

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda **AMENDED**

October 25, 2022 - 5:00 p.m.

Virtual via Zoom (also FB Livestream)



West Hants
something inspiring awaits

1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
 - b) Dashboard Action Items – Dangerous and Unsightly Premises
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2022-09-27 Council Meeting Minutes
 - b) 2022-09-27 Public Hearing Meeting Minutes, Community Way, PID 45055167, 45364775, 45421146, Development Agreement
7. Presentations
 - a) Windsor Water Utility Supply - CBCL
 - b) Windsor Stormwater Study Update - CBCL
8. Public Hearings
 - i. 65 Fort Edward Street, Windsor - Municipal Land, WMPS and WLUB Amendments., PID 45059797
 - ii. Property Assessed Clean Energy (PACE) By-law - Coordinator Ogilvie
 - ~~iii. Hantsport Land Use By-law Amendment: Small Options Housing - Director LeMay~~
 - ~~iv. West Hants Land Use By-law Amendment: Small Options Housing - Director LeMay~~
 - ~~v. Windsor Land Use By-law Amendment: Small Options Housing - Director LeMay~~
9. Second Readings
 - i. 65 Fort Edward Street, Windsor - Municipal Land, WMPS and WLUB Amendments, PID 45059797
 - ii. Property Assessed Clean Energy (PACE) By-law – Coordinator Ogilvie
 - ~~iii. Hantsport Land Use By-law Amendment: Small Options Housing - Director LeMay~~
 - ~~iv. West Hants Land Use By-law Amendment: Small Options Housing - Director LeMay~~
 - ~~v. Windsor Land Use By-law Amendment: Small Options Housing - Director LeMay~~

15. New Business
 - f) Diverse and Inclusive Communities Committee Policy Amendment- Coordinator Craik
 - g) Diverse and Inclusive Communities Committee Resident Member Appointments – Coordinator Craik
10. Unfinished Business/Postponed Motions (resulting from the 2022-10-11 Committee of the Whole Meeting)
 - a) 2022-09-14 In-Camera Meeting Minutes
 - b) In-Camera Matter, MGA 22(2)(a) Legal Matter
 - c) In-Camera Matter, MGA 22(2)(a) Personnel Matter
 - d) In-Camera Matter, MGA 22(2)(a) Legal Matter
11. Mayor's Report
12. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (October 11, 2022)
 - i. Brooklyn Fire Dept – Battery Powered Extrication Tools Over-budget
 - ii. Brooklyn Fire Dept – Generator Over Budget
 - iii. Grants & Contributions Policy
 - iv. MCCAP Resident Committee Appointments
 - v. Outdoor Fires By-law RO-001
 - vi. PAC/HAC Resident Committee Appointments
 - vii. Police Advisory Board (PAB) Resident Committee Appointments
 - viii. Windsor Flood Risk Assessment – Formal Update Request
 - b) Planning and Heritage Recommendations (October 13, 2022)
 - i. 4245 Hwy 14: WHLUB Amendment, PID 45038361 - Planner Dunphy
 - ii. 697 Greenhill Road, Greenhill: WHLUB Amendment, 45026010 - Planner Dunphy
 - iii. Hantsport MPS and LUB Detached Secondary Suites - Planner Poirier
 - iv. West Hants MPS and LUB Detached Secondary Suites - Planner Poirier
 - v. Windsor MPS and LUB Detached Secondary Suites - Planner Poirier
 - vi. Wentworth Road PID 45190386 and Cole Drive PID 45366457, WHLUB Amendments - Planner Poirier
 - vii. 4701 Hwy 1, Three Mile Plains, Development Agreement - Planner Poirier
 - viii. WHLUB Housekeeping Amendments - Director LeMay
13. Councillor Municipal Business/Activity Reports
 - ~~a) Councillor Ivey, District 11 Activity Report~~
14. Correspondence
 - a) Information
 1. Avon Causeway Activity Log as of October 20, 2022- No new correspondence

2. Correspondence Received Activity Log as of October 20, 2022
 - i. 2022-10-17 Opportunity for Aspiring Entrepreneurs in West Hants – Mashup Lab Program Communication Coordinator Chrystal Remme
 - ii. 2022-10-19 Response from Minister Masland re Potential Mi'kmaq Burial site
3. Fort Edward Activity Log as of October 20, 2022
 - i. 2022-10-18 Sandra Barrs, President, Heritage Trust of Nova Scotia re Proposal to rezone 65 Fort Edward Street
4. Storm Wastewater Activity Log as of October 20, 2022 - No new correspondence

b) Requests – None

- c) Outgoing Correspondence Log as of October 20, 2022
 - i. 2022-10-19 Correspondence to Minister Murray re Pumpkin Regatta sent October 20, 2022

15. New Business

- a) Deputy Mayor Nomination and Appointment (November 1, 2022-October 31, 2024)
- b) Council Advisory Committee Nominations and Appointments (November 1, 2022-October 31, 2024)
- c) Committee of the Whole Meetings - Mayor Zebian
- d) Debt Servicing Recommendation Report - Mayor Zebian
- e) Accessibility Advisory Resident Committee Member Appointments – Clerk Snair
- ~~f) Diverse and Inclusive Communities Committee Policy Amendment – Coordinator Craik~~
- ~~g) Diverse and Inclusive Communities Committee Resident Member Appointments – Coordinator Craik~~
- h) Watershed Advisory Resident Committee Member Appointments - Clerk Snair
- i) Windsor Coach House Roof Repairs – Director Kehoe

16. In-Camera

- a) 2022-09-27 In-Camera Council Meeting Minutes
- b) MGA 22(2)(a) Land Matter
- c) MGA 22(2)(a) Land Matter

17. Next Meeting Date / Adjournment

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
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)	2020-05-12		In progress	CAO/Fin
Asset Mgmt (Strategic Sustainability) - Strategic Sustainability Plan is needed	2020-05-12	On-going	Training workshops will continue every two (2) weeks as program usage continues to be explored	PW
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.	2020-09-22	Align with Branding outcomes 2021-07, On-going	Pending Beautification Strategy. Street and Community sign options currently being explored	PW/Comm. Dev
W. B Stephens Building Design Project Management Tender Award (Municipal Office) - Draft an RFP that will look at A) THE 100 KING STREET BUILDING B) THE 76 MORISON BUILDING AND C) OR AN ALTERNATIVE NEW LOCATION is required to facilitate the needs of the Municipality.	2020-10-27	2022-on going	Approved, awaiting the RFP	CAO
Panuke Rd Event - Event to be arranged by Mayor	2021-03-09	2022	Unknown	Mayor
Noise By-law - Staff revise by-law (Peace and Good Order)	2021-03-23	December 2022	In Progress	Planning/ CAO
WHRM Land Dispute Policy - CAO Office to establish a practice to keep council informed.	2021-04-27	2022-11	Policy review in November 2022	CAO
Glooscap First Nation & WHRM Council Meeting - Send formal invite for a meeting to discuss many topics including reconciliation.	2021-06-22		Met on March 15, 2022	Mayor

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Prograss Updates</u>	<u>Resp.</u>
Request to Meet with Avon Causeway Gate Stakeholders - Send letter to Glooscap First Nation requesting immediate joint council mtg. to discuss Avon River Causeway/Aboiteau Gate System and Ministerial Order	2021-06-22		Ongoing informal communication continues through the Mayor	Mayor/CAO
Outdoor Fires By-Law - Staff review existing Fire-related by-laws and have an all encompassing Regional By-Law	2021-09-28	2022-12	WHRM Outdoor Fire By-Law pending Council Approval at the October 25, 2022 mtg	CAO
Capped Assessment - Staff provide a new aggregated report that will coincide with PVSC's presentation in January/February.	2021-09-28	2022	Outstanding	Finance
Panuke Road Booster Station - Provide ongoing updates to Council	2022-02-22	ongoing	Exhaust heater being installed, will be ready to commission next week. Estimated completion date is September 21st.	PW
Hantsport Fire Station - Provide ongoing progress updates to Council	2022-02-22	ongoing	As of Sept 28/22 NSP has inspected the building. Awaiting confirmation when building will be connected for power. Due to the hurricane, NSP cannot give a date for power connection. Anticipating end of October.	PW
High School Bursaries - staff to bring back a report advising on policy changes with respects to the bursaries to reflect an equal opportunity for all students within West Hants regardless of the high school of their chosing.	2022-06-14	February 2023	Awaiting Report	CAO
RCOFN-012.00 Grants and Contributions Policy - Amend the RCOFN-012.00 Grants and Contributions Policy adding a section for recreational facilities defining yearly capital and opertaional funding limits.	2022-06-28	November 2022	Awaiting Council Approval (Oct. 25, 2022 mtg)	CAO/CD
CAO'S Review - Annual review to be completed by Council.	2022-06-28	October 2022	In progress	Council

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
65 Fort Edward Street (Municipal Lands) - the Public Hearing be adjourned until 6:00 pm on October 25 and postpones the Second Reading until October 25th, 2022	2022-06-28	2022-10-25	Awaiting the completion of a Phase 2 Archaeological Resource Impact Assessment and consider the result prior to a decision being made. POSTPONED SECOND READING UNTIL OCTOBER 25, 2022	CAO/Planning
Invasive Plant Speies - Prepare a report for a future discussion re: Invasive plant species with a view to establish a policy/plan to address this with in the municipality.	2022-09-13	2022	Approved, awaiting a report	Plan/CD
WHRM PACE By-Law - create a PACE By-Law for WHRM.	2022-09-27	2022-10-25	Pending Council of the By-Law, Public Hearing and Secon reading to be completed at the October 25th meeting.	CAO/Plan
Battery Powered Extrication Tools for BFD (over budget) - Approve the award of tender WHRMAD22-02 for battery powered extrication tools to Safety Source Fire at the over-budget tendered price of \$62,138.65 plus applicable taxes.	2022-10-11	2022-10-25	Pending Council Approval	CAO/Finance
Brooklyn Fire Dept, Supply Generator (over budget) - Approve the award of tender WWHPW22-02 for the supply and installation of a generator for BFD Station 2 to Thompson's Electrical Ltd, for the updated tendered price of \$101,200.00 plus 15% contingency and applicable taxes.	2022-10-11	2022-10-25	Pending Council Approval	PW
MCCAP Resident Member Appointments - Appoint Mark Williamson and Peter Moore as resident representatives on the MCCAP Committee until October 31, 2024.	2022-10-11	2022-10-25	Pending Council Approval	CAO/Plan

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Police Advisory Board Committee Resident Member Appointment - Guido Guide Furlani be appointed to the Police Advisory Board as a resident committee member for the term November 1, 2022- October 31, 2024, pending completion of a successful criminal records check.	2022-10-11	2022-10-25	Pending Council Approval	CAO
Planning and Heritage Advisory Committee Resident Member Appointment - Appoint the following resident members of the PAC/HAC Committee for the 2022-2024 term: • LISA BLAND • TASHA ROGERS • JENNIFER NICHOLLS • BILL PRESTON • JANE DAVIS • STEFAN PALIOS • PAUL BEAZLEY	2022-10-11	2022-10-25	Pending Council Approval	CAO/Plan
Windsor Flood Risk Assessment Study - Staff provide an update on the Flood Risk Assessment project to be presented by CBCL at the Octoner Council mtg with a summary of the work and findings completed to date, the work still required to be completed and the estimated timeframe for the completion of the work and final report delivery date.	2022-10-11	2022-10-15	Pending Council Approval	PW
Closed Cogmagun Landfill - Staff to review further and bring a report forward to Council (potentially at the October Council mtg) on the information found. Report will follow at a later date.	2022-10-11	2022-11	Staff are gathering information. Will return to the November Council meeting.	Finance

M - Motion
D - Direction/Discussion

West Hants Regional Municipality
Dashboard (Action List)
October 20, 2022

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

<u>Matter</u>	<u>Meeting</u>	<u>M/D</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status</u>	<u>Resp.</u>

West Hants Regional Municipality Windsor/Falmouth Water System Update Council Meeting



Solutions today
Tomorrow  mind



Windsor/Falmouth Water System Growth

Scenario	Windsor	Falmouth	Combined
Water Demand			
2020 MDD (MLD)	5.29	1.40	6.69
5-Year Projection (2025)	5.56	1.58	7.15
20-Year Projection (2040)	6.46	2.39	8.85
Treatment Capacity			
Available Treatment (MLD)	6.80	2.20	9.00
Available Source Water			
Withdrawal Limit	5.67-6.8	1.08	6.75 – 7.88

Windsor Source Water

- Source water - Mill Lake
- Created by damming the outlet with an earthen dam to increase the storage capacity of the lake system
- Flows to a second storage reservoir adjacent to the WTP created by a concrete dam, used to store water for withdrawal from the river.
- Required to provide a minimum base flow for fish
- Current withdrawal limit varies seasonal from 5.67 to 6.8 MLD

Falmouth Source Water

- Source water - French Mill Brook
- Dammed to provide a raw water storage reservoir
- Would not have the capacity to support the Water Utility in the “historically driest years” based on modest growth and required maintenance flow of 5 L/s
- Current safe yield 1.08 MLD
- Yield can be increased to 1.69 MLD by elevating dam 0.7m.

