expressly stated, the property is assumed to be free and clear of pollutants and contaminants, including, but not limited to moulds or mildews or the conditions that might give rise to other, and in compliance with all regulatory environmental requirements, government or otherwise and free of any environmental conditions, past, present or future, that might affect the market value of the property appraised. If the party relying on this report requires information about environmental issues, than that party is cautioned to retain an expert qualified in such issues. We expressly deny any legal liability relating to the effect of environmental issues on the market value of the property appraised.*

Carmquin Property Appraisals Ltd.
Contingent of Limiting Conditions (cont'd)

13. DEFINITION OF MARKET VALUE: 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 under conditions whereby:

a) Buyer and seller are typically motivated;

b) both parties are well informed or well advised and acting in what they consider their own best interest;

c) a reasonable time is allowed for exposure in the open market;

d) payment is made in terms of cash in Canadian dollars or in terms of comparable financial arrangements comparable thereto; and

e) 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.

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PART III - ADDENDA

Schedule "A" *Area Map*

Schedule "B" *Neighbourhood Map*

Schedule "C" *Zoning Map*

Schedule "D" *Zoning Regulations*

PART I - PREFACE

SUMMARY OF SALIENT FACTS AND IMPORTANT CONCLUSIONS

ADDRESS:	65 Fort Edward Street, Windsor, Hants County, Nova Scotia.
TYPE:	"As Is" and "As Improved" Vacant Parcel of Land. PID # 45059797
SITE AREA:	28,600 square feet
ASSESSED OWNERS:	Town of Windsor
ZONING:	OS - Open Space
HIGHEST AND BEST USE:	"As Improved" Development of the site with a zoning change similar to the adjacent site.
ASSESSED VALUE:	$ 219,300.00 - 2019 Account # 04657101
TAXES:	Tax Exempt
EFFECTIVE DATE OF APPRAISAL:	April 25. 2019
DATE OF INSPECTION:	April 25, 2019
FINAL ESTIMATE OF VALUE:	**"AS IMPROVED" = $ 191,000.00** **"AS IS " = $ 43,000.00**

TERMS OF REFERENCE

SCOPE OF THE APPRAISAL

The scope of the Appraisal encompasses the necessary research and analysis to prepare a Report in accordance with the intended use, the Canadian Standards of Professional Practice of the Appraisal Institute of Canada and the Canadian Uniform Standards of Professional Practices of the Appraisal Foundation. In regard to the subject property, this involves the following steps:

1. *The subject site was inspected by the Appraiser on April 25, 2019 during working hours and photographs were taken at that time. Information concerning the property was obtained from the client.*

2. *Regional and neighbourhood data were based on information available on the Province and Communities in the Appraisal Library of Carmquin Property Appraisals Ltd. This information was originally obtained from the Town of Windsor, Municipality of the County of Hants and from other sources. The zoning, assessment and services for the subject were obtained from the Town Planning Department, office Zoning Maps and Regulations Library and from the applicable government and municipal departments.*

3. *The data concerning the area of the subject site was obtained from the GIS Land Registry and is subject to legal verification.*

4. *In estimating the Highest and Best Use for the subject property, an analysis was made of data compiled in the three steps noted above. In addition, a market analysis was completed of similar type land to help determine the best used of the property. The zoning for the subject site is presently OS - Open Space. The adjacent vacant site is zoned R2- Two Unit Residential and the property is located in an area of Windsor which is developed with the Fort Edward Park and single family and multi unit residential dwellings.*

5. *In developing the approach to value, the market data utilized was taken from the data collected in the office files of Carmquin Property Appraisals Ltd., and from other appraisers, realtors, property managers or other persons familiar with the subject market.*

6. *After assembling and analyzing the data defined in this Scope of the Appraisal, a final estimate of Market Value was made "As Is" and "As Improved".*

TERMS OF REFERENCE (cont'd)

PURPOSE OF THE APPRAISAL

The purpose of this Appraisal is to provide the client with an estimate of the Market Value "As Is" and "As Improved" of the subject vacant land located at 65 Fort Edward Street, Hants County, Nova Scotia, as at the effective date, April 25, 2019.

FUNCTION OF THE APPRAISAL

The function of the Appraisal is to provide the client with an estimate of the Market Value As Is" and "As Improved" of the subject vacant land located at 65 Fort Edward Street, Hants County, Nova Scotia, as at the effective date, April 25, 2019 for possible sale purposes.

PROPERTY RIGHTS APPRAISED

The property rights being appraised are those of Fee Simple Interest, which is free and clear of all encumbrances, charges or restrictions other than those mentioned in this Report.

DEFINITION OF MARKET VALUE

Market Value is defined 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 under conditions whereby:

1. *buyer and seller are typically motivated;*
2. *both parties are well informed or well advised and acting in what they consider their own best interest;*
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 comparable 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.*

TERMS OF REFERENCE (cont'd)

HISTORY OF THE SUBJECT PROPERTY

The subject land was at one time the location of the Town of Windsor public in-ground swimming pool which has been closed down for ten or more years and is in a dilapidated condition. The town is in the process of selling the property. It is understood that the subject has not been listed on the market or privately over the years.

MORTGAGES, LIENS OR ENCUMBRANCES

The property is being appraised on the basis that there are no mortgages, liens or other encumbrances claimed against them.

EFFECTIVE DATE OF THE APPRAISAL

The subject property was inspected on April 25, 2019 and this is considered to be the effective date of the Appraisal.

EXPOSURE TIME

The value is estimated as if the subject property was to be exposed for sale on the open market in a manner typical for this class of property for at least six to twelve months prior to the effective date of the listing.

REGIONAL DATA

The subject property is located in the Town of Windsor, Hants County, Nova Scotia. The Province of Nova Scotia, located on the Eastern Atlantic Seaboard, is actually a peninsula connected to the remainder of Canada by 27 kilometres of land. The Island of Cape Breton is joined to mainland Nova Scotia by the Canso Causeway.

The Province has a total area of 54,400 square kilometres and according to information obtained from Statistics Canada 2006 Census, Nova Scotia has a population of 913,462 residents. The Province is divided into five geographical regions, with Halifax as the capital. One of these geographical regions, where the subject property is located, is the Annapolis Valley, which is world famous as a farming area. The climate is suited for the growing of all types of vegetables and produce, with apples being the speciality. (Refer to Schedule "A" - Area Map in the Addenda)

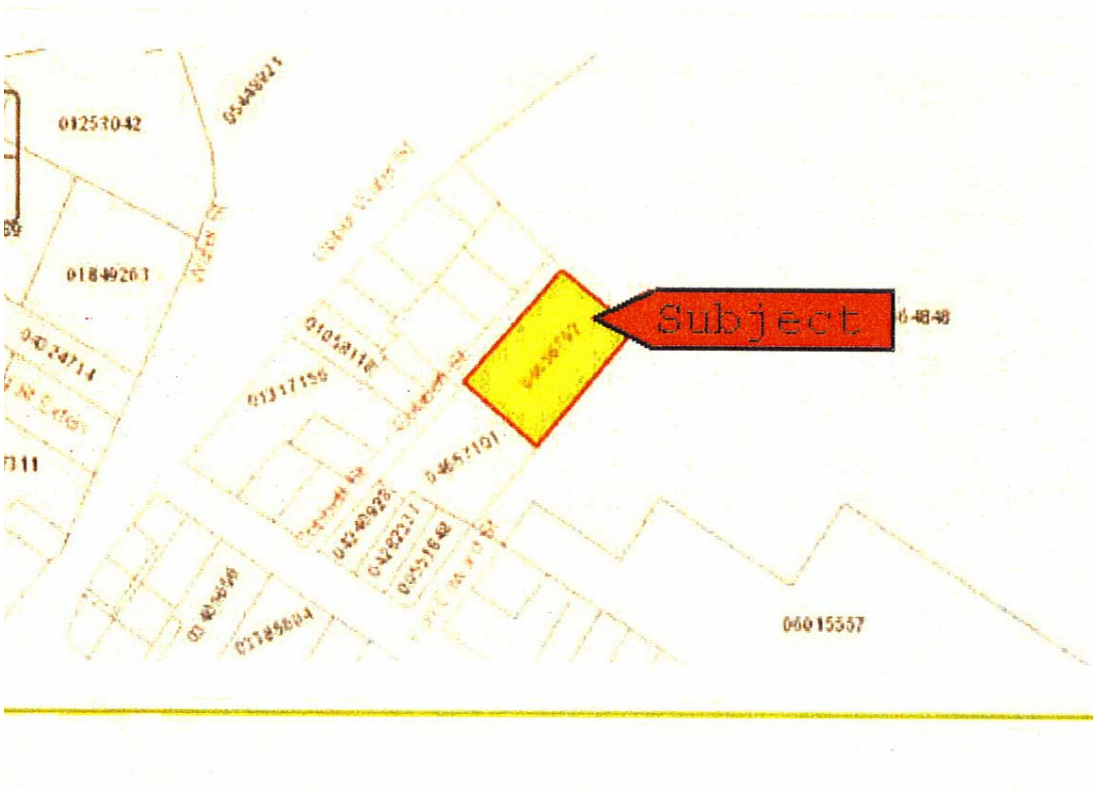
NEIGHBOURHOOD DATA

The subject site is located on the north side of Fort Albert Street and the south side of Corbett Street and in close proximity to the downtown commercial area in Windsor and close to all amenities. Over the past few years the town has expanded its commercial development onto Wentworth Road with an Atlantic Super Store, a second Tim Hortons, MacDonalds and a new Super 8 Motel. Windsor is the county seat for Hants County and has a population of approximately 3,700. The Town of Windsor has a Business Development Centre which was formed to assist residents of the area in establishing a library of relevant data related to the establishment of small businesses in the Windsor-West Hants area. The twinning of the 101 Highway to the Cities of Halifax and Dartmouth has made the town more attractive for new residents and businesses. There are two Industrial Parks in the town, The Town of Windsor Industrial Park and the Windsor-West Hants Industrial Park. Both parks are centrally located, easily accessible and provide serviced lots and mini-malls for new and existing buildings. Opportunities are available in various sections of the Town for further commercial development which lies in close proximity to downtown commercial area. (Refer to Schedule “B” - Neighbourhood Map in the Addenda)

SITE DESCRIPTION

The subject site, PID # 45059797, is located on the north side of Fort Edward Street and the south side of Corbett Street in the Town of Windsor. The site is basically rectangular shaped and level at street grade at Fort Edward Street and slopes upward slightly at the rear from Corbett Street. The site measurements were not available to the Appraiser and the site area of approximately 28,600 square feet has been obtained from the GIS Land Registry and is subject to legal verification. The site is improved with an old in-ground swimming pool and pool house which has been vacant for ten or more years. There is a gravel driveway at the east side of the site.

SUBJECT SITE



ASSESSMENT AND TAXES

From information obtained from the Town of Windsor, Assessment Department it is understood that the subject property is assessed on the 2019 Assessment Roll as at base date January 1, 2018 at account # 04656792 for $ 219,300.00.

From information obtained from the Town of Windsor, Tax Department it is understood that the subject site is owned by the town and is tax exempt.

SERVICES

From information obtained from the Town of Windsor, it is understood that the subject property is located in an area which is serviced with town water and sewer.

Other services provided to the site include paved roads, street lights, snow removal, garbage collection and police and fire protection.

ZONING

From information obtained from the Town of Windsor Planning Department, it is understood that the subject site is located in an area of the town which is zoned O2- Open Space. (Refer to Schedule "C" Zoning Map and Schedule "D" Zoning Regulations in the Addenda)

O2- OPEN SPACE

Permitted Uses

25.1 The following uses shall be permitted in the Open Space (O2) zone

- *Cemeteries*
- *Historic sites and Museums*
- *Outdoor recreation uses*
- *Parks and playgrounds*
- *Uses, buildings and structures necessary for the prevention of floods, soil erosion and other related activities.*

Abutting Zone Requirements
25.2 Where a lot in the OS zone abuts any other zone, no building shall be erected within 4 ft.(1.22m) of the abutting side of the rear lot line.

PART II - ANALYSIS AND CONCLUSIONS

HIGHEST AND BEST USE

Highest and Best Use, as defined by the Appraisal Institute of Canada, is "that use which is most likely to produce the greatest net return in monies or amenities over a given period of time". Net return may involve net income as from an investment property, or satisfaction and amenities as from a residential property.

Many factors and appraisal principals become a consideration in determining the Highest and Best Use of a property such as current zoning, physical characteristics, neighbourhood trends, present usage and profitability.

The concept of Highest and Best Use recognizes that land can change over a period of time and the optimum use of a site is determined by need or demand at any given period of time. Other factors of consideration in the analysis of Highest and Best Use are government regulations, supply and demand, productivity, contribution, competition and public opinion.

The subject approximate 28,600 square foot site is located on Fort Edward Street and on Corbett street at the rear. The site is located in an area of Windsor which is zoned O2 - Open Space and the area is developed with residential dwellings and the Fort Edward Historic Park and is in close proximity to the downtown commercial area.

Based on the information provided, and after giving consideration to all factors concerned, it is the Appraiser's opinion that the Highest and Best Use of the subject site is "As Improved" with the site of the old in-ground public pool filled in and the zoning of the site changed the same as the abutting land and ready for development as an R2- zoning for duplex dwellings.

SITE VALUATION AND ANALYSIS

In estimating the value of a site, there are four basic methods of valuation depending upon the type and use of the site, as well as the available market evidence. These methods include:

1. *The Comparative Sales Method*
2. *The Abstraction Method*
3. *The Development Method*
4. *Land Residual Method*

The usual method of valuing undeveloped land, and the most used, is the Comparative Sales Method, which is the comparison with similarly zoned land in an area similar to the subject or in another comparable area, which has recently sold on the market. Information is also analysed from the past record of sales of similar sites and from land which is presently listed for sale on the Real Estate Market.

This Comparative Sales Approach is based on the idea that an informed purchaser would pay no more for a site than the cost of acquiring one of equal attractiveness and utility on the open market.

In estimating the value of the subject vacant parcel of land, the Appraiser has considered all relevant factors including:

1. *Size, location and zoning.*

2. *Supply and demand of vacant land.*

3. *Recent sales and asking prices of vacant land similar to the subject.*

4. *Other factors considered necessary.*

In analysing the Market Value of the subject site, an investigation was undertaken of the real estate market for recent sales of residential and other land in the subject and similar areas.

The following sales were acquired and analysed, and adjustments were applied to reflect the variations from the subject site. These sales are thought to give the greatest degree of comparability to the subject.

DIRECT COMPARISON APPROACH

In valuing a site by the Direct Comparison Approach, land values are obtained from land sales which have occurred in the subject or similar areas. Adjustments are applied to the comparables to reflect variations from the subject for site size, location, zoning, utility and topography.

LAND SALES

Item	Subject	Comparable 1	Comparable 2
Address	66 Fort Edward Street, Street, Windsor	54 Woodworth Road, Kentville	245-247 Victoria Street, Windsor
Vendor or Purchaser	PID # 45059797	PID # 55048698	PID # 45056690
Sale Price	N/A	$19,500.00	$40,000.00
Sale Date	N/A	05/03/2019	10/24/2018
Lot Size	28,600 sf	10,010 sf	6,000 sf
Sale Price per SF	N/A	$1.95	6.67
Zoning	O2 - Open Space	Residential	R2- Two Unit Residential
Comments	The subject site is improved with an older in-ground pool which has been closed for ten years or more and was the public swimming pool for the Town of Windsor. The subject is being appraised “As Is” with the pool and “As Improved” with the pool removed and the site filed in ready for development.	Comp One is a lot in Kentville in a residential zoned area and in close proximity to the Valley Regional Hospital. Inferior in location and lot size and superior in zoning “As Is” .	Comp Two is a R2- zoned lot in Windsor area. Similar in location and inferior in lot size and superior in zoning “As Is” .

THE COST APPROACH (cont'd)

LAND SALES (cont'd)

Item	Comparable 3	Comparable 4	Comparable 5
Address	Unit # 3 Town Road, Falmouth	Lot 14 Woodman Road, Wolfville	7270 Highway # 1, Coldbrook
Vendor or Purchaser	PID # 45339116	PID # 55509608	Not available
Sale Price	$62,000.00	$127,000.00	$405,000.00
Sale Date	09/19/2018	09/11/2018	06/21/ 2016
Lot Size	16,592 sf	19,716 sf	265,298 sf
Sale Price per SF	$3.74	$6.44	$1.53
Zoning	Residential	Residential	C1- Highway Commercial
Comments	Comp Three is a residential lot in Falmouth which lies in close proximity to the west of Windsor. Inferior in location and lot size and superior in zoning "As Is" .	Comp Four is a large lot in an executive subdivision in the Town of Wolfville in close proximity to the downtown area. Similar in location and inferior in lot size and superior in zoning "As Is" ..	Comp Five is a large acreage site in Coldbrook zoned Commercial which was improved with a hotel. There was a fire in the hotel which burnt down and only a small one storey section of the building remained and is to be removed from the site. Inferior in location and superior in lot size and zoning "As Is" .

THE COST APPROACH (cont'd)

SUMMARY

Of the land sales analyzed, those listed are the most recent and offer the best indication of value for the subject site. The value ranges of the five sales analyzed before adjustments range from $ 1.53 to $ 6.67 per square foot. Comparable Two is located in the subject area and is superior in zoning which is R2- Two Unit Residential. The subjet is being appraised "As Is" with the closed in-ground swimming on the site and "As Improved" with the pool removed and the site cleaned up and ready for development. The subject site has road frontage on two streets and is zoned O2- Open Space and has limited permitted uses.

It is the Appraiser's opinion that the existing older swimming pool and pool house appears in poor condition and should be removed as it appears to be a safety issue and will only deteriorate more as the years go by. The site should be filled in and levelled off and the zoning to be changed to R2- Two Unit Residential similar to the abutting land at 36 Fort Edward Street or if the zoning is left at O2- Open Space then a install a public playground could be built on the site. The present condition of the property is a negative feature for the properties saleability as a potential purchaser would have to invest any where from $ 50,000 to $ 100,00.00 to clean the site up to get ready for development.

Adjustments were applied to the comparables to reflect the differences from the subject for site size, location, utility and zoning. It is the Appraiser's opinion that the price per square foot most applicable to the subject site "As Is" is $ 1.50 and "As Improved would be is $ 6.67.

LAND VALUE: (rounded)

"As Improved"	*28,600 sf X $ 6.67/sf*	*= $ 191,000.00*
"As Is"	*28,600 sf X $ 1.50/sf*	*= $ 43,000.00*

RECONCILIATION AND FINAL ESTIMATE OF VALUE

The indicated value of the subject vacant site has been obtained from comparable vacant land sales in the subject and surrounding areas. Based on the data analysed in this Report, it is the Appraiser's opinion, subject to the Contingent and Limiting Conditions listed in this Report, to there being no contamination of any kind to the subject site, and to legal verification of the site area and measurements, that the final estimate of value "As Is" and "As Improved" as of the effective date, April 25, 2019 is:

"AS IMPROVED" = $ 191,000.00
"AS IS " = $ 43,000.00

Respectfully submitted



Carmel O'Quinn, AACI, P.App
Accredited Appraiser
NSREEA Registration # 243730

CERTIFICATE OF APPRAISER

The Appraiser hereby certifies:

1) *That I personally inspected the subject property of this Complete Summary Appraisal Report on April 25, 2019 and that I have investigated and considered all factors affecting its value.*

2) *That I have no past, present or contemplated interest in the property that is the subject of this Report and that I have no personal interest or bias with respect to the parties involved.*

3) *That to the best of my knowledge and belief, all of the information reported in this Report is true and factual data has been verified where possible.*

4) *That this Complete Summary Appraisal Report has been made and the Report rendered in conformance with the Code of Ethics and the Canadian Uniform Standards of Professional Appraisal Practices of the Appraisal Institute of Canada.*

5) *That this Report is subject only to the Contingent and Limiting Conditions, whether such conditions are imposed by the terms of this assignment or by the Appraiser.*

6) *That neither the terms of employment nor the compensation from rendering my opinion in this Report are contingent upon value found, nor anything else than the delivery of this Report.*

7) *No one provided professional assistance to the person signing this Report.*

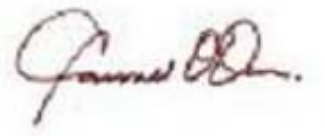
8) *The Appraiser has fulfilled the requirements of the Appraisal Institute of Canada Continuing Professional Development program for designated members and is recertified.*

CERTIFICATE OF APPRAISER (cont'd)

9) That the Final Estimates of Value "As Is" and "As Improved" of the subject vacant land, as defined elsewhere in this Report, as of the effective date, April 25, 2019, subject to there being no contamination of any kind to site, to verification of the site area and to the Contingent and Limiting Conditions listed in this Report, is as follows:

"As Improved" = $ 191,000.00
"As Is" = $ 43,000.00

`



_____

Carmel O'Quinn, AACI, P.App
Accredited Appraiser
NSREEA Registration # 243730

QUALIFICATIONS OF CARMEL O'QUINN, AACI, P.App

BACKGROUND

Born in Grand Falls, Newfoundland and educated at Windsor, Grand Falls and St. John's, Newfoundland.

EDUCATION AND PROFESSIONAL BACKGROUND

College of Trades and Technology, St. John's, Newfoundland, Diploma in Appraisal/Assessment Technology.

Memorial University of Newfoundland, St. John's, Newfoundland, five credits.

Appraisal Institute of Canada, Accredited Appraiser Canadian Institute, AACI plus the P.App. for Professional Appraiser

APPRAISAL EXPERIENCE

Presently self-employed as Carmquin Property Appraisals in New Minas, Nova Scotia as a Fee Appraiser having a wide variety of appraisal functions. Appraisals of commercial, industrial, agricultural and residential properties. Experience in other functions in the appraisal of properties such as consultancy, research work, compiling comparable data banks for commercial and residential appraisals, market analysis, computer programming and data entry.

Appraisals completed of large commercial office buildings, retail stores, industrial buildings, nursing homes, motels, hotels, agricultural properties, Fish Plants, Wharves and Vacant Land. V.Day valuations for Capital Tax, Replacement Costs and Actual Cash Value for insurance purposes, appraisals for mortgage financing for sales and refinancing, estate sales, assessment appeals and various other functions.

Several years appraisal experience working as Appraisal Manager with MacKay Real Estate Limited, Appraisal Division, Wolfville, Nova Scotia and other appraisal companies in St. John's, Newfoundland, in commercial and residential work, as well as self-employed for two years with own appraisal company in Newfoundland.

CORPORATE MEMBERSHIP

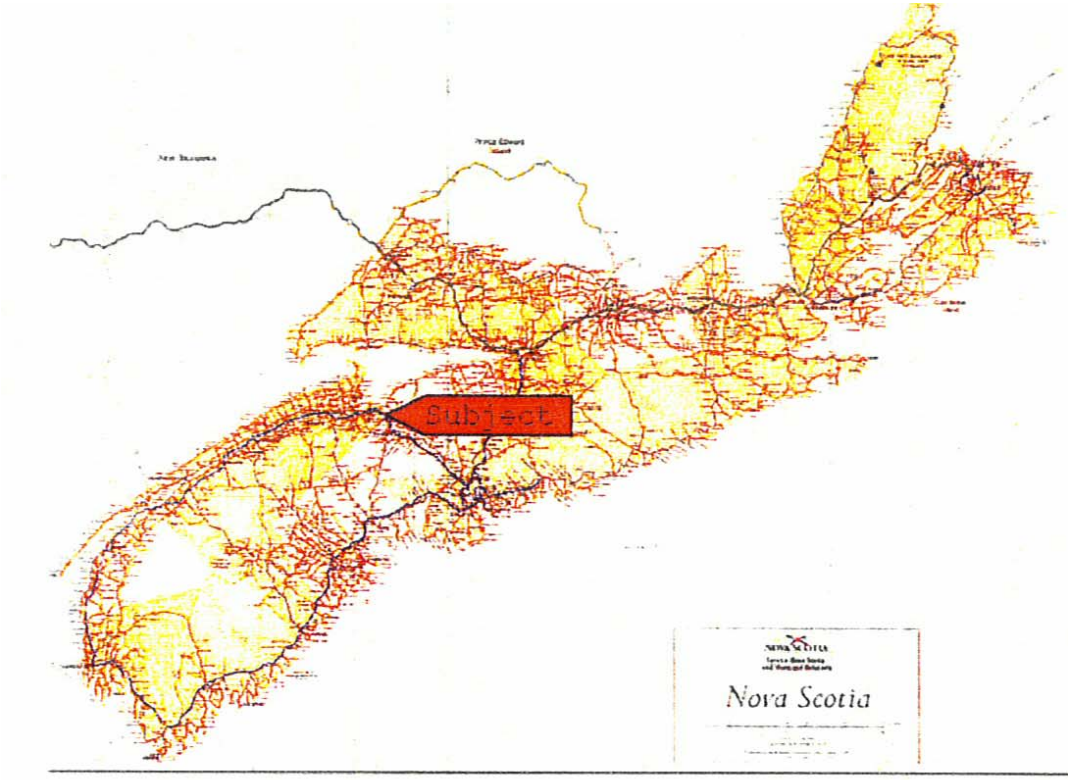
Member, Appraisal Institute of Canada, Winnipeg.

EXPERT WITNESS

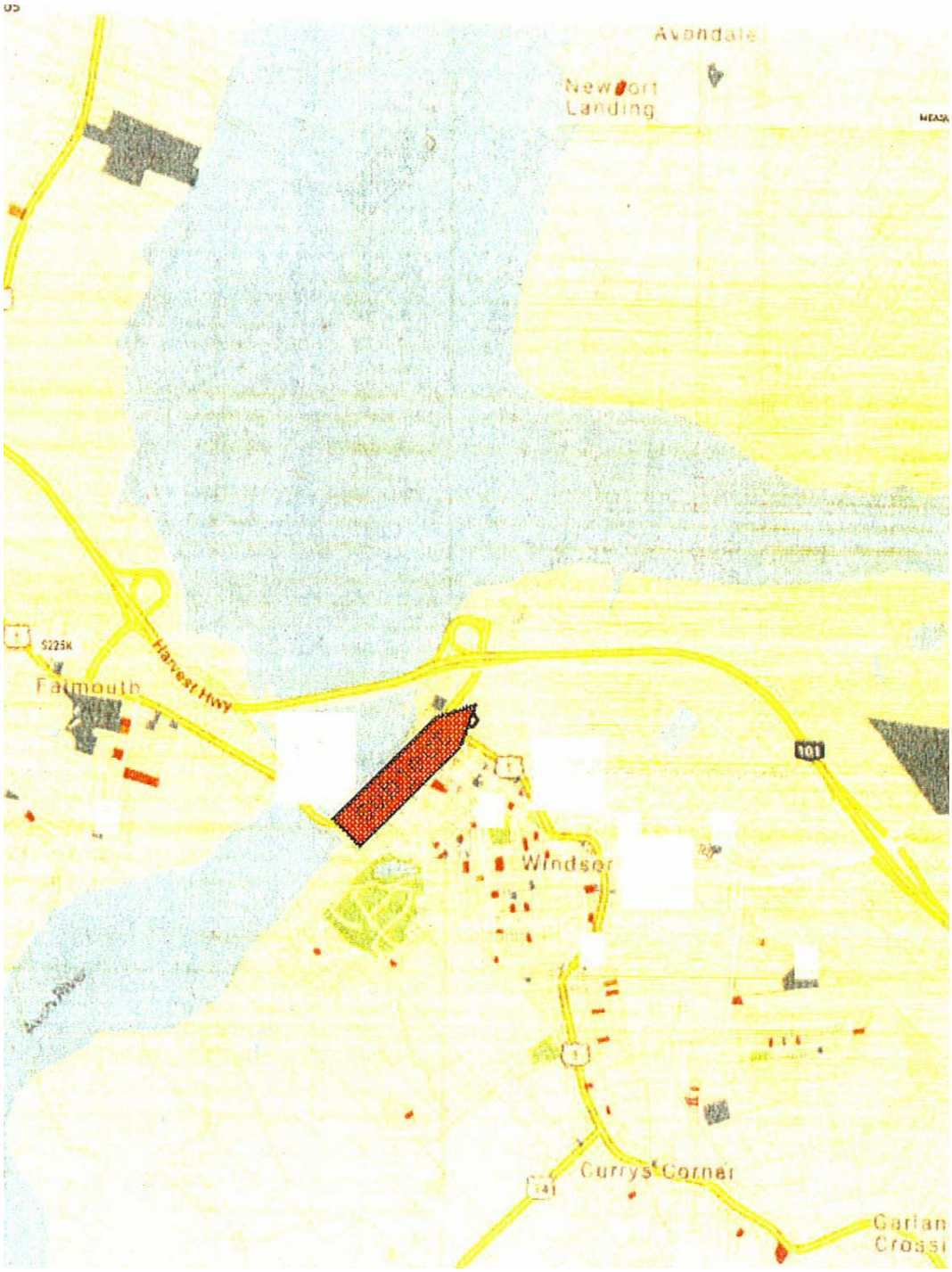
Supreme Court of Canada

PART III - ADDENDA

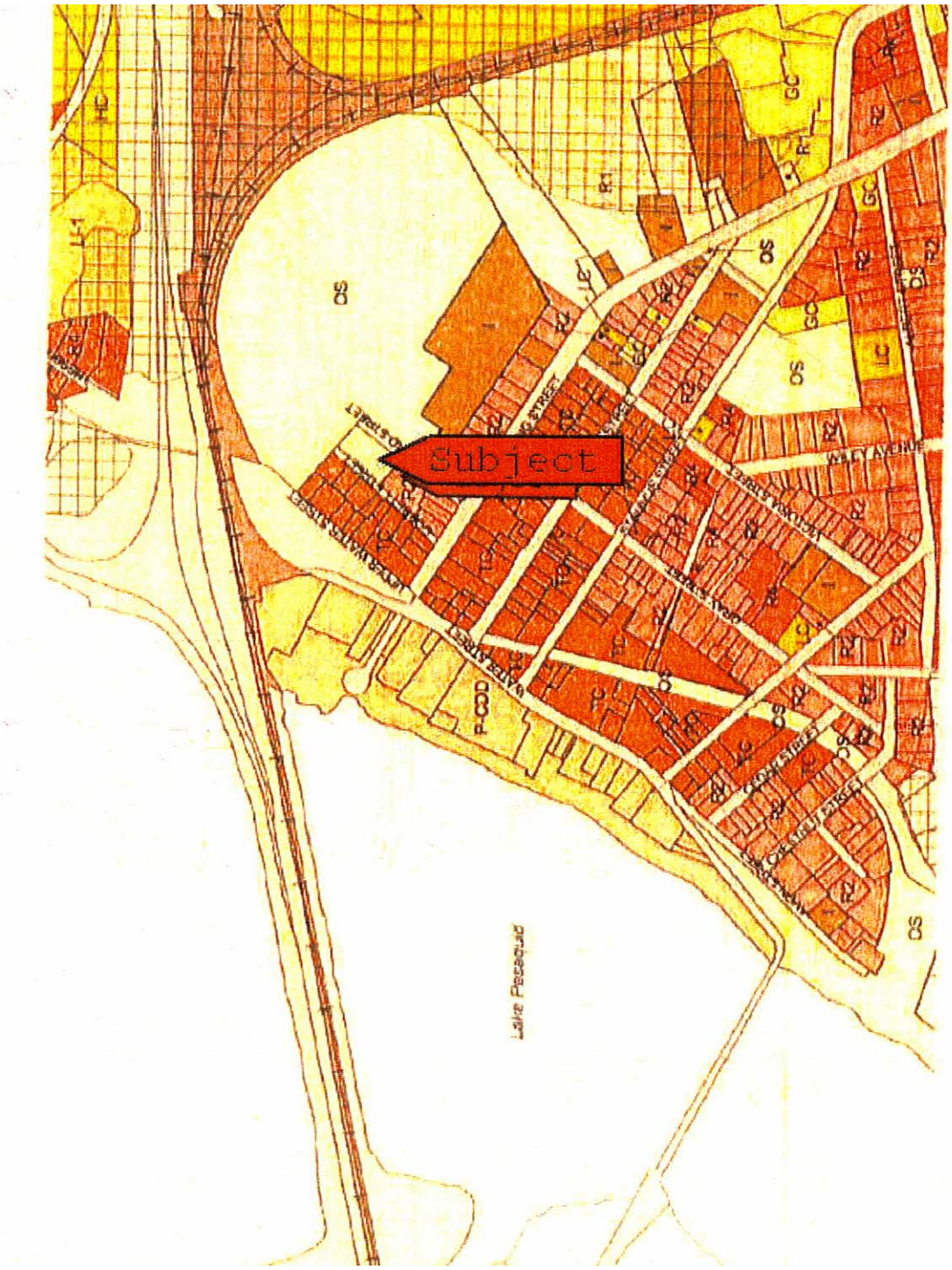
SCHEDULE "A" - AREA MAP



SCHEDULE "B" - NEIGHBOURHOOD MAP



SCHEDULE "C" - ZONING MAP



25.0 OPEN SPACE (OS)

Permitted Uses

25.1 The following uses shall be permitted in the Open Space (OS) zone:

- Cemeteries
- Historic sites and museums
- Outdoor recreation uses
- Parks and playgrounds
- Uses, buildings and structures necessary for the prevention of floods, soil erosion and other related activities

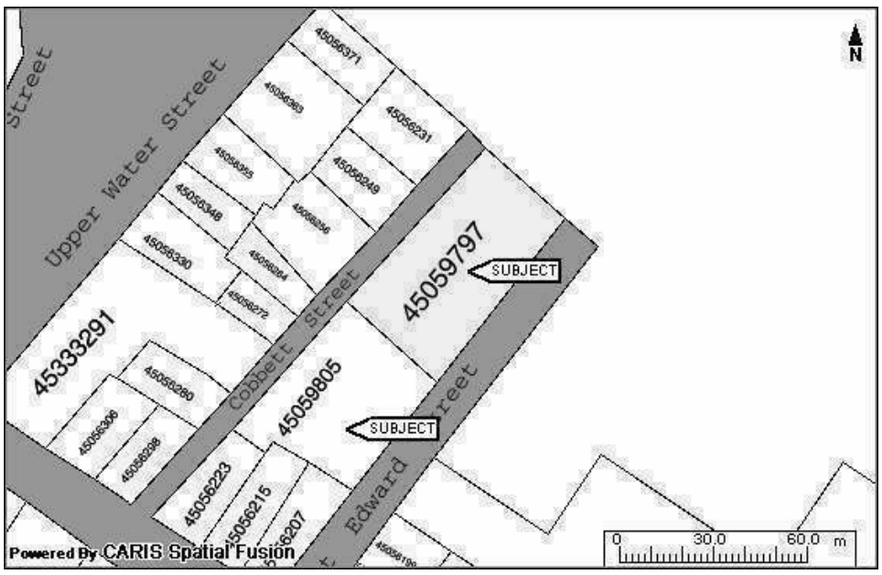
Abutting Zone Requirements

25.2 Where a lot in the OS zone abuts any other zone, no building shall be erected within 4 ft (1.22 m) of the abutting side or rear lot line.

JACKLYN PARKER APPRAISALS LIMITED
JACKLYN PARKER CRA

File No. 20100914

APPRAISAL OF



LOCATED AT:

65 AND PID 45059805 FORT EDWARD STREET
WINDSOR, NS B0N 2T0

FOR:

TOWN OF WINDSOR
PO BOX 158, 100 KING STREET
WINDSOR, NS B0N 2T0

BORROWER:

TO ESTIMATE HYPOTHETICAL VALUE R4 ZONE

AS OF:

September 16, 2010

BY:

JACKLYN PARKER
NSREAA Registration No. 267870

Client Reference No.: **File No.:** 20100914

JACKLYN PARKER APPRAISALS LIMITED
JACKLYN PARKER CRA
PO BOX 3600
WINDSOR, NS B0N 2T0

October 11, 2010

TOWN OF WINDSOR
LOUIS COUTINHO
PO BOX 158, 100 KING STREET
WINDSOR, NS B0N 2T0

Address of Property: 65 AND PID 45059805 FORT EDWARD STREET
WINDSOR, NS B0N 2T0

Market Value: $ 195,000. 00 R4

In accordance with your request and authorization, an investigation, analysis and appraisal report on the above referenced property has been completed for the purpose of estimating Market Value.

After careful consideration of all factors that affect value, the Market Value is determined to be as referenced above

This estimate is subject to the limiting conditions attached to this report and to which the reader's attention is specifically directed.

Should you require further assistance or clarification as to any portion of this report, please contact me.

I certify that I have no interest, present or contemplated in the subject property appraised.

Yours truly,

JACKLYN PARKER
CRA

Lender Reference No.

Case No.