5 Year Plan

1. Upgrade Mill Lake Dam to comply with CDA guidelines (Ongoing)
2. Upgrade WWTP intake screen to comply with DFO requirements (Ongoing)
3. Improve water storage in the distribution system (Ongoing)
4. Improve access road to Mill Lake (ongoing)
5. Install 3rd treatment train at WWTP (Future)
6. Investigate source water improvement options (Future)
7. Connect Falmouth and Windsor water systems (Future)



Project
Area

Project Objectives

- Repair Concrete intake structures at the water impound
- Provide an intake screen that complies with DFO requirements
- Provide reliable year-round access to the Mill Lake
- Correct immediate deficiencies in the earthen dam at Mill Lake as identified in condition assessment reports as part of the upgrades to bring the dam in compliance with Canadian Dam Codes

Fall Brook Dam





Main Intake Structure

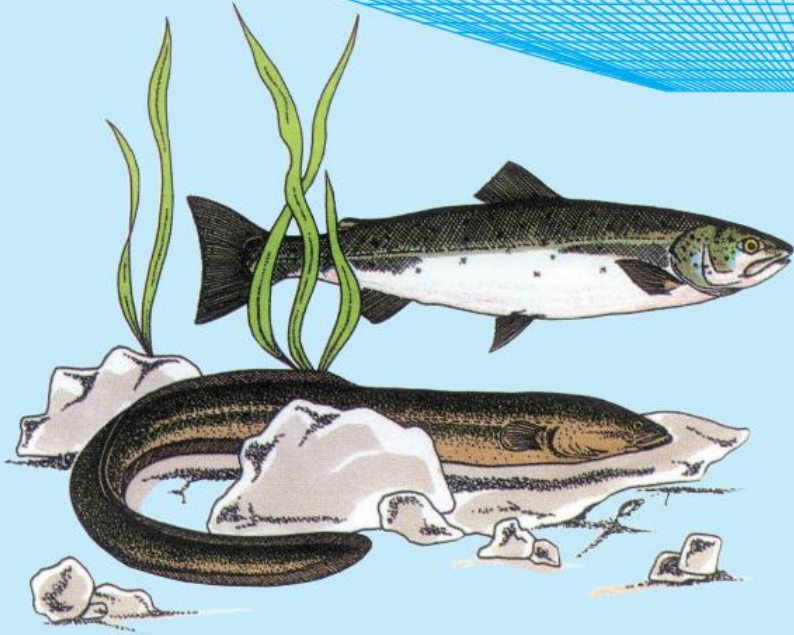
Culvert Stop Logs



Secondary Intake



Freshwater Intake End-of-Pipe Fish Screen Guideline



Intake Screen

Current configuration does not meet DFO requirements

- Withdraw limited to 5.67 MLD from March 1 to April 30
 - This will be exceeding within next few years
- Current treatment capacity 6.8 MLD (with no redundancy)
- Future Treatment capacity to be 8.85 MLD (combined)
- Sized for Future capacity

End of Pipe Screen

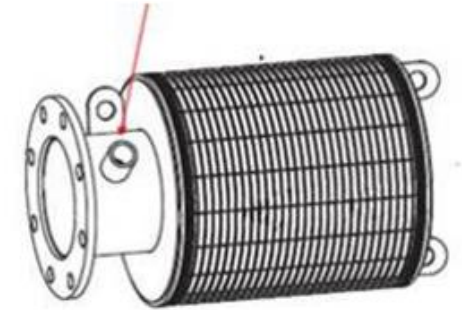
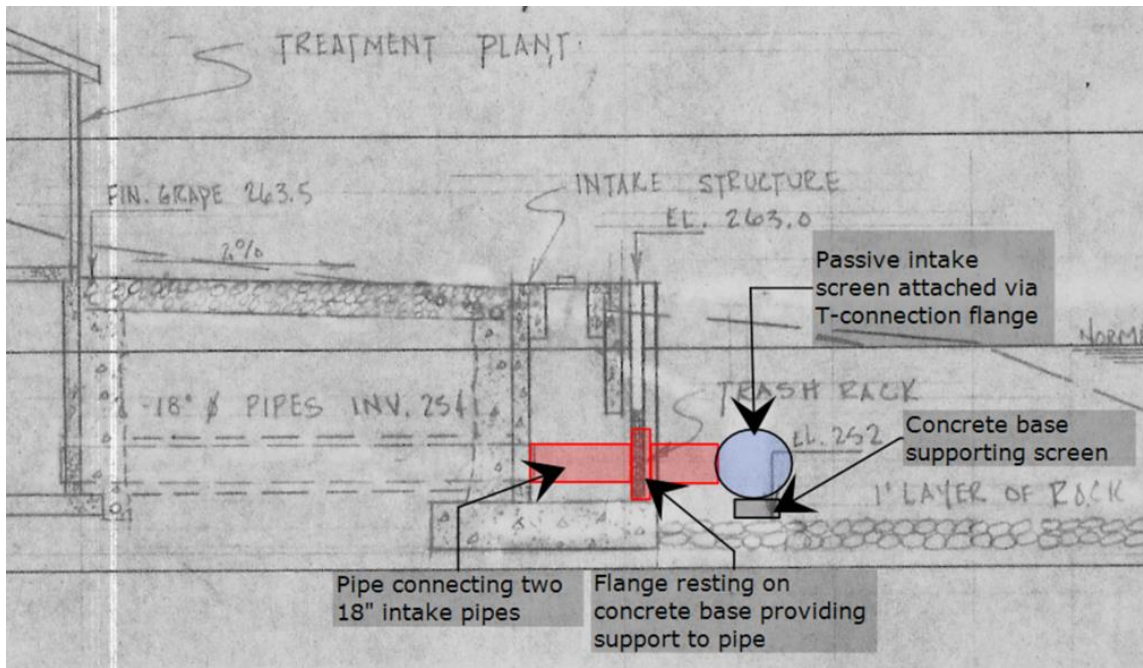


Figure 4.3: Pre Engineered Wedge Wire Intake screens. Tee style shown left image and S style shown in right image.

Access Road

- singlelane gravel road
- 2.9 Km



Access Road Existing Issues

- Deteriorated surface
- Poor drainage
- Tree cover
- Unpassable parts of the year



Access Road – Design Methodology

To implement the required improvements to raise the level of service of the access road, two upgrade approaches have been considered:

- **Rural Road Design** - (TAC) design guidelines.
- **Forest Service Road Design** - BC natural Resource Rd design manual
- **Selective Upgrades** – Localized repairs and sections of major upgrades

Bridge: Existing Condition

Single-span (6.15m approx.) steel girder bridge with timber deck, supported on boulder.

Issues:

- Low clearance over water level.
- Loss of coating throughout steel girders with light to medium corrosion.
- Abrasion throughout timber members- No railing system
- rip hazard due to difference in elevation between the bridge and approach.



Mill Lakes Dam Upgrade

Objective: “Provide engineering and design services to meet Dam Safety Specifications”

Recommendations Outlined in the 2019 Dam Safety Review:

- Implement a program for vegetation removal (crest, slope and downstream slope)
- Improvements to overflow spillway channel
- Review of freeboard / raise dam crest elevation
- Installation of riprap/ erosion mitigation upstream slope
- Installation of sheet pile to prevent migration of sediments
- Conduct a stability analysis



Mill Lakes Dam Upgrades

Proposed Steps:

Review of current Dam Safety Classification

Calculation of design water levels to define freeboard as outlined in the 2007 CDA Dam Safety Guidelines

Geotechnical Investigation to assess construction, seepage, soil and foundation conditions

Stability Analysis in accordance to the 2007 CDA Dam Safety Guidelines

DAM SAFETY GUIDELINES 2007

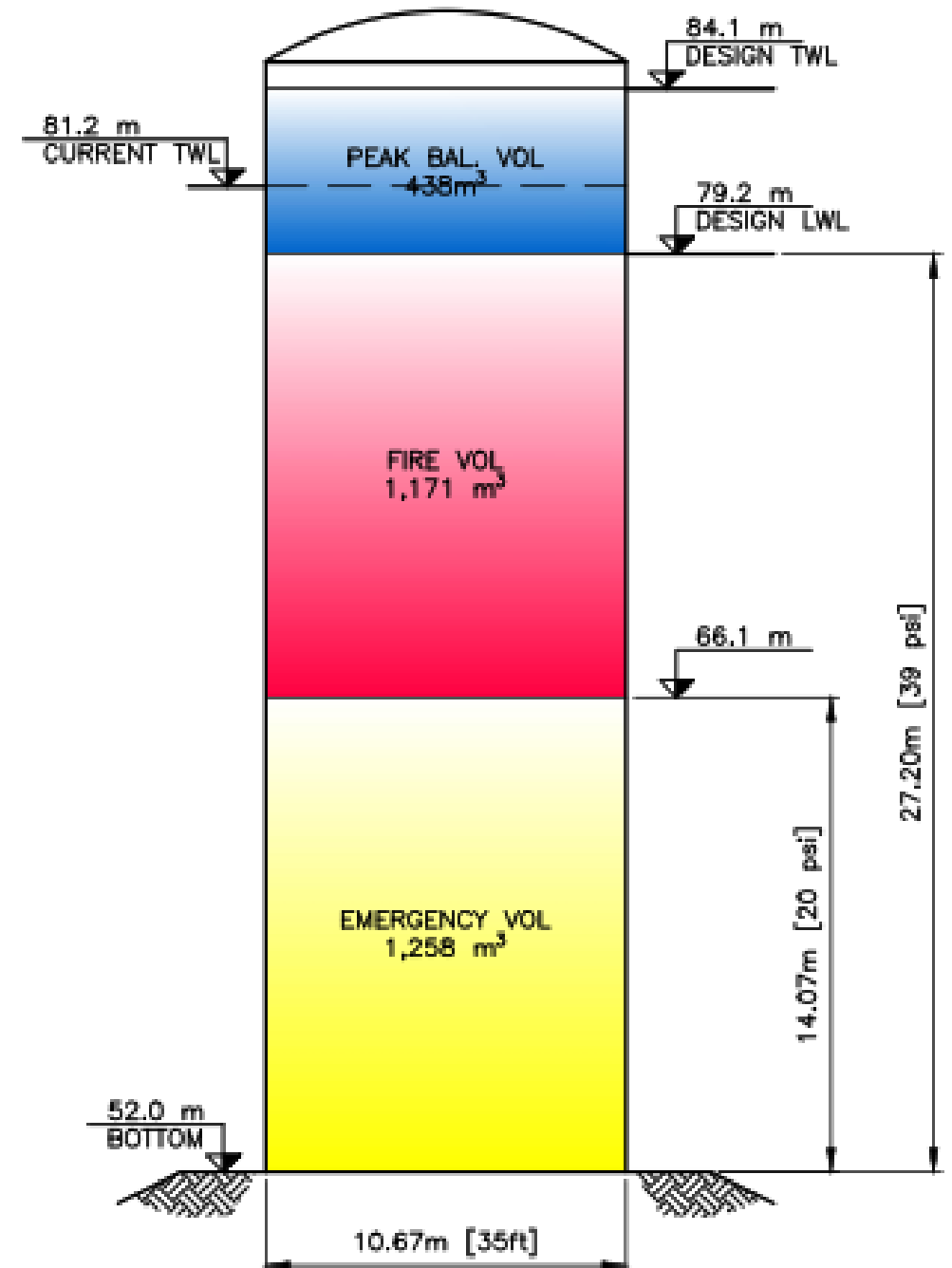
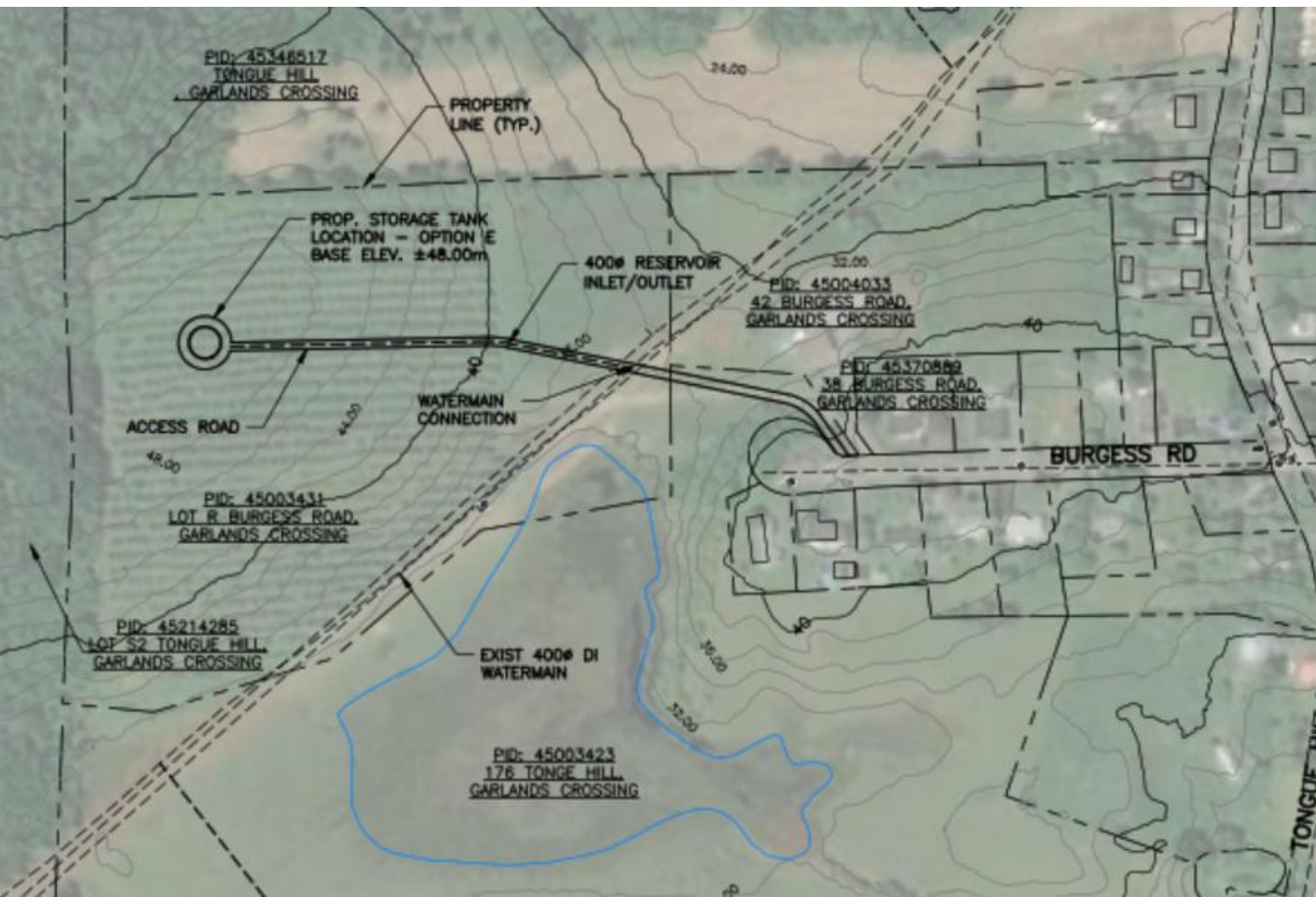
(2013 Edition)