File No. 20100914

LIMITED APPRAISAL - RESTRICTED RESIDENTIAL APPRAISAL REPORT

LENDER/CLIENT: TOWN OF WINDSOR	ADDRESS OF PROPERTY 65 AND PID 45059805 FORT EDWARD STREET	APPRAISER: JACKLYN PARKER
ADDRESS: PO BOX 158, 100 KING STREET WINDSOR, NS B0N 2T0	City WINDSOR Prov. NS Postal Code B0N 2T0	ADDRESS: PO BOX 3600 WINDSOR, NS B0N 2T0
TEL: ( ) 798-6675	APPLICANT: TO ESTIMATE HYPOTHETICAL VALUE R4 ZONE	TEL: (902) 798-2288 FAX: 369-2056

LEGAL DESCRIPTION: PID 45059797 AND PID 45059805 , Registry of Deeds, Hants County, NS

MUNICIPALITY or DISTRICT: Town of Windsor, NS

ASSESSMENT: LAND ____ IMP ____ TOTAL As If Vacant YEAR ____ TAXES$ ____ YEAR ____

PURPOSE OF APPRAISAL: To estimate the market value X or ____ INTENDED USE OF APPRAISAL: Hypothetical Market Value

PROPERTY RIGHTS APPRAISED: FEE SIMPLE X LEASEHOLD ____ CONDOMINIUM ____ COOPERATIVE ____ OTHER (Specify) ____

OCCUPIED BY: OWNER ____ TENANT ____ VACANT As If Vacant

HIGHEST AND BEST USE: X As Improved NOTE: IF HIGHEST & BEST USE IS NOT THE CURRENT USE - SEE COMMENTS UNDER SUBJECT PROPERTY DESCRIPTION

NEIGHBOURHOOD DESCRIPTION

NATURE OF DISTRICT	TREND OF DISTRICT	CONFORMITY OF SUBJECT		SUPPLY	DEMAND	AVERAGE PROPERTY AGE
X RESIDENTIAL	Steadily IMPROVING	AGE	SIZE	X GOOD	X GOOD	DISTRICT:
RURAL	DEVELOPING	NEWER	LARGER	FAIR	FAIR	New TO 100 YEARS
COMMERCIAL/ INDUSTRIAL	STABLE	OLDER	SMALLER	POOR	POOR	IMMEDIATE AREA:
MIXED	DETERIORATING	SIMILAR	SIMILAR			25 TO 100 YEARS

DISTANCE TO:				PRICE RANGE OF PROPERTIES IN DISTRICT	
ELEMENTARY SCHOOL	<.5 km	PUBLIC TRANSPORTATION	Kings Transit	GENERAL: $	75-300,000.00+
JUNIOR SECONDARY	10 km (Bussed)	SHOPPING FACILITIES	Adjacent Streets		
HIGH SCHOOL	<.5 km	DOWNTOWN	Adjacent Streets	IMMEDIATE AREA: $	75-300,000.00+

SUMMARY: Including apparent adverse influences in area, if any(e.g. railroad tracks, commercial/industrial properties, unkempt properties, major traffic arteries, hydro facilities, landfill sites, etc.

Windsor's central location provides close proximity to all of the major urban centres in central Nova Scotia. The Town is located immediately adjacent to Highway 101, one of Nova Scotia's major limited access thoroughfares.

IS NEIGHBOURHOOD CONSIDERED TO HAVE GOOD MARKET APPEAL? X YES ____ NO

COMMENTS: There are no adverse influences in the area. Property values are stable with no known or anticipated negative trends that would negatively affect market values. The twinning of the 100 series highways continues between the valley and Halifax regions.

SUBJECT PROPERTY DESCRIPTION

ZONING DESIGNATION: **As If R 4** SITE DIMENSIONS: NA SITE AREA: 45,400 Sq.Ft.. TOPOGRAPHY: Level/Slope

ESTIMATED AGE	CURB APPEAL	EXTERIOR CONDITION	EXTERIOR FINISH				ROOFING MATERIAL	
N/A YEARS	X GOOD	N/A GOOD	N/A BRICK VENEER	____ WOOD SIDING			N/A	ASPHALT SHINGLE
PARKING	____ AVERAGE	____ AVERAGE	____ SOLID BRICK	____ ALUMINIUM			____	WOOD SHINGLE
____ GARAGE	____ FAIR	____ FAIR	____ STONE VENEER	____ VINYL			____	TAR & GRAVEL
____ CARPORT	____ POOR	____ POOR	____ SOLID STONE	____ INSULBRICK			____	SLATE
____ DRIVEWAY	____	____	____ STUCCO	____			____	

COMMENTS: See Attached Addendum..

COMPARABLE MARKET DATA

ITEM	SUBJECT PROPERTY	NO.1	NO.2	NO.3
ADDRESS	65 AND PID 45059805 FORT E S	Lot 211 FRASER DRIVE	LOT 207 BURGESS CRESCENT	1A GRAY STREET
	WINDSOR, NS	WINDSOR, NS	WINDSOR, NS	WINDSOR, NS
DATE OF SALE		05/28/2009	06/25/2010	02/19/2008
SALE PRICE		38,000	34,900	49,000
SITE SIZE	45,400 Sq.Ft.	10,860 Sq.Ft.	6664 Sq.Ft.	11,305 Sq.Ft.
SIZE L.F.A.				
AGE/CONDITION	as if vacant lot	vacant lot	vacant lot	vacant lot
STYLE	R 4 Residential	R 1 Residential	R 1 Residential	R 4 Residential Potential
ROOMS/BEDROOMS/BATHS				
BASEMENT				
GARAGE/PARKING				
$ per Sq.Ft.		3.4990792	5.2370948	4.3343653

REASONS FOR CONCLUSIONS: See Attached Addendum

SUBJECT HISTORY OF SALES/TRANSFERS/LISTINGS: The Annapolis Valley MLS confirms that the subject property has not been offered for sale.

OPINION OF VALUE

I HAVE CARRIED OUT AN INSPECTION OF THE SUBJECT PROPERTY FROM THE STREET, ANALYZED THE APPLICABLE DATA AND CONSIDERED ALL RELEVANT FACTORS. IN MY OPINION, THE PROPERTY IS ESTIMATED TO HAVE A VALUE RANGE:

OF $ 195,000.00 R4 TO $ 195,000.00 R4 AS OF September 16, 2010

NOTE TO READERS: THIS IS A LIMITED APPRAISAL PREPARED IN ACCORDANCE WITH STANDARDS OF PROFESSIONAL PRACTICE OF THE APPRAISAL INSTITUTE OF CANADA. IDENTIFICATION AND EXPLANATION OF DEPARTURES IS INDICATED BELOW.

THIS DOCUMENT IS A RESTRICTED APPRAISAL REPORT IN THAT IT CANNOT BE UNDERSTOOD PROPERLY WITHOUT ADDITIONAL INFORMATION IN THE WORKFILE OF THE APPRAISER. THE ADDRESEE OF THIS DOCUMENTHAS BEEN ADVISED REGARDING THE LIMITATIONS OF THIS TYPE OF REPORT AND HAS AGREED TO AND IS AWARE OF THESE RESTRICTIONS. DUE TO THE LIMITATION OF THIS REPORTING METHOD IT IS NOT INTENDED FOR USE BY THIRD PARTIES.

USPAP DEPARTURE DISCLOSURE

☐ Rule 1.2(a)	☐ Rule 1.2(d)	☐ Rule 1.3(b)	☐ Rule 1.4(c)	☐ Rule 1.4(f)	☐ Rule 1.4(i)
☐ Rule 1.2(b)	☐ Rule 1.2(e)	☐ Rule 1.4(a)	☐ Rule 1.4(d)	☐ Rule 1.4(g)	
☒ Rule 1.2(c)	☐ Rule 1.3(a)	☐ Rule 1.4(b)	☐ Rule 1.4(e)	☐ Rule 1.4(h)	

EXPLANATIONS:

LIMITED APPRAISAL - RESTRICTED RESIDENTIAL APPRAISAL REPORT

SCOPE OF THE REPORT:

The client has specifically requested a Limited Appraisal to be reported in a Restricted Report format. The information and conclusions are limited by the scope of this type of appraisal as follows:

1. **An inspection of the subject property from the street has been made.**
2. **No inspection has been made of the interior of the subject property.**
3. **Sales data and listing Information have been obtained from data sources considered to be reliable.**
4. **The cost approach has been excluded in this appraisal.**
5. **No registry office search has been performed and the property Is assumed to have a marketable title and is free and clear of all encumbrances, including leases, unless otherwise noted.**
6. **Sales information of physically similar properties has been gathered and analyzed on the basis that the subject is in average condition and that there are no physical or functional conditions within the interior of the property that would adversely affect the conclusions contained in this report, unless otherwise stipulated herein.**

DEFINITION OF MARKET VALUE

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, knowledgeably and assuming the price is not affected by undue stimulus.

ASSUMPTIONS AND LIMITING CONDITIONS:

The Certification that appears in this restricted residential appraisal report is subject to the following conditions:

1. **The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.**
2. **The appraiser will not give testimony or appear In court concerning this appraisal unless required to do so by due process of law.**
3. **The appraiser has noted in the appraisal report any significant adverse conditions (such as needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the street inspection of the subject property or that he or she became aware of during the normal research involved In performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.**
4. **The appraiser obtained the information, estimates and opinions that were expressed in this report from sources considered to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.**
5. **The appraiser will not disclose the contents of the appraisal report except as provided for by the provisions of Uniform Standards of Professional Appraisal Practice (USPAP).**
6. **The appraiser has based the appraisal and valuation conclusion on the assumption that, even though only a street inspection has been made, the interior and exterior condition are assumed to be typical for this type of property, unless otherwise noted in the report.**

Comment on the efforts taken to obtain, and the source of interior and exterior inspection information. The value established presumes that the site has been remediated and that the land is ready for R4 development.

7. **The appraiser has agreed to enter into the assignment as requested by the client named in the report for the use specified by the client which is stated in the report, which calls for things that are different from the work that would otherwise be required by the specific guidelines of the USPAP. The client has agreed that the performance of this limited appraisal and the restricted report format is appropriate for the intended use.**

Other:

APPRAISER'S CERTIFICATION: I certify, to the best of my knowledge and belief:

1. **The statements of fact contained in this report are true and correct.**
2. **The unreported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions and conclusions.**
3. **1 have no present or prospective interest in this property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.**
4. **My compensation is not contingent upon the reporting of a predetermined value or direction in value that favours the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.**
5. **My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice and the Code of Professional Ethics of the Appraisal Institute of Canada.**
6. **I have made a street inspection of the property that is the subject of this report. If a supervisory appraiser has signed the report, that person has indicated on the report whether they did or did not make a street inspection of the appraised property.**
7. **No other person has provided me with significant professional assistance in the completion of this appraisal assignment.**

Note: The Appraisal Institute of Canada has a Mandatory Recertification Program for designated members. As of the date of this report, all designated signatories to this report have fulfilled the requirements of the program.

SUPERVISORY APPRAISER'S CERTIFICATION:

If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: "I directly supervised the appraiser who prepared the appraisal report, have reviewed the report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certification, and am taking full responsibility for the appraisal and the appraisal report."

PROPERTY IDENTIFICATION

Address 65 AND PID 45059805 FORT EDWARD STREET **City** WINDSOR **Pr.** NS **Postal Code** B0N 2T0

Legal Description PID 45059797 AND PID 45059805 , Registry of Deeds, Hants County, NS

Final Estimated Value Range as of September 16, 2010 **(effective date of appraisal)** **is from $** 195,000.00 R4 **to $** 195,000.00 R4

APPRAISER

Signature Jacklyn Parker

Name JACKLYN PARKER

Designation: **CRA:** x **AACI:**

Street Inspection Date: September 16, 2010

Date Signed: October 11, 2010

SUPERVISORY APPRAISER(if applicable):

Signature

Name

Designation: **CRA:** **AACI:**

Street Inspection: **Yes:** **No:**

Street Inspection Date:

Date Signed:

LIMITED APPRAISAL - RESTRICTED RESIDENTIAL APPRAISAL REPORT

This Limited Departure Disclosure is part of a Limited Appraisal made according to the binding requirements and specific guidelines of the Uniform Standards of Professional Appraisal Practice (USPAP). The USPAP permit departures from some sections of the USPAP that are classified as specific guidelines. The USPAP places the burden of proof on the appraiser to decide before accepting an assignment which calls for something so limited as to mislead or confuse the client or other intended users of the report. The appraiser must advise the client that a Limited Appraisal may not be as reliable as a Complete Appraisal, and that the report will clearly identify and explain the departures. The client must agree that the performance of a Limited Appraisal would be appropriate.

I am satisfied that the Limited Appraisal I performed is not so limited as to mislead or confuse the client or other disclosed intended users of the report. I have indicated below those USPAP specific guidelines from which I have departed. I have prominently disclosed in the appraisal report that this is a Limited Appraisal and that I have not performed all of the items of the appraisal process for a Complete Appraisal, and that a Limited Appraisal may be less reliable than a Complete Appraisal.

INDICATE DEPARTURES AND EXPLAIN BELOW

☐ **Standard Rule 1-2 (a)** "adequately identify the real estate, identify the real property interest, consider the intended use of the appraisal, consider the extent of the data collection process, identify any special limiting conditions, and identify the effective date of the appraisal:"

☐ **Standard Rule 1-2 (b)** "define the value being considered: if the value to be estimated is market value, the appraiser must clearly indicate whether the estimate is the most probable price: (i) in terms of cash; or (ii) in terms of financial arrangements equivalent to cash; or (iii) in such other terms as may be precisely defined; if an estimate of value is based on sub market financing or financing with unusual conditions or incentives, the terms of such financing must be clearly set forth, their contributions to or negative influence on value must be described and estimated, and the market data supporting the valuation estimate must be described and explained:"

☒ **Standard Rule 1-2 (c)** "consider easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, by-laws, or other items of a similar nature:"

☐ **Standard Rule 1-2 (d)** "consider whether an appraised fractional interest, physical segment, or partial holding contributes pro rata on the value of the whole:"

☐ **Standard Rule 1-2 (e)** "identify and consider the effect on value of any personal property, trade fixture or intangible items that are not real property but are included in the appraisal:"

☐ **Standard Rule 1-3 (a)** "consider the effect on use and the value of the following factors: existing land use regulations, reasonably probable modifications of such land use regulations, economic demand, the physical adaptability of the real estate, neighbourhood trends, and the highest and best use of the real estate:"

☐ **Standard Rule 1-3 (b)** "recognize that land is appraised as though vacant available for development to its highest and best use and that the appraisal of improvements is based on their actual contribution to the site:"

☐ **Standard Rule 1-4 (a)** "value the site by an appropriate appraisal method or technique:"

☐ **Standard Rule 1-4 (b)** "collect, verify, analyze, and reconcile: (i) such comparable cost data as are available to estimate the cost new of the improvements (if any); (ii) such comparable data as are available to estimate the difference between cost new and the present worth of the improvements (accrued depreciation); (iii) such comparable sales data, adequately identified and described, as are available to indicate a value conclusion; (iv) such comparable operating expenses data as are available to estimate the operating expenses of the property being appraised; (v) such comparable operating data as are available to estimate the operating expenses of the property being appraised; (vi) such comparable data as are available to estimate rates of capitalization and/or rates of discount."

☐ **Standard Rule 1-4 (c)** "base projections of future rent and expenses on reasonably clear and appropriate evidence:"

☐ **Standard Rule 1-4 (d)** "When estimating the value of a leased fee estate or a leasehold estate, consider and analyze the effect on value, if any, of the terms and conditions of the lease(s):"

☐ **Standard Rule 1-4 (e)** "consider and analyze the effect on value, if any, of the assemblage of the various estates or component parts of a property and refrain from estimating the value of the whole solely by adding together the individual values of the various estates or component parts:"

☐ **Standard Rule 1-4 (f)** "consider and analyze the effect on value, if any, of anticipated public or private improvements, located on or off the site, to the extent that market actions reflect such anticipated improvements as of the effective appraisal date:"

☐ **Standard Rule 1-4 (g)** "identify and consider the appropriate procedures and market information required to perform the appraisal, including all physical, functional, and external market factors as they may affect the appraisal:"

☐ **Standard Rule 1-4 (h)** "appraise proposed improvements only after examining and having available for future examination; (i) plans, specifications, or other documentation sufficient to identify the scope and character of the proposed improvements; (ii) evidence indicating the probable time of completion of the proposed improvements; and (iii) reasonable clear and appropriate evidence supporting development costs, anticipated earnings, occupancy projections, and the anticipated competition at the time of completion:"

☐ **Standard Rule 1-4 (I)** "all pertinent information in items (a) through (h) above shall be used in the development of an appraisal:"

Departure Explanations: SR 1-2(c) There were no apparent easements.

ADDENDUM

Borrower: TO ESTIMATE HYPOTHETICAL VALUE R4 ZONE		File No.: 20100914
Property Address: 65 AND PID 45059805 FORT EDWARD STREET		Case No.:
City: WINDSOR	Province: NS	Postal Code: B0N 2T0
Lender: TOWN OF WINDSOR		

Condition of the Improvements

The Land Registry indicates the Town of Windsor owns two parcels of land located adjacent to one another, identified by the Land Registry as PID 45059797 and PID 45059805.

PID 45059797

The property, identified by the Land Registry as PID 45059797, Registry of Deeds, Hants County, NS contains 28,600 Sq.Ft..

The property is located with road frontage on the west side of FORT EDWARD STREET and the east side of COBBETT STREET. The land is level with the roadway at FORT EDWARD STREET, sloping downward to COBBETT STREET.

The was not a Legal Description available to the appraiser. Lot size dimensions have been estimated utilizing the Land Registry sketches. The approximate distance between COBBETT AND FORT EDWARD STREETS is 118 feet, suggesting that the property offers an approximate 227 feet of road frontage.

The site is presently developed with the former, now abandoned WINDSOR OUT DOOR POOL. There is an L shaped concrete pool and an adjacent concrete pool house. The more northerly portion of the property is developed with an abandoned tennis court.

PID 45059805

This property, identified by the Land Registry as PID 45059805, Registry of Deeds, Hants County, NS contains 16,800 Sq.Ft..

The property is located with road frontage on the west side of FORT EDWARD STREET and the east side of COBBETT STREET. The land is level with the roadway at FORT EDWARD STREET , sloping downward to COBBETT STREET.

There was not a Legal Description available to the appraiser. Lot size dimensions have been estimated utilizing the Land Registry sketches. The approximate distance between COBBETT AND FORT EDWARD STREETS is 130 feet, suggesting that the property offers an approximate 130 feet of road frontage.

The site is presently developed with a flat gravel parking lot.

Although presently, Windsor-West Hants Planning Department confirms other zoning designations, the appraiser was advised that the subject property is to be analyzed as if it had achieved an R4 Residential Four zoning designation.

Permitted uses are included with in the addendum of this report.

Comments on Sales Comparison

The appraiser has analyzed three comparable sales considered to be similar to the subject property.

Every effort has been made to secure comparable sales that have occurred with in the recent three months preceding the effective date of this appraisal. Use of sales which have occurred beyond the optimum period will indicate that more recent sales were unavailable. The lack of more current sales does not mean that adverse neighbourhood conditions exist. By the expansion of the time frame, sales with the most similar characteristics and best indicators of value can be utilized.

Despite the careful selection of data, the heterogeneous nature of the real estate market dictates that cumulative adjustments may exceed ideal gross adjustments, especially when there have been a relatively low volume of recent sales to select from with in the subject and similar neighbourhoods.

Sources of market evidence includes the local real estate boards including the Annapolis Valley Real Estate Board as well as access to five other Real Estate Boards through out the province, realtors, and sellers and buyers active in the market place.

Final Reconciliation

HYPOTHETICAL MARKET VALUES

In conclusion the final estimate of value is determined to be $192,950.00 Residential 4 Lot 45,400 Sq.Ft..+/- , rounded to $195,000.00.

The value established is a Hypothetical Value. For purposes of this appraisal report, the appraiser has analysed the value of the subject property as if the zoning at the subject property were Residential Four. A different value conclusion might result but for this hypothesis.

The appraiser assumes that there are no adverse environment concerns at the subject property. The value established presumes that the site has been remediated and that the land is ready for R4 development.

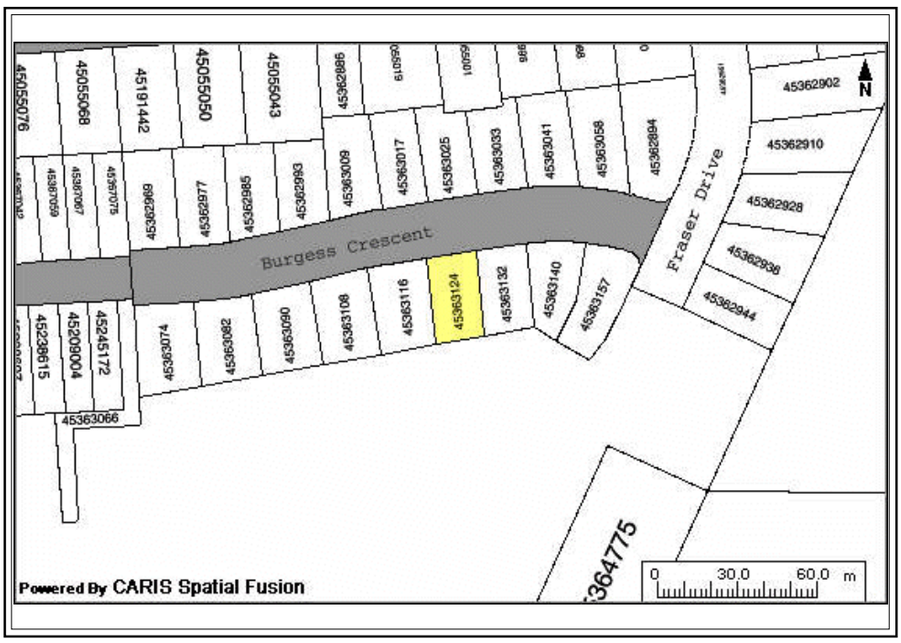
COMPARABLE PROPERTY PHOTO ADDENDUM

Borrower: TO ESTIMATE HYPOTHETICAL VALUE R4 ZONE		File No.: 20100914
Property Address: 65 AND PID 45059805 FORT EDWARD STREET		Case No.:
City: WINDSOR	Prov.: NS	P.C.: B0N 2T0
Lender: TOWN OF WINDSOR		



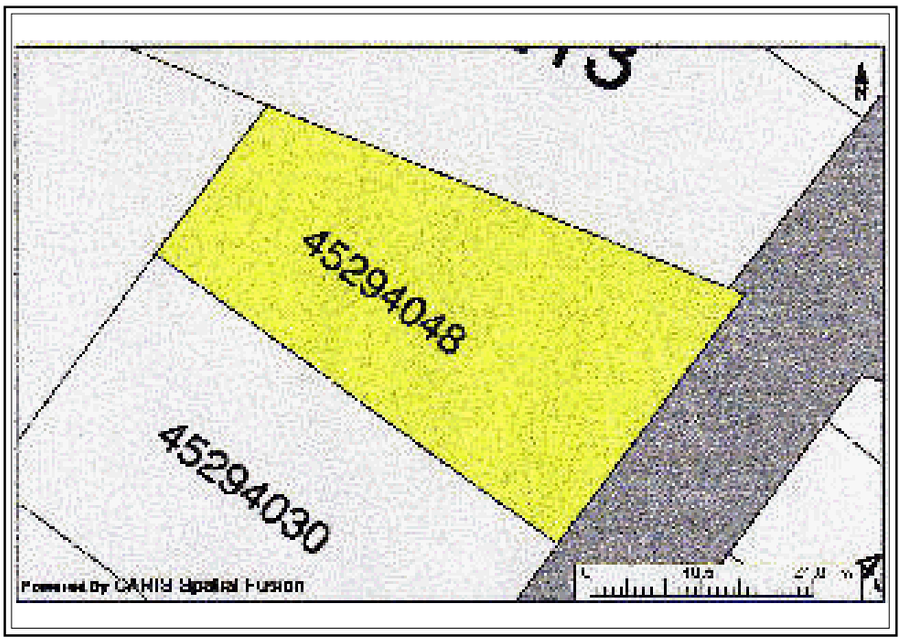
COMPARABLE SALE #1

Lot 211 FRASER DRIVE
WINDSOR, NS
Sale Date: 05/28/2009
Sale Price: $ 38,000



COMPARABLE SALE #2

LOT 207 BURGESS CRESCENT
WINDSOR, NS
Sale Date: 06/25/2010
Sale Price: $ 34,900



COMPARABLE SALE #3

1A GRAY STREET
WINDSOR, NS
Sale Date: 02/19/2008
Sale Price: $ 49,000

Borrower: TO ESTIMATE HYPOTHETICAL VALUE R4 ZONE		File No.: 20100914
Property Address: 65 AND PID 45059805 FORT EDWARD STREET		Case No.:
City: WINDSOR	Prov.: NS	P.C.: B0N 2T0
Lender: TOWN OF WINDSOR		



Tennis Court



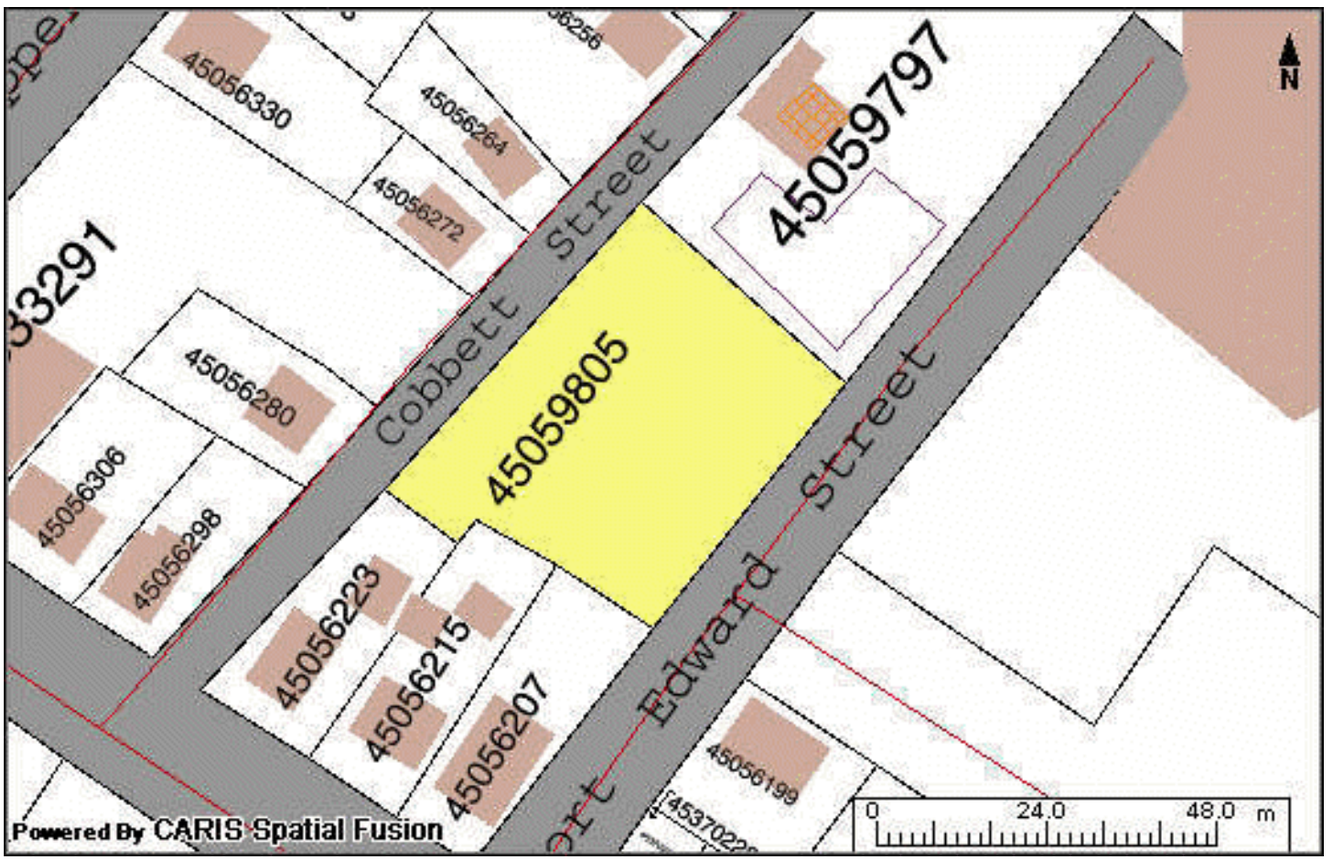
pool



View From Cobbett Street

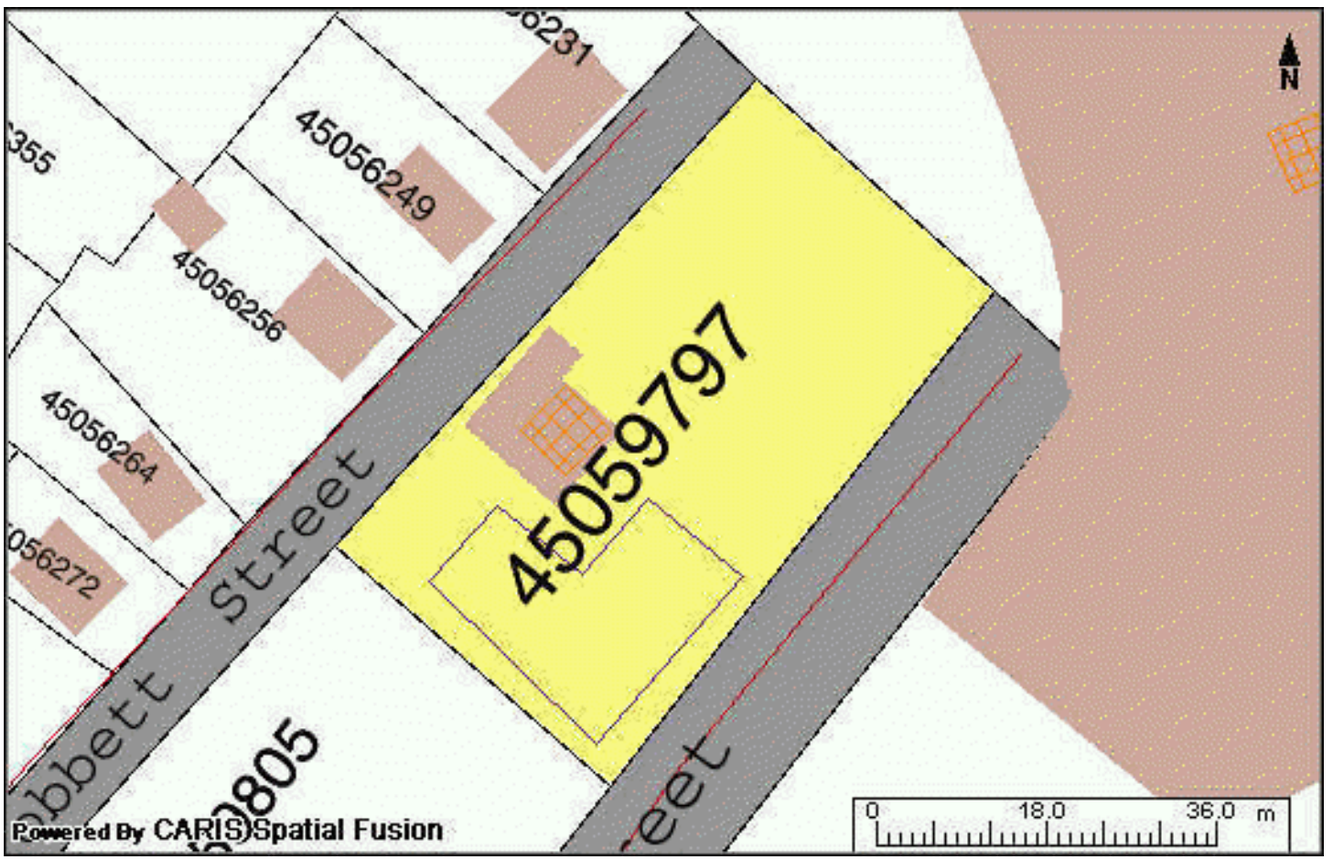
PLOT MAP

Borrower: TO ESTIMATE HYPOTHETICAL VALUE R4 ZONE		File No.: 20100914
Property Address: 65 AND PID 45059805 FORT EDWARD STREET		Case No.:
City: WINDSOR	Prov.: NS	P.C.: B0N 2T0
Lender: TOWN OF WINDSOR		

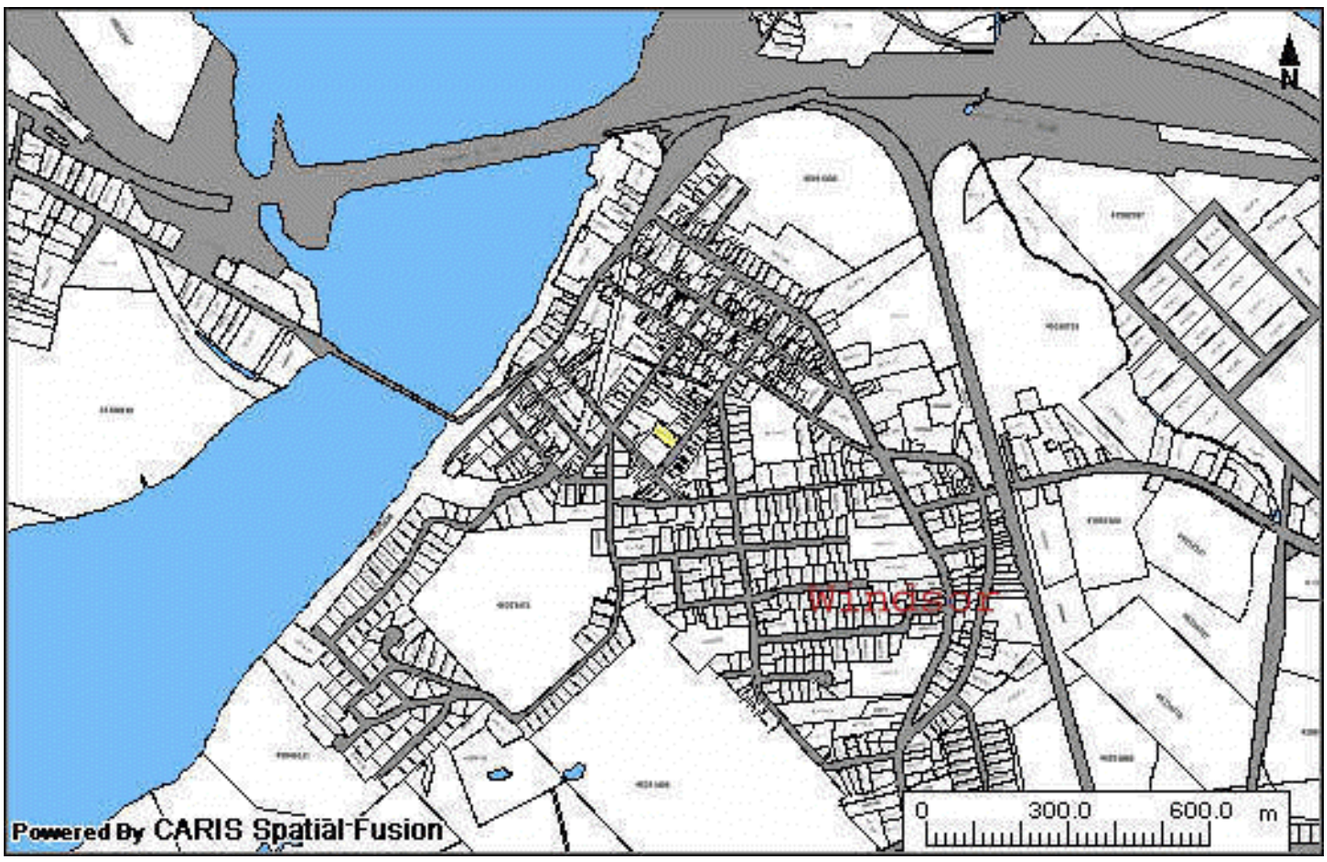


LOCATION MAP

Borrower: TO ESTIMATE HYPOTHETICAL VALUE R4 ZONE		File No.: 20100914
Property Address: 65 AND PID 45059805 FORT EDWARD STREET		Case No.:
City: WINDSOR	Prov.: NS	P.C.: B0N 2T0
Lender: TOWN OF WINDSOR		



Borrower: TO ESTIMATE HYPOTHETICAL VALUE R4 ZONE		File No.: 20100914
Property Address: 65 AND PID 45059805 FORT EDWARD STREET		Case No.:
City: WINDSOR	Prov.: NS	P.C.: B0N 2T0
Lender: TOWN OF WINDSOR		



11.0 HIGH DENSITY RESIDENTIAL (R-4)

Permitted Uses

11.1 The following uses shall be permitted in the High Density Residential (R-4) zone:

- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Uses permitted in the R-2 zone subject to the R-2 zone requirements
- Uses permitted in the R-3 zone subject to the R-3 zone requirements
- Boarding and rooming houses
- Dwellings with more than 6 units
- Grouped dwellings
- Residential care facilities providing care for 5 or fewer persons

R-4 Zone General Requirements

11.2 In the R-4 zone, no development permit shall be issued except in conformity with the following:

		Dwellings with more than 6 units, Boarding Houses, Residential Care Facilities	Grouped Dwellings
Minimum lot area		10,000 ft² (929.00 m²) for the first 4 dwelling units ***plus*** 1,500 ft² (139.35 m²) for each additional unit	3,000 ft² (278.70 m²) for each dwelling unit
Minimum lot frontage		100 ft (30.48 m)	100 ft (30.48 m)
Minimum front yard		35 ft (10.67 m)	
Minimum rear yard		35 ft (10.67 m)	
Minimum side yard	**one side**	15 ft (4.57 m) or ½ the height of the main building, whichever is greater	
	other side	5 ft (1.52 m)	
Maximum height of main building		3 storeys	
Maximum height of accessory building		15 ft (4.57 m)	

Landscaping

11.3 In the case of grouped dwellings and buildings with three or more units, outdoor parking and service areas shall be screened from the street and adjacent residential properties through the use of landscaping or opaque fencing.

Grouped Dwellings

11.4 In addition to the requirements of Section 11.2, the following special provisions shall apply to grouped dwellings:

(a) the minimum distance between grouped dwellings shall be 20 ft (6.10 m) or ½ the height of the higher of any two adjacent buildings, whichever is greater; and

(b) the maximum number of units in an attached grouped dwelling shall be eight.

Recreational Space

11.5 Recreational space shall be provided as required in Section 10.5.

Services Required

11.6 A development permit shall not be issued for a new dwelling of two or more units in the R-4 zone where the proposed development is not serviced with Town water and sewer.

Parking

11.7 Required parking may be provided on a lot other than the lot on which the use is located by development agreement subject to Policy 4.11.3 of the Municipal Planning Strategy.

WINDSOR / WEST HANTS TOGETHER

Committee of the Whole Excerpts
May 11, 2021

Asphalt Paving Services Standing Offer Contract (WWHPW21-04)

This standing offer services contract WWHPW21-04 is for ongoing operational pavement patching requirements from May 1, 2021 until March 31, 2023 with the option to extend for an additional 12 months. This contract is not intended to address any paving requirements that may be associated with individual capital projects that are tendered throughout the year.

The recommended motion was…

> **…THAT COUNCIL APPROVE THE AWARD OF A STANDING OFFER CONTRACT WWHPW21-04 FOR ASPHALT PAVING SERVICES TO THE LOW COMPLIANT BIDDER, DEXTER CONSTRUCTION COMPANY LTD., FOR THE TERM AND UNIT PRICES SPECIFIED IN THEIR PUBLIC BID SUBMISSION.**

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☑	Decision Request ☐	Councillor Activity ☐

To: Members of Council

Submitted by: J. Richard
Todd Richard

Date: May 3, 2021

Subject: Asphalt Paving Services Standing Offer Contract (WWHPW21-04)

LEGISLATIVE AUTHORITY

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

RECOMMENDATION or DECISION REQUEST

It is recommended to Council that:

Council approve the award of a standing offer contract WWHPW21-04 for Asphalt Paving Services to the low compliant bidder, Dexter Construction Company Ltd., for the term and unit prices specified in their public bid submission.

BACKGROUND

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

This standing offer services contract WWHPW21-04 is for ongoing operational pavement patching requirements from May 1, 2021 until March 31, 2023 with the option to extend for an additional 12 months. This contract is not intended to address any paving requirements that may be associated with individual capital projects that are tendered throughout the year. It should also be noted the bids are based on unit prices

only and the total amount is the sum of all estimated quantities times the applicable unit rates. The total amount stated is not a guaranteed to the bidder.

DISCUSSION

A public invitation to bid was issued on March 15th and closed on April 15th, 2021. The following bids were received:

- **Dexter Construction Company Ltd.** **$ 399,100.00**
- No Job Too Odd Property Improvements $ 426,900.00
- Cumberland Paving & Contracting Ltd. $ 461,850.00
- Ocean Contractors Limited $ 481,530.00
- Atlantic Road Construction & Paving Ltd. (ARCP) $ 529,200.00
- Howard E. Little Excavating Ltd. $ 610,850.00

All of the bid submissions received were reviewed by Public Works staff to ensure they were compliant. Dexter Construction has extensive experience in the industry and previously held this service contract with the Municipality for the 2021/22 period; staff see no issues with awarding the tender to this bidder. Below is a breakdown of the unit rates.

Bid Sheet:

Description	UOM	Estimated Quantity	Unit Price	Total Price
Asphalt Concrete Hand Patching (includes cleaning surface, tack coat, supply, placement and compaction of hot mix asphalt type C-HF)	MT	250	$293.00	$73250
Cut & Patch Asphalt; minimum thickness 75mm, maximum 100mm (includes vertical saw cut full depth, excavation and removal of materials to required depth, hauling to Municipal dump site, supply and placement of type 1 gravel if required, tack coat of existing asphalt edges, supply, placement and compaction of hot mix asphalt type C-HF)	MT	450	$288.00	$129,600
Mechanical Spreader Patching (includes cleaning of work area, tack coat, supply, spreading by mechanical spreader and compaction of hot mix asphalt type C-HF)	MT	450	$175.00	$78,750

Asphalt Curb (includes supply, placement and finishing of hot mix asphalt curb on existing asphalt base)	m	100	$48.00	$4,800
Asphalt Sidewalk Hand Overlay (includes cleaning, supply, placement and compaction of hot mix asphalt type C-HF on existing asphalt or concrete sidewalks)	MT	50	$293.00	$14,650
Pavement Plaining. 0.6m x 50mm thickness 2.0m x 50mm thickness (includes mechanical removal of existing asphalt surface, hauling to Municipal Public Works yard, cleaning surface of all loose material)	 m^2 m^2	 450 450	 $12.00 $5.00	 $5,400 $2,250

Planer Patch 50mm (includes mechanical removal of existing, hauling to Municipal Public Works yard, cleaning work area, tack coat, supply, spreading and compaction of hot mix asphalt type C-HF)	m^2	1800	$46.50	$83,700
Placement of Gravel (includes placement of 150mm type 1 gravel, fine grading and compaction)	m^2	300	$14.00	$4,200
Asphalt Removal (includes excavating and removal to Municipal Public Works yard)	m^3	250	$10.00	$2,500

NEXT STEPS

There are no additional steps required for execution of this standing offer contract.

FINANCIAL IMPLICATIONS

All work that falls within this standing offer has been identified in the 2021/22 operating budget under maintenance of streets, sewer operations and water utility operations. Future operating budgets will include estimated maintenance work required, that will be within the terms of this standing offer.

ALTERNATIVES

1. Council may choose not to proceed with this project. This is not the recommendation to Council.

ATTACHMENTS

None.

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in the report the standing offer would be effective until March 2023 with the option to extend to 2024. This will provide the consistency of unit pricing over that term for patching and repair work carried out within the WHRM. It is further noted that the amount of patching will be influenced but "repairs and maintenance " budget allocations as well as responses to emergency repairs as needed and not capital work. I support the recommendation.

Report Prepared by: _____

Brad Carrigan, P.Eng., Capital Projects Engineer

Report Reviewed by: _____

Todd Richard, Director of Public Works

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

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: _____

Madelyn LeMay, Director, Planning and Development

Date: May 25, 2021

Subject: **West Hants** MPS and LUB Amendment: Secondary Suites, File #20-27C

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION or DECISION REQUEST

Should Council wish to proceed to a Public Hearing as recommended by PAC/HAC, the following motion would be in order:

…that Council give First Reading and hold a Public Hearing to consider amending the **West Hants** Municipal Planning Strategy and Land Use By-law to permit secondary suites in single and two-unit dwellings, in a manner substantively the same as Appendix C of the First Reading Report to Council dated May 25, 2021.

BACKGROUND

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

DISCUSSION

A Public Information Meeting was held on April 22, 2021 (Appendix A).

On May 13, 2021 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix B).

There was considerable discussion at PAC/HAC regarding the maximum number of secondary suites which should be permitted on any lot and whether a parking space should be required for each secondary suite.

When considered for the West Hants documents, the determination of PAC/HAC was that neither a limit of one secondary suite per lot nor a requirement for a parking space for each secondary suite should be added to the proposed amendments. PAC/HAC requested that Council be advised that the vote regarding both of these items was split.

The changes to the draft amendments proposed by PAC/HAC for the West Hants documents are included in the draft amendments attached as Appendix C to this report.

NEXT STEPS

The process for this application is as follows:

Process
Staff Review
▼
Public Information Meeting – April 22
▼
Planning Advisory Committee receives staff report and PIM Notes Planning Advisory Committee Review and Recommendation – May 13
▼
Regional Council First Reading – May 25
▼
Public Hearing held and adjourned to next meeting of Council
▼
Council completes Public Hearing and holds Second Reading
▼
Ministerial Approval or Appeal Period
▼
Notice of Approval in Local Paper

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality in relation to the filing of this report.

ALTERNATIVES

In response to the application, Council may decide to:

- provide alternative direction such as requesting further information on a specific topic.

APPENDICES

Appendix A Public Information Meeting Notes – File 20-27A

Appendix B Staff Report and Recommendation - File 20-27B

Appendix C Draft Amendments recommended by PAC/HAC

CHIEF ADMINISTRATIVE OFFICER REVIEW

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

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

Appendix A

Public Information Meeting Notes
April 22, 2021 – May 6, 2021
File 20-27A
Secondary Suits MPS and LUB Amendment West Hants

Meeting date and time	A public information meeting was held on April 22, 2021 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: Councillor Murphy Mayor Zebian Madelyn LeMay, Director, Planning and Development Saira Shah, Planner Sara Poirier, Planner As this meeting was held virtually there were no members of the public present.
Applicant Family Resource Centre	Ms. Shah outlined the request from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the National Building Code.
File Number	20-27A
Comments	Two (2) written comments were received from the public in support of the amendments. The first resident referred to the major housing crisis in the Region and believe the proposed changes could alleviate some of the housing issues. They would like to see detached secondary suites in a future amendment. Another resident and Housing Support Worker (the applicant) felt this amendment would increase affordable housing options and make existing housing potentially more affordable for homeowners who would be able to rent the apartments to cover some of their mortgage costs.
Adjournment	The presentation portion of the PIM ended at 6:10 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. Shah until May 6, 2021.
Attachment A	Comments from public

Attachment A

(April 26, 2021 e-mail)
Hello,
I just wanted to add my comments to the public information hearing. I don't live in Windsor but my job requires me to find housing for folks in Windsor.

I would say there is a major housing crisis right now and the proposed changes would help alleviate some of that. I think the proposed changes are great and I hope they
get passed.

I also hope that we can see them extend even further to include detached secondary dwellings.
Regards,
Kelly McGregor

May 4th, 2021 (via e-mail)

West Hants Regional Municipality
76 Morison Drive
PO Box 3000
Windsor NS B0N 2T0

To Whom It May Concern,

I am writing to express support to the by-law amendment to allow secondary suites to all single and two-unit residential dwellings in Windsor, Hantsport and West Hants.

I am a Housing Support Worker who lives and works in West Hants. The lack of affordable housing in this area is an ongoing issue that many of my clients are dealing with every day, which is why they need additional support from service providers such as myself and a housing locator, to help them find safe, affordable places to live.

A secondary suite, also known as a basement apartment, granny suite or in-law suite is defined by the Halifax Regional Municipality as a self-contained dwelling unit with a limited floor area which is located within a house or another building that contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity.

According to the results of Canada Mortgage and Housing Corporation’s Rental Market Survey conducted in October 2019, the Halifax CMA vacancy rate was 1% versus 1.6% in October 2018. (CMHC 2020). Allowing secondary suites more broadly is intended to support the creation of complete communities as well as meet affordable housing targets. (Halifax.ca).

If secondary suites are permitted, not only can it increase the amount of affordable housing opportunities within the West Hants Municipality, but they can also be used as a way that people who are struggling to afford their current place of residence. Having a secondary suite to rent out can give them extra cash flow to help make ends meet. In doing so, a small part can be played by increasing the vacancy rate and decreasing the number of people struggling with, who are at risk of or who are currently experiencing homelessness.

Sincerely,
Kayla Todd
Housing Support Worker
Family Resource Centre of West Hants

Appendix B

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: May 13, 2021

Subject: File 20-27 Secondary Suites MPS and LUB Amendment **West Hants**

1.0 LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

2.0 RECOMMENDATION

Should the Planning and Heritage Advisory Committee (PAC/HAC) wish to forward a positive recommendation, the following motion would be in order:

… that Council give First Reading and hold a Public Hearing to consider amending the West Hants Municipal Planning Strategy and Land Use By-law to permit secondary suites in single and two-unit dwellings in a manner substantively the same as Attachment A to the staff report to PAC/HAC dated May 13, 2021.

3.0 BACKGROUND

On December 11, 2020 the Family Resource Centre, a member of the West Hants Housing Coalition, applied for an amendment to all planning documents in West Hants Regional Municipality to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the National Building Code (NBC). The application was complete January 26, 2021.

West Hants Regional Municipality has a separate Municipal Planning Strategy and Land use By-law for each of Hantsport, Windsor and West Hants. The amendments for each set of documents must be considered separately. This report will deal only with the West Hants Municipal Planning Strategy (WHMPS) and West Hants Land Use By-Law (WHLUB). There will be duplication of material

within the three reports but this ensures that documentation for each separate amendment is complete.

WHRM staff categorized potential options to improve the amount of affordable housing as short, medium, and long-term depending on the amount of time required for any required changes. One of the short-term options was to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the NBC definition.

The NBC defines a secondary suite as "*a self-contained dwelling unit with a limited floor area which is contained within a house or another building which contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity."* The NBC also limits the size of a suite to 80% of the total floor area of the main dwelling unit to a maximum of 861 ft^2 (80 m^2), and includes requirements for ceiling height, smoke alarms, separation of units, ventilation, egress, and heating systems to ensure both the secondary and main suites are safe for occupancy.

The West Hants Municipal Planning Strategy (WHMPS) does not refer to secondary suites but does permit a similar type of unit, "accessory apartments", in the Single Unit Residential (R-1) zone. The maximum size for accessory apartments in the West Hants Land Use By-law (WHLUB) is 700 ft^2 (65 m^2), which is smaller than the NBC permits.

4.0 4.0 DISCUSSION

4.1 Provincial Support for Secondary Suites

All municipalities in Nova Scotia that have planning documents are required to have specific policies related to housing as there is a *Statement of Provincial Interest* regarding housing. The Provincial goal is to provide housing opportunities to meet the needs of all Nova Scotians. This is achieved by having policies that specifically address affordable housing, special-needs housing and rental accommodations. The Province requires the Municipality to consider permitting higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types. Part 4.11 of the WHMPS addresses housing.

Secondary suites can reflect this Provincial intention and be part of the solution by providing an affordable housing option that does not appear to increase density in low density neighbourhoods as the suites are located within an existing dwelling.

4.2 Municipal Support for Secondary Suites

The background material in Part 4.11 of the WHMPS states: *Accessory apartments in dwellings can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these apartments, Council can ensure that the building retains the look of the original dwelling and are (sic) compatible with the neighbourhood.*

WHMPS Policy 4.11.4 specifically permits accessory apartments within or attached to the main dwelling in the Single Unit Residential (R-1) zone and outlines that the size, location and appearance of the apartments will be limited in the WHLUB to ensure the use remains small-scale and compatible with low density neighbourhoods.

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary suites.

Based on the material in section 4.11 of the WHMPS and the recommendation from the RAD Consulting report, staff consider Council to be in general support of secondary suites (accessory apartments) as an affordable housing option for West Hants.

4.3 Review: Secondary Suites as a Permitted Use in Nearby Municipal Units

When developing the amendments, staff referred to the planning documents in neighbouring municipalities that have recently updated land use requirements related to secondary suites.

Halifax Regional Municipality (HRM) Council approved amendments to the Regional Municipal Planning Strategy and all Land Use By-laws on September 1, 2020, with the exception of the Regional Centre Land Use By-law, to allow secondary suites accessory to single and two-unit dwellings and town houses. The maximum floor area permitted for the secondary suites aligns with the NBC definition. No additional parking is required for the suites and the same zoning requirements that apply to the dwelling unit apply to the suites. A minimum lot size requirement was not set for this amendment as HRM staff thought it could limit development of secondary suites in densely populated areas. HRM staff had initially proposed permitting secondary suites in only single unit dwellings in January 2020, but HRM Council requested that staff consider both two-unit dwellings and town houses. Back yard suites which are located in a separate building accessory to the dwelling unit were also approved as part of this amendment.

East Hants Council approved its planning documents in 2016; these permit accessory dwelling units in several residential zones as accessory to single detached dwellings. East Hants has three (3) categories of accessory dwelling units: garage suites, garden suites, and secondary suites. The definition and

requirements for secondary suites align with the NBC. The appearance of the exterior of the accessory dwelling unit including materials, cladding colour, roof type and pitch must match the main dwelling. Shipping containers are an exception as they can be used as garden suites and do not have to match the main dwelling.

The Town of Wolfville approved its planning documents in the summer of 2020. Secondary suites both attached to and detached from the main dwelling are permitted in a wide variety of residential and commercial zones with the exception of the Low Density Residential Restricted (R1) zone. There is no definition in the Land Use By-law for secondary suites attached to the dwelling however staff contacted the Director of Planning and Development, Devin Lake, who confirmed secondary suites attached to the main dwelling are considered a form of two-unit dwelling and all requirements that apply to two-unit dwellings would be applicable.

The Municipality of the County of Kings (Kings) approved its planning documents in 2019. Section 4.3.4.1 of the Land Use Bylaw sets out the requirements for secondary suites. A secondary suite is permitted in a single unit dwelling with the entrance at the side or rear of the dwelling and the exterior needs to be compatible with existing dwellings in the neighbourhood. Rather than outlining the requirements for secondary suites, such as a maximum size, established in the NBC, the definition just refers to the NBC: *Secondary Suite means a secondary suite as defined by the National Building Code, as amended from time to time.* This enables the requirements to change as the NBC is amended without having to amend the Land Use By-law.

4.4 Parking Requirements for Secondary Suites

HRM was the most recent Municipality to consider amendments to permit secondary suites. It is also the only Municipality reviewed which does not require parking for a secondary suite. Although several HRM residents stated concerns about parking for suites, HRM staff state in a December 2019 staff report several reasons why additional parking may not be needed or may create a burden which may decrease the number of secondary suites installed:

Under the Integrated Mobility Plan, HRM is working to reduce parking requirements overall and instead allow the market to determine its own needs. Additional parking requirements for secondary and backyard suites may be unwarranted in some areas or unnecessarily limit the location of where such uses can be created. The cost of an additional parking space may also add to the cost of the overall development, thereby increasing the costs that may be needed to be recovered through rents. Further, parking requirements may be unnecessary in cases where tenants do not own or cannot operate an automobile, or in neighbourhoods that are close to services and have access to transit.

Section 5.31 of the WHLUB requires one (1) parking space for each dwelling unit. Section 8.3 (h) of the WHLUB requires parking for accessory apartments be provided in accordance with Section 5.31 and the parking space must be located in the side or rear yard of the lot.

Although WHRM staff are not recommending a parking requirement for secondary suites in the more densely developed communities of Windsor and Hantsport, staff are recommending a parking requirement for secondary suites in the more rural areas of West Hants which are covered by the WHMPS and WHLUB. In the more rural areas where services are not within walking distance the majority of residents in secondary suites will likely need their own vehicle to be able to reach services and employment. In particular, in unserviced areas, requiring a parking space for each dwelling unit does not have the same negative impact as a requirement for parking in serviced and more densely developed areas. Although there are areas of the Municipality with sewer and water services, these tend to have larger lots than in the more developed urban areas.

4.5 Lot Coverage

Lot coverage is a term defined in the WHLUB: *means the percentage of the lot that is covered by buildings, also known as the building footprint; maximum lot coverage means the largest allowable area that can be covered by any building or buildings on a lot.*

The maximum lot coverage in the WHLUB is 50%. Staff recommend removing the lot coverage restriction as part of the amendment as the requirement disproportionately prevents property owners with smaller lots from constructing accessory apartments. NBC requirements and WHLUB yard requirements would still apply which ensures development is compatible with the neighbourhood without the need for a maximum coverage restriction.

4.6 Floor Area

WHLUB has a maximum floor area requirement for accessory apartments that is smaller than that allowed in the NBC. Only 700 ft^2 (65 m^2) may be used under the WHLUB compared to 80% of the total floor area of the main dwelling unit to a maximum of 861 ft^2 (80 m^2) allowed in the NBC.

Most planning documents reviewed by staff include a specific maximum floor area requirement that aligns with the NBC except Kings which, as noted above, only refers to the NBC: *Secondary Suite means a secondary suite as defined by the National Building Code, as amended from time to time.* Staff considered the Kings definition as it aligns with the NBC without including the specific maximum

floor area requirements. This ensures the planning documents do not need to be amended every time the NBC changes.

However, for ease of administration, staff have included the maximum floor area requirements in the proposed definition which lets the Development Officer issue a permit if the maximum size is increased in the NBC without amendment to the definition WHLUB.

4.7 Number of Secondary Suites per Lot

In areas regulated by the WHLUB, the number of main buildings which can be constructed on most lots as-of-right is now limited to one (1). There are some lots with more than one main building which may have been constructed prior to land use regulation, or others which have specific provision in the WHLUB such as the agricultural zones.

In West Hants only one (1) accessory apartment is permitted on a lot. If a two-unit dwelling or multiple single unit dwellings are located on one lot and held in the same ownership, this regulation would prevent a secondary suite in more than one of the dwellings. Staff recommends removing potential barriers and ensuring secondary suites are permitted in single and two-unit dwellings regardless of the number of single and two-unit dwellings on a lot by permitting one (1) secondary suite in each dwelling on a lot.

4.8 Zones

Many dwellings exist outside residential zones; these may be permitted under the present WHLUB (such as in the General Commercial (GC) Zone) or may have been constructed prior to the enactment of land use regulation.

The proposed amendments would permit secondary suites to be constructed in single and two-unit dwellings in any zone to accommodate residential uses that exist outside of residential zones.

4.9 Appearance of the Main Dwelling Unit

The present requirements listed below for accessory apartments in the WHLUB have been incorporated in the proposed amendments to ensure the intention of Council expressed in the 2008 document is maintained. These are:

- the suite must be within or attached to the dwelling unit;
- the roof line or height of the existing dwelling unit can not be changed unless it is to accommodate dormers or is a structural necessity for public safety;
- no new entrances can be installed on the front of the dwelling unit for the suite; and

- additions to accommodate the suite must be at the rear of the dwelling unit.

These requirements are intended to ensure dwellings with secondary suites remain visually compatible with low-density neighborhoods. If the roof line and height of the dwelling unit are not altered, the entrance to the suite is not visible from the front of the dwelling unit and any additions to accommodate the suite are only located in the rear of the dwelling unit the visual appearance from the street of the dwelling unit with a secondary suite will in most instances not differ from the original building. Corner lots are the main exception as the rear yard for a corner lot is visible from the side street. Council has identified maintaining the visual appearance of a low-density neighborhood as important in the present WHMPS: *By regulating the size and appearance of these apartments, Council can ensure that the building retains the look of the original dwelling and are (sic) compatible with the neighbourhood.*

Inclusion of these requirements reflects Council's intention and does not prevent creation of most secondary suites.

PAC/HAC may recommend or Council can change its intention and remove these requirements if maintaining the appearance of a low-density neighborhood is no longer a priority or it is determined that the appearance can be maintained without these requirements.

4.10 Draft Amendments

When drafting the amendments, (Appendix A), staff considered the Statement of Provincial Interest, the review of nearby municipal units mentioned above, the NBC, and the existing planning documents in order to develop amendments which increase affordable housing options in WHRM. The amendments include a name change in the West Hants documents from accessory apartments to secondary suites as this is the name used in the NBC.

4.11 Municipal Climate Change Action Plan

The Municipal Climate Change Action Plan (MCCAP) was not considered for this amendment as it is a text amendment.

5.0 NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WHMPS and are consistent with the intent, objectives and policies of the WHMPS. The proposed amendment to permit secondary suites in single and two-unit dwellings reflects the intent of the existing Municipal Planning Strategy policies. As a result, staff recommends proceeding with the approval process for the proposed amendments.

Approval Process

Staff Review

▼

Public Information Meeting

▼

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

▼

Regional Council First Reading

▼

Public Hearing held and adjourned to
next meeting of Council

▼

Council completes Public Hearing and
holds Second Reading

▼

Ministerial Approval

▼

Notice of Approval in Local Paper

6.0 FINANCIAL IMPLICATIONS

There may be an increase in households using water, sewer, and waste disposal services in the area. However, the increased services are expected to be paid for, at least in part, by the municipal taxes and service charges for property owners who are installing secondary suites or the tenant who may cover some of these fees through their rent. Property owners will be responsible for ensuring services are provided to the secondary suites.

7.0 ALTERNATIVES

In response to the application, PAC/HAC may:

- request further information on a specific topic;
- determine that the application does not meet the criteria of the WHMPS and make this recommendation to Council.

8.0 ATTACHMENTS

Appendix A Draft Amendments

Report Prepared by: _____

Saira Shah, Planner; and

_____

Madelyn LeMay, Director of Planning and Development

Attachment A
Draft Amendments

Note: coloured text indicates a change from the present WHMPS or WHLUB and in provided only for the convenience of PAC/HAC and Council

Text amendments to the West Hants Municipal Planning Strategy and Land Use By-law to allow secondary suites in single and two-unit dwellings.

MUNICIPAL PLANNING STRATEGY

1. **Amend Section 4 Part 4.11, Housing, of the West Hants Municipal Planning Strategy by replacing the background material, Policy 4.11.1, 4.11.3 and Policy 4.11.4 with the following material so that Part 4.11 reads as follows:**

4.11 Housing

Council acknowledges it is important to encourage the provision of housing that includes all residents of West Hants regardless of socio-economic status, age or physical or mental ability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. A secondary suite within a dwelling can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure that the buildings retain the look of the existing dwellings and are compatible with the neighbourhood.

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

Policy 4.11.1 encourage the provision of housing adequate to meet the needs of all residents of West Hants. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.

Policy 4.11.2 provide for the development of a range of housing types in West Hants.

Policy 4.11.3 include flexible development standards which encourage innovative housing development in the Land Use By-law.

Policy 4.11.4 permit secondary suites in single and two-unit dwellings in all zones, and regulate the size, location and appearance of secondary suites to

ensure the use remains small-scale and compatible with the neighborhood.

2. **Amend Section 5 Part 5.3, Three Mile Plains Growth Centre Residential Policies, of the West Hants Municipal Planning Strategy by removing the term "accessory apartments" in Policy 5.3.1 so that it reads as follows:**

Policy 5.3.1 It shall be the policy of Council to establish a Single Unit Residential (R-1) zone which will permit single unit dwellings and existing manufactured homes.

3. **Amend Section 15 Part 15.1, Servicing Policies, of the West Hants Municipal Planning Strategy by replacing the phrase "accessory apartments in the Single Unit Residential (R-1) zone" with "secondary suites in single and two-unit dwellings" so that Part 15.1 reads as follows:**

Council wishes to encourage development that makes maximum use of the existing infrastructure within the service area boundaries (Growth Centres). Other policies of this Strategy address infill development on existing undersized lots, multiple residential development in appropriate locations, and secondary suites in single and two-unit dwellings. Policies for grouped dwellings encourage more compact cluster developments that use less land and are more economical to service.

LAND USE BY-LAW

4. **Add Secondary Suites, in Section 5, General Provisions for All Zones, of the West Hants Land Use By-law following Licensed Cannabis Uses as shown below:**

Secondary Suites

5.57 Secondary Suites shall be permitted in single and two-unit dwellings in all zones.

5.58 In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:

(a) no more than one (1) secondary suite shall be permitted within or attached to a dwelling unit;
(b) alterations shall not change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
(c) no new entrances shall be created on the front façade of the dwelling unit;
(d) parking shall be provided as required in Section 5.31 in the side or rear yard of the lot; and
(e) additions shall be limited to the rear yard of the exiting dwelling.

5. **Remove from Section 8 Part 8.1 Permitted Uses of the West Hants Land Use By-law the listed permitted use "accessory apartments" so that Part 8.1 reads as follows:**

   Permitted Uses
   8.1 The following uses shall be permitted in the Single Unit Residential (R-1) zone:
   - Single unit dwellings
   - Existing manufactured homes

6. **Remove from Section 8 Part 8.3, Accessory Apartments- Special Requirements, from the West Hants Land Use By-law.**

   Accessory Apartments – Special Requirements

   8.3 (removed in amendment File #20-27 *effective date*)

7. **Amend Section 35, Definitions, of the West Hants Land Use By-law by removing the definition of "Accessory Apartment" and inserting the definition of "Secondary Suite" between the definitions of Scrap Operation and Self Storage Operations so that the definitions of "Accessory Apartment" and "Secondary Suite" read as follows:**

   Accessory Apartment (removed in amendment File #20-27 *effective date*)

   Secondary Suite means a self-contained dwelling unit contained within a single or two-unit dwelling. The maximum floor area of a Secondary Suite is 80% of the total floor area of the main dwelling unit to the maximum established in the NBC or 862 ft^2 (80 m^2), whichever is greater.

Appendix C
Draft Amendments Recommended by PAC/HAC

Note: coloured text indicates a change from the present WHMPS or WHLUB and in provided only for the convenience of PAC/HAC and Council

Text amendments to the West Hants Municipal Planning Strategy and Land Use By-law to allow secondary suites in single and two-unit dwellings.

1. **Amend Section 4 Part 4.11, Housing, of the West Hants Municipal Planning Strategy by replacing the background material, Policy4.11.1, 4.11.3 and Policy 4.11.4 so that Part 4.11 reads as follows:**

4.11 Housing

Council acknowledges it is important to encourage the provision of housing that includes all residents in West Hants regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. A secondary suite in a dwelling can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure that the buildings retain the look of the original dwellings and are compatible with the neighbourhood.

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

Policy 4.11.1 encourage the provision of housing adequate to meet the needs of all residents in West Hants. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.

Policy 4.11.2 provide for the development of a range of housing types in West Hants.

Policy 4.11.3 include flexible development standards which encourage innovative housing development in the Municipal Planning Strategy and Land Use By-law.

Policy 4.11.4 permit secondary suites in single and two-unit dwellings in all zones, with regulation regarding the size, location and appearance of secondary suites to ensure the use remains small-scale and compatible with the neighborhood.

2. **Amend Section 5 Part 5.3, Three Mile Plains Growth Centre Residential Policies, of the West Hants Municipal Planning Strategy by removing the term "accessory apartments" in Policy 5.3.1 so that it reads as follows:**

Policy 5.3.1 It shall be the policy of Council to establish a Single Unit Residential (R-1) zone which will permit single unit dwellings and existing manufactured homes.

3. **Amend Section 15 Part 15.1, Servicing Policies, of the West Hants Municipal Planning Strategy by replacing the phrase "accessory apartments in the Single Unit Residential (R-1) zone" with "secondary suites in single and two-unit dwellings" so that Part 15.1 reads as follows:**

Council wishes to encourage development that makes maximum use of the existing infrastructure within the service area boundaries (Growth Centres). Other policies of this Strategy address infill development on existing undersized lots, multiple residential development in appropriate locations, and secondary suites in single and two-unit dwellings. Policies for grouped dwellings encourage more compact cluster developments that use less land and are more economical to service.

4. **Insert, Secondary Suites, in Section 5, General Provisions for All Zones, of the West Hants Land Use By-law following Licensed Cannabis Uses as shown below:**

Secondary Suites

5.57 Secondary Suites are permitted in single and two-unit dwellings in all zones.

5.58 In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:

(a) no more than one (1) secondary suite shall be permitted per dwelling unit;
(b) the secondary suite shall be contained within or attached to the dwelling unit;
(c) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
(d) no new entrances shall be created on the front façade of the dwelling unit;
(e) Notwithstanding section 5.31, a parking spaces shall not be required for each secondary suite; and
(f) additions shall be limited to the rear yard of the dwelling unit.

5. **Remove from Section 8 Part 8.1 Permitted Uses of the West Hants Land Use By-law the listed permitted use "accessory apartments" so that Part 8.1 reads as follows:**

Permitted Uses

8.1 The following uses shall be permitted in the Single Unit Residential (R-1) zone:
•Single unit dwellings
•Existing manufactured homes

6. **Remove from Section 8 Part 8.3, Accessory Apartments- Special Requirements, from the West Hants Land Use By-law.**

Accessory Apartments – Special Requirements

8.3 (removed in amendment File #20-27 effective date)

7. **Amend Section 35, Definitions, of the West Hants Land Use By-law by removing the definition for "Accessory Apartment" and inserting the definition for "Secondary Suite" between the definitions of Scrap Operation and Self Storage Operations so that the definition for "Accessory Apartment" and "Secondary Suite" reads as follows:**

Accessory Apartment (removed in amendment File #20-27 effective date)

Secondary Suite means a dwelling unit within a dwelling unit limited to a maximum of (1) 80% of the total floor area of the dwelling unit if 80% is less than 862 ft2 (80 m2) or (2) 862 ft2 (80 m2) or (3) greater as established in the National Building Code.

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: _____

Madelyn LeMay, Director, Planning and Development

Date: May 25, 2021

Subject: **Windsor** MPS and LUB Amendment: Secondary Suites, File #20-29C

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION or DECISION REQUEST

Should Council wish to proceed to a Public Hearing as recommended by PAC/HAC, the following motion would be in order:

…that Council give First Reading and hold a Public Hearing to consider amending the **Windsor** Municipal Planning Strategy and Land Use By-law to permit secondary suites in single and two-unit dwellings, in a manner substantively the same as Appendix C to the First Reading Report to Council dated May 25, 2021.

BACKGROUND

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

DISCUSSION

A Public Information Meeting was held on April 22, 2021 (Appendix A).

On May 13, 2021 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix B).

There was considerable discussion at PAC/HAC regarding the maximum number of secondary suites which should be permitted on any lot and whether a parking space should be required for each secondary suite.

When considered for the Windsor documents, the determination of PAC/HAC was that a limit of one secondary suite per lot and a requirement for a parking space for each secondary suite should be added to the proposed amendments.

The changes to the draft amendments proposed by PAC/HAC for the Windsor documents are included in the draft amendments attached as Appendix C to this report.

NEXT STEPS

The process for this application is as follows:

Process
Staff Review
▼
Public Information Meeting – April 22
▼
Planning Advisory Committee receives staff report and PIM Notes Planning Advisory Committee Review and Recommendation – May 13
▼
Regional Council First Reading – May 25
▼
Public Hearing held and adjourned to next meeting of Council
▼
Council completes Public Hearing and holds Second Reading
▼
Ministerial Approval or Appeal Period
▼
Notice of Approval in Local Paper

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality in relation to the filing of this report.

ALTERNATIVES

In response to the application, Council may decide to:

- provide alternative direction such as requesting further information on a specific topic.

APPENDICES

Appendix A Public Information Meeting Notes – File 20-29A

Appendix B Staff Report and Recommendation - File 20-29B

Appendix C Draft Amendments recommended by PAC/HAC

CHIEF ADMINISTRATIVE OFFICER REVIEW

Report Prepared by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Appendix A

Public Information Meeting Notes
April 22, 2021- May 6, 2021
File 20-29A
Secondary Suits MPS and LUB Amendment Windsor

Meeting date and time	A public information meeting was held on April 22, 2021 beginning at 7 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: Councillor Murley Madelyn LeMay, Director, Planning and Development Saira Shah, Planner Sara Poirier, Planner As this meeting was held virtually there were no members of the public present.
Applicant Family Resource Centre	Ms. Shah outlined the request from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the National Building Code.
File Number	20-29A
Comments	Three (3) written comments were received: Two (2) residents were in general support of the amendment. One (1) resident referred to the major housing crisis in the region. They believe the proposed changes could alleviate some of the housing issues and would like to see detached secondary suites considered in a future amendment. Another resident and Housing Support Worker (the applicant) felt this amendment would increase affordable housing options and make existing housing potentially more affordable for homeowners who would be able to rent the apartments to cover some of their mortgage costs. One (1) resident was opposed to not requiring parking for secondary suites in Windsor as they feel the downtown streets have parking problems now.
Adjournment	The presentation portion of the PIM ended at 7:08 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. Shah until May 6, 2021.
Attachment A	PIM Comments

Attachment A

(April 26, 2021 e-mail)
Hello,
I just wanted to add my comments to the public information hearing. I don't live in Windsor but my job requires me to find housing for folks in Windsor.

I would say there is a major housing crisis right now and the proposed changes would help alleviate some of that. I think the proposed changes are great and I hope they
get passed.

I also hope that we can see them extend even further to include detached secondary dwellings.
Regards,
Kelly McGregor

(April 27, 2021 e-mail)
Dear Mayor and Council etal,

When I walk up Campbell Ave or around Lakeview Drive ,(the newer build area's) it looks very different than walking on Gerrish, King, Stanus or Victoria Street's.
Our historical downtown area is over 200 yrs old with the majority of the homes over 130 years old. Downtown was created before cars or parking concerns.

Downtown homes are either relatively small or large, mostly tight together, shared driveways , most built directly on the sidewalks or streets and parking is a issue.
Oil delivery companies will tell you that it's not that easy to park in downtown to deliver oil to our older homes.

I live on a older busy street with parking issues already. It has a very busy Day care with lots of drop offs and pick ups by many vehicles, home business's are becoming more permitted within our residential streets all adding to our parking woes.

I request that council keep our former planning strategy and maintain Secondary Suite's must have their own parking.

Sincerely, Denise Forand

May 4th, 2021 (via e-mail)

West Hants Regional Municipality
76 Morison Drive
PO Box 3000
Windsor NS B0N 2T0

To Whom It May Concern,

I am writing to express support to the by-law amendment to allow secondary suites to all single and two-unit residential dwellings in Windsor, Hantsport and West Hants.

I am a Housing Support Worker who lives and works in West Hants. The lack of affordable housing in this area is an ongoing issue that many of my clients are dealing with every day, which is why they need additional support from service providers such as myself and a housing locator, to help them find safe, affordable places to live.

A secondary suite, also known as a basement apartment, granny suite or in-law suite is defined by the Halifax Regional Municipality as a self-contained dwelling unit with a limited floor area which is located within a house or another building that contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity.

According to the results of Canada Mortgage and Housing Corporation's Rental Market Survey conducted in October 2019, the Halifax CMA vacancy rate was 1% versus 1.6% in October 2018. (CMHC 2020). Allowing secondary suites more broadly is intended to support the creation of complete communities as well as meet affordable housing targets. (Halifax.ca).