Canadian Dam Association
Association Canadienne des Barrages
www.cda.ca

Storage Reservoir

- Site selected
- Topographic and geotechnical work done
- Detail design has started
- Construction 2023-24



Questions and Discussion

West Hants Regional Municipality

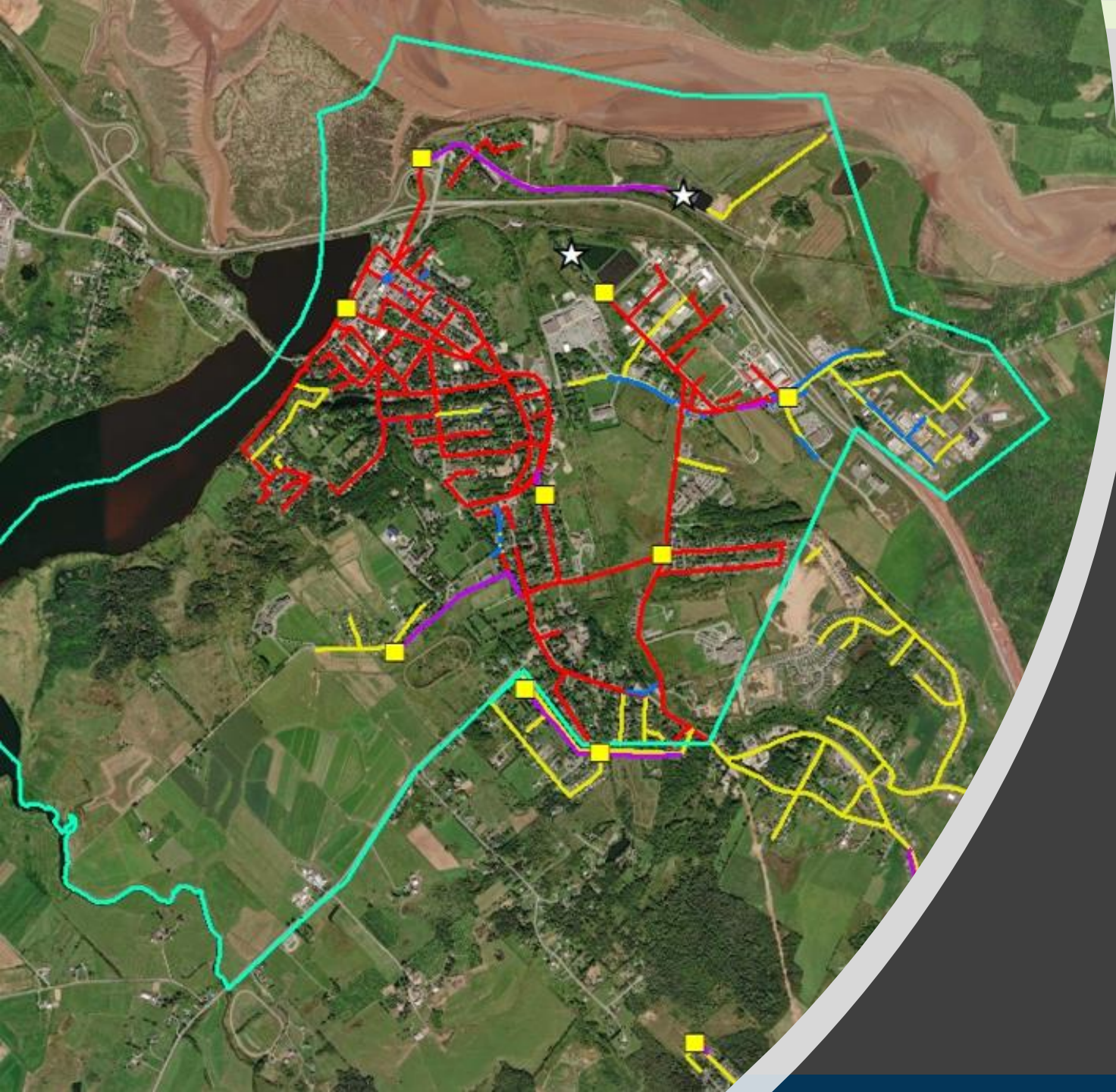
Windsor Flood Risk Assessment Study

Council Meeting



Solutions today
Tomorrow  mind





Project Study Area

Project Objectives (from RFP)

Managing stormwater runoff in the most cost-effective and ecologically appropriate manner, including maximizing the use of natural features to slow and control storm water;

Protecting citizens from the dangers of flash flooding;

Mitigating damage to infrastructure and private property;

Protecting the quantity and quality of groundwater resources;

Protecting and enhancing the quality of surface water in the community and the municipality's natural features; and

Providing stormwater information for future development in the community.

Communicate findings and discuss options with the MCCAP Committee

Project Methodology (from Proposal)

1. **Assessment of Current Conditions:** Evaluate the capacity and performance of the existing stormwater infrastructure under current climatic and development conditions.
2. **Assessment of Future Conditions:** Evaluate the capacity and performance of the existing stormwater infrastructure under projected development and projected climate change impacts.
3. **Flooding Risk Mitigation Measures:** Provide a series of flood mitigation strategies, including associated costs, to reduce flooding risk and improve resilience. These strategies may include infrastructure upgrades (separation), Low Impact Development (LID) measures and changes to the existing stormwater management policies and regulations.

Data Collection

Data Collection

- Review of existing drawings and GIS data
- GAP Analysis
- Field data collection and verification



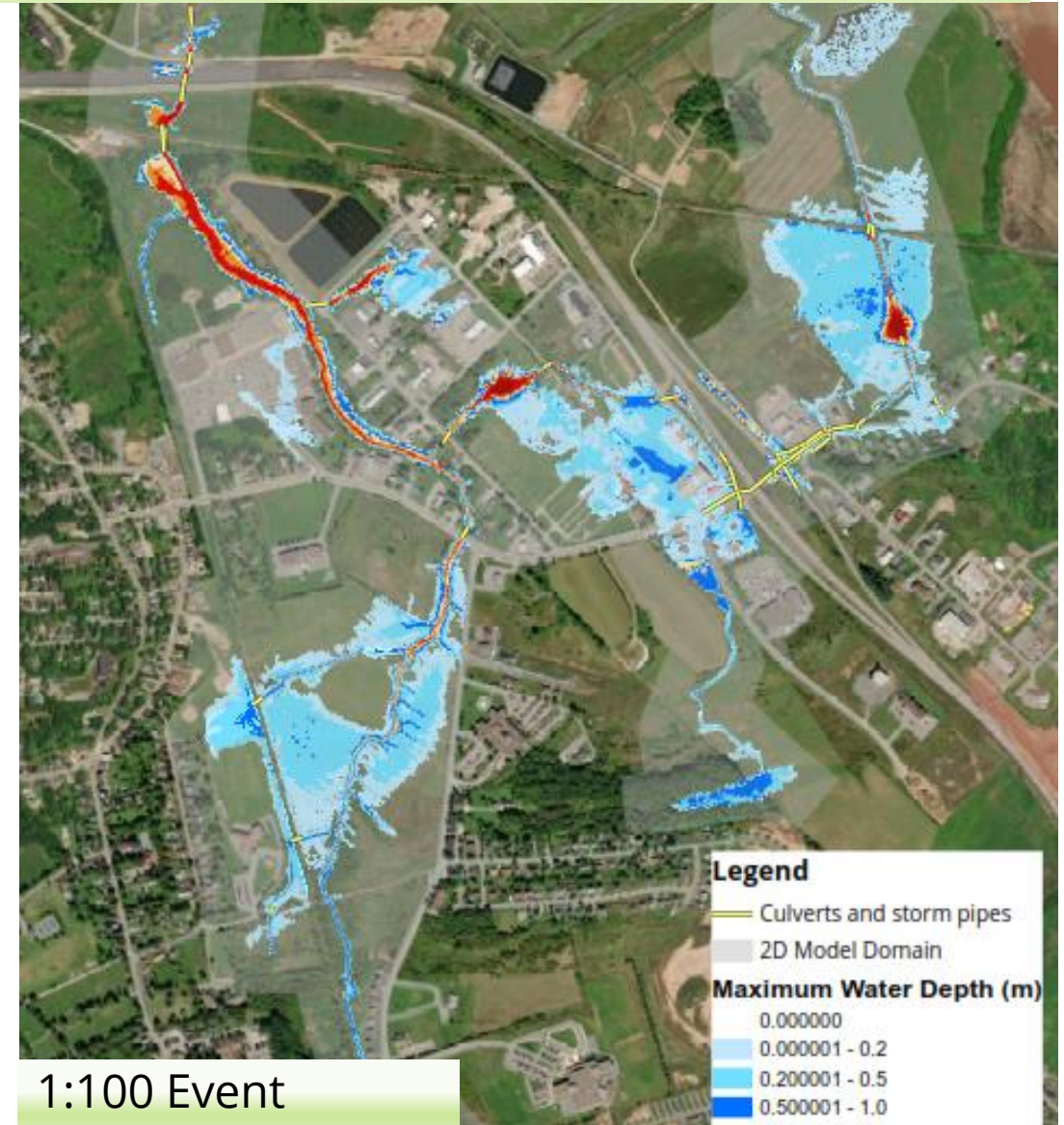
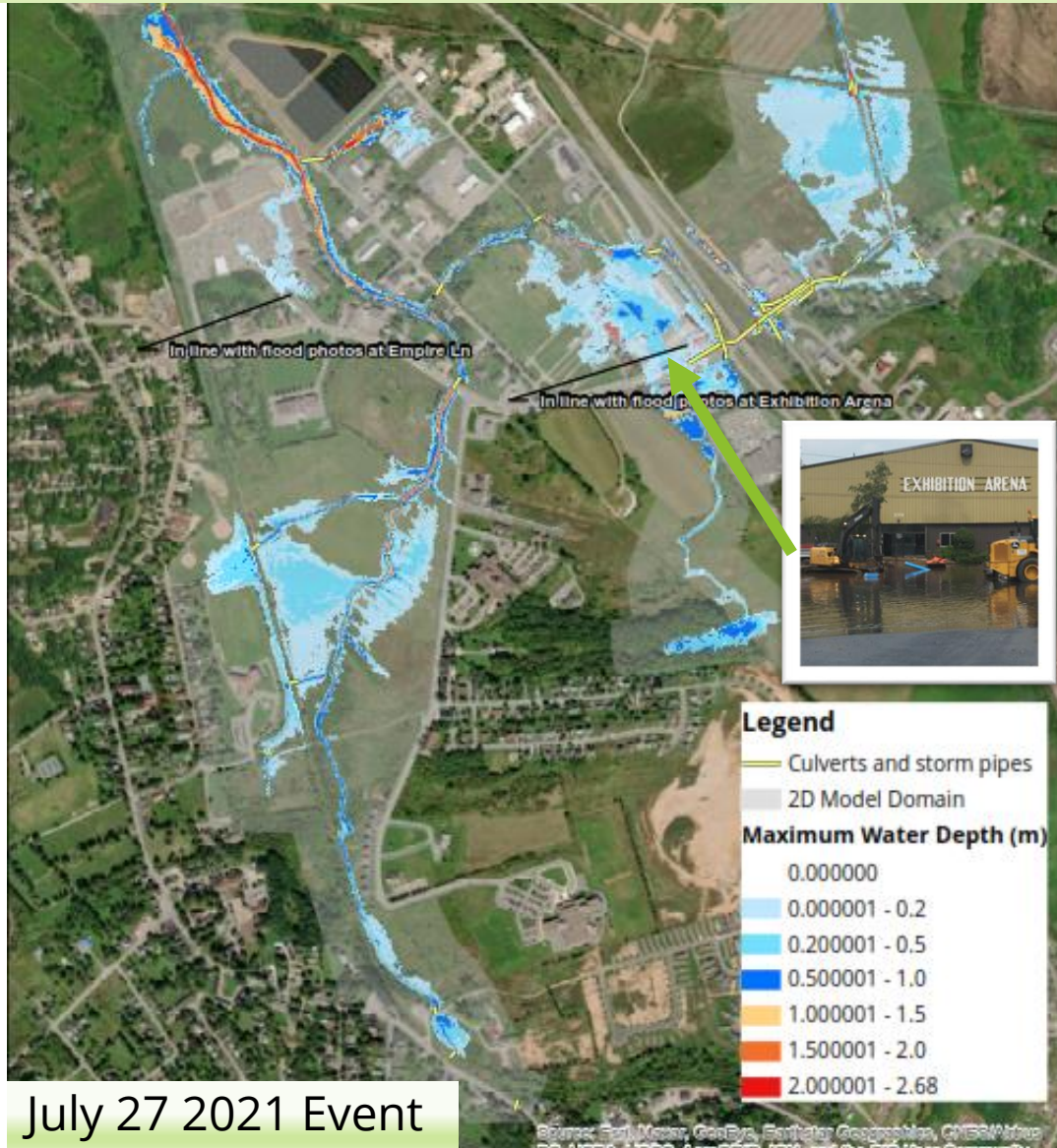
An aerial photograph of a residential neighborhood with a network of green lines overlaid, representing a data collection system. The network consists of numerous green lines connecting small yellow dots, forming a complex web across the area. Several segments of this network are highlighted in red. Five specific locations are marked with blue stars and numbered 1 through 5. Location 1 is a yellow square on the left edge. Location 2 is a blue star on a red segment. Location 3 is a blue star on a green segment. Location 4 is a blue star on a green segment. Location 5 is a blue star on a red segment. A white star is visible in the top right corner of the map area.