If secondary suites are permitted, not only can it increase the amount of affordable housing opportunities within the West Hants Municipality, but they can also be used as a way that people who are struggling to afford their current place of residence. Having a secondary suite to rent out can give them extra cash flow to help make ends meet. In doing so, a small part can be played by increasing the vacancy rate and decreasing the number of people struggling with, who are at risk of or who are currently experiencing homelessness.

Sincerely,
Kayla Todd
Housing Support Worker
Family Resource Centre of West Hants

Appendix B

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Members of Planning and Heritage Advisory Committee(PAC/HAC)

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: May 13, 2021

Subject: File 20-29 Secondary Suites MPS and LUB Amendment **Windsor**

1.0 LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

2.0 RECOMMENDATION

Should the Planning and Heritage Advisory Committee (PAC/HAC) wish to forward a positive recommendation, the following motion would be in order:

…that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to permit secondary suites in single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to PAC/HAC dated May 13, 2021.

3.0 BACKGROUND

On December 11, 2020 the Family Resource Centre, a member of the West Hants Housing Coalition, applied for an amendment to all planning documents in West Hants Regional Municipality to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the National Building Code (NBC). The application was complete January 26, 2021.

West Hants Regional Municipality has a separate Municipal Planning Strategy and Land use By-law for each of Hantsport, Windsor and West Hants. The amendments for each set of documents must be considered separately. This report will deal only with the Windsor Municipal Planning Strategy (WMPS) and

Windsor Land Use By-Law (WLUB). There will be duplication of material within the three reports but this ensures that documentation for each separate amendment is complete.

WHRM staff categorized potential options to improve the amount of affordable housing as short, medium, and long-term depending on the amount of time required for any required changes. One of the short-term options was to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the NBC definition.

The NBC defines a secondary suite as "*a self-contained dwelling unit with a limited floor area which is contained within a house or another building which contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity."* The NBC also limits the size of a suite to 80% of the total floor area of the main dwelling unit to a maximum of 861 ft^2 (80 m^2), and includes requirements for ceiling height, smoke alarms, separation of units, ventilation, egress, and heating systems to ensure both the secondary and main suites are safe for occupancy.

The WMPS does not refer to secondary suites but does permit a similar type of unit, "accessory apartments", in the Single Unit Residential (R-1) zone. The maximum size for accessory apartments in the WLUB is 25% of the floor area of the dwelling, which is smaller than the NBC permits.

4.0 DISCUSSION

4.1 Provincial Support for Secondary Suites

All municipalities in Nova Scotia that have planning documents are required to have specific policies related to housing as there is a *Statement of Provincial Interest* regarding housing. The Provincial goal is to provide housing opportunities to meet the needs of all Nova Scotians. This is achieved by having policies that specifically address affordable housing, special-needs housing and rental accommodations. The Province requires the Municipality to consider permitting higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types. Section 5.0 of the WMPS addresses housing and residential uses.

Secondary suites can reflect this Provincial intention and be part of the solution by providing an affordable housing option that does not appear to increase density in low density neighbourhoods as the suites are located within an existing dwelling.

4.2 Municipal Support for Secondary Suites

The background material in Part 5.1 of the WMPS states: *With an aging population, the need for flexible housing options will continue to grow in the future. Small accessory apartments in single unit dwellings can provide a solution for those wishing to keep elderly or dependant family members nearby. Although tenancy cannot be restricted to family members, by strictly regulating the size and appearance of these apartments, Council can ensure that the building retains the appearance of a single unit dwelling and remains compatible with the neighbourhood.*

Policy 5.1.3 specifically permits accessory apartments within or attached to the main dwelling in the Single Unit Residential (R-1) zone and outlines that the size, location and appearance of the apartments will be limited in the WLUB to ensure the use remains compatible with low density neighbourhoods.

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary suites.

Based on the material in Part 5.1 of the WMPS and the recommendation from the RAD Consulting report, staff consider Council to be in general support of secondary suites (accessory apartments) in Windsor as an affordable housing option.

4.3 Review: Secondary Suites as a Permitted Use in Nearby Municipal Units

When developing the amendments, staff reviewed the planning documents in neighbouring municipalities that have recently updated land use requirements for secondary suites. The detailed review can be found in the staff report titled "2021-05-13 File 20-27 Secondary Suites MPS and LUB Amendment West Hants".

The background material and policy that permit accessory apartments in Windsor are currently in Part 5.1 Single Unit Residential. The proposal is to replace this with a housing section in the WMPS General Land Use Policies similar to Part 4.11 of the West Hants Municipal Planning Strategy. This proposed amendment will ensure the general housing policies for the Region are similar and meet the requirements of the Statements of Provincial Interest.

4.4 Parking Requirements for Secondary Suites

HRM was the most recent Municipality to consider amendments to permit secondary suites. It is also the only Municipality which does not require parking for a secondary suite. Although several HRM residents stated concerns about parking for suites, HRM staff state in a December 2019 staff report several reasons why additional parking may not be needed or may create a burden which may decrease the number of secondary suites installed:

Under the Integrated Mobility Plan, HRM is working to reduce parking requirements overall and instead allow the market to determine its own needs. Additional parking requirements for secondary and backyard suites may be unwarranted in some areas or unnecessarily limit the location of where such uses can be created. The cost of an additional parking space may also add to the cost of the overall development, thereby increasing the costs that may be needed to be recovered through rents. Further, parking requirements may be unnecessary in cases where tenants do not own or cannot operate an automobile, or in neighbourhoods that are close to services and have access to transit.

Section 5.25 of the WLUB requires one (1) parking space for each dwelling unit. Section 8.3 (h) of the WLUB requires parking for accessory apartments be provided in accordance with Section 5.25 and the parking space must be located in the side or rear yard of the lot.

Although WHRM staff are recommending that one (1) space be required for secondary suites regulated by the West Hants MPS and LUB, staff are not recommending parking be required within the areas regulated by either the Windsor or Hantsport Municipal Planning Strategies and Land Use By-laws.

WHRM staff asked Troy Burgess to comment on parking requirements as he was Traffic Authority for the Town of Windsor and is now Manager of Public Works Operations and Traffic Authority for Municipal roads in WHRM. Mr. Burgess stated when parking is not available for all tenants they typically park on the street which has caused operational issues in the past for snow and ice removal but also street sweeping and street repairs. He mentioned the HRM winter parking ban makes it easier for that Municipality to carry out snow clearing operations. WHRM uses section 129 of the Motor Vehicle Act to address parking during snow and ice events. Public Works has closed streets in the past, particularly Gerrish Street, to carry out snow removal as on-street parking has been an issue in that area. Mr. Burgess appreciates the goal of reducing barriers to affordable housing but thinks a parking requirement for secondary suites would be in the best interest of the Municipality. When asked if alternative options are available for winter parking Mr. Burgess mentioned the parking areas at the community centre and swimming pool have been rented in the past. Dianne Levy, Manager of Recreation and Facilities, stated winter parking is currently available at the pool parking lot from December 1 to March 30 at a cost of $45 per month plus HST for each space. Although there is room for between six (6) and eight (8) vehicles, only two (2) permits were sold this year.

The RAD Consulting report included several recommendations that relate to parking. Recommendation 4 *Prepare an Integrated Mobility Plan* encourages Council to consider alternative transportation options and develop a mobility plan similar to the Halifax Integrated Mobility Plan. HRM staff stated the Integrated Mobility Plan and HRM's Council's intention to reduce reliance on personal vehicles was one of the reasons for not requiring a parking space for secondary

suites. Recommendations 9 and 11 of the RAD report focus on creating walkable communities and addressing climate change. Not requiring a parking space for secondary suites in walkable communities will align with these recommendations as it could increase affordable housing options for residents without a personal vehicle and encourage more residents to walk to services and reduce Greenhouse Gas emissions.

Although having adequate parking to meet the needs of residents is important, staff recommend not requiring parking for secondary suites in Windsor, as the potential burden of a parking requirement may hinder the opportunity to increase affordable housing options and may undermine the development of a more walkable community. The secondary suite may be intended for a grandparent who no longer drives or a single parent who can not afford a vehicle. In both situations, the individual may be purposely choosing a housing location close to services, enabling them to remain independent in the community without a vehicle. The lack of a parking requirement would not prevent a property owner from creating an additional parking space if there is room and it is needed. It would ensure that smaller properties that may not have room for an additional parking space, but are close to services, would be able to have a secondary suite.

A number of additional assumptions underly requiring a parking space for every dwelling unit:

- everyone wants, needs or can afford to have a car;
- the best use of serviced land is for parking;
- that unless parking is provided, housing should not be permitted; and
- ensuring the most efficient use of areas serviced with sewer and water is secondary to providing parking.

Requiring parking for each unit reduces potential infill development and keeps the supply of dwelling units from meeting demand. This inflates housing prices, which in turn inflates rents…all of which tends to force those least able to pay for housing to more car-dependent neighbourhoods on the outskirts of denser residential areas.

4.5 Lot Coverage

Lot coverage is a term defined in the WLUB: *the percentage of the lot that is covered by buildings, also known as the building footprint; maximum lot coverage means the largest allowable area that can be covered by any building or buildings on a lot.*

The maximum lot coverage in the WLUB is 50%. Staff recommend removing the lot coverage restriction as part of the amendment as the requirement disproportionately prevents property owners with smaller lots from constructing accessory apartments. NBC requirements and WLUB yard requirements would

still apply which ensures development is compatible with the neighbourhood without the need for a maximum coverage restriction.

4.6 Floor Area

WLUB has a maximum floor area requirement for accessory apartments that is smaller than that allowed in the NBC. 25% of the total floor area of the structure in Windsor may be used, compared to 80% of the total floor area of the main dwelling unit or a maximum of 861 ft^2 (80 m^2) allowed in the NBC.

Most planning documents reviewed by staff include a specific maximum floor area requirement that aligns with the NBC except Kings which, as noted above, only refers to the NBC: *Secondary Suite means a secondary suite as defined by the National Building Code, as amended from time to time.* Staff considered the Kings definition as it aligns with the NBC without including the specific maximum floor area requirements. This ensures the planning documents do not need to be amended every time the NBC changes.

However, for ease of administration, staff have included the maximum floor area requirements in the proposed definition, which lets the Development Officer issue a permit if the maximum size is increased in the NBC without amendment to the definition in the WLUB.

4.7 Number of Secondary Suites per Lot

In areas regulated by the WLUB, the number of main buildings which can be constructed on most lots as-of-right is now limited to one (1). There are some lots with more than one main building which may have been constructed prior to land use regulation, or others which have specific provision in the WLUB such as the General Commercial (GC) zone.

In Windsor only one (1) accessory apartment is permitted on a lot. If a two-unit dwelling or multiple single unit dwellings are located on one lot and held in the same ownership, this regulation would prevent a secondary suite in more than one of the dwellings. Staff recommends removing potential barriers and ensuring secondary suites are permitted in single and two-unit dwellings regardless of the number of single and two-unit dwellings on a lot by permitting one (1) secondary suite in each dwelling on a lot.

4.8 Zones

Many dwellings exist outside residential zones; these may be permitted under the present WLUB (such as in the General Commercial (GC) Zone) or may have been constructed prior to the enactment of land use regulation.

The proposed amendments would permit secondary suites to be constructed in single and two-unit dwellings in any zone to accommodate residential uses that exist outside of residential zones.

4.9 Appearance of the Main Dwelling Unit

The present requirements listed below for accessory apartments in the WLUB have been incorporated in the proposed amendments to ensure the intention of Council expressed in the 2005 Windsor MPS is maintained. These are:

- the suite must be within or attached to the dwelling unit;
- the roof line or height of the existing dwelling unit can not be changed unless it is to accommodate dormers or is a structural necessity for public safety;
- no new entrances can be installed on the front of the dwelling unit for the suite; and
- additions to accommodate the suite must be at the rear of the dwelling unit.

These requirements are intended to ensure dwellings with secondary suites remain visually compatible with low-density neighborhoods. If the roof line and height of the dwelling unit are not altered, the entrance to the suite is not visible from the front of the dwelling unit and any additions to accommodate the suite are only located in the rear of the dwelling unit the visual appearance from the street of the dwelling unit with a secondary suite will in most instances not differ from the original building. Corner lots are the main exception as the rear yard for a corner lot is visible from the side street. Council has identified maintaining the visual appearance of a low-density neighborhood as important in the present WMPS: *By regulating the size and appearance of these apartments, Council can ensure that the building retains the look of the original dwelling and are (sic) compatible with the neighbourhood.*

Inclusion of these requirements reflects Council's intention and does not prevent creation of most secondary suites.

PAC/HAC may recommend or Council can change its intention and remove these requirements if maintaining the appearance of a low-density neighborhood is no longer a priority or it is determined that the appearance can be maintained without these requirements.

4.10 Draft Amendments

When drafting the amendments, (Appendix A), staff considered the Statement of Provincial Interest, the review of nearby municipal units mentioned above, the NBC, and the existing planning documents in order to develop amendments which increase affordable housing options in WHRM. The amendments include a

name change in the Windsor documents from accessory apartments to secondary suites as this is the name used in the NBC.

4.11 Municipal Climate Change Action Plan

The Municipal Climate Change Action Plan (MCCAP) was not considered for this amendment as it is a text amendment.

5.0 NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS and are consistent with the intent, objectives and policies of the WMPS. The proposed amendment to permit secondary suites in single and two-unit dwellings reflects the intent of the existing policies of the Windsor Municipal Planning Strategy. As a result, staff recommends proceeding with the approval process for the proposed amendments.

Approval Process

Staff Review

▼

Public Information Meeting

▼

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

▼

Regional Council First Reading

▼

Public Hearing held and adjourned to next meeting of Council

▼

Council completes Public Hearing and holds Second Reading

▼

Ministerial Approval

▼

Notice of Approval in Local Paper

6.0 FINANCIAL IMPLICATIONS

There may be an increase in households using water, sewer, and waste disposal services in the area. However, the increased services are expected to be paid for, at least in part, by the municipal taxes and service charges for property owners who are installing secondary suites or the tenant who may cover some of

these fees through their rent. Property owners will be responsible for ensuring services are provided to the secondary suites.

7.0 ALTERNATIVES

In response to the application, PAC/HAC may:

- request further information on a specific topic;
- determine that the application does not meet the criteria of the WMPS and make this recommendation to Council.

8.0 ATTACHMENTS

Appendix A Draft Amendments

Report Prepared by: _____
Saira Shah, Planner

_____
Madelyn LeMay, Director of Planning and Development

Attachment A
Draft Amendments

Note: coloured text indicates a change from the present WMPS or WLUB and in provided only for the convenience of PAC/HAC and Council

Text amendments to the Windsor Municipal Planning Strategy and Land Use By-law to allow secondary suites in single and two-unit dwellings.

1. **Amend Section 4.0, General Land Use Policies, of the Windsor Municipal Planning Strategy by inserting Part 4.18 Housing following Part 4.17 Watercourses so that Part 4.18 reads as follows:**

4.18 Housing

Council acknowledges it is important to encourage the provision of housing that includes all residents in Windsor regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. A secondary suite in a dwelling can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure that the buildings retain the look of the original dwellings and are compatible with the neighbourhood.

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

Policy 4.18.1 encourage the provision of housing adequate to meet the needs of all residents of Windsor. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.

Policy 4.18.2 provide for the development of a range of housing types in Windsor.

Policy 4.18.3 include flexible development standards which encourage innovative housing development in the Land Use By-law.

Policy 4.18.4 permit secondary suites in single and two-unit dwellings in all zones, and regulate the size, location and appearance of secondary suites to ensure the use remains small-scale and compatible with the neighborhood.

2. **Amend Section 5.0 Part 5.1, Single Unit Residential, of the Windsor Municipal Planning Strategy by replacing "single unit residential" with "Single Unit**

Residential (R-1)", and removing the phrases "With an aging population, the need for flexible housing options will continue to grow in the future. Small accessory apartments in single unit dwellings can provide a solution for those wishing to keep elderly or dependant family members nearby. Although tenancy cannot be restricted to family members, by strictly regulating the size and appearance of these apartments, Council can ensure that the building retains the appearance of a single unit dwelling and remains compatible with the neighbourhood." and policy 5.1.3 so that Part 5.1 reads as follows:

5.1 Single Unit Residential

The Single Unit Residential (R-1) zone encompasses areas in which the predominant existing use is single detached dwellings. The previous Land Use By-law also pre-zoned several blocks of vacant land for single detached residential development. Those areas, located on College Road, Payzant Drive and Underwood Drive, will also be zoned Single Unit Residential (R-1) under this Strategy and Land Use By-law.

Policy 5.1.1 It shall be the policy of Council to establish a Single Unit Residential (R-1) zone for areas where the predominant existing use is single unit dwellings.

Policy 5.1.2 In addition to zoning areas of existing single unit residential development, Council shall consider pre-zoning areas for future single unit residential use where the need is anticipated and the use is considered compatible with the surrounding area.

Policy 5.1.3 (removed in amendment File #20-27 effective date)

3. Insert Secondary Suites in Section 5.0, General Provisions for All Zones, of the Windsor Land Use By-law following Urban Agricultural Uses as shown below:

Secondary Suites

5.45 Secondary Suites are permitted in single and two-unit dwellings in all zones.

5.46 In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:

(a) no more than one (1) secondary suite shall be permitted within or attached to the dwelling unit;

(b) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;

(c) no new entrances shall be created on the front façade of the dwelling unit;

(d) notwithstanding the parking requirements of Section 5.31, off-street parking shall not be required for the secondary suite; and
(e) additions shall be limited to the rear yard of the dwelling unit.

4. Remove from Section 8.0 Part 8.1 Permitted Uses of the Windsor Land Use By-law the listed permitted use "accessory apartments" so that Part 8.1 reads as follows:

Permitted Uses
8.1 The following uses shall be permitted in the Single Unit Residential (R-1) zone:
•Single unit dwellings

5. Remove from Section 8.0 Part 8.3, Accessory Apartments- Special Requirements, from the Windsor Land Use By-law.

Accessory Apartments – Special Requirements

8.3 (removed in amendment File #20-27 effective date)

6. Amend Section 31.0, Definitions, of the Windsor Land Use By-law by replacing the definition of "Accessory Apartment" with the following definition of "Secondary Suite" between the definitions of Scrap Yard and Senior Citizen Housing so that the definition of "Accessory Apartment" and "Secondary Suite" reads as follows:

Accessory Apartment (removed in amendment File #20-27 effective date)

Secondary Suite means a self-contained dwelling unit contained within a single or two-unit dwelling. The maximum floor area of a Secondary Suite is 80% of the total floor area of the main dwelling unit to the maximum established in the NBC or 862 ft^2 (80 m^2), whichever is greater.

Appendix C
Draft Amendments Recommended by PAC/HAC

Note: coloured text indicates a change from the present WMPS or WLUB and in provided only for the convenience of PAC/HAC and Council

Text amendments to the Windsor Municipal Planning Strategy and Land Use By-law to allow secondary suites in single and two-unit dwellings.

1. **Amend Section 4.0, General Land Use Policies, of the Windsor Municipal Planning Strategy by inserting Part 4.18 Housing following Part 4.17 Watercourses so that Part 4.18 reads as follows:**

4.18 Housing

Council acknowledges it is important to encourage the provision of housing that includes all residents in Windsor regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. A secondary suite in a dwelling can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure that the buildings retain the look of the original dwellings and are compatible with the neighbourhood.

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

Policy 4.18.1 encourage the provision of housing adequate to meet the needs of all residents of Windsor. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.

Policy 4.18.2 provide for the development of a range of housing types in Windsor.

Policy 4.18.3 include flexible development standards which encourage innovative housing development in the Land Use By-law.

Policy 4.18.4 permit secondary suites in single and two-unit dwellings in all zones, and regulate the size, location and appearance of secondary suites to ensure the use remains small-scale and compatible with the neighborhood.

2. **Amend Section 5.0 Part 5.1, Single Unit Residential, of the Windsor Municipal Planning Strategy by replacing "single unit residential" with "Single Unit**

Residential (R-1)", and removing the phrases "With an aging population, the need for flexible housing options will continue to grow in the future. Small accessory apartments in single unit dwellings can provide a solution for those wishing to keep elderly or dependant family members nearby. Although tenancy cannot be restricted to family members, by strictly regulating the size and appearance of these apartments, Council can ensure that the building retains the appearance of a single unit dwelling and remains compatible with the neighbourhood." and policy 5.1.3 so that Part 5.1 reads as follows:

5.1 Single Unit Residential

The Single Unit Residential (R-1) zone encompasses areas in which the predominant existing use is single detached dwellings. The previous Land Use By-law also pre-zoned several blocks of vacant land for single detached residential development. Those areas, located on College Road, Payzant Drive and Underwood Drive, will also be zoned Single Unit Residential (R-1) under this Strategy and Land Use By-law.

Policy 5.1.1 It shall be the policy of Council to establish a Single Unit Residential (R-1) zone for areas where the predominant existing use is single unit dwellings.

Policy 5.1.2 In addition to zoning areas of existing single unit residential development, Council shall consider pre-zoning areas for future single unit residential use where the need is anticipated and the use is considered compatible with the surrounding area.

Policy 5.1.3 (removed in amendment File #20-27 effective date)

3. Insert Secondary Suites in Section 5.0, General Provisions for All Zones, of the Windsor Land Use By-law following Urban Agricultural Uses as shown below:

Secondary Suites

5.45 Secondary Suites are permitted in single and two-unit dwellings in all zones.

5.46 In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:

(a) no more than one (1) secondary suite shall be permitted on any lot;

(b) no more than one (1) secondary suite shall be permitted within or attached to a dwelling unit;

(c) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;

(d) no new entrances shall be created on the front façade of the dwelling unit;

(e) one (1) parking space shall be required for each secondary suite; and
(f) additions shall be limited to the rear yard of the dwelling unit.

4. Remove from Section 8.0 Part 8.1 Permitted Uses of the Windsor Land Use By-law the listed permitted use "accessory apartments" so that Part 8.1 reads as follows:

Permitted Uses

8.1 The following uses shall be permitted in the Single Unit Residential (R-1) zone:
•Single unit dwellings

5. Remove from Section 8.0 Part 8.3, Accessory Apartments- Special Requirements, from the Windsor Land Use By-law.

Accessory Apartments – Special Requirements

8.3 (removed in amendment File #20-27 effective date)

6. Amend Section 31.0, Definitions, of the Windsor Land Use By-law by replacing the definition of "Accessory Apartment" with the following definition of "Secondary Suite" between the definitions of Scrap Yard and Senior Citizen Housing so that the definition of "Accessory Apartment" and "Secondary Suite" reads as follows:

Accessory Apartment (removed in amendment File #20-27 effective date)

Secondary Suite means a self-contained dwelling unit contained within a single or two-unit dwelling. The maximum floor area of a Secondary Suite is 80% of the total floor area of the main dwelling unit to the maximum established in the NBC or 862 ft^2 (80 m^2), whichever is greater.

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: _____

Madelyn LeMay, Director, Planning and Development

Date: May 25, 2021

Subject: **Hantsport** MPS and LUB Amendment: Secondary Suites, File #20-30C

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION or DECISION REQUEST

Should Council wish to proceed to a Public Hearing as recommended by PAC/HAC, the following motion would be in order:

…that Council give First Reading and hold a Public Hearing to consider amending the **Hantsport** Municipal Planning Strategy and Land Use By-law to permit secondary suites in single and two-unit dwellings, in a manner substantively the same as Appendix C to the First Reading Report to Council dated May 25, 2021.

BACKGROUND

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

DISCUSSION

A Public Information Meeting was held on April 22, 2021 (Appendix A).

On May 13, 2021 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix B).

There was considerable discussion at PAC/HAC regarding the maximum number of secondary suites which should be permitted on any lot and whether a parking space should be required for each secondary suite.

When considered for the Hantsport documents, the determination of PAC/HAC was that a limit of one secondary suite per lot is not needed. PAC/HAC requested that Council be advised that the vote regarding this item was split. A requirement for a parking space for each secondary suite was added to the proposed amendments.

The changes to the draft amendments proposed by PAC/HAC for the Hantsport documents are included in the draft amendments attached as Appendix C to this report.

NEXT STEPS

The process for this application is as follows:

Process
Staff Review
▼
Public Information Meeting – April 22
▼
Planning Advisory Committee receives staff report and PIM Notes Planning Advisory Committee Review and Recommendation – May 13
▼
Regional Council First Reading – May 25
▼
Public Hearing held and adjourned to next meeting of Council
▼
Council completes Public Hearing and holds Second Reading
▼
Ministerial Approval or Appeal Period
▼
Notice of Approval in Local Paper

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality in relation to the filing of this report.

ALTERNATIVES

In response to the application, Council may decide to:

- provide alternative direction such as requesting further information on a specific topic.

APPENDICES

Appendix A Public Information Meeting Notes – File 20-29A

Appendix B Staff Report and Recommendation - File 20-29B

Appendix C Draft Amendments recommended by PAC/HAC

CHIEF ADMINISTRATIVE OFFICER REVIEW

Report Prepared by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Appendix A

Public Information Meeting Notes
April 22, 2021- May 6, 2021
File 20-30A
Secondary Suits MPS and LUB Amendment Hantsport

Meeting date and time	A public information meeting was held on April 22, 2021 beginning at 6:30 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: Councillor Morton Madelyn LeMay, Director, Planning and Development Saira Shah, Planner Sara Poirier, Planner As this meeting was held virtually there were no members of the public present.
Applicant Family Resource Centre	Ms. Shah outlined the request from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the National Building Code.
File Number	20-30A
Comments	Two (2) written comments were received from the public in support of the amendments. The first resident referred to the major housing crisis in the region and believe the proposed changes could alleviate some of the housing issues. They would like to see detached secondary suites in a future amendment. Another resident and Housing Support Worker (the applicant) felt this amendment would increase affordable housing options and make existing housing potentially more affordable for homeowners who would be able to rent the apartments to cover some of their mortgage costs.
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 Ms. Shah until May 6, 2021.
Attachment A	Comments from public

Attachment A

(April 26, 2021 e-mail)
Hello,
I just wanted to add my comments to the public information hearing. I don't live in Windsor but my job requires me to find housing for folks in Windsor.

I would say there is a major housing crisis right now and the proposed changes would help alleviate some of that. I think the proposed changes are great and I hope they
get passed.

I also hope that we can see them extend even further to include detached secondary dwellings.
Regards,
Kelly McGregor

May 4th, 2021 (via e-mail)

West Hants Regional Municipality
76 Morison Drive
PO Box 3000
Windsor NS B0N 2T0

To Whom It May Concern,

I am writing to express support to the by-law amendment to allow secondary suites to all single and two-unit residential dwellings in Windsor, Hantsport and West Hants.

I am a Housing Support Worker who lives and works in West Hants. The lack of affordable housing in this area is an ongoing issue that many of my clients are dealing with every day, which is why they need additional support from service providers such as myself and a housing locator, to help them find safe, affordable places to live.

A secondary suite, also known as a basement apartment, granny suite or in-law suite is defined by the Halifax Regional Municipality as a self-contained dwelling unit with a limited floor area which is located within a house or another building that contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity.

According to the results of Canada Mortgage and Housing Corporation’s Rental Market Survey conducted in October 2019, the Halifax CMA vacancy rate was 1% versus 1.6% in October 2018. (CMHC 2020). Allowing secondary suites more broadly is intended to support the creation of complete communities as well as meet affordable housing targets. (Halifax.ca).

If secondary suites are permitted, not only can it increase the amount of affordable housing opportunities within the West Hants Municipality, but they can also be used as a way that people who are struggling to afford their current place of residence. Having a secondary suite to rent out can give them extra cash flow to help make ends meet. In doing so, a small part can be played by increasing the vacancy rate and decreasing the number of people struggling with, who are at risk of or who are currently experiencing homelessness.

Sincerely,
Kayla Todd
Housing Support Worker
Family Resource Centre of West Hants

Appendix B

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: May 13, 2021

Subject: File 20-30 Secondary Suites MPS and LUB Amendment **Hantsport**

1.0 LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

2.0 RECOMMENDATION

Should the Planning and Heritage Advisory Committee (PAC/HAC) wish to forward a positive recommendation, the following motion would be in order:

(I move) … that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy and Land Use By-law to permit secondary suites in single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to PAC/HAC dated May 13, 2021.

3.0 BACKGROUND

On December 11, 2020 the Family Resource Centre, a member of the West Hants Housing Coalition, applied for an amendment to all planning documents in West Hants Regional Municipality to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the NBC. The application was complete January 26, 2021.

West Hants Regional Municipality has a separate Municipal Planning Strategy and Land Use By-law for each of Hantsport, Windsor and West Hants. The amendments for each set of documents must be considered separately. This

report will deal only with the Hantsport Municipal Planning Strategy (HMPS) and Hantsport Land Use By-Law (HLUB). There will be duplication of material within the three reports but this ensures that documentation for each separate amendment is complete.

WHRM staff categorized potential options to improve the amount of affordable housing as short, medium, and long-term depending on the amount of time required for any required changes. One of the short-term options was to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the National Building Code (NBC) definition.

The NBC defines a secondary suite as *"a self-contained dwelling unit with a limited floor area which is contained within a house or another building which contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity."* The NBC also limits the size of a suite to 80% of the total floor area of the main dwelling unit to a maximum of 861 ft^2 (80 m^2), and includes requirements for ceiling height, smoke alarms, separation of units, ventilation, egress, and heating systems to ensure both the secondary and main suites are safe for occupancy.

The Hantsport Municipal Planning Strategy (HMPS) does not permit accessory apartments.

4.0 DISCUSSION

4.1 Provincial Support for Secondary Suites

All municipalities in Nova Scotia that have planning documents are required to have specific policies related to housing as there is a *Statement of Provincial Interest* regarding housing. The Provincial goal is to provide housing opportunities to meet the needs of all Nova Scotians. This is achieved by having policies that specifically address affordable housing, special-needs housing and rental accommodations. The Province requires the Municipality to consider permitting higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types. Part 4.0 of the HMPS addresses housing and residential uses.

Secondary suites can reflect this Provincial intention and be part of the solution by providing an affordable housing option that does not appear to increase density in low density neighbourhoods as the suites are located within an existing dwelling.

4.2 Municipal Support for Secondary Suites

The Hantsport MPS and LUB were approved in 2010. The background material in section 2.2.5 of this HMPS states: *Although most of the respondents to the survey indicated that a higher density of residential development was needed in Hantsport, there was little support to allow conversions of single unit dwellings into two or more units, even if the exterior appearance of the building was not changed.*

The ICSP policies included within the HMPS list options to increase housing such as reducing the minimum lot frontage from 70 ft. to 50 ft. and lot size from 7,500 sq ft. to 5,000 sq ft. to promote more housing in new subdivisions and infill development in existing neighborhoods. These reduced requirements were incorporated into the HLUB.

On February 23, 2021 WHRM Council approved in principle all recommendations presented in the RAD Consulting report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary suites.

Although the material in section 2.2.5 of the HMPS shows opposition to secondary suites from residents, the HMPS is more than ten (10) years old and was approved by the then-Town Council. The approval of the recommendation from the RAD Consulting report indicates the new Council's perspective to consider secondary suites as an affordable housing option in the entire Region.

A 2018 amendment to the Hantsport planning documents also illustrates a change of direction in the community since 2010: the amendment permits the conversion of any single or two-unit dwelling existing as of May 1, 2018, to the maximum number of units permitted in the Two Unit Residential (R-2) or Multiple Unit Residential (R-3) Zone provided all units are contained within the existing residential building.

There is no background material or policy regarding secondary suites in Hantsport. The proposal is to add background and policy in the HMPS General Land Use Policies similar to Part 4.11 of the West Hants Municipal Planning Strategy. This proposed amendment will ensure the general housing policies for the Region are similar and meet the requirements of the Statements of Provincial Interest.

4.3 Review: Secondary Suites as a Permitted Use in Nearby Municipal Units

When developing the amendments, staff reviewed the planning documents in neighbouring municipalities that have recently updated land use requirements for secondary suites. The detailed review can be found in the staff report titled "2021-05-13 File 20-29 Secondary Suites MPS and LUB Amendment Windsor".

4.4 Parking Requirements for Secondary Suites

HRM was the most recent Municipality to consider amendments to permit secondary suites. It is also the only Municipality which does not require parking for a secondary suite. Although several HRM residents stated concerns about parking for suites, HRM staff state in a December 2019 staff report several reasons why additional parking may not be needed or may create a burden which may decrease the number of secondary suites installed:

Under the Integrated Mobility Plan, HRM is working to reduce parking requirements overall and instead allow the market to determine its own needs. Additional parking requirements for secondary and backyard suites may be unwarranted in some areas or unnecessarily limit the location of where such uses can be created. The cost of an additional parking space may also add to the cost of the overall development, thereby increasing the costs that may be needed to be recovered through rents. Further, parking requirements may be unnecessary in cases where tenants do not own or cannot operate an automobile, or in neighbourhoods that are close to services and have access to transit.

Section 6.1 of the HLUB requires one (1) parking space for each dwelling unit.

Although WHRM staff are recommending that one (1) space be required for secondary suites regulated by the West Hants MPS and LUB, staff are not recommending parking be required within the areas regulated by either the Windsor or Hantsport Municipal Planning Strategies and Land Use By-laws.

WHRM staff asked Troy Burgess to comment on parking requirements as he was Traffic Authority for the Town of Windsor and is now Manager of Public Works Operations and Traffic Authority for Municipal roads in WHRM. Mr. Burgess commented on parking within the community of Windsor; his comments also apply in general to the community of Hantsport and are in the staff report titled "2021-05-13 File 20-29 Secondary Suites MPS and LUB Amendment Windsor".

The RAD Consulting report included several recommendations that relate to parking. Recommendation 4 *Prepare an Integrated Mobility Plan* encourages Council to consider alternative transportation options and develop a mobility plan similar to the Halifax Integrated Mobility Plan. HRM staff stated the Integrated Mobility Plan and HRM's Council's intention to reduce reliance on personal vehicles was one of the reasons for not requiring a parking space for secondary suites. Recommendations 9 and 11 of the RAD report focus on creating walkable communities and addressing climate change. Not requiring a parking space for secondary suites in walkable communities will align with these recommendations as it could increase affordable housing options for residents without a personal vehicle and encourage more residents to walk to services and reduce Greenhouse Gas emissions.

Although having adequate parking to meet the needs of residents is important, staff recommend not requiring parking for secondary suites in Hantsport, as the potential burden of a parking requirement may hinder the opportunity to

increase affordable housing options and may undermine the development of a more walkable community. The secondary suite may be intended for a grandparent who no longer drives or a single parent who can not afford a vehicle. In both situations, the individual may be purposely choosing a housing location close to services, enabling them to remain independent in the community without a vehicle. The lack of a parking requirement would not prevent a property owner from creating an additional parking space if there is room and it is needed. It would ensure that smaller properties that may not have room for an additional parking space, but are close to services, would be able to have a secondary suite.

A number of additional assumptions underly requiring a parking space for every dwelling unit:

- everyone wants, needs or can afford to have a car;
- the best use of serviced land is for parking;
- that unless parking is provided, housing should not be permitted; and
- ensuring the most efficient use of areas serviced with sewer and water is secondary to providing parking.

Requiring parking for each unit reduces potential infill development and keeps the supply of dwelling units from meeting demand. This inflates housing prices, which in turn inflates rents…all of which tends to force those least able to pay for housing to more car-dependent neighbourhoods on the outskirts of denser residential areas.

4.5 Lot Coverage

Lot coverage is neither defined nor used as a term in the HLUB. No maximum lot coverage is proposed related to secondary suites in Hantsport.

4.6 Floor Area

The National Building Code (NBC) allows 80% of the total floor area of the main dwelling unit or a maximum of 861 ft^2 (80 m^2) to be used as a secondary suite.

Most planning documents reviewed by staff include a specific maximum floor area requirement for secondary suites that aligns with the NBC except Kings County, which only refers to the NBC: *Secondary Suite means a secondary suite as defined by the National Building Code, as amended from time to time.* Staff considered the Kings definition as it aligns with the NBC without including the specific maximum floor area requirements. This ensures the planning documents do not need to be amended every time the NBC changes.

However, for ease of administration, staff have included the maximum floor area requirements in the proposed definition, which lets the Development Officer

issue a permit if the maximum size is increased in the NBC without amendment to the definition in the HLUB.

4.7 Number of Secondary Suites per Lot

In areas regulated by the HLUB, the number of dwellings which can be constructed on a lot as-of-right is now limited to one (1), except in the Residential Multiple Unit Dwelling (R-3) Zone. There are some lots with more than one main building which may have been constructed prior to land use regulation.

Staff recommends ensuring secondary suites are permitted in single and two-unit dwellings regardless of the number of single and two-unit dwellings on a lot by permitting one (1) secondary suite in each dwelling on a lot.

4.8 Zones

Many dwellings exist outside residential zones; these may have been constructed prior to the enactment of land use regulation.

The proposed amendments would permit secondary suites to be constructed in single and two-unit dwellings in any zone to accommodate residential uses that exist outside of residential zones.

4.9 Appearance of the Main Dwelling Unit

The requirements which currently apply to and are also proposed for accessory apartments in the West Hants and Windsor are also recommended for Hantsport. These are:

- the suite must be within or attached to the dwelling unit;
- the roof line or height of the existing dwelling unit can not be changed unless it is to accommodate dormers or is a structural necessity for public safety;
- no new entrances can be installed on the front of the dwelling unit for the suite; and
- additions to accommodate the suite must be at the rear of the dwelling unit.