Data Collection

- Flow monitoring
- 6 locations
- April – June 2022

Model Development and Calibration

Tregothic & Wentworth Creek



Town of Windsor

July 27 2021 Event

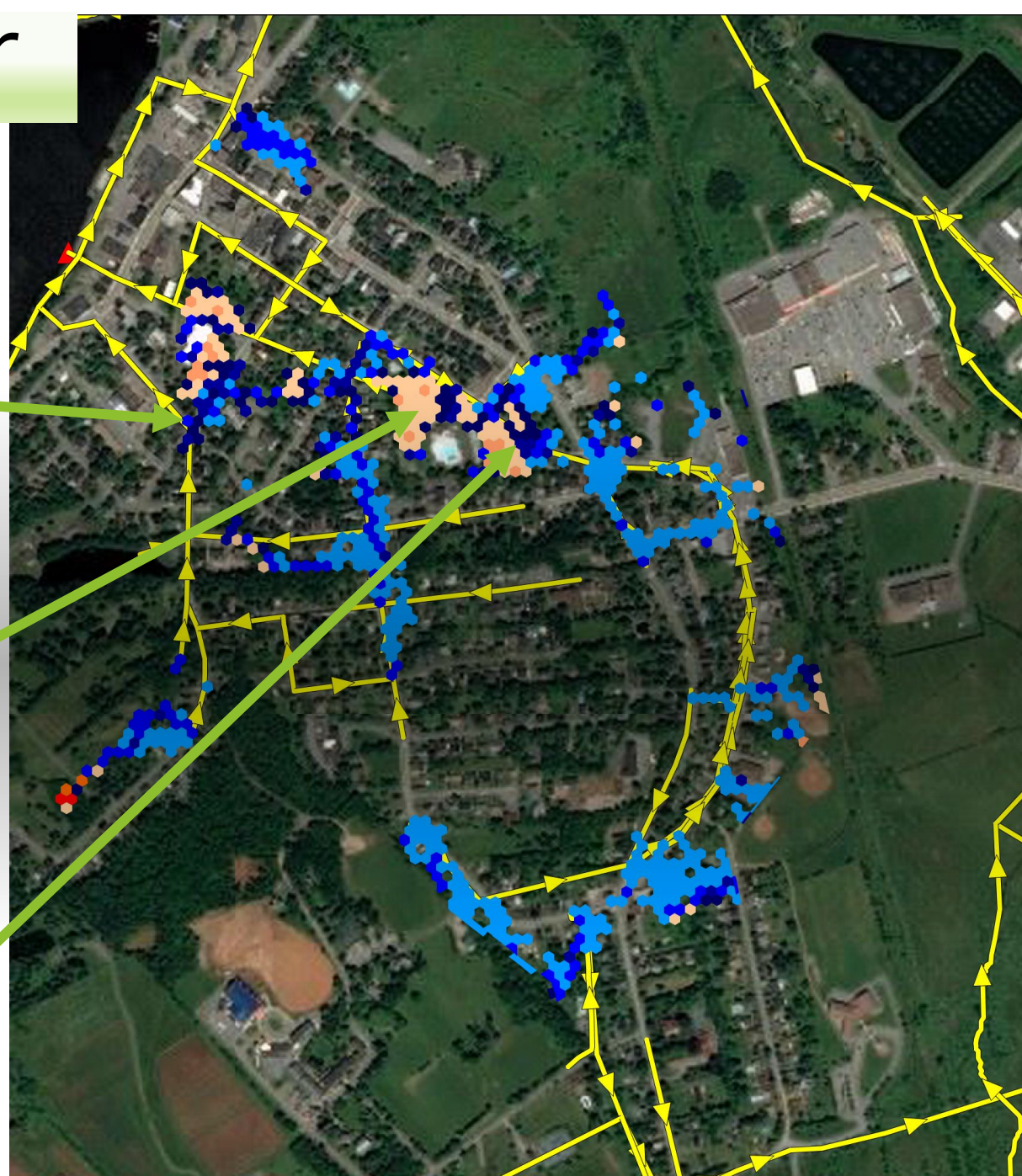
Location A – Albert/Gray Street Intersection



Location B – Stannus Street/Elmcroft Park



Location C – Stannus Street/Victoria Park



Legend

Conduits

Outfalls

Depth (m)

< 0.0001

0.0001 - 0.01

0.01 - 0.02

0.02 - 0.05

0.05 - 0.1

0.1 - 0.25

0.25 - 0.5

0.5 - 0.75

0.75 - 1

> 1



300 m

Project Next Steps

To be completed over the next couple of months

- Finish calibration.
- Model design storm events.
- Incorporate future development areas.
- Identify system upgrades.
- Develop a “roadmap” for proposed upgrades and provide class D estimates.
- Compile draft and final reports

Future Next Steps

- Budget for improvements.
- Complete preliminary design and detailed design
- Develop tender documents and select a contractor.
- Construct improvements.

Questions and Discussion



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Committee of the Whole

Submitted by: Bekah Craik, Active Living Coordinator

Date: October 26, 2022

Subject: Appointment of Committee Members and Notice to amend the Meeting and Committee Procedural Policy RCOGE-003.00, Appendix M (Diversity and Inclusion Committee)

LEGISLATIVE AUTHORITY

Meeting and Committee Procedural Policy RCOGE-003.00
MGA Section 14(2) Powers of Council
Human Rights Act
Canadian Multiculturalism Act
Official Languages Act

RECOMMENDATION or DECISION REQUEST

...that Council recommend Council direct staff to amend Appendix M in the Meeting and Committee Procedural Policy to reflect the changes noted in Attachment B;

And further, to appoint the following individuals as voting citizen members to become the first-voice representatives and support of the Diverse and Inclusive Communities Committee:

1. Ripley Brown-Fogarty
2. Jenna Warren-Mayer
3. Sarah Brothers
4. Jamie Patterson
5. Anne Bishop
6. Ian Shaw
7. Domenic Padula

BACKGROUND

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

West Hants Regional Municipality is full of vibrant and active communities that hosts various events throughout the year. A strong sense of belonging is an important step in becoming an inclusive community to ensure all feel welcomed and valued. It is critical as a Municipality that we move forward with a strategic road map and an understanding of the need and ability for everyone to have a voice, be heard, receive validation, have equitable treatment, and access resources of one's choosing. The prioritization of cultural diversity and inclusion within our region will allow us to reflect on methods of welcomeness and service delivery while acknowledging and addressing barriers concerning racism, social marginalization, equity, and discrimination. In developing an action plan within the Diverse and Inclusive Communities committee, the Municipality can realize its full potential in becoming a place where "Something Inspiring Awaits".

In October of 2020, Council prioritized the theme of Community Diversity and Welcomeness with the objective of establishing a Diversity/Inclusion Plan. After considerable review and input, we are ready to bring this vision to reality. Throughout the review, it was identified that there was a need to update the Meeting and Committee Appendix M to accurately capture diverse voices and provide the support from within our municipal unit to bring ideas collaboratively and genuinely to reality. The purpose of the Diverse and Inclusive Communities Committee is to serve in an advisory capacity and make recommendations to Council which will formulate strategic action plans achieve the following:

1. Advocate, educate, celebrate, address, and advise on issues concerning social marginalization, equity, racism, and discrimination within the Municipality and its workplaces.
2. Break down barriers and implement programs, policies, and practices that promote diversity and inclusion and create opportunities which are inclusive and welcoming to all.

In August of 2021, staff put out a call for Committee Members to apply for the Diverse & Inclusive Communities Committee. We received twenty-one (21) amazing applications.

DISCUSSION

The selection committee is recommending the amendment of the Appendix M to include two revisions:

1. Adding a seventh voting citizen member to ensure to ensure all perspectives are represented and side in a tie breaking scenario that promotes progression without uncertainty.
2. Adding one non-voting representative from the Supporting & Promoting Equality in our Communities (SPEC) group.

The selection committee is further recommending the appointment of the following individuals as voting citizen member to become the first-voice representatives and support of the Diverse and Inclusive Communities Committee:

1. Ripley Brown-Fogarty
2. Jenna Warren-Mayer
3. Sarah Brothers
4. Jamie Patterson
5. Anne Bishop
6. Ian Shaw
7. Domenic Padula

NEXT STEPS

- Activate the committee
- Establish Terms of Reference for the committee outlining the structure
- Provide education/training to the committee, staff, Council and public (social media, websites promoting diversity and inclusiveness)
- Proceed with the goals established by the committee and mandates set forth by the province, Human Rights Commission, and the UNESCO Coalition of Inclusive Municipalities.

FINANCIAL IMPLICATIONS

Resident/Community members appointed to a Committee of Council will receive remuneration in accordance with the Council Remuneration Policy, which is identified in the annual Operating Budget.

There will be financial impacts as the committee identifies needs for education, an action plan, consulting services, etc. These impacts have yet to be identified and will be identified to Council for consideration in a request for funding approval.

ALTERNATIVES

- Council can choose not to accept the recommendation and proceed as currently established.
- Council can direct staff to explore other options by giving a different direction to staff.

ATTACHMENTS

- Attachment A: Meeting and Committee Procedural Policy RCOGE-003.00 (Appendix M)
- Attachment B: Meeting and Committee Procedural Policy RCOGE-003.00 (Draft Amended Appendix M)

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation and look forward to participating in the work associated with this committee.

Report Prepared by: Bekah Craik, Active Living Coordinator

Report Approved by: 
Mark Phillips, Chief Administrative Officer

MEETING AND COMMITTEE PROCEDURAL POLICY

APPENDIX M

Diverse and Inclusive Communities Committee

1. MANDATE

- 1.1. Through the establishment of this committee, we are committed to strengthening existing partnerships while collaborating with individuals, groups, and organizations to reduce systemic racism and discrimination while strengthening the ability of individuals and community to address issues of diversity, justice, and inequality while providing

2. PURPOSE

- 2.1 The purpose of the Diverse and Inclusive Communities Committee is to serve in an advisory capacity and make recommendations to Council which will formulate strategic action plans achieve the following:
- a) Advocate, educate, celebrate, address, and advise on issues concerning social marginalization, equity, racism, and discrimination within the Municipality and its workplaces.
 - b) Break down barriers and implement programs, policies, and practices that promote diversity and inclusion and create opportunities which are inclusive and welcoming to all.

3. DEFINITIONS

- 3.1 In Appendix M, A “Municipality” means the West Hants Regional Municipality.

4. COMPOSITION

- 4.1 The Committee will consist of six (6) voting members and ten (10) non-voting supporting members as follows:
- Six (6) resident members of diverse race and ethnicity (including, but not limited to, those from the African Descent, Acadian, Glooscap First Nation, LGBTQ+, Indigenous, 2SLGBTQIA+, Senior, Youth, and Newcomers' communities)
 - One (1) RCMP Representative (non-voting)
 - One (1) Community Health Board Representative (non-voting)
 - Six (6) non-voting staff members appointed by the Chief Administrative Officer
 - One (1) Councillor and 1 Alternate (non-voting)

5. ADMINISTRATION

- 5.1. A Chair and Vice-Chair will be elected bi-annually upon the date of committee establishment.
- 5.2. Citizen committee members will serve a two-year term
- 5.3. Citizen committee members will be provided remuneration in accordance with the Council Remuneration Policy.
- 5.4. Administrative services for the Committee will be provided by the Municipality.

MEETING AND COMMITTEE PROCEDURAL POLICY

- 5.5 All members must abide by the Administrative Terms of Reference set out by the Committee and reviewed the by Chief Administrative Officer.

MEETING AND COMMITTEE PROCEDURAL POLICY

APPENDIX M

Diverse and Inclusive Communities Committee

1. MANDATE

- 1.1. Through the establishment of this committee, we are committed to strengthening existing partnerships while collaborating with individuals, groups, and organizations to reduce systemic racism and discrimination while strengthening the ability of individuals and community to address issues of diversity, justice, and inequality while providing

2. PURPOSE

- 2.1 The purpose of the Diverse and Inclusive Communities Committee is to serve in an advisory capacity and make recommendations to Council which will formulate strategic action plans achieve the following:
- a) Advocate, educate, celebrate, address, and advise on issues concerning social marginalization, equity, racism, and discrimination within the Municipality and its workplaces.
 - b) Break down barriers and implement programs, policies, and practices that promote diversity and inclusion and create opportunities which are inclusive and welcoming to all.

3. DEFINITIONS

- 3.1 In Appendix M, A “Municipality” means the West Hants Regional Municipality.