The requirements mentioned above are intended to ensure dwellings with secondary suites remain visually compatible with low-density neighborhoods, in a manner similar to home-based businesses in Hantsport. If the roof line and height of the dwelling unit are not altered, the entrance to the suite is not visible from the front of the dwelling unit and any additions to accommodate the suite are only located in the rear of the dwelling unit the visual appearance from the street of the dwelling unit with a secondary suite will be the same as the existing

dwelling unit in most instances. Corner lots are the main exception as the rear yard for a corner lot is visible from the street.

These requirements are suitable for the amendments as they will likely not prevent most property owners from being able to install a secondary suite but will maintain the appearance of low-density neighbourhoods. PAC/HAC or Council can remove these requirements if maintaining the appearance of a low-density neighborhood is not a priority in Hantsport or it is determined that the appearance can be maintained without these requirements.

4.10 Draft Amendments

When drafting the amendments, (Attachment A), staff considered the Statement of Provincial Interest, the review of nearby municipal units mentioned above, the NBC, and the existing planning documents in order to develop amendments which increase affordable housing options in WHRM.

4.11 Municipal Climate Change Action Plan

The Municipal Climate Change Action Plan (MCCAP) was not considered for this amendment as it is a text amendment.

5.0 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 proposed amendment to permit secondary suites in single and two-unit dwellings reflects the intent of the existing policies of the Hantsport Municipal Planning Strategy. As a result, staff recommends proceeding with the approval process for the proposed amendments.

Approval Process

Staff Review

▼

Public Information Meeting

▼

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

▼

Regional Council First Reading

▼

Public Hearing held and adjourned to

next meeting of Council

▼

Council completes Public Hearing and holds Second Reading

▼

Ministerial Approval

▼

Notice of Approval in Local Paper

6.0 FINANCIAL IMPLICATIONS

There may be an increase in households using water, sewer, and waste disposal services in the area. However, the increased services are expected to be paid for, at least in part, by the municipal taxes and service charges for property owners who are installing secondary suites or the tenant who may cover some of these fees through their rent. Property owners will be responsible for ensuring services are provided to the secondary suites.

7.0 ALTERNATIVES

In response to the application, PAC/HAC may:

- request further information on a specific topic;
- determine that the application does not meet the criteria of the HMPS and make this recommendation to Council.

8.0 ATTACHMENTS

Appendix A Draft Amendments

_____

Report Prepared by: _____
Saira Shah, Planner; and

_____
Madelyn LeMay, Director of Planning and Development

Attachment A
Draft Amendments

Note: coloured text indicates a change from the present HMPS or HLUB and in provided only for the convenience of PAC/HAC and Council

Text amendments to the Hantsport Municipal Planning Strategy and Land Use By-law to allow secondary suites in single and two-unit dwellings.

1. **Amend Section 3.2, General Provisions, in the Hantsport Municipal Planning Strategy by inserting Subsection 3.2.6 Housing following 3.2.5 Licensed Cannabis Uses so that Subsection 3.2.6 reads as follows:**

3.2.6 Housing

Council acknowledges that it is important to encourage the provision of housing that includes all residents of Hantsport regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. A secondary suite in a dwelling can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure that the buildings retain the look of the original dwellings and are compatible with the neighbourhood.

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

Policy GP-11 encourage the provision of housing adequate to meet the needs of all residents of Hantsport. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.

Policy GP-12 provide for the development of a range of housing types in Hantsport.

Policy GP-13 include flexible development standards which encourage innovative housing development in the Land Use By-law.

Policy GP-14 permit secondary suites in single and two-unit dwellings in all zones, with regulation regarding the size, location and appearance of secondary suites to ensure the use remains small-scale and compatible with the neighborhood.

2. **Amend Part 2, Definitions, of the Hantsport Land Use By-law by inserting a definition of "Secondary Suite" between the definitions of Salvage and Storage Facility and Setback so that the definition of "Secondary Suite" reads as follows:**

   Secondary Suite means a self-contained dwelling unit contained within a single or two-unit dwelling. The maximum floor area of a Secondary Suite is 80% of the total floor area of the main dwelling unit to the maximum established in the NBC or 862 ft^2 (80 m^2), whichever is greater.

3. **Insert, 5.23 Secondary Suites, in Part 5, General Provisions for All Zones, of the Hantsport Land Use By-law following 5.22 Licensed Cannabis Uses as shown below:**

   5.23 Secondary Suites

   Secondary Suites shall be permitted in single and two-unit dwellings in all zones.

   In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:

   (i) no more than one (1) secondary suite shall be permitted within or attached to a dwelling unit;
   (ii) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
   (iii) no new entrances shall be created on the front façade of the dwelling unit;
   (iv) Notwithstanding the parking requirements of Section 6.1, off-street parking shall not be required for the secondary suite; and
   (v) additions shall be limited to the rear yard of the dwelling;

Appendix C
Draft Amendments Recommended by PAC/HAC

Note: coloured text indicates a change from the present HMPS or HLUB and in provided only for the convenience of PAC/HAC and Council

Text amendments to the Hantsport Municipal Planning Strategy and Land Use By-law to allow secondary suites in single and two-unit dwellings.

1. **Amend Section 3.2, General Provisions, in the Hantsport Municipal Planning Strategy by inserting Subsection 3.2.6 Housing following 3.2.5 Licensed Cannabis Uses so that Subsection 3.2.6 reads as follows:**

3.2.6 Housing

Council acknowledges that it is important to encourage the provision of housing that includes all residents in Hantsport regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. A secondary suite in a dwelling can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure that the buildings retain the look of the original dwellings and are compatible with the neighbourhood.

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

Policy GP 11 encourage the provision of housing adequate to meet the needs of all residents of Hantsport. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.

Policy GP-12 provide for the development of a range of housing types in Hantsport.

Policy GP-13 include flexible development standards which encourage innovative housing development in the Municipal Planning Strategy and Land Use By-law.

Policy GP-14 permit secondary suites in single and two-unit dwellings in all zones, with regulation regarding the size, location and appearance of secondary suites to ensure the use remains small-scale and compatible with the neighborhood.

2. **Amend Part 2, Definitions, of the Hantsport Land Use By-law by inserting a definition for "Secondary Suite" between the definitions of Salvage and Storage Facility and Setback so that the definition for "Secondary Suite" reads as follows:**

Secondary Suite means a dwelling unit within a dwelling unit limited to a maximum of (1) 80% of the total floor area of the dwelling unit if 80% is less than 862 ft2 (80 m2) or (2) 862 ft2 (80 m2) or (3) greater as established in the National Building Code.

3. **Insert, 5.23 Secondary Suites, in Part 5, General Provisions for All Zones, of the Hantsport Land Use By-law following 5.22 Licensed Cannabis Uses as shown below:**

5.23 Secondary Suites

(a) Secondary Suites are permitted in single and two-unit dwellings in all zones.
(b) In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:
    (i) no more than one (1) secondary suite shall be permitted per dwelling unit;
    (ii) the secondary suite shall be contained within or attached to the dwelling unit;
    (iii) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
    (iv) no new entrances shall be created on the front façade of the dwelling unit;
    (v) one (1) parking spaces shall be required for each secondary suite; and
    (vi) additions shall be limited to the rear yard of the dwelling.

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

First Name	Last Name	Correspondence Date	Meeting / logged
Danny	Dill	2020-06-30	2020-07-14 COTW
Quentin	Davison	2020-07-06	2020-07-14 COTW
Alyson	Bremner	2020-07-07	2020-07-14 COTW
Cecil	Rolfe	2020-07-13	2020-07-14 COTW
Pat	Porter	2020-07-13	2020-07-14 COTW
Nikki-Marie	Lloyd	2020-08-02	2020-09-08 COTW
Heather	Boylan (Martock)	2020-09-01	2020-09-08 COTW
Greg	O'Leary	2020-09-03	2020-09-08 COTW
Dr. Abby	Kirumira	2020-09-02	2020-09-08 COTW
Dean	Manning	2020-09-08	2020-09-08 COTW
David & Michelle	Rideout	2020-09-08	2020-09-08 COTW
Colleen	Walsh-Bouman	2020-09-08	2020-09-08 COTW
Nicholas & Alyson	Juurlink/Bremner (Linked Farms)	2020-09-08	2020-09-22 Council
Tasha	Rogers	2020-09-08	2020-09-22 Council
Brad	Carrigan	2020-09-23	2020-10-13 COTW
Karen	Carrigan	2020-09-23	2020-10-13 COTW
Elaine	Morehouse	2020-09-24	2020-10-13 COTW
Gary	Morehouse	2020-09-24	2020-10-13 COTW
Dr. A	Kirumira	2020-09-24	2020-10-13 COTW
Blake	Sarsfield	undated	2020-10-13 COTW
Greg	Webster	2020-10-01	2020-10-13 COTW
Bobby	Kidston	2020-10-02	2020-10-13 COTW
NSTIR	(Province of NS)	2021-01-13	2021-01-26 Council
Darren	Porter	2021-03-19	2021-03-23 Council
Rylan	Carrigan	2021-03-29	2021-04-13 COTW
Robin	Bremner-Popma (Hants Co Fed of Agri)	2021-03-29	2021-04-13 COTW
Roslyn	MacDuff	2021-03-29	2021-04-13 COTW
Darlene	Taylor	2021-03-23	2021-04-13 COTW
Daniel	Oulton	2021-03-26	2021-04-13 COTW
Karen	Carrigan	2021-03-26	2021-04-13 COTW
Marie & Andrew	Connolly	2021-03-26	2021-04-13 COTW
Robin	Thomson (Atlantic Division Canoe Kayak Canada)	2021-03-30	2021-04-13 COTW
Barbara	Hughes	2021-03-29	2021-04-13 COTW
Laura	Fisher	2021-04-01	2021-04-13 COTW

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

First Name	Last Name	Correspondence Date	Meeting / logged
Nikki-Marie	Lloyd	2021-04-06	2021-04-13 COTW
Ken	Donnelly (Hwy 101 Twinning CLC)	2021-04-01	2021-04-13 COTW
Darren	Porter	2021-04-06	2021-04-13 COTW
Karen	Lynch	2021-04-09	2021-04-13 COTW
Carilee	Eddy	2021-04-15	2021-04-27 Council
Nikki-Marie	Lloyd	2021-04-19	2021-04-27 Council
Sheldon	Hope	2021-04-19	2021-04-27 Council
Adrienne	Wood	2021-04-22	2021-04-27 Council
Magda	Montgomery	2021-04-22	2021-04-27 Council
Sheldon	Hope	2021-04-26	2021-04-27 Council
Andrew	Smiley	2021-05-02	2021-05-11 COTW
Carrilee	Eddy	2021-05-03	2021-05-11 COTW
Denise	Forand	2021-04-27	2021-05-11 COTW
Erin	Naugler	2021-05-02	2021-05-11 COTW
Janet	Comeau	2021-05-02	2021-05-11 COTW
Kristyn	Anderson	2021-05-02	2021-05-11 COTW
Laura	Fisher	2021-04-01	2021-05-11 COTW
Nick	Rafuse	2021-05-03	2021-05-11 COTW
Nicole	McLeod	2021-05-02	2021-05-11 COTW
Robyn	Cook	2021-05-02	2021-05-11 COTW
Sheldon	Hope	2021-05-02	2021-05-11 COTW
Tammy	Hilden	2021-05-02	2021-05-11 COTW
Tracey	Sexton	2021-05-03	2021-05-11 COTW
Ginette	Pitcher	2021-05-03	2021-05-11 COTW
Greg	Miller	2021-05-05	2021-05-11 COTW
David & Michelle	Rideout	2021-05-05	2021-05-11 COTW
Sylvia & Vince	Burgess	2021-05-05	2021-05-11 COTW
Scott (Adrienne)	Miniou (Wood)	2021-05-03	2021-05-11 COTW
Barbara	Sullivan	2021-05-06	2021-05-11 COTW
Sandra & Skip	Hogan	2021-05-06	2021-05-11 COTW
Marie & Andrew	Connolly	2021-05-06	2021-05-11 COTW
Karen	Carrigan	2021-05-07	2021-05-11 COTW
Adrienne	Wood (Petition)	2021-05-07	2021-05-11 COTW
Lisa	Hines	2021-05-07	2021-05-11 COTW

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

First Name	Last Name	Correspondence Date	Meeting / logged
Cam	Hartley	2021-05-07	2021-05-11 COTW
Troy & Vicki	Harvie	2021-05-07	2021-05-11 COTW
Jenn	McDermott	2021-05-08	2021-05-11 COTW
Jennifer	Daniels	2021-05-09	2021-05-11 COTW
Krista & Colin	Duncan	2021-05-09	2021-05-11 COTW
Robin	Bremner-Popma	2021-05-07	2021-05-11 COTW
Roslyn (Darlene) [Barb]	MacDuff (Taylor) [Hughes]	2021-05-08	2021-05-11 COTW
Wayne & Dianne	Hines	2021-05-09	2021-05-11 COTW
Bob & Sandra	Langdon	2021-05-10	2021-05-11 COTW
Brad	Hood	2021-05-10	2021-05-11 COTW
Ed & Cathy	Kerr	2021-05-10	2021-05-11 COTW
Ann	MacArthur	2021-05-10	2021-05-11 COTW
Carole Anne	Casey	2021-05-10	2021-05-11 COTW
Sarah	MacDonald	2021-05-10	2021-05-11 COTW
Andre & Donna	Arsenault	2021-05-11	2021-05-11 COTW
Aaron	Leblanc	2021-05-12	2021-05-25 Council
Adrian	Rooney	2021-05-19	2021-05-25 Council
Adrienne	Wood	2021-05-12	2021-05-25 Council
Barb	Sullivan	2021-05-16	2021-05-25 Council
Barbara	Beck	2021-05-15	2021-05-25 Council
Bethany	Rozee	2021-05-12	2021-05-25 Council
Carl	Siler	2021-05-12	2021-05-25 Council
Carol	Bradley	2021-05-16	2021-05-25 Council
Carol	McKinley	2021-05-12	2021-05-25 Council
Chad	Pothier	2021-05-18	2021-05-25 Council
Chris	Cann	2021-05-21	2021-05-25 Council
Connie	Shay	2021-05-15	2021-05-25 Council
Conrad	Mullins	2021-05-18	2021-05-25 Council
Darlene	Taylor	2021-05-15	2021-05-25 Council
Darren	Porter	2021-05-12	2021-05-25 Council
Darren	Woods	2021-05-13	2021-05-25 Council
Dawson	Sheehy	2021-05-16	2021-05-25 Council
Deanna	Hamilton	2021-05-15	2021-05-25 Council
Debbie	Porter-Wood	2021-05-13	2021-05-25 Council
Debbie	Siler	2021-05-15	2021-05-25 Council
Denise	Forand	2021-05-13	2021-05-25 Council

Devan	Archibald	2021-05-18	2021-05-25 Council
Diane	Ogilvie	2021-05-13	2021-05-25 Council
Erin	Naugler	2021-05-13	2021-05-25 Council
Ernest	Eddy	2021-05-15	2021-05-25 Council
Gerry	Young	2021-05-15	2021-05-25 Council
Gina	Cochrane	2021-05-12	2021-05-25 Council
Harry	Ullock	2021-05-15	2021-05-25 Council
Hope	Moon	2021-05-12	2021-05-25 Council
Ian	Shaw	2021-05-16	2021-05-25 Council
J	Davis (and J Griffith)	2021-05-17	2021-05-25 Council
Jacqueline	Farvacque	2021-05-12	2021-05-25 Council
Jayne	Murray	2021-05-16	2021-05-25 Council
Jeff	Redden	2021-05-17	2021-05-25 Council
Jennifer	Shaw	2021-05-16	2021-05-25 Council
Jocelyne	Marchand	2021-05-12	2021-05-25 Council
John & Sarah	Monette	2021-05-19	2021-05-25 Council
Jordan	Macumber	2021-05-12	2021-05-25 Council
Josette	Dugue	2021-05-12	2021-05-25 Council
Judy	Lynch	2021-05-13	2021-05-25 Council
June	Pedersen-LaPierre	2021-05-15	2021-05-25 Council
Justin	Cochrane	2021-05-12	2021-05-25 Council
Karen	Lynch	2021-05-18	2021-05-25 Council
Kathryn	Bergeron	2021-05-16	2021-05-25 Council
Kathy	Veinot	2021-05-15	2021-05-25 Council
Kyle	Pellegrini	2021-05-12	2021-05-25 Council
Lachlan	Riehl	2021-05-12	2021-05-25 Council
Laura	Stewart	2021-05-19	2021-05-25 Council
Lee	Billington	2021-05-12	2021-05-25 Council
Lee	Millett	2021-05-12	2021-05-25 Council
Lexie	Barkhouse	2021-05-12	2021-05-25 Council
Linda	Card	2021-05-11	2021-05-25 Council
Monique	Wood	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-18	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-12	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-17	2021-05-25 Council
Olena	Kharytonova	2021-05-15	2021-05-25 Council
Pat	Porter	2021-05-12	2021-05-25 Council

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

Paula	Lake	2021-05-12	2021-05-25 Council
Robert	Bowkett	2021-05-18	2021-05-25 Council
Roslyn	MacDuff	2021-05-15	2021-05-25 Council
Ruth	Angevine	2021-05-13	2021-05-25 Council
Scotch Village	Farm	2021-05-19	2021-05-25 Council
Shirley	Pineo	2021-05-12	2021-05-25 Council
Stephen	Brooks	2021-05-12	2021-05-25 Council
Trudy	Sheehy	2021-05-17	2021-05-25 Council
Steven	Bouman	2021-05-17	2021-05-25 Council
Sue	Sheehy	2021-05-14	2021-05-25 Council
Susie	Smith	2021-05-12	2021-05-25 Council
Tasha	Rogers	2021-05-12	2021-05-25 Council
Tera	Brommit	2021-05-17	2021-05-25 Council
Toni-Lee	Burns	2021-05-12	2021-05-25 Council
Tony	Wood	2021-05-18	2021-05-25 Council
Tracey	Sexton	2021-05-16	2021-05-25 Council
Trevor	Levy	2021-05-12	2021-05-25 Council
Tricia	Brommit	2021-05-17	2021-05-25 Council
Vince & Sylvia	Burgess	2021-05-16	2021-05-25 Council
Loretta	MacEachern	2021-05-20	2021-05-25 Council
Tim & Jennifer	Bayers	2021-05-21	2021-05-25 Council

Shelleena Thornton

Subject: FW:

From: Aaron Leblanc < >
Date: May 12, 2021 at 11:13:05 AM ADT
To: Mark McLean <mmclean@westhants.ca>, Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>

Stop blocking the veins of our province open your eyes and stop ruining people's livelihoods. Our fishing jobs are just as important as your jobs. In my opinion our jobs are way more important than your corrupt system your trying to push what you want on the province open your eyes. If we loose our fish we loose everything.

Sent from my iPhone

Shelleena Thornton

Subject: FW: Pisaquid

From: margaret rooney < >
Sent: Wednesday, May 19, 2021 8:25 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Pisaquid

Can anyone make sense of what is going on with our water. The lake is gone, the river is dry, and the sky's are filled with blowing dust. I am no expert in environmental studies but this is completely ridiculous, and it would seem that the some level of government has little regard for the tax payers of this region.
Are we to be pawns in some political game of “push and shove” chess.

I have lived in this community for 35 years as an adult, raised three kids, and we have all enjoyed the lifestyle afforded by the recreation opportunities in Windsor and the surrounding area.

With the lake gone, will we have a paddling club? My kids spent many years at the club, made many new friends and became better, stronger citizens. Can the fish survive in the small bodies of water that remain. Shall they survive the summer heat in shallow pools. I have witnessed several people using dip nets to fish in these pools near Sangster's bridge, how fair is this?

If fresh water supply cannot be maintained at previous levels will the farmers be visiting the food banks rather than supplying produce to our tables.
If snow making at Ski Martock compromised, shall our winter recreation also be a memory?

If the causeway is opened, we will we care about the future damage to the homes and businesses of downtown. Shall we look next at the dam systems of the Avon river. Who will care about the folks that have homes and cottages on the many upstream lakes?
This is a great place to live, let’s not allow outside forces change this.

Adrian Rooney.

Sent from my iPad

Shelleena Thornton

Subject: FW: Last night's meeting

From: Adrienne Wood < >
Date: May 12, 2021 at 10:53:38 AM ADT
To: Abraham Zebian <AZebian@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Richard Murphy <rmurphy@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Mark McLean <mmclean@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Jim Ivey <jivey@westhants.ca>, Scott McLean <smclean@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Bob Morton <bmorton@westhants.ca>
Subject: Last night's meeting

Hello Councillors and Mayor Zebian,

Thank you for the discussion on the aboiteau/lake last night. Thank you for hearing the voices of the community and addressing this now, as it is a very time sensitive issue. And thank you for those who voted in favour of supporting your concerned constituents, even if it was against your personal opinion.

In this email, I would like to address a few items that were brought up in the meeting:

Points of clarification
- There are more than "two farms" that utilize the freshwater for their livestock and crops. While I won't pretend to know exactly how many growers use the fresh water, I will reference the tractor rally last October 2020. This was largely organized by our agricultural community in which roughly 100 tractors/trucks/vehicles lined up through Windsor to show their support of keeping the fresh water. This would indicate that there are far more than "two farms" that are concerned about losing this resource.
- I have not addressed Council on behalf of the business association in my correspondence, and don't believe I have made any indication otherwise. My communications about the lake have been as a concerned resident and I would like that to be acknowledged here, for the record.

Discussion points to consider:
- The protection of the freshwater resource is also about looking ahead to the future: this is about mitigating the effects of climate change on our food security and population. Our farmers will need fresh water to sustain us in the future.
- In regards to fire protection: in times of drought, it's not so easy to just "let more water in" from the lakes up the river. In a time of drought, all lakes and riverbeds will be affected and as the summer goes on there may not be enough water to fill the Lake Pisiquid basin.
- Along the same point; Martock needs an adequate amount of water to reach their pumphouse to make snow. If it is a dry year, it is very possible that there will not be enough water in the upper system to replenish the lake basin to reach their pumps by the time they need it.
- Contrary to what was said in the meeting, there is a lot of evidence to support riverbank erosion along the upper sections of the river. It is being documented in photos by residents, daily. I've attached two photos below, and there are many more, from different sections of the river.

Concerns:
- I am concerned that my councillor thinks that his constituents' concerns are merely "speculative" and "fear based". There is a large volume of studies and reports and photo evidence to support our

concerns, especially around the insufficient aquifers to support current irrigation, the biophysical, socio-political, and legal perspectives, flood maps, and ecological data. A website is being created to collect this documentation and have it easily accessible, if you would like me to send that to you, please ask.
- Although there hasn't been a fish kill yet this season, it's possible another one will happen as it did last year if the conditions are too hot and dry. To disregard this as simply speculative is irresponsible. I've attached photos below of the fish kill, taken May 28 2020.

Thank you for taking the time to read through my thoughts and concerns. I really do appreciate that this is a complex issue and it takes a lot of time to become educated on all of the points. I hope a solution is found to allow us to continue to have our fresh water while ensuring improved fish passage at those gates.

Adrienne Wood
A Concerned Resident.













Shelleena Thornton

Subject: FW:

From: Barb Sullivan < >
Sent: Sunday, May 16, 2021 4:19 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject:

Mayor Zebian and Councillors,

On behalf of the Breast Quest Dragon Boat Society I thank you for your attention to the community concerns regarding changes to lake Pisiquid, as evidenced in the Council meeting of May 11, 2021.
It is our hope that a fair and comprehensive outcome will result from your continued efforts to bring these concerns to the decision makers.

Barb Sullivan, Secretary. BQDBS

Shelleena Thornton

Subject: FW: Objection to the recent Motion

From: Barbara Beck < >
Date: May 15, 2021 at 11:09:46 AM ADT
To: Abraham Zebian <AZebian@westhants.ca>, Bob Morton <bmorton@westhants.ca>, West Hants Communications <comms@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, "jivery@westhants.ca" <jivery@westhants.ca>, "kody.blois@parl.gc.ca" <kody.blois@parl.gc.ca>, "min@dfo-mpo.gc.ca" <min@dfo-mpo.gc.ca>, Mark McLean <mmclean@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, "rmurphy@westnants.ca" <rmurphy@westnants.ca>, Scott McLean <smclean@westhants.ca>
Subject: Objection to the recent Motion

Dear Mayor and Councilors,

As a constituent of West Hants, I am writing to express my opposition to the recent Motion approved by the Committe of the Whole meeting May 11/21 asking DFO not to renew the Ministerial Order that has enforced fish passage.

Suggesting that this Motion reflects the opinions of the people of West Hants is shameful. **You do not speak for me nor do I share this opinion.** Residents have made it very clear that Fish passage is not only supported but preferred over the appearance of a "lake".

I applaud Minister Jordan and the Ministerial order that enforces both the laws of Canada and the Fisheries Act as well as the rights of First Nations allowing continued fish passage. I fully support continuation of this Ministerial Order as long as necessary to ensure the same.

Given that the Option to maintain the lake has already been denied by DFO because it fails to meet the requirements of Fish passage, I think it is incredibly short sighted to continue to push this agenda. Not only are you advocating to break the laws of Canada you are doing so knowingly disregarding the constitutional and Treaty rights of First Nations. You most definitely, do not speak for me as a resident of West Hants!

I would love for anyone of you to explain why you seem intent on dividing this community further when there have been numerous suggestions that would see compromise ? This issue has the attention of people far beyond Windsor West Hants and we are all invested.

Your recent motion to request the Ministerial Order not be renewed has not only lost you my respect but also my vote. Do better.

Sincerely,
Barbara Beck

Shelleena Thornton

Subject: FW: The river

From: bethany rozee < >
Date: May 12, 2021 at 4:05:11 PM ADT
To: Abraham Zebian <AZebian@westhants.ca>
Subject: The river

Stop blocking the river it's 2021. It's was a mistake made 50 years ago fix it. Who comes to Windsor to see a lake? You want tourist the tide is how you get it. Stop blocking river ways or standing up for it.

Get Outlook for Android

Shelleena Thornton

Subject: FW: Concern re fish passage at Windsor

From: Carl Siler < >
Date: May 15, 2021 at 12:04:37 PM ADT
To: Scott McLean <smclean@westhants.ca>
Subject: Concern re fish passage at Windsor

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

Hello Councillor Scott McLean
I am writing to express my concern over the fish passage issue at Windsor. I have read about some suggestions re compromise
from the fisherman Darren Porter. I have not seen/heard any such offers of compromise from the West Hants Regional Council. It
appears as if this situation is getting to a critical stage and a solution must be found. It is so unfortunate that this is going to divide
so many of the constituents of the area. Anything you can do to help resolve this situation would be appreciated.
Sincerely
Debbie Siler

Shelleena Thornton

Subject: FW: UPHOLD the Ministerial Order

From: Carol Bradley <>
Date: May 16, 2021 at 8:28:24 PM ADT
To:
mmclean@westhants.ca,azebian@westhants.ca,pmorton@westhants.ca,
mphillips@westhants.ca,comms@westhants.ca,rjannasch@westhants.ca, smclean@westhants.ca,jhartt@westhants.ca,dfrancis@westhants.ca,
bmorton@westhants.ca,esherman@westhants.ca,rmurphy@westhants.ca, lmurley@westhants.ca,jivey@westhants.ca,
Cc: min@dfo-mpo.gc.ca

by: Carol Bradley, Dill Rd Ext, Currys Corner.
Decision Request..

...That you, as elected members of West Hants Regional Council, **not** request the cessation of the ministerial order implemented March 16 2021 regarding the operations of the gate structure at the mouth of the Avon River.

The returning of gate operations, pre-ministerial order (March 16 2021), would be in violation of Section 2.3 and Section 2.4 of the Fisheries Act. which state:
2.3 'This Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982 , and not as abrogating or derogating from them.'
2.4 'When making a decision under this Act, the Minister shall consider any adverse effects that the decision may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982.'

Since the implementation of the Ministerial order we have observed increased fish passage and habitation upstream of the gate structure. This has increased First Nations ability to utilize the right to harvest, in Windsor NS, which Treaty Truckhouse 2 is currently doing.

The discontinuation of the MO would impact the Rights of First Nations Peoples to harvest with traditional methods on their traditional territory for Food and Ceremonial (R v Sparrow 1990) or moderate livelihood (R v Marshall 1999).

This would violate section 35 of the constitution act 1982

Respectfully,
Carol Bradley

From: Carol McKinley < >
Date: May 12, 2021 at 3:57:00 PM ADT
To: Abraham Zebian <AZebian@westhants.ca>
Subject: The Windsor Mayor

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

Mr. Mayor
I will start off by sending this letter from my friend Paula Lake,
I as a resident in West Hants am very disappointed in your stance on allowing tidal water inside the causeway. No West Hants residents were asked for their opinion. I don't understand how a canoe club supersedes our First Nations, fishermen/women . You need to realize the UN will be interested in this stance ! The mud puddle is that just a puddle while the Avon river is brimming with life. You and your council cannot be making a decision without a VOTE from all residents of West Hants. You are not representing all the residents your only representing the elite Windsor and Falmouth residents . I was a against amalgamation for this reason , we in West Hants knew our interests and opinions would be pushed aside as per usual yet you like our tax monies don't you. The causeway was not well thought out 50 yrs ago , it is impacting more people than just the Elite ! We expect to be heard and you need to put a vote out to ALl residents ! This is my opinion as a resident of West Hants , you and council have no right to think all residents want a mud puddle. Just a resident down the Shore on the 215 . I await a vote to decide the fate of the Avon river. Paula Lake

Now, I want to say that you should be fair. Don't you think you should also get to know what the Fish Passage Group has to say, since we are part of Windsor West Hants Amagalmation. Your hand full of calls and letters will not hold up to the number of letters and phone calls we can make. It has already been deemed that the "Lak" won't stay. It is nothing. Nothing lives in it. When the water was released into it, The,"Lake" came alive, fish in the water, eagles galore in the sky, and many people out fishing.
Windsor would also come alive if the salt water could be there all the time. Windsor would flourish. Why do you people not want this?

Regards
Carol mcKinley

Shelleena Thornton

Subject: FW: Support For The Continuation Of A Fresh Water Lake

From: Chad Pothier < >
Sent: Tuesday, May 18, 2021 4:11 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Cc: 'John Pothier' <johnpothier@pothier.ns.ca>
Subject: Support For The Continuation Of A Fresh Water Lake

Honourable council members,

I am sending this email to voice my support for keeping the Pisiquid Lake and it's watercourses upstream a fresh water system operating in the same manner as it has since it's inception in 1970. If alternate decisions are allowed to proceed it will prove disastrous for the local economy, environment, and the quality of life for many of our community's residents. Over the course of 51 years both the tidal and fresh water ecosystems have changed dramatically. It is to little to late to institute changes that will positively effect either. Alternate plans are putting the interests of a small group of people ahead of the wellbeing of an entire community, and we need to do whatever we can to prevent a short-sighted decision from a distant government from making irreparable changes to our community. I ask that you do whatever you can to prevent this from happening; you have my support and the support of the vast majority of this community behind you.

Thanks!

Chad Pothier, BBA
General Manager/ Vice President

Pothier Motors
(w)1-902-798-9584
(c) 1-902-799-0088
(f) 1-902-798-4358
(e) chad.pothier@pothier.ns.ca
(web) www.pothiermotors.com

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1548 & 1554 Baxter's Harbour, Canning.

21/05/15

MAYOR ZABIAN & COUNCIL,

It is well known and understood that there's at the Federal level, a budget line for Fresh Water Lakes management.
Please seek further advice from the President of Treasury Board (current) as to our Right to be served effectively with all fiduciary constraints considered.
No taxation without representation
The lake business should be referred to the appropriate Ministry.
We are all Federal citizens of the level of our Nations and deserve representation locally.

No more. Not in my name or ours.

CHRIS CANN

1 844 333 3692 ext 3393

Shelleena Thornton

Subject: FW: Causeway Gate

From: Watch Me < >
Sent: Saturday, May 15, 2021 12:28 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Causeway Gate

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

Hello Council,

I agree and wholeheartedly support Mayor Zebian along with the Council in the motion to send the letter to Minister Jordan requesting the lifting of the Ministetial order regarding the Causeway gates.

I have also personally written to the Minister, Kody Blois and others in support of lifting the order.

Thank you.

Connie Shay
Resident of West Hants

Shelleena Thornton

Subject: FW: Dowtown Windsor

From: Insight Office < >
Date: May 18, 2021 at 7:38:03 AM ADT
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Dowtown Windsor
Good Morning All,

My name Conrad Mullins, owner of 5 businesses all based out of the Windsor township.

Over the past several years i have worked hard to attract my clients / business start ups to this community. I was siccesfully able to encourage, and attract several by way of design and by what this town has to offer because of its unique history, location, a body of water and a obvious momentum.

As a business owner who has attracted and encouraged individuals to invest millions of dollars into this community i am concerned that our council particularly those representing our district is not nor chooses to be in control of the current situation of the future of this area.

Lake pisiquid is a crucial part of this economy will affect the future of this community.
Many businesses/groups and community projects will suffer tremendously if it is lost. With this said the municipality is like the biggest stakeholder in this decission as it is the municipality that will be left holding the bag once construction is complete.

Please take control of this and defend what we have!

Sincerely

Conrad CP Mullins
Owner Founder
Insight Design Co
Targa Construction
Gerrish and Gray
Retrouve Architectural
Seven Eight inc

Local projects
Winegrunt
Noble grape
Esdc windsor mall
James Roue Beverage co
Coach house resurection
School house brewery
Dunham holdings
Station food hub
Member of Windsor Township

Shelleena Thornton

Subject: FW: Thank You

-----Original Message-----
From: darlene taylor < >
Sent: Saturday, May 15, 2021 1:28 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Thank You

To our Mayor and Councillors,

I would just like to express my appreciation and thanks to our Municipal Council members and our Mayor who all, with the exception of one, and two abstentions, put the future well-being and successes of our Municipality and its citizens first.

By voting to recommend sending a letter to Minister B. Jordan requesting that the Ministerial order from earlier this spring, re the gate operation on the Avon River Aboiteau, not be extended when it expires on May 18th, I believe that you all stood up for the concerns of the majority of your constituents and for what is in the best interest of the whole of our Municipality.

I would like to extend a special thank-you to my councillor, Councillor Laurie Murley, for her words and her vote on this matter.....we are so very lucky to have you listening and representing us....always putting first what's best for our community.

However, our Township of Windsor is represented by two councillors. It saddens me to see that it's only Councillor Murley that has chosen to give voice to her constituents' numerous concerns, while Councillor Jim Ivey, continues to "soap box" his own views on this issue.....leaving his constituents voiceless. My heart goes out to those residents in his area that were not heard.

Thank you,
Darlene Taylor
Windsor, NS
from my iPad

Shelleena Thornton

Subject: FW: Addressing the letter from the mayor and CAO dated may 11, 2022

From: darren porter < >
Date: May 12, 2021 at 8:08:43 AM ADT
To: Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, Mark McLean <mmclean@westhants.ca>

You have said it's not with in your jurisdiction numerous times over the years as well is it's not councils place to take a stance or pick a side, until our telephone conversation after I addressed a secret meeting this year to which west hants staff where in attendance where I had been informed it was stated that council has an unofficial stance and the the staff where directed "to save save the lake at all cost" contrary to the official stance of neutrality for all stakeholders, you stated to me personally that you where going to put a letter forward and take a stance.

You have lobbied extremely hard multiple times ever sense those phone calls between us openly, when I addressed this secret meeting to you personally and what was said During it, as this was stance was going to directly effect mine and my daughters living as well as other fishermen as well as infringe the right of the mikmaw.

In your last attempt to put a letter though council prior to last nights successful attempt you had at least Acknowledged the Financial impact to mine and my daughters Fisheries as well as others.

In fact we are the only commercial business that is "directly"impacted by the proposed option D.

As you know from the CLC and multiple correspondence and Conversations it's planned to geographically directly displace us on the exact spot that we make our living, therefor eliminating our ability to make a living in the Avon river system.
You also know there is no compensation for us as i have informed you, to which you alluded to in your previously attempted letter. (not this one)

I am not going to get into all the details as it is obviously a Waste of my time and yours , as I have been trying to educate yourself and counsel for years.

The Purpose of this letter:

1. Is to State clearly option D will directly displace myself my daughter and fellow fishers, it will eliminate our ability to make a living by doing so.
And have a severe financial impact on myself and others.

2. And any attempt to block fish passage will reduce our ability to make a living and have a financial impact on us.

3. To raise the the water levels and maintain (impound water) is to block fish passage and or drastically

reduce it fish passage and effect the productivity of the commercial fisheries.

4. To put this letter Forward Is to lobby to continue the infringement of right of the mikmaw.

Furthermore so you cannot dismiss what I'm saying as hearsay I am going to give you a contact to a director at dfo as you keep stating you cannot reach Dfo and get answers.

I'm requesting you ask the following questions as a citizen of west hants municipally and receive In writing the answers before any letter or correspondence using your position of authority outside your jurisdiction in taking any sort of stances is sent officially on the record.

Dfo direct contact
Mark.McLean@dfo-mpo.gc.ca

Lastly your letter is full of unfounded statements and insulting and discriminatory, and even on the record strong like wording was stated by a councillor.

You are knowingly are lobbying to directly impact financially myself my family and others, and falsely stating in your letter " there are no financial implications with the proposed recommendation. "
Doing this when you know it have been made aware officially and unofficially is fraudulent.

Is west hants municipality or the mayor/ Council And or CAO going to financially compensate myself , my daughter and or others Personaly, individually or collectively, for using your place of authority to influence discussion makers to directly directly impact us?

Before this letter goes out Id request to give this some thought. I will be seeking Financial compensation for direct Financial impacts to my living.

Darren Porter
902-798-7693

Sent from my iPhone

Shelleena Thornton

Subject: FW: The Great WIndsor Eyesore (save the lake)

From: Darren Woods < >
Date: May 13, 2021 at 1:51:50 AM ADT
To: Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>
Subject: The Great WIndsor Eyesore (save the lake)

Dear Sirs,

I live in Hantsport but spend a lot of time in Windsor for recreation and business. The current status of the lake is a disaster. It's an eyesore. We had a nice area for walking and biking but now it is gone. At a time when we are forced to stay in our own area, the main venue for outdoor recreation in Windsor has been reduced to a mess.

During the summer, hundreds of local families use the waterfront every day to entertain their children either at the canoe club or just walking, picnics etc. The importance of outdoor activities for youth in the summer can't be overstated.
The businesses will all be affected downtown as less people are drawn to the area. It is depressing to even look at what was once the lake.
The investment in infrastructure and lighting on the waterfront will all be for nothing.
I don't even know how the farmers upstream will deal with salt water in their fields.

Please do not let a vocal minority ruin our lake. Many local people have been afraid to speak up because once you do, you are labelled a racist who wants to deny the Native fishermen their rights. No one has fished in that lake for a very long time, except for Mr Porter. No one is being denied rights. It's a bluff.

The majority of LOCAL people want the lake the way it was. The health and wellbeing of Windsor depends on that lake.

Thank you for your time. I hope you vote to save the lake.

Darren Woods - 902.
Hantsport

Shelleena Thornton

Subject: FW: Ministerial order

From: Dawson Sheehy < >
Date: May 16, 2021 at 8:36:24 AM ADT
To: azebian@westhants.ca
Subject: Ministerial order

Abe,

It is unfortunate that this situation has come to this, and that causeway is what divided the community of West Hants 50 years ago, and it still continues to this day.

The intention of this letter is to express that I strongly support the Ministerial Order requiring fish passage at the Avon River Causeway. I also want to be clear that I object to Your motion approved by the Committee of the Whole meeting May 11/21 asking DFO not to renew the Ministerial Order that has enforced fish passage. This request to resume former gate operations of the last 50 years does not represent my opinion as a constituent of West Hants Regional Municipality and the opinions of the majority of your constituents.

Sincerely,
Dawson Sheehy

President Avondale community club
Avon Peninsula watershed preservation society
Avon River Heritage Museum

Sent from my iPhone

Shelleena Thornton

Subject: FW: Objection to the recent Motion

From: Deanna Hamilton < >
Date: May 15, 2021 at 10:39:37 AM ADT
To: Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>, Mark McLean <mmclean@westhants.ca>, "min@dfo-mpo.gc.ca" <min@dfo-mpo.gc.ca>, Kody Blois <kody.blois@parl.gc.ca>
Subject: Objection to the recent Motion

Dear Mayor and Councilors,

As a constituent of West Hants, I am writing to express my opposition to the recent Motion approved by the Committe of the Whole meeting May 11/21 asking DFO not to renew the Ministerial Order that has enforced fish passage.

Suggesting that this Motion reflects the opinions of the people of West Hants is shameful. **You do not speak for me nor do I share this opinion.** Residents have made it very clear that Fish passage is not only supported but preferred over the appearance of a "lake".

I applaud Minister Jordan and the Ministerial order that enforces both the laws of Canada and the Fisheries Act as well as the rights of First Nations allowing continued fish passage. I fully support continuation of this Ministerial Order as long as necessary to ensure the same.

Given that the Option to maintain the lake has already been denied by DFO because it fails to meet the requirements of Fish passage, I think it is incredibly short sighted to continue to push this agenda. Not only are you advocating to break the laws of Canada you are doing so knowingly disregarding the constitutional and Treaty rights of First Nations. You most definitely, do not speak for me as a resident of West Hants!

I would love for anyone of you to explain why you seem intent on dividing this community further when there have been numerous suggestions that would see compromise ? This issue has the attention of people far beyond Windsor West Hants and we are all invested.

Your recent motion to request the Ministerial Order not be renewed has not only lost you my respect but also my vote. Do better.

Sincerely,
Deanna Hamilton
Resident of West Hants

Shelleena Thornton

Subject: FW:

On May 13, 2021, at 4:38 PM, Debbie Porter-wood < > wrote:

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

Dear Debbie,
This email is to express my support for the current gate operation that allows fish passage. I also want to be clear that I object to Mayor Zebian's motion approved by the Committe of the Whole meeting May 11/21 asking DFO not to renew the Ministerial Order that has enforced fish passage. This request to end fish passage indefinitely does not represent my opinion as a constituent of West Hants Regional Municipality.
Sincerely,
Debbie Porter-Wood

Shelleena Thornton

Subject: FW: Concern re fish passage at Windsor

On May 15, 2021, at 12:04 PM, Carl Siler <cdsiler@eastlink.ca> wrote:

Hello Councillor Scott McLean
I am writing to express my concern over the fish passage issue at Windsor. I have read about some suggestions re compromise
from the fisherman Darren Porter. I have not seen/heard any such offers of compromise from the West Hants Regional Council. It
appears as if this situation is getting to a critical stage and a solution must be found. It is so unfortunate that this is going to divide
so many of the constituents of the area. Anything you can do to help resolve this situation would be appreciated.
Sincerely
Debbie Siler

Shelleena Thornton

Subject: FW: Windsor Causeway needs Tidal Flows

From: Denise Forand < >
Date: May 13, 2021 at 2:49:31 PM ADT
To: Mark Phillips <MPhillips@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, azabien@westhants.com, PREMIER@novascotia.ca, Bernadette.Jordan.A1@parl.gc.ca, kody.blois@parl.gc.ca, min.xncr@dfo-mpo.gc.ca
Subject: Windsor Causeway needs Tidal Flows

Dear CEO, the Mayor and All Councillors plus members of Parliament and Premier and DFO.

I'm writing to say the municipality letter to stop tidal flow does not express my views.

Like Councillor Jim Ivey, I was disappointed by the Mayor's late submission on the Municipal Agenda on May 11, Especially on such a controversial subject.
Just as sneaky as the save the lake wording on the .org Petition.

I didn't think the Mayor's role was to divide the community but to find solutions for the best results of our whole region within the laws of Canada.

How does the Mayor ask you as council to disregard the laws of our Canadian Constitution? Undermine the Ministerial order? And then fuel the fabricated lies?

Is this selection bias?

This River is under study by Scientists and DFO , department of agriculture and many more educated powers making environmentally informed decisions.

I strongly support the Ministerial Order requiring fish passage at the Avon River Causeway. I ask DFO to renew this order.

The ministry's order for the gate operations should not have been a surprise to anyone, it comes every year.

A thank you to Jim And Rupert for at least questioning the move by the mayor.
A bigger Thanks to Jim Ivey for seeing a healthier version of our waterfront and the positive side of looking forward not back.

By restricting the tidal flows the canoe club corner downtown will be nothing but a mound of silt. As predicted the silt will form along the causeway walls and they were right. So many studies have been done, accept the outcome and work to find a environmentally effective solution for the Avon River and all the coastal communities. Now is the time for a creative healthier vision of our downtown water feature.

This is the time to figure out how much water it takes to cover the dunes and work to find a few compromised solution for moving forward with a combination of waters as it should be. All our rivers

work with our oceans in harmony, naturally, Make it right.

Sincerely, Denise Forand
Resident of Windsor

Sent from my iPad

Shelleena Thornton

Subject: FW: recent letter to Minister of Fisheries and Oceans Canada

From: Devan Archibald < >
Date: May 18, 2021 at 5:21:17 PM ADT
To: Abraham Zebian <AZebian@westhants.ca>
Cc: Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>, Paul Morton <PMorton@westhants.ca>
Subject: recent letter to Minister of Fisheries and Oceans Canada

Hello Major Zebian,

I am writing in response to an interview I heard on CBC's Mainstreet late last week. In the interview Mayor Zebian acknowledged other residents in the community support fish passage, but this is not clear in the letter to the Minister. The intention of this letter is to express that I strongly support the Ministerial Order requiring fish passage at the Avon River Causeway. The Minister is simply following her legal obligations under the Fisheries Act. I want to be clear that I object to Mayor Zebian's motion approved by the Committee of the Whole meeting May 11/21 asking DFO not to renew the Ministerial Order that has enforced fish passage. This request to resume former gate operations of the last 50 years does not represent my opinion as a constituent of West Hants Regional Municipality.

I'd like to also suggest that the municipality consider this issue in light of climate change. It is my opinion that restoring natural flow to the Avon river will only help mitigate the impacts of climate change in the region by returning the ecosystem to its natural state, allowing natural resiliency to return. Wetlands are important to mitigate impacts of extreme weather events and the carbon storage of coastal wetlands is increasingly being recognized, with areas with sea grasses globally more valuable as carbon sequestration than the boreal forest. I suggest that the municipality and its residents consider the opportunity that thinking about this issue in light of climate change presents, most notably several sources of funding that could be sought to help deal with the challenges restoring the ecosystem back to its natural state presents.

Lastly, I urge the Municipality and its residents to consider the value of a restored Avon estuary. We have the highest tides in the world, internationally and nationally recognized ecologically and biologically significant area at our doorstep. Yet we don't tell anyone and hide it behind a causeway... The opportunities for eco-tourism and a return to a working waterfront that returning natural flow would provide should not be forgotten. It's time to take pride in our mud!

Thanks,
Devan Archibald
Avondale, NS

Climate change funding programs - Canada.ca
Environment and Climate Change Canada
Funding for projects to support Canada's climate plan.

Shelleena Thornton

Subject: FW: Fish passage

From: diane ogilvie <dianeogilvie6@gmail.com>
Sent: Thursday, May 13, 2021 7:45 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Fish passage

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

Very dissapointed with the council asking to have fish passage reverted. Especially with no input from a lot of people..Seems like maybe we are not amalgamated?

Shelleena Thornton

Subject: FW: Lake Pisiquid, Avon River, and the proposed Causeway

Good morning Councillor Murphy.
I watched the meeting last night and listened to each view with open ears and open mind.

I sincerely appreciate that you spoke for the majority of those in your area that took the time to connect with you.

Thank you.

Erin Naugler,

Shelleena Thornton

Subject: FW: Avon River fish passage

From: Ernest Eddy < >
Date: May 15, 2021 at 7:59:34 PM ADT
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>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>, "Cc: Minister / Ministre (DFO/MPO)" <Min.XNCR@dfo-mpo.gc.ca>, mark.mclean@dfo-mpo.gc.ca, kody.blois@parl.gc.ca, colin.mitchell.207@parl.gc.ca, minister.environment@novascotia.ca, Premier <PREMIER@novascotia.ca>, chuck@chuckporter.ca, Chuck Porter MLA <cportermla@eastlink.ca>, mindnr@novascotia.ca, bernadette.jordan@parl.gc.ca, Bernadette.Jordan.C3@parl.gc.ca
Subject: Avon River fish passage

I support the current Ministerial Order, ensuring fish passage on the Avon River.

Regards,
Ernest Eddy

Shelleena Thornton

Subject: FW: Avon River Fish Passage

From: Gerry Young < >
Date: May 15, 2021 at 11:47:04 PM ADT
To: Mark McLean <mmclean@westhants.ca>, Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>
Cc: "min@dfo-mpo.gc.ca" <min@dfo-mpo.gc.ca>
Subject: Avon River Fish Passage

This email is to express my support for the current gate operation that allows fish passage. I also want to be clear that I object to Mayor Zebian's motion approved by the Committe of the Whole meeting May 11/21 asking DFO not to renew the Ministerial Order that has enforced fish passage. This request to end fish passage indefinitely does not represent my opinion as a constituent of West Hants Regional Municipality.

Mayor Zebian's motion lacks concern for the fish the Avon river, the Indigenous people and the total disreguard for the rest of the out lying communities constituents who **Strongly Support** proper fish passage at all cost !!!!!!! Let the river flow as mother nature intended.

Gerry Young
Upper Burlington

Shelleena Thornton

Subject: FW: Taxpayer of the municipality

From: Gina Cochrane < >
Date: May 12, 2021 at 2:07:13 PM ADT
To: azebian@westhants.ca, pmorton@westhants.ca, mphillips@westhants.ca, comms@westhants.ca, rjannasch@westhants.ca, smclean@westhants.ca, jhartt@westhants.ca, dfrancis@westhants.ca, bmorton@westhants.ca, esherman@westhants.ca, rmurphy@westhants.ca, lmurley@westhants.ca, jivey@westhants.ca, mmclean@westhants.ca
Subject: Taxpayer of the municipality

This letter is in response to your letter asking to remove fish passage in Windsor, stating that it is the wish of residents.
I am a taxpayer in Windsor and I'm appalled at the way this is being handled by the Mayer, CAO and fellow Council members.
Making false claims on behalf of the residents is disgusting, not allowing fish passage is disgusting.
Ignoring treaty rights is disgusting.
I hope you are all proud of yourselves, because I'm certainly not and in future elections, I will not be voting for anyone who is willing to reduce themselves to this level.
Gina Cochrane
Garlands Crossing

Sent from my iPhone

Shelleena Thornton

Subject: FW: Harry Ullock has submitted General Feedback

From: Harry Ullock < >
Sent: Saturday, May 15, 2021 1:06 PM
To: Shelleena Thornton <SThornton@westhants.ca>
Subject: Harry Ullock has submitted General Feedback

Harry Ullock has submitted a General Feedback comment.

Phone Number: 902791
Alternative Phone Number: 902798
E-mail:

Mailing Address:

Comments: I wanted to say that my wife and I both fully support council's decision to ask further questions of the Minister of Fisheries regarding the current situation at the causeway. I also called councillor Ivey and expressed my displeasure with him voting against the motion, and he currently does NOT represent the wishes of his constituents in my opinion. Keep up the good work.

Shelleena Thornton

Subject: FW: Avon River Gate Operations

From: Hope Moon < >
Date: May 12, 2021 at 8:08:36 PM ADT
To: mmclean@westhants.ca
Cc: lmurley@westhants.ca, esherman@westhants.ca, rmurphy@westhants.ca, bmorton@westhants.ca, dfrancis@westhants.ca, jhartt@westhants.ca, smclean@westhants.ca, jivey@westhants.ca, mphillips@westhants.ca, rjannasch@westhants.ca, comms@westhants.ca, azebian@westhants.ca, pmorton@westhants.ca, min@dfo-mpo.gc.ca
To the committee of the whole members of West Hants municipality,

As a concerned member of the Nova Scotian community, I am writing to you to express my recommendation/decision request that the council not request the cessation of the ministerial order implemented March 16 2021 regarding the operations of the gate structure at the mouth of the Avon River.

The returning of gate operations pre-ministerial order (March 16 2021) would be in violation of Section 2.3 and Section 2.4 of the Fisheries Act.

Which state:

2.3 'This Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982 , and not as abrogating or derogating from them.'

2.4 'When making a decision under this Act, the Minister shall consider any adverse effects that the decision may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982.'

Since the implementation of the Ministerial order we have observed increased fish passage and habitation upstream of the gate structure. This has increased First Nations ability to utilize the right to harvest, in Windsor NS, which Treaty Truckhouse 2 is currently doing.

The discontinuation of the MO would impact the Rights of First Nations Peoples to harvest with traditional methods on their traditional territory for Food and Ceremonial (R v Sparrow 1990) or moderate livelihood (R v Marshall 1999).

This would violate section 35 of the constitution act 1982.

I hope that you take this input into serious consideration.

Sincerely,
Hope Moon

Shelleena Thornton

Subject: FW: Pro Lake

From: Ian Shaw < >
Sent: Sunday, May 16, 2021 5:44 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Pro Lake

Good afternoon,

I am sending you this email to inform you that I am Pro Lake. I would really like to see the Lake and the river full all summer long.

Thank you,

Ian Shaw

To the Council of Windsor-West Hants Regional Municipality,

My concern as a constituent of this municipality is with preserving or restoring the area's ecological integrity and it is possible to maintain healthy stocks of fish, water quality and plant life alongside social and economic development.

In light of Mayor Zebian's motion approved by the Committee of the Whole meeting on May 11/21:

I support the Ministerial Order requiring fish passage at the Avon River Causeway. I also object to asking DFO not to renew the Ministerial Order that has enforced fish passage. This request to resume former gate operations of the last 50 years does not represent my opinion as a constituent of West Hants Regional Municipality.

I respect the minister's order and think of this as an opportunity to observe fish and water behaviour, perhaps an early step to a more moderate solution.

In this ongoing debate it seems that many underestimate the potential our municipality has to create a reputation for itself internationally by cultivating a new ecologically-thoughtful plan for restoration that also balances the needs of our local businesses.

There is a huge opportunity for new and current businesses and traditions to thrive on tourism, eco-tourism and an influx of traffic from research and development in the restoration process. There is also an opportunity to involve and attract research and planning experts. There are too many positives to ignore doing what is right for our local environment.

We could be an area known for choosing an environmentally and economically progressive future, rather than upholding a falsified and- frankly-outdated idea of what is good for business.

With Respect,

J Davis
J Griffith
Riverside, NS

Shelleena Thornton

Subject: FW: Your motion at the Committee of the Whole regarding DFO Ministerial Order

From: Jacqueline Farvacque < >
Date: May 12, 2021 at 10:44:47 AM ADT
To: Mark McLean <mmclean@westhants.ca>, Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>
Subject: Your motion at the Committee of the Whole regarding DFO Ministerial Order

To whom it may concern,

As a resident of Falmouth I want you to know that I am in full agreement with the Fisheries and Oceans Ministerial Order presently in place regarding the gates at the Windsor Causeway and that you are not speaking on my behalf when you request that the said Ministerial Order not be renewed.

Yours Truly,

Jacqueline Farvacque
290 Gabriel Rd
Falmouth

Envoyé de mon iPad

Shelleena Thornton

Subject: FW: Prolake

-----Original Message-----
From: Jayne Fillman Murray < >
Sent: Sunday, May 16, 2021 8:11 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Prolake

Hi. This is Jayne and Brian Murray at XXX Avon St. Windsor.

Bought our house because of the beautiful lake and River that is our primary view. We are supporters of keeping the lake. Please do what you can.

Thank you.

Jayne Murray

Sent from my iPhone

Shelleena Thornton

Subject: FW: Lake Levels

From: Jeff Redden < >
Sent: Monday, May 17, 2021 4:27 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Lake Levels

Dear Mayor Zeiban and Council,

I would like to thank you for passing the recent motion at council to send a letter to the Minister of Fisheries, Oceans and the Canadian Coast Guard on behalf of the impacted residents of West Hants Regional Municipality requesting that the Ministerial Order issued this spring not be renewed.

This is an important issue in our community in which the outcome is far reaching. Our local economy and people's livelihood depend on this lake and freshwater. As a community, we must find a solution that appeases all stakeholders.

I appreciate your leadership on this important issue and I look forward to seeing an engaged dialogue as we move forward to find a sustainable, collaborative, community solution.

Jeff Redden

Jeff Redden
Dealer Owner
Windsor Home Hardware
Windsor Home Furniture
store 902.798.3222
mobile 902.
www.homehardware.ca
www.windsorhomefurniture.ca

Shelleena Thornton

Subject: FW: Considered citizens- save the lake

From: Jennifer Shaw < >
Sent: Sunday, May 16, 2021 5:44 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Considered citizens- save the lake

Good afternoon,
This is to confirm that Jennifer and Ian Shaw are in support of saving the lake. We live at XXX Hawthorne Street and access to the lake is one of the main reasons we purchased our home in Windsor. We believe it is essential for the economy and tourism for West Hants.

Sincerely,
Jennifer and Ian Shaw
902-

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

Shelleena Thornton

Subject: FW: Avon River

From: Jocelyne Marchand < >
Date: May 12, 2021 at 2:58:27 PM ADT
To: Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, "lmurley@westhanys.ca" <lmurley@westhanys.ca>, Jim Ivey <jivey@westhants.ca>, Mark McLean <mmclean@westhants.ca>
Subject: Avon River

Dear members of the West Hants municipal council,

It has come to my attention that you are planning on asking Bernadette Jordan, Minister of Fisheries, Oceans and the Canadian Coast Guard to reverse her ministerial order providing fish passage at the causeway on the Avon River in Windsor.

I am shocked that you would consider such a move. You do realize that the whole world, well most of it, has come to realize that the earth is in danger because of bad decisions made, mostly in the past century. Everywhere attempts are being made to remedy the damage done. Removing dams, barriers, and roads are part of the process. You have only to look next door in New Brunswick to see what major efforts have been made in Moncton/Riverview to save the Petitcodiac River. And the word is applauding this effort.

https://www.straight.com/article-318825/vancouver/david-suzuki-watching-petitcodiac-river-flow-once-again

Why would you not want West Hants to be part of the solution. Why do you think it is better to perpetuate a terrible mistake?

I served as Superintendent of Fort Edward National Historic Site in the 1990's and had the pleasure of learning a great deal about the history of your area. The Avon river is integral to that history. I would even dare to say that Windsor and the surrounding area were much more prosperous before the causeway was built. Take the time to look at old postcards and prints of the area and you will see the obvious. Now Windsor has become a drive by community.

Studies show that ecotourism is the future, the current pandemic means that bpeople will travel closer to home. Why would you not take advantage of this. Imagine making the rehabilitation of the Avon River a major attraction of a local tourism strategy. Farming and fishing happened for hundreds of years before the causeway and there is no reason why both cannot continue to thrive. Fish need to move according to evolutionary practices, this is a fact. They cannot reproduce and thrive when they must face man made barriers. Why do YOU think all the Atlantic salmon has disappeared from our waters. Salmon fishing used to be a major tourist attraction, No more salmon, no more tourists.

You are not in your position to protect the point of view of a few. You are in your position to protect the area you represent and to help it recover from past mistakes. Please, do the honourable

thing. Thank Minister Jordan for finally doing her job which is to conserve not to destroy. It is the RIGHT thing to do.

When my ancestors, the Acadians, first built dykes, they did it in a very conservative way because they also relied on fishing as well as farming. Their legacy is all around us.

We are constantly told as citizens that we all have a role to play to ensure the future of our earth. You as a municipality must play your part. Do we want a green and blue future or do we want artificial structures which prevent nature from doing its job.

I truly hope that you are willing to consider the consequences of your decisions and the effect they have on the good health of our world.

Best regards,

Jocelyne Marchand

--
Jocelyne Marchand
Grand-Pré, NS B0P 1M0
Canada

Interprète - Simultaneous translation
(902)993-1952 (cell)

John and Sarah Monette
229 King Street
Windsor, Nova Scotia
(902) 225-8970
johnniemonette@hotmail.com

May 19, 2021

West Hants Councillors ,

Re: Lake Pisiquid Watershed

Dear councillors,

My wife, myself and children moved to Windsor, Nova Scotia 3 years ago and currently live in the town area of Windsor. We are local business owners that work hard to create spaces people love to live in.

We are writing to ask for your needed support to restore the Pisiquid watershed freshwater system to its former level it has been over the last 50 years.

Here are some of our reasons why we would like things restored:

- The current state of complete lake drain **looks absolutely terrible**! The lake drain has taken something that was so beautiful and turned it into an eye sore. Restoring the fresh water to the full level will restore the beauty.

- There is new hazardous dust blowing all over the causeway and several kilometers up to the Sangster's bridge. Two members of our family are asthma sufferers and this change is having an impact on our breathing and overall health.

- The loss of our community paddling club is **devastating.**
  This impacts all ages in our community. This is a significant threat to outdoor recreation, youth engagement, mental health, business, summer daycare and our community values.

- There has been a thriving Freshwater Ecosystem over the last 50 years containing species such as mussels, eels, plants, frogs, mosquitos,

snakes, racoons, turles, eagles and much more. Much of these species are dying with the lake drain. I'm sure you've seen some of the pictures.

- Farmers rely on the fresh pisiquid fresh water. Having a freshwater watershed supply will help local agriculture in the event of drought.

- Ski Marock relies on fresh water from the watershed.

- This loss of freshwater lake is yielding less people wanting to visit the area, less people wanting to live here, less rent, less property values, less business being done, less property tax etc.

- The lake is the heart of our community. Our very own Annual world renown Pumpkin Regatta has been an incredible event that we all take great pride in and look forward to.

- It is vital that our local fire departments have an emergency supply of fresh water available for fire department use. Removing this puts our town at risk.

This is not the time to remove such a precious resource to our community. Anything less than the former is a direct threat to the wellbeing of our people.

I appreciate any action in your power to help our community restore the pisiquid fresh watershed lake area. **Access to freshwater will be a defining issue for future generations.**

Sincerely,

JAM SMM

John and Sarah Monette

Shelleena Thornton

Subject: FW: Ministerial order

From: Jordan Macumber < >
Date: May 12, 2021 at 5:55:00 PM ADT
To: azebian@westhants.ca, mmclean@westhants.ca, jivey@westhants.ca, lmurley@westhants.ca, rmurphy@westhants.ca, esherman@westhants.ca, bmorton@westhants.ca, dfrancis@westhants.ca, jhartt@westhants.ca, smclean@westhants.ca, rjannasch@westhants.ca, comms@westhants.ca, pmorton@westhants.ca, mphillips@westhants.ca
Cc: min@dfo-mpo.gc.ca
Subject: Ministerial order

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

I'm asking council not to request to change the Ministerial order. We have the best fish passage that the avon river has seen since the causeway was built. If you request the cessation of the Ministerial order. You do not represent me. I'll add that I live above the causeway on a tributary of the Avon river.

Jordan Macumber

Shelleena Thornton

Subject: FW:

From: Josette Dugue < >
Date: May 12, 2021 at 3:53:11 PM ADT
To: Mark McLean <mmclean@westhants.ca>, Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>
Cc: "Bernadette.Jordan@parl.gc.ca" <Bernadette.Jordan@parl.gc.ca>

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

Good Day,

I am writing this message to voice my disbelief and express my great disappointment after the Recommendation and Decision Request that “Council send a letter to the Minister of Fisheries, Oceans and the Canadian Coast Guard, The Honourable Bernadette Jordan ... requesting that the Ministerial Order Issued this spring set to expire on May 18, 2021 not be renewed.”

I find outrageous that the Municipal Council of my Municipality could ask a Minister to violate their own law (the *Fisheries Act)!*

I am also appalled to see, in 2021, elected representatives make decisions that would aggravate the ecological disaster that was created about 50 years ago instead of reversing it. I find this totally unacceptable.

Therefore, I want to make it clear that the letter stated above will not be sent on MY behalf, and I withdraw my support to anybody that would agree, in any way, with the said letter.

Thank you
Josette Dugué
Windsor Forks B0N 2T0

Shelleena Thornton

Subject: FW: Avon River - Fresh Water Concerns

From: Judy Lynch < >
Date: May 13, 2021 at 9:27:28 AM ADT
To: "Bernadette.Jordan@parl.gc.ca" <Bernadette.Jordan@parl.gc.ca>, "kody.blois@parl.gc.ca" <kody.blois@parl.gc.ca>, Chuck Porter <chuck@chuckporter.ca>, "azebian@westhants.ca" <azebian@westhants.ca>, "tim.houston@mail.com" <tim.houston@mail.com>, Premier <PREMIER@novascotia.ca>
Cc: "esherman@westhants.ca" <esherman@westhants.ca>
Subject: Avon River - Fresh Water Concerns

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

Judy Lynch

Vaughan, NS
B0N2T0

May13, 2021

Dear Ms. Jordan,

cc: Mr. Blois, Mr. Rankin, Mr. Porter, Mr. Houston, Mr. Zebian, Mr. Sherman

I am writing to express my concerns about the disregard being shown to the Avon River freshwater resource by the current Ministerial Order issued on March 19, 2021. This order, put in place with very little notice and no communication to our community is, in my opinion, only considering a part of this complicated environmental and livelihood impacting situation.

I am fully aware and in agreement that improved fish passage at the Avon River Causeway is essential, but there are many more factors to consider.

A vibrant ecosystem and community have developed around this freshwater river and reservoir since the causeway was built over 50 years ago. What is here now, is very different from what it was before the causeway. I believe this ecosystem, its habitats, the many species, farms, and our residents and businesses that depend on this fresh water source need to be considered and protected at this time and moving forward.

Science tells us that preservation of fresh water is increasingly critical as populations grow and climate change impacts us more each year. The Windsor/Falmouth area is no exception. The residential properties, and the extensive farmlands that border the river and extend far beyond, need flood protection similar to what has been in place since the causeway was built. It has been stated many times that farming took place on these fields before the causeway and that is true. However, multiple dikes and aboiteaus were there to protect this land from flood waters and salt water prior to the causeway. Since the causeway was created, these structures have been removed or not maintained and no longer

offer protection.

Under the current Ministerial Order, salt water is permitted to flow through the aboiteau structure and, every day, our freshwater species, our farms, our homes, and our community are being damaged with seemingly no consideration.

I attended community meetings and understood there has been a compromise solution put forward, 'Option D'. Designed with the ability to operate with fish ladders and fish passage, flood protection, and maintaining the freshwater reservoir and river system. All while being monitored to ensure improved fish passage over time. What has happened to this proposal?

Personally, I have been a member of Pisiquid Canoe Club since I was a small child and I continue that membership today as an adult. The life skills, friendships, and life-long health benefits this program has given me are priceless. I have also held many volunteer roles with this organization, including Commodore, because I want to see more children and adults benefit as much from flat water sprint paddling as I have throughout my life. The Pisiquid Canoe Club cannot continue to operate on tidal or salt water.
I am an employee of Ski Martock. I learned to ski at Martock as a child and returned as an adult to teach and share the joy of skiing with others taking up the sport. Ski Martock is a vital employer and economic driver in our community. Martock has been drawing water from this freshwater source since the 1980's and cannot make snow or operate if that water is contaminated with salt water. It was evident last summer and fall with daily aboiteau openings and water tests by Martock and local farmers, that even with limited saltwater passage, salt contamination reaches kilometres upstream well beyond Martock's water source.

I also own a home and live in Chateau Village along Falls Lake in Vaughan. Our lake is part of the upper river system with its water level maintained by Nova Scotia Power. To have a flowing river, I understand our lake and those around us will need to be lowered to allow greater water flow. If required, our vibrant lake ecosystems will be drastically impacted, my property value and that of my neighbours will drop and overtime, so will the municipal tax base.

As a young adult, I returned to this community to pursue my career in economic development, invest my time in activities and organizations I believe in, and to invest in property that grants me the lifestyle and balance I treasure. All of these pieces of my life are impacted by the potential loss of this freshwater resource.

With the concerns above and many more within our community, please consider that the current Ministerial Order and potential future consideration of returning Avon River aboiteau to a free flow opening <u>is not</u> correcting the environmental damaged caused when the Windsor Causeway was built more than 50 years ago. It's compounding it, with new destruction of a vital freshwater resource.

Sincerely,
Judy Lynch

Shelleena Thornton

Subject: FW:

From: June Pedersen-LaPierre < >
Date: May 15, 2021 at 5:23:34 PM ADT
To: Rupert Jannasch <RJannasch@westhants.ca>

We only need 15 more people to email west Hants council to show their opposition to the most recent request to DFO from west Hants council .

We have written the following letter and ask that you use this information as a template or inspiration to send your own in solidarity.

"To the committee of the whole members of West Hants municipality

Submitted by:

Recommendation or Decision Request..

...That the council not request the cessation of the ministerial order implemented March 16 2021 regarding the operations of the gate structure at the mouth of the Avon River.

The returning of gate operations pre-ministerial order (March 16 2021) would be in violation of Section 2.3 and Section 2.4 of the Fisheries Act.

Which state:

2.3 'This Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982 , and not as abrogating or derogating from them.'

2.4 'When making a decision under this Act, the Minister shall consider any adverse effects that the decision may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982.'

Since the implementation of the Ministerial order we have observed increased fish passage and habitation upstream of the gate structure. This has increased First Nations ability to utilize the right to harvest, in Windsor NS, which Treaty Truckhouse 2 is currently doing.

The discontinuation of the MO would impact the Rights of First Nations Peoples to harvest with traditional methods on their traditional territory for Food and Ceremonial (R v Sparrow 1990) or moderate livelihood (R v Marshall 1999).

This would violate section 35 of the constitution act 1982 "

WHO TO SEND IT TO?

mmclean@westhants.ca
azebian@westhants.ca

pmorton@westhants.ca
mphillips@westhants.ca
comms@westhants.ca
rjannasch@westhants.ca
smclean@westhants.ca
jhartt@westhants.ca
dfrancis@westhants.ca
bmorton@westhants.ca
esherman@westhants.ca
rmurphy@westhants.ca
lmurley@westhants.ca
jivey@westhants.c

Bernadette Jordan
min@dfo-mpo.gc.ca
National Headquarters (Media Relations)
Media.MaritimesRegion@dfo-mpo.gc.ca
Website
xglf.opensolutions@dfo-mpo.gc.ca
Licensing
Licence.maritimes.permis@dfo-mpo.gc.ca

Wela'lin!
- Treaty Truckhouse #2 Society

Shelleena Thornton

Subject: FW: Fish passage

From: Justin Cochrane < >
Date: May 12, 2021 at 1:16:53 PM ADT
To: Laurie Murley <LMurley@town.windsor.ns.ca>
Subject: Fish passage

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

Please let the fish flow Darren porter and Erica porter lively hood all depends on fish passage and fishing just let it flow let them operate the gates let it flow it won't warm anything up streams

Shelleena Thornton

Subject: FW: Fresh water

From: Karen Lynch < >
Sent: Tuesday, May 18, 2021 12:05 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Fresh water

To the West Hants Council,

I watched the latest meeting where the motion was passed to share the communities' concerns regarding the lake and river system with the federal minister of fisheries. I want to thank you all for the discussion and for listening to the many concerns that have been expressed. Thank you to those who supported the motion, and I appreciate the work that all of you put in as members of the Windsor-West Hants council.

I also want to say thank you to Mayor Zabien for the interview he did on CBC, in which he was able to share all sides of this complex issue and the impact that the loss of the freshwater in the Avon river and reservoir will have on the entire community. I think it was very well done and informative for those who may not have known much about this.

In hope that a solution can be agreed upon to protect both the fish passage and the freshwater ecosystem,

Sincerely,
Karen Lynch,
Town Rd
Falmouth
902-472

Shelleena Thornton

Subject: FW: Renewal Of Ministerial Order

From: Kathryn Bergeron < >
Date: May 16, 2021 at 11:06:57 AM ADT
To: "mmclean@westhants.ca" <mmclean@westhants.ca>, "azebian@westhants.ca" <azebian@westhants.ca>, "pmorton@westhants.ca" <pmorton@westhants.ca>, "mphillips@westhants.ca" <mphillips@westhants.ca>, "comms@westhants.ca" <comms@westhants.ca>, "rjannasch@westhants.ca" <rjannasch@westhants.ca>, "smclean@westhants.ca" <smclean@westhants.ca>, "jhartt@westhants.ca" <jhartt@westhants.ca>, "dfrancis@westhants.ca" <dfrancis@westhants.ca>, "bmorton@westhants.ca" <bmorton@westhants.ca>, "esherman@westhants.ca" <esherman@westhants.ca>, "rmurphy@westhants.ca" <rmurphy@westhants.ca>, "lmurley@westhants.ca" <lmurley@westhants.ca>, "jivey@westhants.ca" <jivey@westhants.ca>
Subject: Renewal Of Ministerial Order

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

To the committee of the whole members of West Hants municipality,

I do not support the action of the council to request a cessation of Ministerial Orders. I am a resident of Windsor, and I find the recommendation to violate the Fisheries Act on my behalf saddening and inappropriate. I don't feel like the council is speaking or representing my opinion. I do not advocate for finding loopholes or ways of circumventing the Fisheries Act. The reason the Act was created was to guide us to appropriate actions that would best protect fisheries and the habitat that fish need to thrive. It was created in good faith to guide Canadian communities in appropriate actions. I feel like the council is not acting in good faith in trying to uphold our Canadian laws and rights. I have some concerns and my email may be lengthy, but I hope you read it and maybe address some of my concerns in the next meeting pertaining to this subject.

I read the recommendation document created by the council and one of the main concerns is the lack of water. Everyone seems upset by this and they seems to believe the only solution is request the DFO to violate the Fisheries Act and open itself up to litigation and legal action. However, I was under the impression that the limited 10 minutes per high and low tide was put in place as a compromise to appease the two opposing parties (those that want flow and those that want fresh water)? This 10 minutes per tide time was put in place in order to limit the flow of salt water into the river and appease those businesses and individuals who object to the idea of briny waters. However, it appears that those same businesses are upset with the results their lobbying created and now simply point at lack of water as a reason why the Act must be violated and the Ministerial Orders cease. The lack of water can also be solved by leaving the gates open for longer than 10 minutes and allowing more incoming tide to flow and wet the exposed sediments. This would allow more water

for swimming and other recreational activities while also follow the Fisheries Act. It would also stop the blowing sands. As a Windsor resident, I find this solution, which allows our Municipality to uphold the Fisheries Act and our relations with our First Nations community, while we try to figure out our next steps, much more in the spirit of good faith.

In terms of mental health, my family loves to play in the mud and waters next to the river. My children saw small fish the other day, and we were all very excited. Our mental health has benefited from the changes, and I am inspired by the spirit of the Ministerial Order and that it is a compromise. I look to it with hope that we can work together to find answers instead of treat each other with contempt or fear monger. I have hope for positive discussions, and I the chance for change and improvement inspiring.

In regards to using the lake as a reservoir for firefighting, salt water or briny water can be used to fight fires if those waters are needed. Also, in Great Britain and San Francisco (where water is scarce) they actually have sprinkler systems in buildings that use salt water. Extra care must be used to flush the systems after to prevent corrosion, but the use of said water is not impossible for emergency situations should fresh water reservoirs fall short.