4. COMPOSITION

- 4.1 The Committee will consist of ~~six (6)~~ seven (7) voting members (to ensure all perspectives are represented and side in a tie breaking scenario that promotes progression without uncertainty, and ten (10) non-voting supporting members as follows:
- ~~Six (6)~~ Seven (7) resident members of diverse race and ethnicity (including, but not limited to, those from the African Descent, Acadian, Glooscap First Nation, LGBTQ+, Indigenous, 2SLGBTQIA+, Senior, Youth, and Newcomers' communities)
 - One (1) Supporting and Promoting Equality in our Communities (SPEC) Community Group Representative (non-voting)
 - One (1) RCMP Representative (non-voting)
 - One (1) Community Health Board Representative (non-voting)
 - Six (6) non-voting staff members appointed by the Chief Administrative Officer
 - One (1) Councillor and 1 Alternate (non-voting)

5. ADMINISTRATION

- 5.1. A Chair and Vice-Chair will be elected bi-annually upon the date of committee establishment.

MEETING AND COMMITTEE PROCEDURAL POLICY

- 5.2. Citizen committee members will serve a two-year term
- 5.3. Citizen committee members will be provided remuneration in accordance with the Council Remuneration Policy.
- 5.4. Administrative services for the Committee will be provided by the Municipality.
- 5.5 All members must abide by the Administrative Terms of Reference set out by the Committee and reviewed the by Chief Administrative Officer.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

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

Submitted by: _____
Alex Dunphy, Planner

Date: October 25th, 2022

Subject: Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File# 21-15F

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

If Council wishes to defer decision the following motion would be in order:

... that Council adjourns the Public Hearing until 6:00 pm on March 28 and postpones the Second Reading until March 28th, 2023 for 65 Fort Edward Street, Windsor (PID 45059797).

BACKGROUND

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

A completed application was received from the Chief Administrative Officer, Mark Phillips, on September 28th, 2021, following a motion passed by Council directing him to submit an application to the Planning and Development Department for the redesignation and rezoning of 65 Fort Edward Street (PID 45059797). The application was made to redesignate the lot from Community Use to Residential and rezone the lot from Open Space (OS) to Two Unit Residential (R-2).

DISCUSSION

During the June 28th Council meeting, the Public Hearing and Second Reading was adjourned until October 25th to await further information and the results of the Phase 2 Archaeological Resource Impact Assessment (ARIA) Study.

The Phase 2 ARIA has not been completed. In order to provide enough time to complete and consider the results of the Phase 2 ARIA, staff recommend that Council adjourn the Public Hearing to 6:00 pm on March 28th, 2023.

NEXT STEPS

Process

The process for this application is as follows:



FINANCIAL IMPLICATIONS

Prior to any construction, a Phase 2 Archaeological Resource Impact Assessment would be required.

ALTERNATIVES

In response to the application, Council may decide to:

- refuse or approve the proposed change of designation from Community Use to Residential and rezoning from Open Space (OS) to Two Unit Residential (R-2) for the subject lot (PID 45059797); or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A 2022-06-28 Staff Report - Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File# 21-15E

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation and ask Council to consider any further delay / reflection they may feel is appropriate. The future of the noted lands remains an ongoing matter under Council's consideration. Development / housing opportunities have been expressed to Council as well as ongoing requests from representatives from the historical community for the preservation of the lands or alternative community facility.

Recognizing representatives from both perspectives would like a decision from Council, it is responsible for the municipality to ensure the appropriate time is taken to carry out a process of public engagement and feedback regarding the property's future.

Legal counsel has confirmed that Council may continue to delay the public hearing and second reading for the rezoning process for as long as Council desires. A six month to one year delay may be appropriate if Council desires.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

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

Submitted by: _____
Alex Dunphy, Planner

Date: June 28th, 2022

Subject: Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File# 21-15E

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

... that Council adjourns the Public Hearing until 6:00 pm on October 25 and postpones the Second Reading until October 25th, 2022 in order to complete and consider the results of the Phase 2 Archaeological Resource Impact Assessment for 65 Fort Edward Street, Windsor (PID 45059797).

BACKGROUND

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

A completed application was received from the Chief Administrative Officer, Mark Phillips, on September 28th, 2021, following a motion passed by Council directing him to submit an application to the Planning and Development Department for the redesignation and rezoning of 65 Fort Edward Street (PID 45059797). The application was made to redesignate the lot from Community Use to Residential and rezone the lot from Open Space (OS) to Two Unit Residential (R-2).

DISCUSSION

A Public Information Meeting was held on November 8th, 2021.

Comments were received from the public regarding the redesignation and rezoning from November 8th to November 23rd. Ten (10) comments were received and the majority (8) of these were opposed to the redesignation and rezoning. The comments most commonly cited the lot's proximity to the National Historic Site, tourism use, neighbourhood disruption, parking use, and former Town Council decisions. Two (2) comments were received that were in favour of the redesignation and rezoning citing interest in seeing residential development.

On December 2nd, 2021, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC).

During the December 2nd meeting, staff's recommendation that Council give First Reading and hold a Public Hearing was defeated by PAC/HAC. Instead, the Committee recommended that Council delay the First Reading and direct staff to complete research related to former Town of Windsor commitments to heritage projects at the subject lot. The Committee also requested that staff obtain comments from the Province regarding the requirements of the Special Places Protection Act for the subject lot. Staff were asked to contact Sara Beanlands and Dr. Johnathan Fowler for further information about preparing a Phase 1 archeological assessment for the subject lot.

Dr. Johnathan Fowler provided a brief analysis of the property using historical records and LiDAR which determined that there is a high likelihood of elevated archaeological potential at the lot. Comments received from the Provincial Curator of Archaeology, Dr. Catherine Cottreau-Robins, provided a recommendation to pursue a Phase 1 Archaeological Resource Impact Assessment (ARIA) Study. Sara Beanlands provided information regarding a previous Memorandum of Understanding request from the Jewish Legion.

The CAO hired Dr. Jonathan Fowler to prepare a Phase 1 ARIA Study.

On January 11th, 2022, Shirley Pineo and Gary Nelson of the West Hants Historical Society made a presentation to Committee of the Whole about the municipally owned lots abutting the Fort Edward Historic Site. They provided information regarding street frontage of both properties based on historical records. There is access to Cobbett Street. 65 Fort Edward Street also has access to Fort Edward Street across land owned by Parks Canada. Staff have made inquiries with the Traffic Authority and the Director of Public Works as to whether the amendment is appropriate if access and egress to the lot must be from Cobbett Street. Neither the Traffic Authority, nor the Director of Public Works had any concerns with the amendment if Cobbett Street must be used as the sole access and egress for the subject lot. The Director of Public Works also noted that Cobbett and Fort Edward Street have both been identified for capital sewer, water, storm, and road improvements in the 5-year capital plan.

During the January 25th Council meeting, Mayor Zebian proposed postponing the Public Hearing and Second Reading until the March 22nd Council meeting to await further information and the results of the Phase 1 ARIA Study. That motion was carried. Then during the March 22nd Council

meeting, staff recommended adjourning the Public Hearing and postponing the Second Reading until June 28th. That motion was carried.

On February 23rd, the Phase 1 ARIA was completed by Dr. Johnathan Fowler and his team, Northeast Archaeological Research Inc. The report presented evidence that strongly suggests the presence of archaeological resources associated with Fort Edward in the subject lot. Early maps displayed multiple buildings consisting of a commanding officer's stable, bullock houses, and soldiers' huts being located on the subject lot. The subject lot was also used as exhibition grounds for the Windsor Agricultural Fair, which was a designated event of national historic significance. It also appears that the construction of the large swimming pool in the 1960s did not likely directly impact any of the anticipated archaeological features.

The report was submitted and revised by the Nova Scotia Department of Communities, Culture, and Heritage. The revised report was then returned on May 17th to Dr. Fowler and the Municipality with the following as a revised outcome of the report:

Should further ground disturbance be planned for any part of the study area, it is recommended that a thorough Phase 2 ARIA be undertaken in advance to better assess the nature of, and mitigate potential impacts to, archaeological resources.

Despite these precautions, should mechanical excavation encounter archaeological evidence, it is recommended that contractors temporarily pause the work and contact John Cormier, Coordinator of Special Places at the Nova Scotia Department of Communities, Culture, Tourism and Heritage: (902) 424-6475 and/or john.cormier@novascotia.ca.

Finally, although Parks Canada's viewplane is not part of provincial jurisdiction or the Special Places Protection Act's regulatory framework, the West Hants Regional Municipality is advised of Parks Canada's concerns in relation to the viewplane, particularly regarding PID 45059797, which is also the property with the greater number of documented archaeological features.

Staff are currently awaiting further information regarding viewplanes from Park's Canada representatives.

Dr. Johnathan Fowler estimated that the timeline for an archaeologist to receive a permit would be five (5) to ten (10) business days, followed by a month or two to carry out the Phase 2 ARIA, in the best-case scenario. In order to provide enough time to complete and consider the results of the Phase 2 ARIA, staff recommend that Council adjourn the Public Hearing to 6:00 pm on October 25th, 2022.

NEXT STEPS

Process

The process for this application is as follows:

Staff Review



FINANCIAL IMPLICATIONS

Prior to any construction, a Phase 2 Archaeological Resource Impact Assessment would be required.

ALTERNATIVES

In response to the application, Council may:

- reject the proposed change of designation from Community Use to Residential and rezoning from Open Space (OS) to Two Unit Residential (R-2) for the subject lot (PID 45059797)
- provide alternative direction such as requesting further information on a specific topic

ATTACHMENTS

Attachment A	2021-12-16 Staff Report - Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File# 21-15A
Attachment B	2022-01-13 Supplementary Report – Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File # 21-15B
Attachment C	Revised Fort Edward Street Archaeological Resource Impact Assessment – Dr. Johnathan Fowler

CHIEF ADMINISTRATIVE OFFICER REVIEW

N/A

Report Prepared by: _____

Alex Dunphy, Planner

A handwritten signature in cursive script, reading "Madelyn LeMay".

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development;
Acting Chief Administrative Officer

Attachment A – Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File# 21-15A



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

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

Submitted by: _____
Alex Dunphy, Planner

Date: December 16th, 2021

Subject: Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File# 21-15

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

The following motion was defeated at PAC/HAC on December 2, 2021:

... that Council give First Reading and hold a Public Hearing to consider redesignating from Community Use to Residential and concurrently rezoning from Open Space (OS) to Two Unit Residential the property at PID 45059797, 65 Fort Edward Street, Windsor.

The following motions were prepared and passed by PAC/HAC:

... that PAC/HAC recommends that Council delay First Reading and direct staff to complete their research related to any former Town of Windsor outstanding commitments to heritage projects at the site (PID 45059797).

... that PAC/HAC request staff for comment from the Province of Nova Scotia regarding requirements of the Special Places Protection Act for the site (PID 45059797).

BACKGROUND

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

A completed application was received from the Chief Administrative Officer, Mark Phillips, on September 28th, 2021, following a motion passed by Council directing him to submit an application to the Planning and Development Department for the redesignation and rezoning of 65 Fort Edward Street (PID 45059797). The application was made to redesignate the lot from Community Use to Residential and rezone the lot from Open Space (OS) to Two Unit Residential (R-2).

DISCUSSION

A Public Information Meeting was held on November 8th, 2021.

Comments were received by the public regarding the redesignation and rezoning from November 8th to November 23rd. Ten (10) comments were received and the majority (8) of these were opposed to the redesignation and rezoning. The comments most commonly cited the lot's proximity to the National Historic Site, tourism use, neighbourhood disruption, parking use, and former Town Council decisions. Two (2) comments were received that were in favour of the redesignation and rezoning citing interest in seeing residential development.

On December 2nd, 2021, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

During the December 2nd meeting, staff's recommendation that Council give First Reading and hold a Public Hearing was defeated by PAC/HAC. Instead, the Committee recommended that Council delay the First Reading and direct staff to complete research related to former Town of Windsor commitments to heritage projects at the subject lot. The Committee also requested that staff to obtain comments from the province regarding the requirements of the Special Places Protection Act for the subject lot. It was also discussed that staff would reach out to Sara Beansland and Johnathan Fowler for further information about the subject lot.

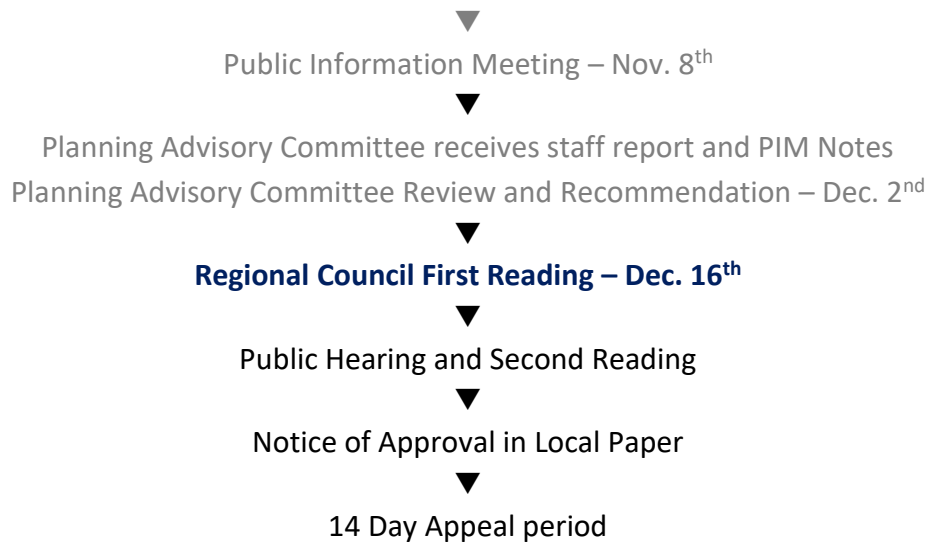
NEXT STEPS

The proposed amendments have been considered based on both the enabling and supporting policies of the WMPS and have proven consistent with the intent, objectives, and policies of the WMPS. As a result, it is reasonable to consider redesignating from Community Use to Residential and concurrently rezoning from Open Space (OS) to Two Unit Residential (R-2) at 65 Fort Edward Street, Windsor (PID 45059797).

The subject lot's current designation and zoning provide the opportunity to develop the site as a museum or historic site as-of-right. As a result, it is also reasonable to consider delaying First Reading in order to complete research related to any former Town of Windsor outstanding commitments to heritage projects at 65 Fort Edward Street, Windsor (PID 45059797).

Process

Staff Review



FINANCIAL IMPLICATIONS

At this point, there are no anticipated costs to the Municipality associated with this development.

ALTERNATIVES

In response to the application, Council may:

- hold a First Reading and authorize a Public Hearing to approve the redesignation and concurrent rezoning; or
- delay First Reading and direct staff to complete their research related to any former Town of Windsor outstanding commitments to heritage projects at the subject lot (PID 45059797)
- provide alternative direction such as requesting further information on a specific topic

APPENDICIES

Appendix A	2021-12-02 Staff Report - Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File# 21-15
------------	--

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in the report the PAC/HAC have met to review the rezoning application for the noted property. I did not attend the meeting but understand there was discussions by the committee resulting in two separate action items or requests for more information and further due diligence from PAC/HAC for Council to consider before proceeding to first reading.

PAC/HAC are advisory to Council and have been provided the authority to reject, amend or support a recommendation from staff. Council, is the decision making body and has the

authority to proceed as they see fit which may or may not be in alignment with the position of PAC/HAC or any advisory committee.

I support the original recommendation from staff that was forwarded to the PAC / HAC meeting on December 2, 2021.

... that Council give First Reading and hold a Public Hearing to consider redesignating from Community Use to Residential and concurrently rezoning from Open Space (OS) to Two Unit Residential the property at PID 45059797, 65 Fort Edward Street, Windsor.

Further information was requested by PAC /HAC.

1. Direct staff to complete their research related to any former Town of Windsor outstanding commitments to heritage projects at the site (PID 45059797).
2. Request staff for comment from the Province of Nova Scotia regarding requirements of the Special Places Protection Act for the site (PID 45059797).

Through the CAO's Office staff have revisited the past minutes of the former Town of Windsor Council relating to the former pool site, its' decommissioning and redevelopment of the lands. The discussion of the former Council and minutes have further been reviewed by solicitor John Shanks, who was also the former solicitor for the Town of Windsor, and there is no outstanding commitments to heritage projects as directed by the former Windsor Council. The minutes did reflect discussions about options for the site, including heritage uses but no motion of the former Council is influencing the current Council. The current Council has deemed the property (s) surplus as of May of 2021.

The second noted discussion point by PAC/HAC is to consider the property and its' connectivity to the Special Places Protection Act due to its proximity to the Parks Canada Site (Fort Edward). There is no legal requirement to conduct the assessment on the existing property (s) but it would be prudent for the municipality to carry out this action. The municipality, through staff, is currently engaging a qualified archeologist to carry out a Phase 1 Archaeological Resource Impact Assessment (ARIA) on the two lots to carry out additional due diligence on the sites. A Phase 2 could be triggered if Phase 1 results in concerns or findings. The (ARIA) is expected to be completed by the end of January and before the anticipated Public Hearing and Second Reading by Council.

As noted above, I recommend Council proceed with First Reading as per the staff recommendation to best accommodate the scheduled redevelopment of the site. Ample public consultation and added research can continue as the Public Hearing and Second Reading phases of the planning process are carried out. Should unknown information become available Council will have the opportunity to revisit or reflect as the Second Reading must also be approved by Council.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Appendix A – Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File# 21-15



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: December 2nd, 2021

Subject: Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File# 21-15

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

... that PAC recommends that Council give First Reading and hold a Public Hearing to consider redesignating from Community Use to Residential and concurrently rezoning from Open Space (OS) to Two Unit Residential the lot identified as PID 45059797, 65 Fort Edward Street, Windsor.

BACKGROUND

A completed application was received from the Chief Administrative Officer, Mark Phillips, on September 28th, 2021, following a motion passed by Council directing him to submit an application to the Planning and Development Department for the redesignation and rezoning of 65 Fort Edward Street. The application was made to redesignate the lot from Community Use to Residential and rezone the lot from Open Space (OS) to Two Unit Residential (R-2) at the lot identified as PID 45059797, 65 Fort Edward Street, Windsor.

Previous Uses

The property was originally sold to the Town of Windsor in 1967 by Parks Canada as it had no further use for the land. It was then developed as pool site, then later transitioned to and is currently a vacant gravel lot utilized as municipal parking.

It should be noted that the subject lot is not a part of the Fort Edward National Historic Site. The designated historic site is owned by Parks Canada, while the subject lot is owned by West Hants Regional Municipality and is located wholly outside of the National Historic Site.

Previous Council Discussions

There have been many discussions regarding the intended development of this property over the last 14 years. This property has been of special interest to the West Hants Historical Society due to the proximity to the Fort Edward National Historic Site. Research for previous discussions and motions of the former Town of Windsor Council are ongoing.

DISCUSSION

The property is currently designated Community Use on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS) (Figure 1). This designation is generally applied to institutional, recreational, and open space uses.

The property is currently zoned Open Space (OS) on Schedule A of the Windsor Land Use By-law (WLUB) (Figure 2). Permitted uses in this zone consist of cemeteries, museums, historic sites, outdoor recreation, parks, and playgrounds.

Council's motion to apply for a redesignation and concurrent rezoning will be considered through a set of enabling policies and a set of supporting policies. The enabling policies, which will be used to substantiate the ability for Council to redesignation and concurrent rezoning, consist of Policy 16.1.1 and Policy 16.3.1. The supporting policies, which will be examined as part of the criteria for the redesignation and rezoning, consist of Policy 11.0.1 and Policy 11.2.1.

Surrounding Neighbourhood

The subject lot directly abuts lots zoned Open Space (OS) to the northeast and southeast, Town Centre (TC) to the northwest, and Two Unit Residential (R-2) to the southwest.

Table 1: Use Abutting Subject Lot by Direction

Northeast & Southeast	Fort Edward National Historic Site zoned Open Space (OS).
Northwest	Single unit dwellings all zoned Town Centre (TC).
Southwest	Vacant gravel lot currently being used as parking zoned Two Unit Residential (R-2).

Proposed Designation and Zone

The intention of the application is to redesignate and rezone the subject property to allow for potential residential uses consisting of single or two-unit dwellings as of right or a greater number of units by development agreement.

Fort Edward Street is a local road which leads from King Street Extension and to the Fort Edward National Historic Site, as shown on the Transportation Map (Map 2) of the WMPS. The Municipal

Traffic Authority stated that there are many similar dwelling units in the area and they had no concerns in regard to the movement of auto, rail, and pedestrian traffic.

The Development Officer has no concerns about the proposed rezoning of this property as there are several existing Two Unit Residential (R-2) properties in close proximity and the property meets the minimum zone requirements in the WLUB. As there is existing Two Unit Residential (R-2) development in the area, as-of-right development should have little impact on the existing development.

Public Information Meeting Comments

Prior to and following the Public Information Meeting, staff have received many emails, phone calls, and letters. Staff responded to the comments received prior to the Public Information Meeting at the meeting, as seen on the final page of Attachment C – Public Information Meeting Notes. The comments in opposition to the redesignation and rezoning were primarily regarding losing access to this piece of property as public land and the lost opportunity for tourism or heritage use. The comments in favour of the redesignation and rezoning cited interest in seeing residential development on the property.

DOCUMENT REVIEW

Municipal Planning Strategy

There are two sets of policies in the WMPS that apply to this proposed amendment, the enabling policies (Policy 16.1.1 and 16.3.1) and the supporting policies (Policy 11.0.1 and 11.2.1).

The enabling policies provide the ability for the amendment to take place and the criteria that the amendment must meet.

Policy 16.1.1 allows Council to review and amend the WMPS or GFLUM. Amendments can be made when the GFLUM needs to be changed to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary due to a change in policy intentions or development environment. The proposed amendment would provide an opportunity for further residential development within Windsor, which in the current housing climate is necessary to not worsen the housing shortage. The amendment also addresses the Statement of Provincial Interest regarding housing by enabling additional residential development.

Policy 16.3.1 establishes the general criteria that all amendments must meet. The criteria will be explained in further detail in Attachment A, but in summary of how the proposal meets the criteria:

- the proposal is not considered premature or inappropriate
- no Municipal costs related to the proposal are anticipated
- the Fire Chief, Development Officer, Senior Building and Fire Official, Director of Public Works and Traffic Authority have no major concerns

The supporting policies provide justification for the amendment by comparing the current designation and zone definition to the use and intent of the property.

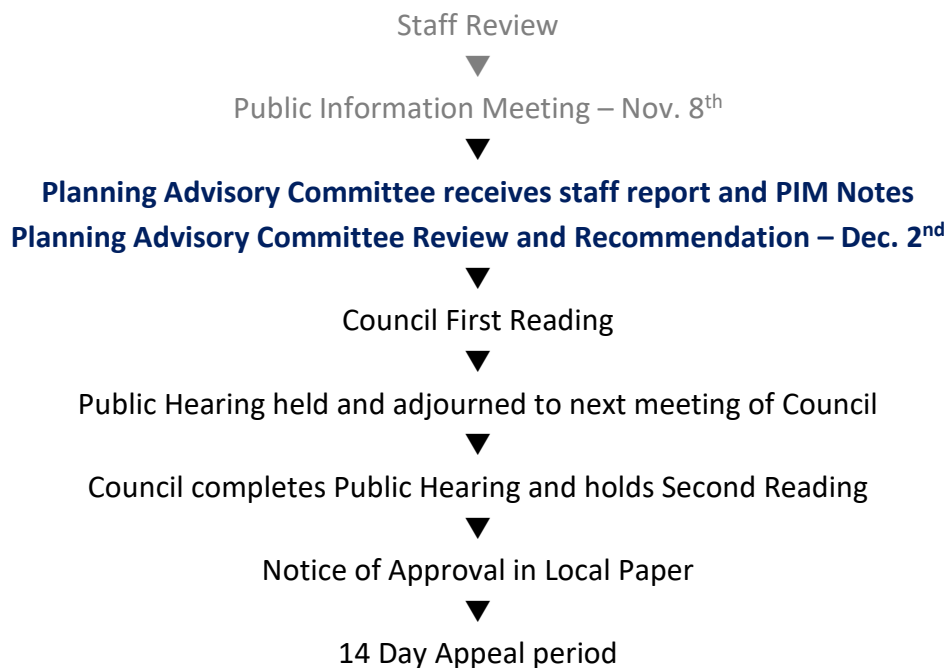
Policy 11.0.1 establishes the Community Use designation, which is the current designation of this property. As the property is currently a vacant gravel lot used for parking, it does not reflect the intent of the Community Use designation.

Policy 11.2.1 establishes the Open Space (OS) zone, which is the current zone of the property. The property is currently a vacant gravel lot used for parking, not a use for which the Open Space (OS) zone is intended.

NEXT STEPS

The proposed amendments have been considered based on both the enabling and supporting policies of the WMPS and have proven consistent with the intent, objectives, and policies of WMPS. As a result, it is reasonable to consider redesignating from Community Use to Residential and concurrently rezoning from Open Space (OS) to Two Unit Residential (R-2) at 65 Fort Edward Street, Windsor (PID 45059797).

Process



FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality associated with this development.

ALTERNATIVES

In response to the application, PAC may:

- recommend that Council hold a First Reading and authorize a Public Hearing to approve the redesignation and concurrent rezoning; or
- provide alternative direction such as requesting further information on a specific topic

ATTACHMENTS

Figure 1	Windsor GFLUM Extract: Current Designation
Figure 2	Windsor GFLUM Extract: Proposed Designation
Figure 3	Windsor Zoning Map Extract: Current Zone
Figure 4	Windsor Zoning Map Extract: Proposed Zone
Attachment A	Policy Chart for Redesignation and Rezoning
Attachment B	Public Information Meeting Notes

Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – Windsor GFLUM Extract: Current Designation