In relation to harm to the downtown and the businesses found there, I find it hard to fathom. I personally travel out of Windsor in order to dine at restaurants or go to beaches where I can watch the natural wonder of the Bay of Fundy. Resorts and businesses have sprung forth marketing the wonder of the tidal bore and Fundy tides. When I had the realization, that I could have that same experience in my home town but for the causeway obstruction, I was actually pretty sad. I have never seen or encountered a tourist who came off the highway to stop in Windsor because of the lake. They stop to eat at the Spitfire and pick up some beer from Schoolhouse, but they don't stay to enjoy the town. We are a pit stop on the way to the valley or to Halifax for food and a bathroom break. We aren't a destination, but we could be if we gave people something to see. Something unique and awe inspiring. People wouldn't have to drive to go eat at the Port in Port Williams to eat lunch and watch the tides. They could do it here in Windsor.

Ski Martock, a wonderful employer and business, has a multitude of issues in its future in terms of sustainability. Every winter, there seems to be less and less of a ski season and less natural snow, and Martock must then make more artificial snow. Snow making not only uses a large amount of electricity, but also causes loss of water due to sublimation during the snow making process. Ski Martock states they use 56 million gallons of water per season to make snow. The WSL Institute for Snow and Avalanche research estimate that between 15-40 percent of the water used in snow making is lost to that watershed. (https://www.slf.ch/en/projects/water-loss-and-artificial-snowmaking.html) If one takes the average of 27.5 percent loss, that means that Ski Martock causes about 15.4 million gallons of water to be lost by our community and watershed. That is a serious loss for a few months of operation.

I love to support my local farmers and buy local as much as possible. However, I am puzzled by certain farms' business practices based on the current uncertainty regarding the causeway and functionality of any replacement aboiteau. Last year, a farm stated that the

water they used from the Avon River was salty and caused damage to their strawberry crops. I felt badly for them as I felt that more care should have been taken by the municipality in monitoring the water quality and salinity last year so such damage could have been avoided. I felt concern and worry for them and their livelihood. This year they stated they were worried because the irrigation system that they just installed would be a waste of money if the river wasn't maintained as before. This is where I have a hard time being sympathetic and more concerned with their lack of forethought. The uncertainty over the river and aboiteau and the exact nature of the quality of the water has yet to be determined. However, in face of this uncertainty and with the damage from last year, the farm chooses to spend money on an irrigation system to use the river water. They don't buy a new tractor, fence, cistern or outbuilding but specifically an irrigation system. This just strikes me as careless and maybe slightly entitled. Other farms do not have the luxury of a river to access yet they are able to function and maintain crops and their animals. Perhaps other farmers could educate our local farmers on their practices, so they too would be able to farm in a similar way and avoid the loss of crops or harm to animals.

In terms of private homeowners, I feel the majority of them don't completely understand what is occurring. They see the exposed sand of the river bottom and they are panicking. Stakeholders who wish to keep things the same regardless of law are preying on peoples fears and worry. They point at the dust and say that this is our future. They post sad Facebook pictures of people in kayaks resting in the silt and they say this dust is all we have for your children. They tell us we will have no more food from farms. That our firefighters won't be able to save us from fires. I am starting to resent this bullying and fear. I feel like there has been no effort to keep the public up to date on what is occurring with the aboiteau and the problems regarding the changes in the Fisheries Act and how that implicates our current situation. They don't know that Option D was rejected by the DFO on March 26th. The population of West Hants does not know where we are going or what we are trying to do. I had a lady, who stated she owned property next to the river, come to my door to sign a petition to restore the lake. I told her that I support an aboiteau but not a freshwater lake. This started a discussion between us. She seemed unaware the gates were only open for 10 minutes per tide. She thought that this was the natural state of the river. She told me she supports fish passage. I said I do too but, logically, that will require some mixing of salt and fresh water so I couldn't support an idea of keeping the lake and keeping it completely fresh water. The lady agreed with the mixing and said she doesn't really care if it is fresh or salt either as long as she has water to enjoy from her property. However, she still went on her way to secure signatures. Still fearful of what was happening and what the future would hold and not trusting in our local officials to do their best. I feel the majority of citizen are like me and this lady. We want to have water (either fresh or salt), we want to have passage for fish and we want to obey our laws. This shouldn't be impossible to accomplish and no citizen should be bullied by those larger stakeholders.

I personally support an aboiteau design that is open the majority of time and it only closed for high tide events, maintenance or certain special events (Pumpkin Regatta). However, with gates and an aboiteau, there comes a certain level of trust that those gates will be operated in a lawful manner. That our own Minister of Fisheries and Aquaculture and Minister of Agriculture, Keith Colwell admitted to breaking the law previously is stunning

and makes me wary to trust in the idea of an aboiteau. That our council said nothing and did nothing to ensure the law was followed was also shocking. I currently do not feel like the Council of West Hants is acting in good faith and would advocate for proper gate management of an aboiteau structure should one be installed. This makes me unlikely to support such a structure, and prefer a bridge option, because just like that worried lady who came to my door, I no longer trust my council to do the right thing.

I sincerely hope to see action on the part of the council that will change my perception and ease my concerns.

Thank you.

Kathryn

Shelleena Thornton

Subject: FW: Kathy veinot has submitted General Feedback

From: Kathy veinot <no-reply@westhants.ca>
Sent: Saturday, May 15, 2021 9:06 PM
To: Shelleena Thornton <SThornton@westhants.ca>
Subject: Kathy veinot has submitted General Feedback

Phone Number: 1-902-757
Alternative Phone Number: 1-902-790
E-mail:

Mailing Address: Avondale N,S, BON 2T0

Comments: I am not in favour of the resent request being sent for a lake . We are all in this together . The Avon river effects more then Windsor . This councils should of declared a conflict of interest and stayed out if all districts were not given a voice . Look like a Windsor council too me .

Shelleena Thornton

Subject: FW: Fish passage matters

From: Kyle Pellegrini < >
Date: May 12, 2021 at 1:04:22 PM ADT
To: Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>, Mark McLean <mmclean@westhants.ca>
Subject: Fish passage matters

Shelleena Thornton

Subject: FW: Letter to Minister RE:Windsor Causeway

From: Lachlan Riehl < >
Date: May 12, 2021 at 12:04:57 PM ADT
To: mmclean@westhants.ca, azebian@westhants.ca, pmorton@westhants.ca, mphillips@westhants.ca, comms@westhants.ca, rjannasch@westhants.ca, smclean@westhants.ca, jhartt@westhants.ca, dfrancis@westhants.ca, bmorton@westhants.ca, esherman@westhants.ca, rmurphy@westhants.ca, lmurley@westhants.ca, jivey@westhants.ca
Subject: Letter to Minister RE:Windsor Causeway

Good morning all,

It has come to my attention that this municipality intends to submit a letter to the crown requesting the removal of the current Ministerial Order (MO) that dictates the operation of the Windsor causeway gates. Be it known that this MO was implanted on the bases that the structure was violating federal law and the constitution of Canada. This MO serves to align the operations of the gated structure with these laws. By requesting to remove this MO this municipality is actively taking the stance that it wishes to violate the fisheries act as well as infringe the rights of the Mi'kmaq.

This is shameful. Please do not send this letter.

Sincerely,
Lachlan Riehl

Shelleena Thornton

Subject: FW: Damage from low water level.
Attachments: Driveway1.jpg; Driveway2.jpg; Driveway3.jpg; Field1.jpg; Field2.jpg; Field3.jpg

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From: Laura Stewart < >
Sent: Wednesday, May 19, 2021 7:42 AM
Subject: Damage from low water level.

Good morning representatives of the people, the community and the province of Nova Scotia,
I am writing to you in order to provide more information and visuals regarding the impact of the prolonged low water level in the west branch of the Avon River, the Pisiquid watershed, the West Hants reservoir, or Lake Pisiquid. Call it what you will, the effects are the same.
I live along the west branch of the Avon River and a large portion of my 31 acres borders along the river. Since the start of the trial period of creating a tidal flow, I have seen marked and startling damage to my property. I have lost a significant amount of field to the river and a large portion of my driveway has fallen as well. In the 35 years that this land has been in the care of my family, we have not seen any significant erosion of the banks. Now there are large areas disappearing, trees and boulders falling into the river.
I own and operate a Massage Therapy clinic on my property that has an average of 40 community members using the driveway a week. The driveway is also used frequently by heavy farm equipment in order to hay the fields. On April 2nd, 2021 we found that a large section of the bank had fallen, taking with it a boulder, many trees, and a part of our driveway.
The state of the driveway is concerning and a serious safety hazard to the members of our community. I have not the means to undertake such a large repair and I mourn the fact that the damage could have been prevented if the water levels were not so low at the time of the spring thaw.
I, as well as many members of our shared community have been expressing our concerns, our shock and our anger over the damage to farm land, watersheds, fresh water availability, animal habitat and a balanced ecosystem through this river system. It has now come to the point that human safety is involved. My livelihood, and the safety of my community and clients are at risk. My land is quickly falling in to the river.
I have included pictures of the damage and I hope that I will receive help and acknowledgment of my need for repair and recompense. Please help our community and help prevent any further damage by returning the river to its fresh water state.
Thank you for your consideration and care on this matter.

-Laura

Healthy Balance Massage Therapy

391 Castle Frederick Road, Falmouth

792-1506

www.Healthybalancemassage.ca

Take the time to feel better!













Shelleena Thornton

Subject: FW: Windsor & Falmouth fish passage

From: lee billington <lsbillington@gmail.com>
Date: May 12, 2021 at 3:32:12 PM ADT
To: Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>, Mark McLean <mmclean@westhants.ca>
To whom it may concern

I am a resident of Falmouth, home owner and I am probably not alone in wanting to ask questions surrounding the causeway and the blocking of fish passage into the lake and river.
I care about the fish passage in Windsor and I care about the lake and the river that flows through our beautiful community. I love to fish, swim, kayak and picnic in and around my community. I do this with my family and friends and promote the area to everyone I meet, whenever I get the change (Pre Covid, of course)
We love and enjoy where we live but I do not understand the reasons for;

- Closing the gates, and keeping them closed
- Draining the lake and river,
- Blocking fish migration and passage
- What damage that is being done to the wildlife and fisheries in our community. When the lake dries up it must have an impact on the eco system that inhabit these waters

What are the reasons for:

- Blocking the gates
- Why is the Mi'kmaq right for fish passage being ignored along with the rights of everyone else to enjoy such an amazing resource. There is a legal ministerial order in place that is seemingly being ignore, and has been for some years.
- Why cant a resolution be found to balance all needs. Has there ever been any compromise discussed
- Every winter the water levels are dropped and fish passage is blocked. Why drain the lake and river

I'm asking these questions as a concerned resident and to answer some of the questions my own children are asking me. What examples are we setting to show to the generations of Nova Scotians and West Hants community?
Please take a few minutes to write back to me so I can better understand the reasons for what's happening within my community and better explain to my children as to the reasons why.
Kind regards
Lee Billington

May 12, 2021

Lee Millett
784 Rockwell Mountain Road
Centreville, NS
B0P 1J0

West Hants Regional Municipality
76 Morison Drive
Windsor, NS
B0N 2T0

Re: Avon River Causeway Recommendation or Decision Request

Dear Committee of the Whole:

I was displeased to hear the vote was moved forward to send a letter drafted with regard to the ministerial order. I understand it is difficult to accept this reality for some, and to those, I offer my support in your suffering. I applaud Councillor Ivey for questioning the letter and not supporting the vote.

As a user of the Avon River, I enjoy its unconditional bounty. The order provided by the Minister will ensure environmental and spiritual healing. I will continue to support this order, and will also derive direct benefit from it physically, emotionally and spiritually. I will be glad to contribute economically to West Hants as a co-benefit of my pursuits.

I suspect it would be in your best interest to redact, or do not send the concerned letter. It blatantly infracts the Constitution, the Fisheries Act and the Species at Risk Act. It also does not respect indigenous treaty rights, thereby taking a step back in Canada's goal of reconciliation.

I ask that you do not send this letter.

Sincerely,



Lee Millett

Shelleena Thornton

Subject: FW: Allow Free Fish passage

From: Lexie Barkhouse < >
Date: May 12, 2021 at 6:44:18 PM ADT
To: azebian@westhants.ca
Subject: Allow Free Fish passage

May 12 2021

Dear A Zebian

The Avon is a River. River flow must be restored to preserve nature and fish habitat. A causeway that causes mud to back up in all our local rivers and kill fish also destroys natural habitat. The causeway should have never been built.

I am a resident of Belmont West Hants. There is no excuse for Government officials to ignore years of study of fish habitat in the Avon River Ecosystem.

Lexie Barkhouse

To the Council Members and Mayor of Windsor/West Hants,

I am writing today regarding the ongoing issue of fresh vs tidal water in Windsor, Nova Scotia. I would like to provide full disclosure right away, I have not completely read all of the numerous studies and reports on this issue, as I find a lot of it is too confusing for me to understand, and I suspect it is the same for many others on both sides of this issue. It would be helpful to have all the information together in an easy-to-understand document that is completely unbiased, but I do not expect this will happen.

This has become a very contentious issue in Hants County, Nova Scotia, and as I have seen online, has led to the ending of life long friendships and created a very clear and strong divide between 'sides'. I feel that our elected leaders have, for the most part, avoided this issue. This is most unfortunate, as our elected leaders were elected to lead, and from what I have seen, they are failing to do so in this situation. I feel very strongly that our elected leaders at all levels of government should have come together and looked at all the facts, and made and implemented a well informed, transparent decision long before now. However, I do not feel that it is too late for them to do so. I understand that this would be very hard for them to do, as they would be putting themselves 'out there' with the full knowledge that there would be very strong and loud resistance no matter the outcome, but making difficult and unpopular decisions is a part of the job, and I personally would have a significant amount of respect for any politician who was willing to step forward and deal with this issue properly regardless of the verbal backlash they would receive.

When I first started looking at this issue long ago, I felt that the causeway should be removed and replaced with a bridge. I felt that the silt buildup on the tidal side of the causeway was quite disgusting looking (it is). I also felt that nature should rule, and I believed that if the causeway were opened up, this disgusting silt buildup would eventually wash away, and become a beautiful river. Then I started hearing about the salmon attempting to get through the gate to reach their spawning grounds, but dying at the gate instead. I felt that this was horrific and couldn't believe that this was allowed to happen. At that time, I was unaware of any of the negative effects of free tidal flow.

Over the last few years, I have been learning more. Gradually, my opinion shifted to keep the causeway, but open the gate fully. Then gradually my opinion shifted again. I have not been influenced by any particular person or group, I have learned what I can about this, have listened to what has been said by the people who lived near this river (and used it) before the causeway was installed (they are a very good source of information, they can give accurate accounts of the good and bad effects of tidal vs fresh). I have listened closely and respectfully to both 'sides', and have come to my own conclusion. I now feel that it is essential to our entire community that this side of the causeway remain a fresh water system. I do feel that there should be some sort of fish passage system in place, I am very 'nature minded', however we are also a part of nature, and I feel that we should put the biggest priority on human lives.

The reasons I am now of this opinion are:

- Salmon numbers have been decreasing for decades for many reasons, and I feel that the causeway has played only a very minor (if any) part in that. Any salmon alive today would likely not have been 'born' on the Windsor side of the causeway. According to usgs.gov:

  "Salmon come back to the stream where they were 'born' because they 'know' it is a good place to spawn; they won't waste time looking for a stream with good habitat and other salmon.
  Scientists believe that salmon navigate by using the earth's magnetic field like a compass. When they find the river they came from, they start using smell to find their way back to their home stream. They build their 'smell memory-bank' when they start migrating to the ocean as young fish.

  If a salmon can't find its stream, some continue to search for the right stream until they use up all their energy and die, but most simply try to find other salmon with which to spawn."

  This site has no connection to Windsor, Nova Scotia, so would not have a bias on either side of this issue.

- Farms all along the river on the Windsor side of the causeway would be severely impacted by the salt water, potentially devastating these farms to the point of closure. I think most people in Nova Scotia understand the importance of locally sourced food for our families. One only has to look at the Halfway River in Hantsport, NS to understand the devastation salt water has on our vegetation. How are farms along the Windsor side of the Avon River going to survive if their fields and crops are destroyed in this way? They will be unable to grow and provide fresh produce, dairy and meat for Nova Scotians, they will be unable to provide fresh water, grass or hay for their livestock. These farms absolutely depend on this fresh water resource. I have seen comments online stating that these farmers can install wells, however as we have also seen near the Halfway River in Hantsport, once the salt water is allowed to flow freely, nearby wells are destroyed and rendered completely and permanently unusable, so this suggestion appears to fail to 'hold water'. Another suggestion I have seen online is to 'simply' rebuild the dyke systems that have long been removed. This suggestion appears to be unviable as rebuilding these systems would take a very long time and an enormous effort, would take away a significant amount of our current farmlands, and would be severely financially unreasonable, whether the expense landed on the doorstep of the farmers, the government, or both.

- The downtown area of Windsor, as well as the area of Falmouth along the Windsor side of the causeway, and properties all along this side of the river would be flooded twice a day with the incoming high tide. I have seen pictures of the times before the causeway, I have seen pictures of Victoria Park in Windsor (in front of the community centre on Thomas Street) flooded to the point where people were able to paddle boats in there. Obviously any structure or roadway between the river and this point (at least) are not immune, so would also face flooding. People's homes would be damaged and/or destroyed.

- Salt water is plentiful all around the globe, fresh water is not. I feel very strongly that we should protect our freshwater resources, as our very lives depend on freshwater. According to nationalgeographic.org,

  "of all the water on Earth, more than 99 percent of Earth's water is unusable by humans and many other living things - only about 0.3 percent of our fresh water is found in the surface water of lakes, rivers and swamps."

  "It is unexpected and somewhat inconceivable that less than three percent of Earth's water is fresh water. According to the U.S. Geological Survey, most of that three percent is inaccessible. Over 68 percent of the fresh water on Earth is found in icecaps and glaciers, and just over 30 percent is found in ground water. Only about 0.3 percent of our fresh water is found in the surface water of lakes, rivers, and swamps. Of all the water on Earth, more than 99 percent of Earth's water is unusable by humans and many other living things! It seems extraordinary that the water that supports all terrestrial, as well as aquatic, life on our planet is actually so scarce. With this stunning realization comes a recognition that we have to utilize this resource very wisely."

  Windsor, Nova Scotia has done a remarkable thing, we have created a large fresh water system! We should be bragging about this, not destroying it!

- Erosion. It has recently come to my attention that the erosion that has already happened over the last month or so that our fresh water lake and river have been drained and replaced with tidal is already having an impact on the cemetery in Falmouth. If it is impacting this cemetery, it is certainly happening all along the river bank. I have seen pictures and videos of the erosion in this location. The images taken some distance down river, and the images taken from above via drone do not show the erosion due to the vegetation blocking the view, however the images taken from that edge of the cemetery clearly show it. The edge is now getting dangerously close to some of the graves. How can we allow this violation of our dead to happen?

- Nearby businesses would be severely impacted, potentially to the point of closure. Mount Martock makes its snow from this fresh water system. I have seen comments online that Martock could 'simply' pull fresh water elsewhere. This would have a huge financial impact on this business, as they would have to create all new infrastructure to be able to do this. I do not use this ski hill, I do not participate in most winter sports, however I do see how vital this business is to our entire community. Martock employs a lot of local people, including our young. For many of our young people, this is their first employment, they are gaining experience that will be their first step into a hopefully prosperous future. Why would we risk losing that? My children are all adults now so we are not directly impacted by this business, but I feel very strongly that we need to support and guide the youth in our community, and I feel that employment opportunities are a huge part of that support. If Martock is unable to financially rebuild new infrastructure to 'pull' fresh water from another source, they will close, and we will have lost this opportunity for our youth, as well as all the revenue this business brings to the entire community. Another business that will suffer or close due to having tidal water on the Windsor side of the causeway is the Pisiquid Canoe Club. This club has been an enormous benefit to youth and families, promoting a healthy active lifestyle. This business also brings revenue to our community, as people often stop to shop and/or eat while they are here. These are only two examples of many local businesses that would be severely impacted by allowing tidal water into this area.

- Fire protection. When lightning struck Edgehill Estates a few years ago, the resulting fire became very big and out of control very quickly. There were many fire departments deployed to Windsor to assist with extinguishing this fire. Due to the size of this building and this fire, there was a steady stream of trucks going between the fire and the freshwater lake downtown. Even with this water source, they struggled to get this fire under control. I know this for a fact, as I was there the entire time and in fact saw the lightning strike. I was extremely concerned the entire night about the safety of nearby homes, including mine. If this freshwater lake hadn't been there that night, I have little doubt that we would have experienced yet another Great Fire of Windsor. For the last month, and for the foreseeable future, this lake is unusable for fire protection. We still have many large structures in Windsor and surrounding areas, including The Elms, Dykeland Lodge, Gladys Manning, etc. If there is another devastating fire of a structure that would have potentially been saved by having fresh water available, who is going to take responsibility for the losses? Who is going to take responsibility for any potentially lost lives? Someone will have to be held accountable, and our citizens should know beforehand who that would be.

- Ecosystems. Over the last 50+ years, a whole new ecosystem has developed on the Windsor side of the Avon River, an ecosystem that requires fresh water to survive. I have heard reports that this ecosystem is already dying due to the recent tidal water that has been allowed to flow in this part of the river, including some freshwater shellfish. Why has this been allowed to happen? This is equal to the fish that have died at the gate. Why are we allowing the destruction of one ecosystem to allow the expansion of another? The ecosystems depending on salt water are already surviving very well on the other side of the causeway. I have seen some comments online stating that the freshwater lake was 'dead' anyway, which is very far from the truth and these commenters have to my knowledge been unable or unwilling to provide proof of this claim. This freshwater lake and river have been alive and vibrant and beautiful for over 50 years.

- Recreation and entertainment. Anyone who has lived here for any amount of time (even as little as a year), would be very aware that the freshwater lake has provided an enormous amount of recreation for local citizens and visitors alike. There have been people on that water in their canoe's, kayaks, sea doo's, etc. This freshwater lake is the centre point of our Avon River Days and our Pumpkin Regatta. Both of these events, the regatta in particular, bring in a lot of people from other communities, and even from around the world. These people often shop and eat while here, helping to boost our local economy.

- Mental health. This fresh water system has helped the mental health of many of our local citizens, as they have been able to enjoy the peacefulness and happiness that comes with the above mentioned recreational activities, as well as those who walk along the walking trail around the lake, and those who just like to sit and look at the water. I personally have gone to this lake just to sit and look at it many times, and this has been a huge stress reducer for me, so I am sure it has done the same for many others as well.

I feel that we have been so fortunate in Windsor/West Hants, as we have had the benefits of both tidal and fresh water. I believe that the loss of this freshwater system will have many devastating effects, some of which we are already starting to see. I would implore you to please look at ALL the concerns surrounding this very important issue with an unbiased eye, and do the right thing, which in my opinion is to restore our fresh water lake and river immediately. If this issue is above your scope of practice, I would ask you to please not ignore this, but pass on the concerns of all citizens to the rightful person/department/level.

Thank you,
Linda Card
Falmouth, NS

Shelleena Thornton

Subject: FW: Pisaquid

From: Monique Wood < >
Sent: Sunday, May 16, 2021 12:55 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Pisaquid

Greetings to the Mayor and Councilors,
Our community is faced with a challenge as identified. Difficult decisions through challenging times and I wish to commend all of you for your continued work through this process.
I agree with the amendment that was proposed.
It is important for me to hear that counselors can be the voice of their constituents even if it is not a personal view. On that note, I feel that my voice, which was communicated clearly to Mr Ivey, was not shared.
Mr Ivey did bring up several valid points, although on 4 occasions, the points were prefaced with " I would like to think", which may indicate that these are his own views and may not be substantiated.
I agree with your recommendations for a working group.

With appreciation,

Monique Wood
Windsor

Shelleena Thornton

Subject: FW: Windsor Causeway

From: Nancy Sheehy <nancybsheehy@gmail.com>
Sent: Sunday, May 16, 2021 10:04 AM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Windsor Causeway

I want to go on record that I do not support or like that Mayor and Council are requesting an end to the Ministerial order providing fish passage.I strongly support the Ministerial Order requiring fish passage at the Avon River Causeway.I ask that DFO renew this order.
Regards Nancy.

Shelleena Thornton

Subject: FW: Ministerial order

From: Nancy Sheehy < >
Date: May 18, 2021 at 7:37:23 PM ADT
To: "azebian@westhants.ca" <azebian@westhants.ca>, "bmorton@westhants.ca" <bmorton@westhants.ca>, "dfrancis@westhants.ca" <dfrancis@westhants.ca>, "esherman@westhants.ca" <esherman@westhants.ca>, "jhartt@westhants.ca" <jhartt@westhants.ca>, "jivey@westhants.ca" <jivey@westhants.ca>, "lmurley@westhants.ca" <lmurley@westhants.ca>, "mmclean@westhants.ca" <mmclean@westhants.ca>, "mphillips@westhants.ca" <mphillips@westhants.ca>, "pmorton@westhants.ca" <pmorton@westhants.ca>, "rjannasch@westhants.ca" <rjannasch@westhants.ca>, "rmurphy@westhants.ca" <rmurphy@westhants.ca>, "smclean@westhants.ca" <smclean@westhants.ca>
Subject: Ministerial order

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

Good evening,
I strongly support the Ministerial Order requiring fish passage at the Avon River Causeway.I strongly disagree with our Mayor and dislike that councillors agree to request an end to Ministerial Order providing fish passage.Please consider doing what is right and abide by the ministerial order that is in place.
Let's work together and help those that will need it with any new changes to Avon River.
Thank you.
Nancy

Shelleena Thornton

Subject: FW: Avon River

From: Nikki-Marie Lloyd < >
Date: May 12, 2021 at 6:38:24 PM ADT
To: Abraham Zebian <AZebian@westhants.ca>
Cc: Jeff Douglas <jeff.douglas@cbc.ca>, "Media.MaritimesRegion@dfo-mpo.gc.ca" <Media.MaritimesRegion@dfo-mpo.gc.ca>, Richard Murphy <rmurphy@westhants.ca>, "bmorton@westhants.ca" <bmorton@westhants.ca>, "comms@westhants.ca" <comms@westhants.ca>, "dfrancis@westhants.ca" <dfrancis@westhants.ca>, "esherman@westhants.ca" <esherman@westhants.ca>, "jhartt@westhants.ca" <jhartt@westhants.ca>, "jivey@westhants.ca" <jivey@westhants.ca>, "kody.blois@parl.gc.ca" <kody.blois@parl.gc.ca>, "lmurley@westhants.ca" <lmurley@westhants.ca>, "min@dfo-mpo.gc.ca" <min@dfo-mpo.gc.ca>, "mmclean@westhants.ca" <mmclean@westhants.ca>, "mphillips@wesrhants.ca" <mphillips@wesrhants.ca>, "pmorton@westhants.ca" <pmorton@westhants.ca>, "rjannasch@westhants.ca" <rjannasch@westhants.ca>, "smclean@westhants.ca" <smclean@westhants.ca>
Subject: Avon River

Caution
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Dear Mayor and council of West Hants,

I as a Mi'kmaq person have some major concerns regarding the Avon river. I feel as if my voice is not being heard, that I am being pushed aside as if I do not matter. By requesting for the current ministerial order not to be renewed you are infringing upon my rights as a Mi'kmaq person. Referring to the committee of the Whole Meeting on May 11th, 2021 It was said "The reason i put this motion out here is beyond the 18th, if another Ministerial Order is issued then it extends it into June. I'm being led to believe there will not be a season for the canoe club. There will be pretty much no lake of any sorts for the remainder of the year. This shows me that the municipality of west hants does not care about us First Nations peoples.

We constantly talk about reconciliation,

Reconciliation is not just one talk, it is not a trend. Reconciliation is ongoing, it's continuous. Reconciliation is recognizing all the wrongs that have been done and continue to happen. Truly working together. Unity is reconciliation. Flying the grand council flag and disregarding First Nations people is not reconciliation. Continuing to try and have our rights infringed upon is not reconciliation. It leads to the cultural genocide of First Nations peoples.

I'm tired of being disregarded, pushed aside, and disrespected just because of the blood that runs through my veins

I do not want to see my peoples flag flying just because it is "trendy" or as one single gesture or statement acknowledging us First Nations peoples. I want to see our flag flying alongside yours while we build relationships, honour treaties, acknowledge our rights, our past and ensure history does not repeat itself.

I am asking that council not request the discontinuation of the ministerial order implemented on March 16th, 2021 regarding the operations of the gates on the Windsor causeway. The discontinuation of the current Ministerial Order directly infringes upon the rights of us First Nations peoples. By the blocking of the Avon river you are directly blocking fish passage and blocking us from being able to exercise our treaty rights. This would not only be in violation of the fisheries act sections 2.3, 2.4, 34.3 (2) (f) and 34.3(2) (g) but also in violation of section 35 of the constitution act of 1982

The peace and friendship treaty of 1752

The right to fish for food and ceremonial (R v Sparrow 1990)

The right to fish for a moderate livelihood R v Marshall 1999)

The fisheries act

The constitution act of 1982

The UN declaration of indigenous rights

These are all documents that pertain to this issue.

So again I ask of you Mayor and council of West Hants to not request for the discontinuation of the current Ministerial Order. Please think of my people, our rights, and the impact blocking the river will cause.

Thank you,

Nikki-Marie Lloyd

Shelleena Thornton

Subject: FW: windsor causeway request

From: Nikki-Marie Lloyd < >
Date: May 17, 2021 at 10:04:39 AM ADT
To: Abraham Zebian <AZebian@westhants.ca>
Cc: Mark McLean <mmclean@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>, "kody.blois@parl.gc.ca" <kody.blois@parl.gc.ca>, "min@dfo-mpo.gc.ca" <min@dfo-mpo.gc.ca>, "cportermla@eastlink.ca" <cportermla@eastlink.ca>

Dear Mayor and council of West Hants,

No matter what option is brought forward for the causeway there can be no lake. In order to have a lake you must withhold water, withholding water means the river must be blocked off therefore our fish are not able to pass through. I would like to see a solution that works for all, but in order for that to happen there must be compromise. Nearly 50 years ago when that causeway was put in place there was no consultation with Mi'kmaq. After we have lost hundreds of metres of our natural river all we are asking is to have the remainder left open, we have done more than compromise. Decisions should be made based on the federal laws and rights of first nations people. Safety is not an issue, even with concerns of safety there are solutions still allowing for free tidal flow. This is the time that matters most. You have a chance to turn this deteriorating river into a river that thrives with life. I am requesting that you rescind your request to Bernadette Jordan in asking that the Ministerial Order (MO) not be renewed. Your people have thrived here for hundreds of years, please allow us to exercise our rights and we can all thrive together.

Thank you,

Nikki-Marie Lloyd

Shelleena Thornton

Subject: FW: Letter regarding the current situation around the Avon river

From: Olena Kharytonova < >
Date: May 15, 2021 at 11:07:56 PM ADT
To: Jim Ivey <jivey@westhants.ca>
Cc: Richard Murphy <rmurphy@westhants.ca>, Abraham Zebian <AZebian@westhants.ca>, Mark McLean <mmclean@westhants.ca>, Scott McLean <smclean@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>
Subject: Letter regarding the current situation around the Avon river

Dear Councilor Ivey, Dear Mr. Mayor, Dear Esteemed Councilors,

Hope this email finds you well.

We would like to take a moment of your time and express our concern about the current situation with the Avon river. Although we've been living in Windsor for only about two years, we've been tremendously enjoying living next to the river and all the blooming nature around it, taking walks by the lake Pisquid, and going to the one and the only Martock ski resort. All of those points have been one of the main reasons why we decided to make Windsor our new home and not move closer to the HRM. However, it has recently come to our attention that all of this might be gone if we are going to lose the freshwater component and therefore the current ecosystem.

Hence, we wanted to kindly ask you to take action and promote seeking of an alternative solution to the gate system that would benefit both parties involved.

Also, if there's any way we can aid this, we'll be delighted to join the cause.

Thank you for hearing us out.

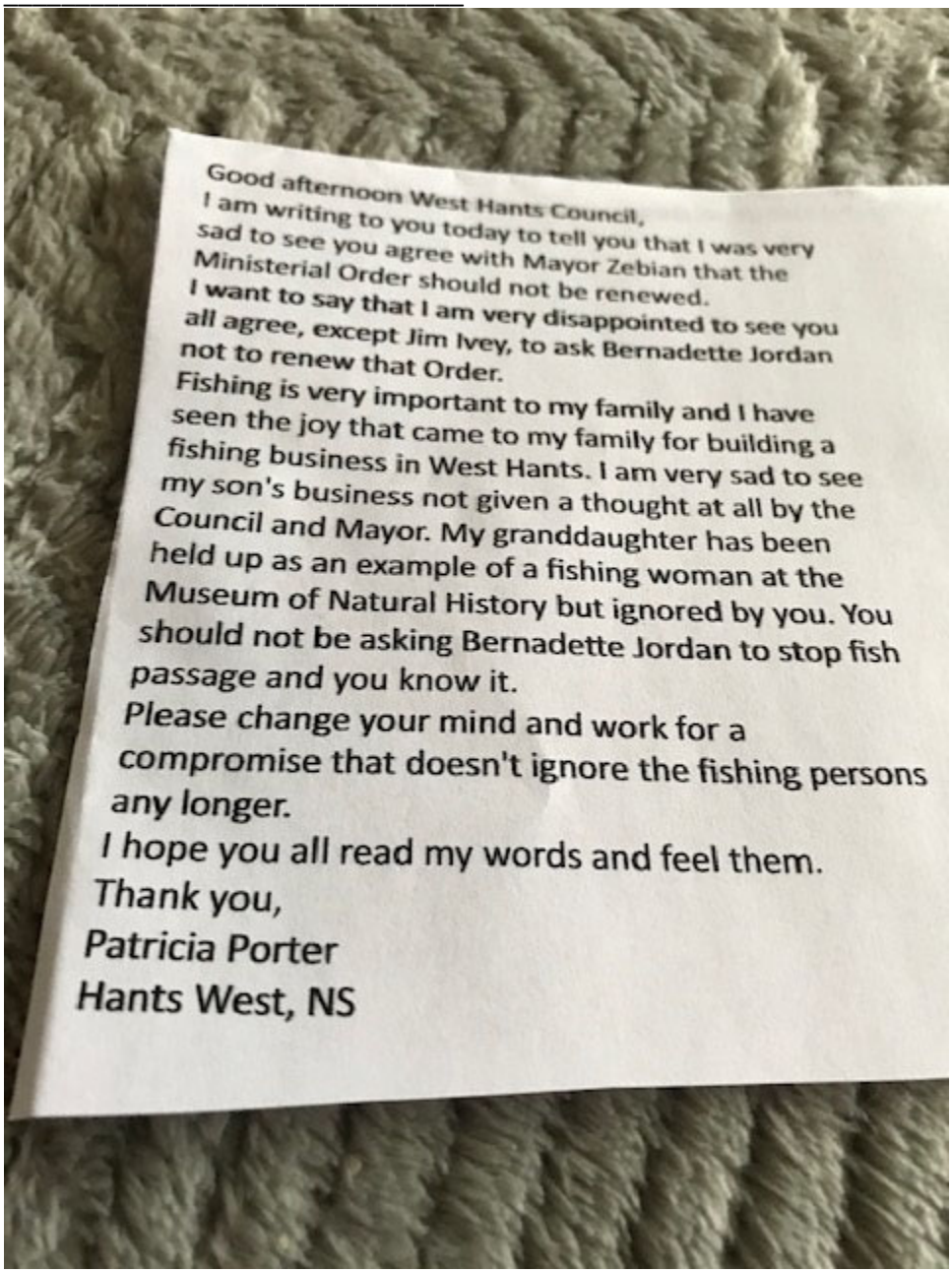
Kind regards,
Olena and Alexey

Shelleena Thornton

Subject: FW: River

From: Pat Porter < >
Date: Wednesday, May 12, 2021 at 5:28 PM
To: Mark Phillips <MPhillips@westhants.ca>
Subject: River

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Shelleena Thornton

Subject: FW: Causeway

From: Paula Lake < >
Date: May 12, 2021 at 11:18:09 AM ADT
To: Abraham Zebian <AZebian@westhants.ca>
Subject: Causeway

I as a resident in West Hants am very disappointed in your stance on allowing tidal water inside the causeway. No West Hants residents were asked for their opinion. I don't understand how a canoe club supersedes our First Nations, fishermen/women . You need to realize the UN will be interested in this stance ! The mud puddle is that just a puddle while the Avon river is brimming with life. You and your council cannot be making a decision without a VOTE from all residents of West Hants. You are not representing all the residents your only representing the elite Windsor and Falmouth residents . I was a against amalgamation for this reason , we in West Hants knew our interests and opinions would be pushed aside as per usual yet you like our tax monies don't you. The causeway was not well thought out 50 yrs ago , it is impacting more people than just the Elite ! We expect to be heard and you need to put a vote out to ALl residents ! This is my opinion as a resident of West Hants , you and council have no right to think all residents want a mud puddle. Just a resident down the Shore on the 215 . I await a vote to decide the fate of the Avon river. Paula Lake

Sent from my iPhone

Shelleena Thornton

Subject: FW: Avon River Causeway

From: Robert Bowkett < >
Date: May 18, 2021 at 11:12:56 AM ADT
To: Mark McLean <mmclean@westhants.ca>, Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>
Subject: Avon River Causeway

Good Day!