Figure 2 – Windsor GFLUM Extract: Proposed Designation



Figure 3 – Windsor Zoning Map Extract: Current Zone

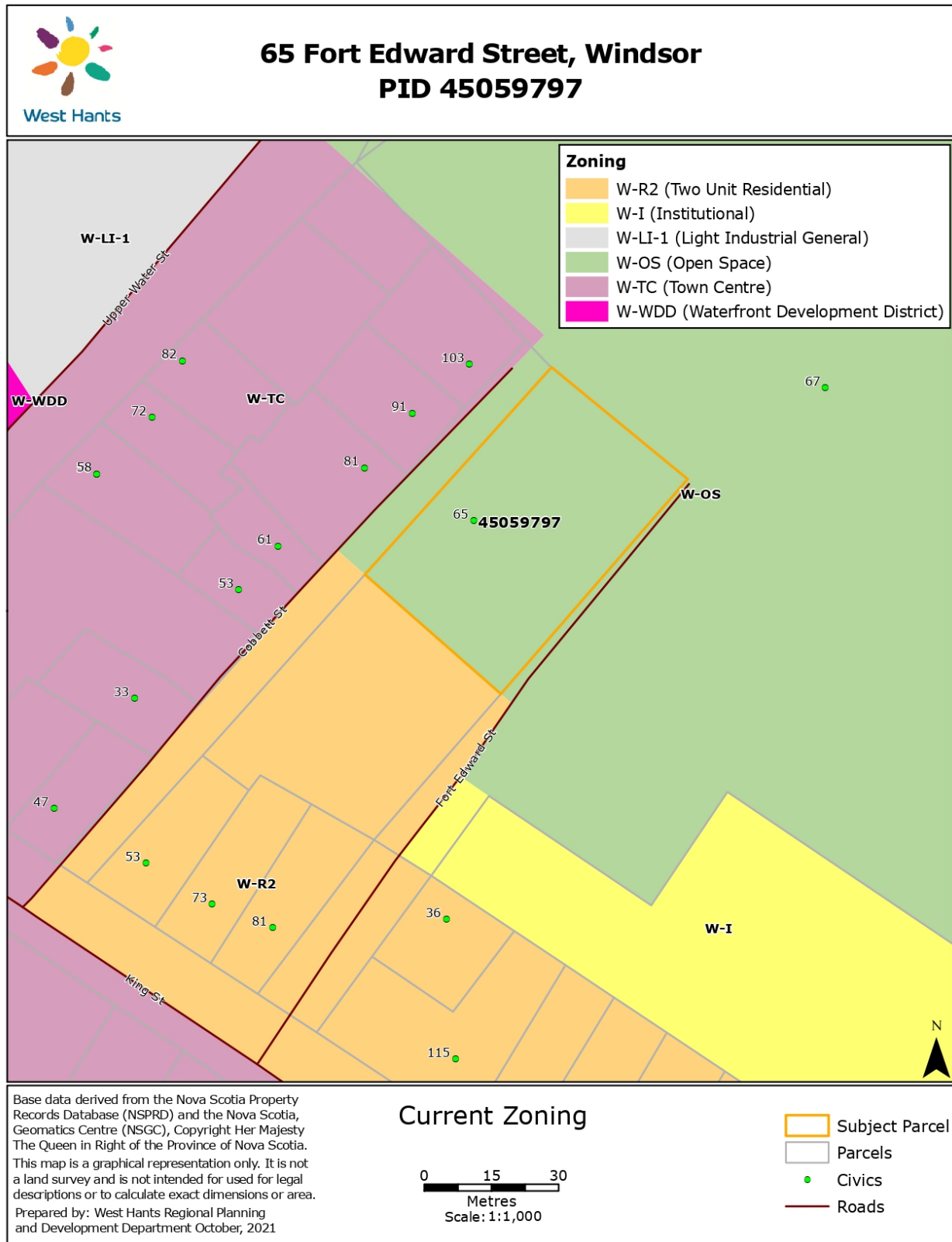
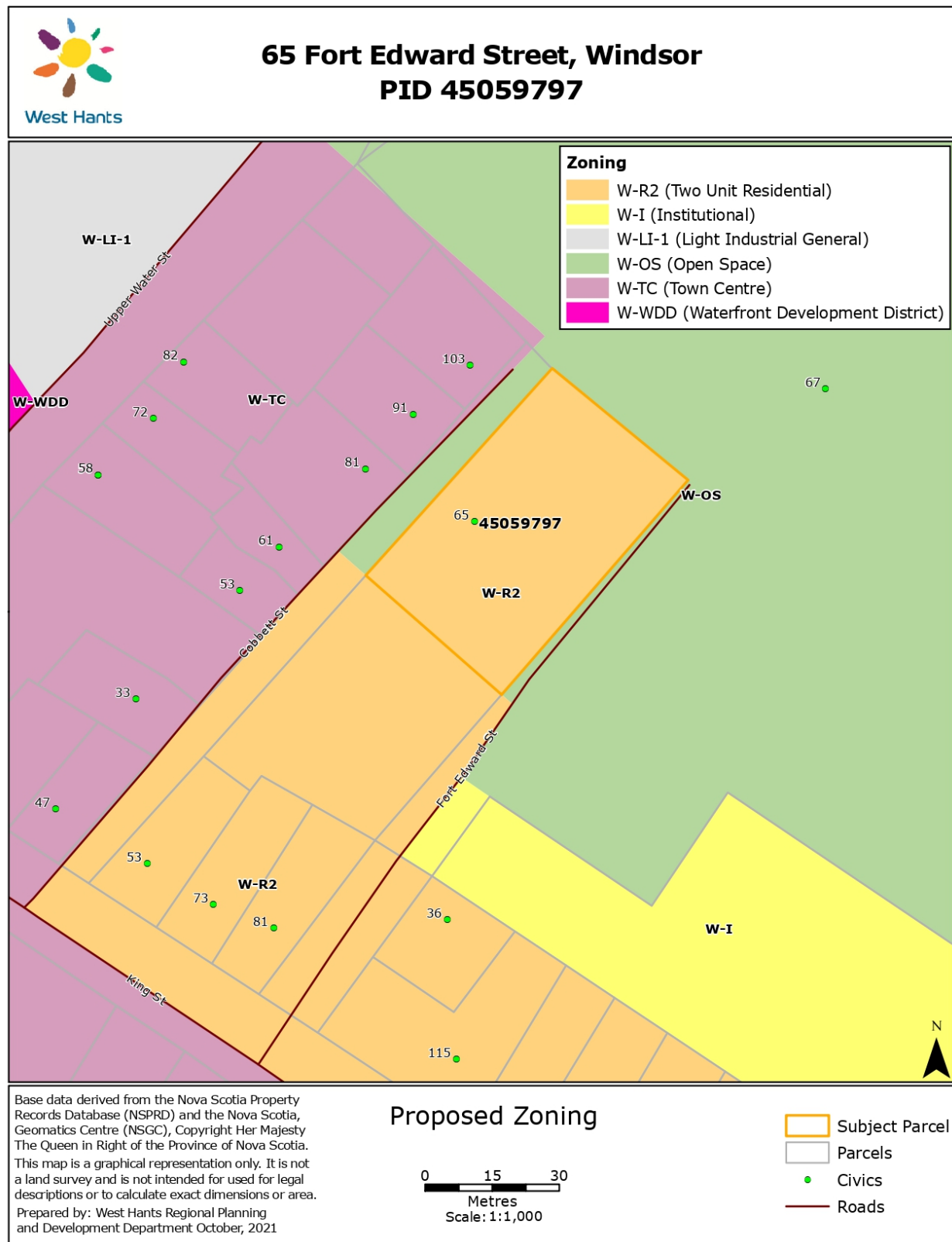


Figure 4 – Windsor Zoning Map Extract: Proposed Zone



Attachment A – Policy Summary

Enabling Policy

Policy 16.1.1 It shall be the policy of Council to review and make amendments to this Strategy:	
(a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);	The GFLUM will need to be updated if a redesignation is permitted by Council.
(b) to bring the Strategy in line with Provincial Statements of Interest; or	The redesignation would address the Statement of Provincial Interest with regard to Housing.
(c) when Council deems it necessary because of a change in policy intentions or the development environment.	Council has deemed this property as surplus and has given direction to the CAO to apply for the proposed changes..

Policy 16.3.1 In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:	
(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 commented that the property is capable of being serviced with water and sewer from Cobbett Street and would be adequate for uses associated with the amendment.
(ii) the adequacy of school facilities;	There are a number of schools within the area including an elementary school, two high schools, and an adult education centre.
(iii) the adequacy of fire protection;	The local Fire Chief and Manager of Building and Fire Inspection Services commented that there are no concerns regarding fire protection. There are multiple points of access to firefighting infrastructure and is located close to the Fire Hall.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Traffic Authority commented that the road networks around or adjacent to the property are sufficient for uses associated with the amendment. The property has access to both Fort Edward Street and Cobbett Street

(v) the financial capacity of the Town to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Traffic Authority commented that they do not have any concerns regarding movement.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that the lot has adequate area and frontage to meet the requirements of the Two Unit Residential (R-2) zone.
(d) the pattern of development which the proposal might create;	There are several properties zoned Two Unit Residential (R-2) near the site. The Development Officer commented that as-of-right development should have little impact on the nearby development.
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;	The property is on a sloped grade, so water runoff may occur; however the property has been landscaped to be suitable for development. The property is also not within the Environmental Constraints layer on the Windsor Zoning Map (Schedule A of WLUB).
(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	All Municipal, Provincial, and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

Supporting Policy

Policy 11.0.1 It shall be the policy of Council to establish a Community Use designation as shown on the Generalized Future Land Use Map (Map 1) to be applied to existing institutional uses, municipal recreation uses and open space areas.	Following the demolition of the former pool site, the use of the property as a vacant gravel lot does not match the intention of the Community Use designation. During the previous request for Expressions of Interest, the only proposal received was for a residential development.
--	--

Policy 11.2.1

It is the intention of Council to establish an Open Space (OS) zone which applies to parks and other outdoor recreation uses, cemeteries, historic sites and similar uses. Generally, open space uses do not involve main buildings, but the zone may also be applied to certain institutional uses, such as museums, which are located on large parcels of land used as parkland.

Following the demolition of the former pool site, the use of the property as a vacant gravel lot does not match the intention of the Open Space (OS) zone. The property is not currently being utilized to the best of its ability.

ATTACHEMENT B
Public Information Meeting Notes
November 8, 2021- November 23, 2021
File 21-15
65 Fort Edward Street, PID # 45059797

Meeting date and time	A public information meeting was held on November 8, 2021 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	21-15
Attending	The PIM was held prior to the regular PAC/JAC meeting. As a result, the following members of PAC/HAC and staff were present: Councillor Jim Ivey Councillor Rupert Jannasch Councillor Mark McLean Councillor Debbie Francis Councillor John Smith Bill Preston Jane Davis Shelley Bibby Jennifer Nicholls Lisa Bland Jamie O’Hanlon Staff: Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner Vanessa Lake, Meeting Secretary Applicant: Mark Phillips, CAO As this meeting was held virtually there were no members of the public present.
Applicant Mark Phillips, CAO	Mr. Dunphy outlined the application for a redesignation and concurrent rezoning at PID 45059797.
WHRM	A presentation was not made by the applicant.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between November 8 – November 23, 2021. Two (2) letters were received, one (1) which requested priority consideration for a period of nine (9) months for the West Hants Historical Society to create a project plan and one (1) which was opposed to the redesignation due to the potential for public land to be developed with heritage and sustainability in mind. Four (4) emails were received, one (1) was in favour of the redesignation to provide additional housing possibilities, and three (3) were opposed to the redesignation based on proximity to the

	National Historic Site, elevation of the property, availability of parking, and potential community use. Four (4) Phone calls were received, with three (3) of the calls prior to the Public Information Meeting. Three (3) of the calls were opposed to the sale or development of the property, citing concerns regarding former Town Council decisions, the quality of development, and sale of the land without public consultation. One (1) call was in favour of the redesignation and was interested in developing the property as housing.
Adjournment	The presentation portion of the PIM ended at approximately 6:10 p.m.

ATTACHMENT A

PIM Submissions: 65 Fort Edward Street

Received: October 28th – November 8th, 2021 (Prior to PIM) & November 9th – November 23rd, 2021

Compiled: November 24th, 2021

Letter

November 16, 2021

Shirley Pineo
President
West Hants Historical Society

281 King Street, Windsor, NS B0N 2T0
Mayor and Councillors of West Hants Council
Chair and Members of West Hants Planning Committee
76 Morison Dr, Windsor, NS B0N 2T0

Dear Mayor, Councillors and Planning Committee Members:

Thank you for considering this letter in the request by Council for development proposals regarding two municipal plots, PIDs 45059797 and 45059805, which abut the western edge of the Fort Edward National Historic Site in Windsor, West Hants, Nova Scotia.

Importance of Fort Edward

101 years ago, in 1920, Parks Canada declared Fort Edward a National Historic Site because of its role in the struggle for predominance in North America from 1750 to the war of 1812. However, the Fort and its location have importance much beyond its above noted role.

Fort Edward is intertwined in every major occurrence and the day-to-day life of our region since before recorded history. For centuries, the Mi'kmaq people knew this place as an ideal area for hunting and fishing. In the 1600s, the Acadians had a chapel on the grounds that became Fort Edward in 1770. Shortly thereafter, in 1755, over 1,000 Acadians were wrongfully deported from the region and an influx of American Planters ensued.

The longest running agricultural fair in North America began over 250 years ago at Fort Edward, and during World War I, the first Prime Minister of the State of Israel trained for military service at the Fort. Today, the

sole remaining built structure of Fort Edward is its blockhouse, prefabricated defense post that is now oldest and longest serving structure of its kind in North America.

Fort Edward National Historic Site is a landmark like none other, having borne witness to and played a crucial role in our collective histories, reminding us of who we are and how far we have come as a community.

West Hants Historical Society

Since the late 1990s, Parks Canada has contracted the West Hants Historical Society to facilitate the visitor experience offered at Fort Edward and contribute valuable input in the overall management of the Site. For its part, Parks Canada oversees the strategic operations of Fort Edward in context to the Fort's relationship with other Parks Canada historic sites throughout Southwest Nova Scotia.

There have been many discussions over the years as to how Fort Edward should be enhanced as a tourism destination, a recreation space, a learning tool to convey historic perspectives and potentially as a contributor to the local economy. The strict archaeological constraints of the Site itself, however, restrict development to take place, meaning that any sort of building or structure to support the Site would need to be placed off the Site on adjacent land not currently managed by Parks Canada.

When Windsor's Centennial Pool (PID 45059805) was decommissioned in 2006 it represented the first opportunity for the Society since entering its contract with Parks Canada to expand the Site's offering beyond its designated borders. Discussions were held with Town staff regarding use of pool's administration building so Site visitors and staff could access the public washrooms, with the remaining space used for artifact displays and minor retail, however, access was not granted.

Later, in 2010, the West Hants Historical Society formally requested Windsor Town Council to entertain development propositions for the above-named properties adjacent to the Fort Edward Site only if the developments were to be sensitive to and supportive of the Historic Site. The request was in response to an expression of interest submitted to Council from a developer proposing high value residential units that would be available for young professionals to rent. After the Society's request, the residential development proposal did not proceed.