The intention of this letter is to express that I strongly support the Ministerial Order requiring fish passage at the Avon River Causeway. I also want to be clear that I object to Mayor Zebian's motion approved by the Committee of the Whole meeting May 11/21 asking DFO not to renew the Ministerial Order that has enforced fish passage. This request to resume former gate operations of the last 50 years does not represent my opinion as a constituent of West Hants Regional Municipality.

Robert Bowkett

Shelleena Thornton

Subject: FW: Lake Pesiquid

From: Roslyn < >
Sent: Saturday, May 15, 2021 9:58 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Lake Pesiquid

I just wanted to thank Council for its support in attempting to maintain the lake until such time as the government agencies involved determine how we will move forward in the future. I remain hopeful that fish passage and a lake can coexist and that the powers that be will find a solution that considers the outcomes for the entire community of West Hants.

Thank you again.

Sincerely,

Roslyn MacDuff

Virus-free. www.avast.com

Shelleena Thornton

Subject: FW: Fish passage

From: ruth angevine < >
Sent: Thursday, May 13, 2021 1:52 PM
To: allcouncil@westhantd.ca
Cc: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Fish passage

For those who want to support fish passage at the causeway but aren't sure how to express it to Council:
This email is to express my support for the current gate operation that allows fish passage. I also want to be clear that I object to Mayor Zebian's motion approved by the Committe of the Whole meeting May 11/21 asking DFO not to renew the Ministerial Order that has enforced fish passage. This request to end fish passage indefinitely does not represent my opinion as a constituent of West Hants Regional Municipality.

Thank you for your attention to this matter truth Angevine

Sent from Yahoo Mail on Android

Shelleena Thornton

Subject: FW: support for the Ministerial Order

From: Scotch Village Farm < >
Date: May 19, 2021 at 9:21:59 PM ADT
To: Mark McLean <mmclean@westhants.ca>, Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Jim Ivey <jivey@westhants.ca>
Subject: support for the Ministerial Order

Dear West Hants council members,

We are West Hants farmers on the tidal Kennetcook River who strongly SUPPORT the Ministerial Order that requires fish passage at the Avon River Causeway. Damage to the Avon River ecosystem caused by the existing causeway affects the ecosystem in our area also. We look forward to the opening of fish passage on the Avon River. Please rescind your letter to DFO and represent the views of the majority of your constituents.

Thank you,

The Scotch Village Co-operative Farm
(Ben Gallagher, Aaron Mcconomy, Jessica Ross, Jayme Melrose, Katherine Marsters, Mike Anderson, and Jeff Wheaton)

Shelleena Thornton

Subject: FW: Causeway letter

From: "Shirley Pineo" < >
Date: May 12, 2021 at 5:39:27 PM ADT
To: azebian@westhants.ca,pmorton@westhants.ca,rjannasch@westhants.ca, dfrancis@westhants.ca,eshermsn@westhants.ca,mmclean@westhants.ca, jivey@westhants.ca,lmurley@westhants.ca,jhartt@westhants.ca, smclean@westhants.ca
Subject: Causeway letter
Reply-To: saviaccesscash@gmail.com

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Good day Mayor and Councillors:

I listened to your presentation regarding the causeway. Normally I would contact my councillor but since he had to declare a conflict (which I did not hear the reason for his conflict) I am required to contact the rest of you.

I feel this letter is a grave embarrassment to our citizens and municipality. It is full of errors and I think it should never be sent. You need to remember that you are representing ALL the people, not just the ones who yell the loudest.

Promises were made to the people of West Hants and I do not see you fulfilling those promises.

I also wonder about the abruptness of holding the vote on this issue before anyone could read the contents of the letter being sent on behalf of the citizens of the municipality.

I was shocked to find your "special" meeting was held so quickly without giving time to inform the public that you were doing this on our behalf.

In the future, please let the public know about important issues that you are discussing.

Thank you

Shirley Pineo
Mantua

Shelleena Thornton

Subject: FW:

From: SC Brooks < >
Date: May 12, 2021 at 9:56:54 PM ADT
To: Abraham Zebian <AZebian@westhants.ca>

Hello,

I would like to express my disappointment in the communication sent to the minister by the of DFO by the council of Windsor West Hants regarding implementation of the order regarding operation of the gates restricting flow of the Avon River. The aforementioned request implied a narrow minded view of the effect of this order. The councils stance on this matter is based solely on views imparted by a very small and vocal minority. Each point of objection mentioned in the letter ignored scientific fact and only focused on anecdotal observations by biased parties. All scientific analysis of our river system reflects that the current management is detrimental to the environment and is not sustainable. The artificial stability that the causeway created hides the truth that the river is nearly dead. The Avon Valley evolved as a tidal basin requiring the exchange of fresh and salt water to maintain the health of the environment. The artificially imposed imbalance that has been created is stable for the few who profit off of it but created a toxic environment devoid of most aquatic life that need the system to survive. I find the councils stance on this matter narrow minded and unethical in its disregard to this living system that all in the county share, not just the few who exploit it.
I admit that a completely free flowing river could cause catastrophic harm to agriculture in the area but a flood control system only to be used to protect against these infrequent events would allow for a more natural system. We need to stop pretending and believing the lie that the recent way is the only way. We need to do better, no one owns this river, we are just its temporary stewards and we can either use this opportunity to correct the errors of the past or turn a blind eye and be remembered for the backwards views and disregard of the environment.

Thank you,

Stephen Brooks
Hantsport NS

Shelleena Thornton

Subject: FW: Council meeting

-----Original Message-----
From: Trudy Sheehy < >
Sent: Monday, May 17, 2021 6:16 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Council meeting

Dear councillors,

After your most recent council meeting we wanted to take the time to thank you for making a motion with regard to the protection of our loved community and for giving the residents a voice! We have lived in West Hants our entire life but are very concerned what the future of said community might look like.

We also wanted to state that Jim Ivey is our councillor and has never once reached out or came to our door to ask us of our opinion. We are NOT in support of free tidal flow but are in support of working together on a solution that would have the least impact on all involved with this decision. That being, moving forward with an improved version of "status quo".

Steve and Trudy Sheehy
Windsor, NS

Sent from my iPad

Shelleena Thornton

Subject: FW: 50 years of blocking the Avon river

From: Steven Bouman < >
Date: May 17, 2021 at 8:17:14 PM ADT

"To the committee of the whole members of West Hants municipality,

I am a citizen of West Hants and I am concerned that I (and many other West Hants citizens) are not heard and represented.
I see that there is a strong push from the Mayor, some councillors and the business society to keep the lake here in Windsor.
Still, I believe that there is a majority of people in West-Hants that are looking for a solution where the Avon river can exist. At this moment our voices are not being heard and represented. That is fundamentally wrong.

I would like to invite all councillors and the Mayor to expand from any 'tunnel vision' that Windsor without a lake isn't a good choice.
I am from Europe and I am amazed about the beautiful nature that Nova Scotia has to offer. I have experienced big rivers and their ecosystems like Bear River, Shubenacadie and other areas. These are amazing ecosystems.

Then we have the former Avon River which has been blocked and diminished to an area of lifeless water (called lake Pisiquid),

Since the Avon River has been flowing a little bit (10 minutes per tide), I have observed the return of nature. The eagles and other birdlife have returned, the fish (seabass and many other species) and other wildlife has returned.

I am asking that the council not request the cessation of the ministerial order implemented March 16 2021 regarding the operations of the gate structure at the mouth of the Avon River. It would be a wrong decision.

The returning of gate operations pre-ministerial order (March 16, 2021) would be in violation of Section 2.3 and Section 2.4 of the Fisheries Act.

Which state:

2.3 'This Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982, and not as abrogating or derogating from them.'

2.4 'When making a decision under this Act, the Minister shall consider any adverse effects that the decision may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982.'

Since the implementation of the Ministerial order we have observed increased fish passage and habitation upstream of the gate structure. This has increased First Nations' ability to utilize the right to harvest, in Windsor NS, which Treaty Truckhouse 2 is currently doing.

The discontinuation of the MO would impact the Rights of First Nations Peoples to harvest with traditional methods on their traditional territory for Food and Ceremonial (R v Sparrow 1990) or moderate livelihood (R v Marshall 1999).

This would violate section 35 of the constitution act 1982 "

I am asking to let the river flow with all tides.

Sincerely,

Steven Bouman
Windsor

Shelleena Thornton

Subject: FW: Windsor Causeway

From: Sue Sheehy < >
Sent: Friday, May 14, 2021 7:12 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Windsor Causeway
This email is addressed to the Mayor and all Councillors.

Although I don't live in your community any longer I will always call Windsor (West Hants) my Home.

I have to express my disappointment on the conduct displayed at your Committee of the Whole Meeting Meeting on May 11, 2021 and the last minute motion Mayor Zebian presented to council to ask DFO not to renew the current Ministerial Order that allows fish passage.

This situation has been ongoing and I'm sure councillors are well aware that the emails received in support of a fresh water "lake" is not a fair representation of the Municipality.

I applaud Jim Ivey for educating himself and understanding that this issue is way more complex than keeping a fresh water lake for the Canoe Club.

Mayor Zebian did say that this issue was not a Municipal Government issue when asked in the past. Why all of a sudden is it now?

I'd appreciate a confirmation of receipt of this email.

Kind regards
Sue Sheehy
--
Sue

Shelleena Thornton

Subject: FW: To :The Committee of the Whole members of the West Hants Municipality, re DFO request.

From: Abraham Zebian <AZebian@westhants.ca>
Sent: Wednesday, May 12, 2021 8:09 PM
To: Shelleena Thornton <SThornton@westhants.ca>
Subject: Fwd: To :The Committee of the Whole members of the West Hants Municipality, re DFO request.

May council

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

Begin forwarded message:

> **From:** Susie Smith <susiejra@hotmail.com>
> **Date:** May 12, 2021 at 7:49:24 PM ADT
> **To:** "azebian@westhants.ca" <azebian@westhants.ca>
> **Subject: To :The Committee of the Whole members of the West Hants Municipality, re DFO request.**
>
> **Caution**
> This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.
>
> As West Hants is my home, although not currently, I am deeply concerned over the proposed request for the cessation of the Ministerial Order implemented on March 16th of this year at the Windsor dam (causeway)on the Avon River.
> This request would be in violation of section 2.3 and 2.4 of the fisheries act. To discontinue this order would greatly impact the rights of First Nations people who harvest on this traditional territory for food and ceremonial or moderate livelihood and thus violate section 35 of the constitutional act of1982.
> It would also severely impact several productive fishermen/women who's livelihood is dependant on the river. To intentionally destroy businesses "at all cost" is , quite frankly, disgusting.
> To ask for this order to be rescinded means ignoring all laws governing it's implementation.
> I ask that you not make this request. Rivers should not be blocked.
>
> Sincerely
> S. Smith
>
> Get Outlook for Android

Shelleena Thornton

Subject: FW: Avon River - Fish Passage

From: "T. Rogers" < >
Date: May 12, 2021 at 4:36:28 PM ADT
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Cc: "Kody.Blois@parl.gc.ca" <Kody.Blois@parl.gc.ca>, "Drahos, David (Blois, Kody - MP)" <david.drahos.207@parl.gc.ca>, "justin.trudeau@parl.gc.ca" <justin.trudeau@parl.gc.ca>
Subject:Avon River - Fish Passage

Good Afternoon All,

Without prejudice yesterday I read a letter from the Committee of the Whole Session in the Winders West Hants Municipal Council from May 11th, 2021 that seems nothing short of a political move with the over insinuated and false communications.

The divide in the community is almost completely caused by the miscommunication on the subject matter by political and municipal leadership. This leadership is not leading anything here when it comes to this subject matter. It seems some can not see any other future except status quo. I certainly do not feel that you respect the Mi'kmaq people in this process let alone see them as a stakeholder. (Unless you call sending an email to someone, getting no response and then deciding to proceed without any proper consultations respect)
It concerns me greatly and I am deeply disappointed in how it is written and the integrity of anyone supporting it as written.
Nothing short of a lie that it is for Fire Fighting, of course it can be. Maybe we could order another River for fire fighting and fresh water, should we block off the St. Croix? Why not? Fresh water is important yes but the entire ecosystem is important too, including the Inner Bay of Fundy Salmon, the American Eel, Gaspereau, Tommy Cod, Striped Bass, Sturgeons and so many other species.
Many of the fish species mentioned have come back in incredible numbers in just a few years so we know what we can do, we just need to keep it moving in the right direction here.
Health impacts. What is this? The wells of a few houses? Houses should not be allowed to build this close to the river. We have so many people that live on the rivers in our county it seems they must have it bad if this was cited as a reason. (all across Nova Scotia).
Farmers would all still have fresh water so agriculturally there are no negative effects. Economically a few farmers do lose the extra land for dykes but just the same as the last time we can turn it into an opportunity and pay the farmers to help rebuild the dykes.
Economical impacts have proven in studies that Tidal Flow is the way to go.
Martock, a business should have holding tanks or another method to secure its water and always should have had them.
Town business will gain on the building of the dykes from construction to the business we can bring once we accept that our beautiful River is not a lake and encourage what possibilities we could have here, like the world wonder of the Bay of Fundy Tides.
I wonder who could say they would lose, if anyone moved someone who Loves the river would move in and spend money. That would be the only lose I can see (and the loser was the person that decided to move).
The properties on the outside of the Causeway are million dollar lots on the Avon. How can they even hint to a decrease in value, another lie.
The Pumpkin Regatta could still go on.

The canoe club is not a profit centre for the community and has lake options for lanes (that they run one or two times a year). It's hard for me to imagine a canoe club saying they would not want to go up the Avon river with the tidal bore, how beautiful would that be, a free one way ticket up the river.
Change is hard for some I realize but it is the job of our municipal government to help residents to understand the laws and why they are in place and to see a beautiful vision of the future for our community, together with everyone.

Thanks,
Tasha Rogers
Newport, NS, B0N 2A0

Shelleena Thornton

Subject: FW: Request to End Ministerial Order

From: Tera Brommit < >
Date: May 17, 2021 at 5:54:14 PM ADT
To: Mark McLean <mmclean@westhants.ca>, Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>
Subject: Request to End Ministerial Order

Dear Council,

The intention of this email is to express that **I strongly support the Ministerial Order requiring fish passage at the Avon River Causeway**. I also want to be clear that I object to Mayor Zebian's motion approved by the Committee of the Whole meeting May 11/21 asking DFO not to renew the Ministerial Order that has enforced fish passage. This request to resume former gate operations of the last 50 years does not represent my opinion as a constituent of West Hants Regional Municipality.

I kindly ask that when you communicate with media and with DFO, that your communication represent both sides.

Sincerely,

A concerned resident.

Tera Brommit
Windsor, NS
902

Shelleena Thornton

Subject: FW: Fish passage

From: Toni-Lee Burns < >
Date: May 12, 2021 at 2:06:58 PM ADT
To: "azebian@westhants.ca" <azebian@westhants.ca>
Subject: Fish passage

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

_____

Please keep the ministerial order that allows for there to be fish passage!
Thank you

Sent from my iPhone

Shelleena Thornton

Subject: FW: Lake issues

From: Tony Wood < >
Date: May 18, 2021 at 3:53:14 PM ADT
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Lake issues

Dear Council,

I am writing to you with my concerns regarding the lake. Firstly I want to acknowledge the dedication, time and commitment all counsellors are putting into your rolls and that I very much appreciate and respect you all for that. With that being said I feel councilor Ivey failed to advocate for his constituents regarding the matters around the lake in last week's meeting and instead chose to voice his own opinions.

Personally I am pro lake for a multitude of reasons. In Canada and Nova Scotia it seems there are many people who are unaware of the dire stress our global freshwater resource has become. And though it hasn't become an issue in our region don't think we are somehow immune. Rivers, lakes and aquifers are drying up or becoming too polluted to use. Climate change is altering patterns of weather and water shortages and droughts are becoming more and more common. We should see that freshwater river and lake as an amazing resource for us now and even more so for our future generations. The problem we are faced with leaves us with the decision to do one ecological right at the expense of many other current and future ecological, economical rights.

I appreciate the difficulty having to make decisions where all sides have valid concerns and appreciate your time. All the best and keep up the great work.

Tony Wood

Shelleena Thornton

Subject: FW: Lake Pisaquid

From: Tracey Sexton < >
Sent: Sunday, May 16, 2021 4:10 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>

Hello

To the committee of the whole members of West Hants municipality

I wanted to say Thank you the council for sending your request to DFO for the cessation of the ministerial order implemented March 16 2021 regarding the operations of the gate structure at the mouth of the Avon River.

Thank you for representing the opinion of our Community to fill Lake Pisiquid back up.

Sincerely,
Tracey Sexton
Falmouth Resident
Get Outlook for Android

Shelleena Thornton

Subject: FW: Windsor cauesway

From: tslevy14 < >
Date: May 12, 2021 at 2:36:27 PM ADT
To: Abraham Zebian <AZebian@westhants.ca>, Mark McLean <mmclean@westhants.ca>, Jim Ivey <jivey@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>, Richard Murphy <rmurphy@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Scott McLean <smclean@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>
Subject: Windsor cauesway

I am very saddened to see you speaking on the behalf of the people of west hants. I feel very strongly that the majority of people in this community want free tidal flow in the avon river. As far as I am concerned we should have a public vote on the matter. Then you could say you speak on the behalf of the majority of the people! Settle this, let the majority speak. Hold a vote!

Very disappointed,

Trevor Levy

Sent from my Galaxy

Shelleena Thornton

Subject: FW: Request to End Ministerial Order

From: Tricia Brommit < >
Date: May 17, 2021 at 11:35:25 AM ADT
To: Mark McLean <mmclean@westhants.ca>, Abraham Zebian <AZebian@westhants.ca>, Paul Morton <PMorton@westhants.ca>, Mark Phillips <MPhillips@westhants.ca>, West Hants Communications <comms@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Richard Murphy <rmurphy@westhants.ca>, Laurie Murley <LMurley@town.windsor.ns.ca>
Subject: Request to End Ministerial Order

Dear Council,

The intention of this email is to express that **I strongly support the Ministerial Order requiring fish passage at the Avon River Causeway**. I also want to be clear that I object to Mayor Zebian's motion approved by the Committee of the Whole meeting May 11/21 asking DFO not to renew the Ministerial Order that has enforced fish passage. This request to resume former gate operations of the last 50 years does not represent my opinion as a constituent of West Hants Regional Municipality.

I kindly ask that when you communicate with media and with DFO, that your communication represent both sides.

Sincerely,

A concerned resident.

Tricia Brommit
Avondale, NS

Shelleena Thornton

Subject: FW: Thanks to Mayor and Councillors

From: Sylvia Burgess < >
Sent: Sunday, May 16, 2021 1:13 PM
To: PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Thanks to Mayor and Councillors

We would like to Thank our Mayor and Councillors with the exception of one and two with a conflict of interest, for putting the well being of our Municipality first.

We believe that you stood up for the majority of your constituents, and what's best for our whole Municipality.

Thanks
Vince and Sylvia Burgess
Windsor, N S

Sent from my iPad

Shelleena Thornton

Subject: FW: Causeway Twinning Work

From: Loretta MacEachern < >
Date: May 20, 2021 at 8:16:34 AM ADT
To: Scott McLean <smclean@westhants.ca>
Subject: Causeway Twinning Work

May 20th 2021

Dear Scott McLean,

As one of your constituents I wish to voice my opinion in regards to the work being done on the Windsor side of the river-work I see from my office window as I write this letter.

The intention of this letter is to express that I strongly support the Ministerial Order requiring fish passage at the Avon River Causeway. I also want to be clear that I object to Mayor Zebian's motion approved by the Committee of the Whole meeting May 11/21 asking DFO not to renew the Ministerial Order that has enforced fish passage. This request to resume former gate operations of the last 50 years does not represent my opinion as a constituent of West Hants Regional Municipality.

Regards,
Loretta MacEachern

Shelleena Thornton

Subject: FW: Avon River & Lake Pisiquid West Hants Nova Scotia Ministerial Order

From: "Tim Bayers (Home)" < >
Date: May 21, 2021 at 9:15:05 AM ADT
To: "min@dfo-mpo.gc.ca" <min@dfo-mpo.gc.ca>
Cc: "cportermla@eastlink.ca" <cportermla@eastlink.ca>, "kody.blois@parl.gc.ca" <kody.blois@parl.gc.ca>, Abraham Zebian <AZebian@westhants.ca>
Subject: Avon River & Lake Pisiquid West Hants Nova Scotia Ministerial Order

Dear Minister Jordan

We write this with great concern regarding the situation with your Ministerial order, very little information and the current eyesore in our community due to the lake being drained. As residents of the region and one who used the lake for pleasure and fishing in the river. As a teenager growing up on the eastern shore of Nova Scotia I looked forward to spending a few weeks each summer in the area and paddling at the Pisiquid Aquatic Club where I would make daily paddling trips from downtown Windsor to the Sangster bridge in Upper Falmouth. This area is completely unusable at the current time due directly to your order and to be frank made the area a complete eyesore. Residents and merchants of the area have gone to great lengths to revitalize the area and the water front of Lake Pisiquid is a big part of this revitalization.

As I am sure you are well aware of the impacts to the area including Ski Martock, local farmers, local merchants in Windsor and the residents along the river including feeder watersheds of Lake Mockengee, Falls lake and numerous other lakes and streams. Your order has a direct impact on the ability to enjoy the natural beauty of the area to a reduction in the ability to have recreational boating, sport fishing and the use of cottage country by area land owners to name a few.

We support the ability for fish passage and believe that with the option D proposal but forward from the government of NS would meet the ability of this passage and keep the current ability to have a freshwater lake and river system.

As members of the Liberal Party of NS and Canada we implore you to remove the order and support the implementation of Option D to allow the community to move forward and a very unsafe highway to be twinned. If you have not already done so please visit the area and see the direct impact of the order to the lake and river system as pictures do not due it justice.

Respectfully

Tim & Jennifer Bayers
Falmouth NS

Cc
Kody Blois, MP Kings-Hants
Chuck Porter, MLA Hants West
Abraham Zebian, Mayor Regional Municipality of West Hants & NS Liberal Party Nominee

Communique to CLC Members **May 19, 2021**

The NS Departments of Transportation and Active Transit (NSTAT) and Agriculture (NSDA) anticipate convening another CLC meeting in the Summer. In the meantime, we wanted to provide an update on the current status of the Project and upcoming works this year.

Highway 101 Twinning Update:

Twinning construction has resumed this Spring with work in all three phases of the Project. In Phase 1, the existing Trunk 14 and Wentworth Road overpasses at Exits 5 and 5A are currently being replaced, and the older highway lanes are being re-graded to accommodate eastbound traffic. This road work is expected to be completed later this Spring. Following the re-grading work, NSTAT will be tendering a paving contract to complete this section and open the twinned highway from Falmouth to just west of Exit 5A later this Fall.

In Phases 2 & 3, Exit 7 in Falmouth is also under construction and includes replacement of the existing underpass structure, new eastbound ramps, and relocation of a communication tower. Work on westbound lanes is dependant on completion of causeway infilling and the construction of the new Avon River bridges (pending regulatory approvals). The second of three causeway infillings (lifts) is planned to start this summer (August) that will gradually build the widened portion of the causeway up to its final elevation. The Exit 6 Interchange is currently under design and construction is anticipated to start later this Fall.

Avon River Aboiteau and Causeway Upgrading Update:

Our design team is currently working on finalizing details on (1) the physical design for the aboiteau-dyke system, (2) phasing of the various components, and (3) tidal gate and fishway operations to achieve the overall Project objectives:

- Increase safety for motorists using Highway 101;
- Protect valuable farmland, communities and critical infrastructure located behind the existing Avon River causeway from flooding and the potential of storm surges and rising sea level; and
- Improve fish passage for the Avon River.

Our consulting engineering team led by CBCL Limited is currently finalizing the detailed design of the Avon River aboiteau, causeway/dyke upgrades and highway bridges as well as preparing additional information requests to support consultation with the Mi'kmaq of Nova Scotia and provincial and federal regulatory applications for aboiteau and bridge construction anticipated to begin in Fall 2021, pending approvals. Fish passage is a crucial concern and DFO has asked for additional information that was not detailed in our original application submitted in November 2020.

The new aboiteau will be flexible and have the functionality to operate under a range of operating scenarios. However, the initial operating scenario is highly dependent on a number of complex factors as we must consider potential impacts to the environment as well as agriculture, fishing, businesses, residents and recreation while also posing a risk to groundwater wells and irrigation from saltwater intrusion. The aboiteau system is also designed to facilitate closing of the tidal gates and fishways in cases of extreme tides/storm surges that periodically occur in the Bay of Fundy and, or are predicted later this century.

Should you or other community members have additional questions, we suggest viewing the CLC Library and FAQ pages at https://hwy101windsor.ca/ and/or sending us a request for additional information.

May 12 2021

Attn; Mark Phillips/West Hants Regional Municipal Clerk

Please except this letter as my formal resignation as councilor for District 9 (Falmouth) effective immediately.

Richard Murphy



Minister of
Fisheries, Oceans
and the Canadian Coast Guard

Ministre des
Pêches, des Océans
et de la Garde côtière canadienne

May 14, 2021

His Worship Abraham Zebian
Mayor of West Hants Regional Municipality
76 Morison Drive
PO Box 3000
Windsor NS B0N 2T0

Dear Mayor Zebian:

Thank you for your correspondence of May 5, 2021, regarding the Avon River causeway aboiteau gate system.

Fisheries and Oceans Canada (DFO) takes the conservation of fish and their natural environment seriously. The Department has been, and remains, involved in efforts to improve fish passage at the existing causeway located at the mouth of the Avon River.

I have received letters of concern regarding potential impacts from businesses and organizations in your area over the past several months. DFO continues to work with the Nova Scotia Department of Agriculture (NSDA) to evaluate the tidal gate operations with respect to issues concerning fish passage and the safety of public and private property.

In order to further explain the role of DFO in regulating this facility and to understand the concerns of West Hants Regional Municipality, I have asked the Regional Director General, Mr. Doug Wentzell, to meet with you. His office will be in contact with yours to set up this meeting in the near future.

DFO is awaiting additional information from NSDA related to flood control measures, which may necessitate changes to the Ministerial Order to ensure protection of property in the area. Therefore, you may also wish to contact NSDA to discuss including your concerns in the information they are preparing, and to discuss how the current operations of the aboiteau may be affecting other stakeholders, as well as possible mitigation measures.

Thank you for taking the time to share your concerns.

Sincerely,

The Honourable Bernadette Jordan, P.C., M.P.
Minister of Fisheries, Oceans and the Canadian Coast Guard

c.c.: Distribution List

Canada

Distribution List:

Mr. Kody Blois, M.P.
Kings–Hants
The Honourable Keith Colwell, M.L.A.
Nova Scotia's Minister of Agriculture and Minister of Fisheries and Aquaculture
The Honourable Chuck Porter, M.L.A.
Hants West

Ministerial Order Pursuant to Subsections 34.3(1) and 34.3(2) of the *Fisheries Act*

R.S.C., 1985, c. F-14

Whereas the Minister of Fisheries and Oceans (Minister) considers that it is necessary to ensure free passage of fish or the protection of fish or fish habitat at the Windsor causeway gate system on the Avon River;

Whereas the Minister has authority to order the owner or person who has the charge, management or control of an obstruction or any other thing that is detrimental to fish or fish habitat pursuant to subsection 34.3(2) of the *Fisheries Act,* R.S.C., 1985, c. F-14;

Whereas the Windsor causeway gate system on the Avon River operated by the Nova Scotia Department of Agriculture is required to maintain the flow of water necessary to permit the free passage of fish pursuant to paragraph 34.3(2)(f) of the *Fisheries Act,* R.S.C., 1985, c. F-14;

Whereas the Windsor causeway gate system on the Avon River operated by the Nova Scotia Department of Agriculture is required to maintain at all times the characteristics of the water and the water flow downstream of the obstruction or thing that are sufficient for the conservation and protection of the fish and fish habitat pursuant to paragraph 34.3(2)(g) of the *Fisheries Act,* R.S.C., 1985, c. F- 14;

THEREFORE, IT IS HEREBY ORDERED, pursuant to subsections 34.3(1) and 34.3(2) of the *Fisheries Act,* R.S.C., 1985, c. F-14, that the Nova Scotia Department of Agriculture and the person or persons in charge of the Windsor causeway gate system on the Avon River shall from May 19, 2021 to June 2, 2021:

a) i. Set Lake Pesaquid to natural state where no water is being impounded above the causeway;

   ii. Fully open both gates throughout each of the outgoing tides; and

   iii. Fully opening both gates throughout each of the incoming tides to allow a minimum of 10 minutes of saltwater entry upstream of the gates.

b) Provide in writing, weekly gate operation details listed below to the Department of Fisheries and Oceans each Friday.

- The date and time of opening for both gates
- The length of time for daily openings of both gates
- Daily water level measured at the Highway 1 bridge

This order shall replace any previously issued orders and remain in force from the date of signature until revoked or replaced.

DATED at _____, in the Province of Nova Scotia, this _____ day of _____, 2021.

King, Rhea L Digitally signed by King, Rhea L Date: 2021.05.13 16:59:35 -03'00'

Rhea King

Regional Director, Aquatic Ecosystems
Department of Fisheries and Oceans
Maritimes Region

Minister of
Fisheries, Oceans
and the Canadian Coast Guard

Ministre des
Pêches, des Océans
et de la Garde côtière canadienne

MAY 2 0 2021

His Worship Abraham Zebian
Mayor of West Hants Regional Municipality
76 Morison Drive
PO Box 3000
Windsor NS B0N 2T0

Dear Mayor Zebian:

Thank you for your correspondence of May 12, 2021, and for sharing with me the Motion that was approved by the West Hants Regional Municipality Council on May 11, 2021, regarding the Avon River Causeway Aboiteau Gate System. You also request that the Ministerial Order not be renewed.

Fisheries and Oceans Canada (DFO) continues to receive both letters of concern regarding potential impacts on businesses and organizations in your area and letters of support for the current operation of the aboiteau as outlined in the Ministerial Order first issued on March 19, 2021.

As Minister, I am required to consider all the factors in subsection 34.1(1) of the *Fisheries Act*, including factors such as Indigenous knowledge of the Indigenous peoples of Canada and whether there are measures and standards to avoid, mitigate, or offset the death of fish. In addition, under section 2.4 of the Act, I must consider any adverse effects that a decision may have on the rights of the Indigenous peoples of Canada recognized and affirmed by Section 35 of the *Constitution Act*.

DFO continues to work with the Province of Nova Scotia, as the owner and operator of the aboiteau, to support the Province in finding solutions to address some of the concerns raised by stakeholders in your municipality. DFO also continues to work with the Province to ensure that the new proposed structure meets the requirements of the *Fisheries Act* and the *Species at Risk Act*.

.../2

I understand that Mr. Doug Wentzell, the Regional Director General for DFO Maritimes Region, has arranged to meet with you on May 25 to discuss the motions brought forward by the West Hants Regional Municipality Council.

Thank you again for writing and sharing your concerns with me.

Sincerely,

The Honourable Bernadette Jordan, P.C., M.P.
Minister of Fisheries, Oceans and the Canadian Coast Guard

c.c.: Mr. Kody Blois, M.P.
Kings–Hants
The Honourable Keith Colwell, M.L.A.
Nova Scotia's Minister of Agriculture and Minister of Fisheries and Aquaculture
The Honourable Chuck Porter, M.L.A.
Hants West

Shelleena Thornton

Subject: FW: Rescue Boat for the Southwest Fire Hall, Vaughan, West Hants

From: tom skinner < >
Sent: Thursday, May 20, 2021 8:20:45 PM
To: Ed Sherman <esherman@westhants.ca>
Cc: Patrick Landry < >; Lucy Landry < >; Debi Platt < >; Colleen Rogers < >
Subject: RE: Rescue Boat for the Southwest Fire Hall, Vaughan, West Hants

Dear Ed: I hope you will share our support for a rescue boat for the Southwest Fire Hall with your colleagues on Council.

It's important for our growing communities in Vaughan that our first responders have the tools and equipment that they need to serve our residents. With at least two municipal parks in the area that are advertised for swimming without lifeguards, it is important that our Southwest Fire Hall have the ability to serve all residents of Hants West when they are in the Vaughan area. We are equidistant from Windsor and Chester Fire Departments that might be able to provide that service, but in the case of a water accident, a rescue boat from those areas is unlikely to arrive in time.

The Chalet Hamlet Property Owners Association supports the Southwest Fire Hall request for a rescue boat for the Vaughan area.

Linda Moxsom Skinner
Chair, Chalet Hamlet Property Owners Association

WINDSOR / WEST HANTS TOGETHER

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐

To: Council

Submitted by: _____
Shelleena Thornton, Administrative Supervisor

Date: May 20, 2021

Subject: Municipal Special Election – Request for Decision Report

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LEGISLATIVE AUTHORITY

Municipal Government Act – Section 17 Mayor or councillor resignation

Municipal Elections Act – Section 13 Vacancy

RECOMMENDATION or DECISION REQUEST

…that Council hold a Special Council Meeting at 6pm on Tuesday, June 15, 2021 to select the date for the Municipal Special Election.

BACKGROUND

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

On May 12, 2021, Councillor Richard Murphy of District 9, submitted his signed resignation letter to the Clerk. The resignation is effective once received by Council at the next council meeting. (In this case, Mr. Murphy's resignation was received during the May 20th Council meeting).

DISCUSSION

Within four weeks of a vacancy, the Council shall name a day for a special election to fill the vacancy. (This must occur no later than June 22nd. It is not recommended to wait until the final date in the event of unknowns; therefore, the recommendation is Tuesday, June 15th).

The day fixed for the special election shall be a Saturday not more than eleven weeks after the meeting of the council at which the day was named.
(This refers to, not more than eleven weeks starting from June 15th (or whichever date Council chooses to meet to select the election date).

Possible Election Dates for the District 9 vacancy (in relation to the June 15th Special Council Meeting)

Nomination Date	**Election Date**
1. June 22nd	July 17th
2. June 29th	July 24th
3. July 6th	July 31st
4. July 13th	August 7th
5. July 20th	August 14th
6. July 27th	August 21st
7. August 3rd	August 28th

Aug. 28th - Latest date the special election could be held. (must be a Saturday no later than 11 weeks from when election date was determined).

It is suggested that these dates be taken into consideration for the recommended June 15th special council meeting date).

NEXT STEPS

A recommendation report will be presented at the June 8th Committee of the Whole meeting that will provide more details and information leading into a special election.

And, should Council support the recommendation, the special June 15th council meeting will be scheduled and advertised.

FINANCIAL IMPLICATIONS

Unknown at this time; however, more information will be available at the June 8th Committee of the Whole meeting.

ALTERNATIVES

- Council could opt for another council meeting date to be scheduled before Tuesday, June 22nd to select the date in which the special election will be held.

ATTACHMENTS

Excerpts from the Municipal Government Act and Municipal Elections Act.

CHIEF ADMINISTRATIVE OFFICER REVIEW

No further comments. I have been working jointly on this file.

Report Prepared by: _____
Shelleena Thornton, Administrative Supervisor

Report Reviewed by: _____
Mark Phillips, CAO

Municipal Government Act

Mayor or councillor resignation
17 (1) The mayor or a councillor may resign from office at any time by delivering to the clerk a signed resignation and such a resignation is effective on delivery by the clerk to the next meeting of the council.
(2) A resignation may not be withdrawn once it has been delivered to the clerk.

Municipal Election Act
Vacancy
13 (1) Subject to subsection (8), within four weeks after a vacancy occurs on a council because
(a) an insufficient number of candidates are nominated to fill the vacancies at a regular or special election; or
(b) a councillor dies, resigns, becomes disqualified or forfeits office, the council or, where there is no council, the Minister shall name a day for a special election to fill the vacancy and, if no regular meeting of the council is to be held within that time, the clerk shall call a special meeting for the purpose.

(1A) Subject to subsection (8), within four weeks after a vacancy occurs on a school board because
(a) an insufficient number of candidates are nominated to fill the vacancies at a regular or special election; or
(b) a member dies, resigns, becomes disqualified or forfeits office, the school board, or where there is no school board, the Minister of Education and Early Childhood Development, shall name a day for a special election to fill the vacancy and, if no regular meeting of the school board is to be held within that time, the superintendent shall call a special meeting for that purpose.

(1B) Notwithstanding subsection (1A), but subject to subsection (2), if the municipal returning officer is to be the returning officer for the special election of the school board member, the municipal returning officer shall provide the school board or the Minister of Education and Early Childhood Development with the dates that the returning officer is able to act as returning officer for the special election and the school board or the Minister shall select the day for the special election from the dates that the returning officer provides.

(2) The day fixed for the special election shall be a Saturday not more than eleven weeks after the meeting of the council at which the day was named.

(3) Nomination day for a special election shall be the fourth Tuesday preceding ordinary polling day.

(4) If the vacancy referred to in subsection (1) is in the office of mayor, the nomination day for the office of mayor shall be the fifth Thursday preceding ordinary polling day.

(5) If a vacancy is created in the council by virtue of a councillor being nominated for mayor pursuant to subsection (4), the nomination day for the vacancy shall be as provided in subsection (3).

(6) A special election shall be conducted as nearly as may be in accordance with the provisions governing regular elections.

(7) A councillor elected at a special election shall hold office from the time when he takes his oath of office until his successor is sworn into office or, if there is no successor, until the meeting at which the successor would have been sworn into office if there was a successor.

(8) No special election shall be held for a vacancy on a council within the six months preceding ordinary polling day for a regular election unless otherwise determined by the Minister or the council.