In 2016, Parks Canada released its [10-year National Historic Sites of Southwest Nova Scotia Management Plan](#). This document provides a wealth of data in which to aid Parks Canada and stakeholder communities throughout the region to effectively leverage important sites like Fort Edward as destinations at which community members and visitors alike can learn, connect, reconcile, build bonds, share histories, tell our stories, and bridge our differences toward creating a society that is more aware, inclusive, and productive.

As local custodians of the Fort Edward Site, and on behalf of members of the Society, stakeholder groups and area residents who wish to see the Fort Edward National Historic Site play a more relevant role in education, economic development, and facilitating reconciliation within our community, the **West Hants Historical Society proposes to lead a multi-stakeholder, collaborative plan to provide a built structure on the surplus parcels (PID #s 45059797 and 45059805).**

Based on feedback we have received from visitors and community members alike dating back several years, along with initial interest of involvement from stakeholder groups we have approached thus far, we are confident we can deliver to Council a progressive development plan to create a built structure that adds economic value and diverse interest to the existing Site as well as provides a designated space for visitors and community members to gather, learn, enjoy, and reflect.

We therefore request the Municipality of West Hants to **grant the West Hants Historical Society priority consideration for a period of nine months so the Society, its partners, and community stakeholder**

representatives may collaborate on a multi-use, built project plan toward creating a centre that provides for historical and cultural interpretation, commerce, amenities, and public gatherings upon PID plots 45059797 and 45059805.

Signed respectfully,
Shirley Pineo
President
West Hants Historical Society

C.C.

- Kody Blois, MP for Kings Hants
- Melissa Sheehy Richard, MLA for Hants West
- Glooscap Ventures, Glooscap First Nations
- Ted Dolan,, Superintendent, Parks Canada
- Sharmay Beals-Wentzell, Coordinator, West Hants Historical Society Diversity Committee
- Sara Beanlands, Historian, Royal Nova Scotia Historical Society
- Jonathan Fowler, Archeologist, Archaeology in Acadie
- Adrienne Wood and Ashley Wood, Chairs, Windsor Township Business Association
- Lisa Hines, Manager, Windsor Agricultural Society
- 84th Regiment of Foot
- WHHS Facebook page

November 23, 2021

From: Teresa Newcomb
To: Alex Dunphy, Planner
C/C Abraham Zebian
Windsor West Hants

Re: 65 Ft. Edward St
PID 45059797
Request to Redesignate to Residential, Concurrent Rezoning to Two Unit Residential (R-2) zone

See attached letter

Emails

From: Kelly McGregor
Sent: November 1, 2021 11:38 AM
To: Alexander Dunphy <ADunphy@westhants.ca>
Subject: Feedback 65 Fort Edward Street

Hello,
I would like to give feedback on the change of use for the 65 Fort Edward Street.

We would like to strongly support this project. We feel that any additional housing stock is absolutely necessary at this time.

We were contacted because the Portal owns a property in the vicinity.

Regards,
Kelly McGregor

From: Andrea Moore
Sent: November 3, 2021 12:38 PM
To: Alexander Dunphy ADunphy@westhants.ca
Subject: 65 Fort Edward St meeting

Hi Alex,

I would like to virtually attend the meeting about 65 Fort Edward Street.

I also have 3 questions.

1. This property and adjacent 36 Fort Edward are currently listed for sale on Viewpoint, advertised as "lands are zoned R2 which allows for duplex dwellings."

The letter I received states that the redesignation is proposed.

So, is the redesignation already in place or is it in the proposal phase?

2. The properties are listed together for 303,000\$. Why is this meeting about one property only? Is there another different plan for 36 Fort Edward Street?

3. These are large properties. How many duplex dwellings would be permitted on each PID?

Thank you,
Andrea Moore

Hi Alex,

Thank you for your responses to my initial questions.

I do not agree with the rezoning of 65 Fort Edward Street to R2.

It is adjacent to a National Historic Site and as such should receive significant more consideration as to its use, and perhaps more importantly, the lost potential from selling off this unique land.

1. Tourists come and go from this location because of its listing as a National Historic Site...and a free one at that. But they often take a picture and leave within 5-10 minutes, likely on to Grand Pre where there are facilities and an interpretive centre. Any kind of tourist information or interpretation or facilities in a separate building would likely be well received and well visited, encouraging people to stay longer and explore the local area further. This may be a better location for the tourism information bureau given the ample parking, existing stream of visitors, and proximity to the highway.
2. Alternatively, create something of additional value for locals. Why not a community garden on the gravel lot. Or on the grassy area or both. Raised beds could easily be added to the gravel surface and allow for much more substantial use than other areas in town which are limited to one plot. This would provide benefits to many more people than the potentially 2 families from a duplex. There are surely many more options for this location recreation-wise given the proximity to the trail. Enhancing this area could also provide relief to the now marshfront, offering an alternate destination for a lovely walk, with potentially another outdoor gym or playground for families.

3. Personally, I can see residential use for the adjacent property on Fort Edward, but this one is much different. It is very high and large and is split by a road that the public uses. The side on Cobbett Street beneath the gravel is very steep and a building would be an eyesore from that side, assuming that a residential unit would face onto Fort Edward Street. A building, even a two story, would loom large from below, more like a four or five story given the difference in elevation, which is a significant, not a minor, disturbance to the current view, and amount of natural light from my location.

I strongly urge the committee to consider alternative uses for this unique property before it is sold. Or delaying its rezoning for another year. Please also consider splitting the PIDs and selling 36 Fort Edward Street but not 65 Fort Edward Street. This would allow the municipality to make some money from the sale of a property but reserve another to potentially reach many more community members and tourists in a much more meaningful and long lasting way.

Sincerely,
Andrea Moore

From: Denise Forand
Sent: November 9, 2021 5:34 PM
To: Alexander Dunphy <ADunphy@westhants.ca>
Subject: Former pool site, 65 Fort Edward Street

Dear Mr Dunphy,

I feel the name alone says why we should not sell this land or call it surplus.
I don't think there is a home on that short road.

These lands are used for excess parking for the municipal regional office, the fire station, tourist for the Fort and locals who walk the trail, not surplus.

If our new municipality building moves into the economic centre , we will require the parking spaces even more than today.

This Downtown location should be kept for local needs in our future as we have limited lots downtown in our commercial town centre.

What happened to the Jewish museum? They were thinking of that location.

The region is in great financial shape.

We cannot grow more lots downtown, it's a historic 175 year old town.

I firmly believe all councillors and planners should have a slow tour of the architectural district and the reason for different rules for different locations.

Late 1898 would have been when Windsor got rebuilt. No cars in any planner's designs, we had ships, lots of ships and a rail line.

I firmly believe that this land should be held for our own future needs.

Sincerely,
Denise

Thank You Alexander, I am against losing the designation of open space in our town center for residential or commercial on said lots by Fort Edward.

I firmly believe our next pool will be back where our centennial pool was for 50 years, on high ground. This land is too valuable to sell for a measles amount when it's need will be required in the future growth of our township.

Thank You, Denise

From: Don Hurshman

Sent: November 23, 2021 12:47 PM

To: Alexander Dunphy <ADunphy@westhants.ca>

Subject: Just my opinion.

What I think should happen with the 2 parcels of land at the fort is to have a small tourist bureau in the lower parking lot similar to the one that used to be as you drove into Hantsport. And in the upper parcel a splash pad for the small children that are yet too young for the pool, don't forget there are many young families that can't afford to take their children to the pool everyday, having a splash pad would cure that problem. After all this land was deeded to the town for the benefit of the citizens of Windsor and not for the benefit of one developer. There are other lots of land I'm sure where a couple of duplexes could be built.

Thank you for your time

Don Hurshman

Phone Calls

From: Liz Galbraith

Date: October 28, 2021

To: Alexander Dunphy

Ms. Galbraith had concerns regarding former Windsor Town Council decisions to reserve the property for heritage or tourism usage. Ms. Galbraith also had concerns regarding the suitability of infrastructure and neighbourhood character. The Planner replied that they would research former Town Council decisions and that any development would be required to follow all policies and by-laws.

From: G. Fogarty

Date: November 4, 2021

To: Alexander Dunphy

Ms. Fogarty had concerns regarding the quality of development for the property. The Planner replied that the land had yet to be sold and that any development would be required to follow all policies and by-laws.

From: Roaland Newcomb

Date: November 8, 2021

To: Alexander Dunphy

Mr. Newcomb had concerns regarding the sale of public land without public consultation. The Planner replied that the public consultation process had yet to begin and that it would be starting with the Public Information Meeting that night.

From: Kevin Saunders
Date: November 17, 2021
To: Alexander Dunphy

Mr. Saunders was interested about developing the land as residential and was in favour of the redesignation and rezoning.

Staff Comment Response

PIM Comments Response – Nov. 8th, 2021

We have received a number of phone calls from the public about this lot. Generally, the concerns were regarding the public consultation, sale of the land, the quality of future development, former Town Council decisions, the suitability of infrastructure and the neighbourhood character.

In response to these concerns, staff provide the following:

- This application is solely for the redesignation and rezoning of the lot.
- Staff are researching any previous decisions regarding 65 Fort Edward Street by the former Windsor Town Council
- Any sale of this lot is a decision of Council
- All requirements of the Public Participation Policy process have been and will continue to be met
- Any future development on this property will be required to follow the regulations in the Windsor Land Use By-law
- The Municipal Planning Strategy requires aspects such as the suitability of infrastructure and neighbourhood character to be examined as part of the recommendation made by planning staff

Staff have also received a number of emails regarding the Public Information Meeting.

In response to these questions, staff provide the following:

- This application is only dealing with 65 Fort Edward Street. It is currently zoned Open Space (OS) and the application is to rezone the lot to Two Unit Residential (R-2). No decisions have been made yet
- A single or two-unit dwelling would be permitted as-of-right on this lot if the rezoning application is approved

This concludes the comments received so far.

Nov 23/2021

To: Alex Murphy, Planner, Planning Dept.
c/c Abraham Sebian
Windsor West Hants

Re: 65 Ft. Edward St
PID 45059797
Request to Redesignate to Residential,
concurrent Rezoning to
Two Unit Residential (R-2) zone

Dear Sir;

I respectfully must say no to this request for rezoning. I want Windsor West Hants to keep this property for community use. Here's why:

- there is a fantastic opportunity for WWH to create a development that could promote and enhance Fort Edward National Historic Site (FENHS) and the local cultural + Natural History. (In particular the tidal bore + saltmarsh ecosystem of the Avon + St Croix Rivers).
- WWH needs to preserve some land in public (not private) control as a refuge during flood events. (which are happening now due to climate change.) Hilary

RECEIVED

NOV 23 2021

11:40 am

- the site offers commanding views of the beautiful Aron River valley and distant hills of Falmouth, Martock and beyond.
- the orientation of the site with its south-facing slopes lends itself to passive-solar community buildings and active solar electricity generation.
- the site is an important place for the ~~town~~ to manage water runoff (already significant)
- the site, if developed as a community-use, tourist accommodating, environmentally sustainable Centre would be an intelligent investment that would pay LONG TERM dividends

Thousands of tourists already visit Ft Edward every year, but even though they all enjoy the spectacular and RARE 360° views from the Fort, there is and the excellent guidance from the Fort Attendant, there is little to keep these very keen + informed local, provincial, national, N. American and International tourists engaged and able to expand their knowledge of this amazing area.

3/5

- If tourists could go to 95 Ft Edward St and enjoy interpretive information, gift shop, Café with a view, wash rooms and a building and gardens that exemplify good passive solar design, water conservation, soil protection, preserved view planes for FENHS, then they may decide to book overnight accommodation, go downtown for dinner and music, purchase gas, groceries etc in WWT.
- Such a development would also attract planners and designers from other communities to see the thoughtful and forward-thinking, successful, sustainable and lucrative center that WWT had the foresight to build.

Please please please carefully consider these suggestions. I am sure it is very difficult to have to make decisions regarding town properties. I would like to point out that what happens at 65 Ft Edward St. affects much more than the small group of us who live adjacent, since it is used by the whole municipality, province, country and world. Therefore WWT really needs to be a leader in sensitively developing this gem of a property.

Hilroy

So This is why I must say no to the request for rezoning to residential. WWH should not sell this valuable property in which it has already invested heavily over the years. (The thriving pool, costly demolition + filling, and on-going maintenance) WWH should not rezone to residential and be swayed by developers who really do not have the mandate of caring for and leaving a legacy for this community as WWH / you do.

Also, regardless of what happens with this site, I am strongly opposed to any high density housing development (ie: several packed in Two Unit dwellings, or multi use dwellings). I am also strongly opposed to any development that blocks the view planes from FENHS.

5/5

We have many wonderful things to be thankful for here in WWH. I am also Thankful to you, Mr Dunphy, and to all the WWH leaders, workers, staff; for the hardwork you all do. Please have the courage to do something sustainable and environmentally, socially, historically profitable (and actually financially profitable for the spin offs) and keep this very important property for community use and beyond.

Thank you for your careful consideration of this matters.

Sincerely

Teresa Newcomb

Teresa Newcomb
81 A King St,
Windsor NS.

902-798-5143

Attachment B – Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File# 21-15B



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information X	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
---------------	---	---	--

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: 2022-01-13

Subject: Supplementary Report to PAC/HAC - Redesignation and Concurrent Rezoning:
65 Fort Edward Street, Windsor; PID 45059797; File# 21-15B

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

The following motions were prepared and passed by PAC/HAC:

... that PAC/HAC recommends that Council delay First Reading and direct staff to complete their research related to any former Town of Windsor outstanding commitments to heritage projects at the site (PID 45059797).

... that PAC/HAC request staff for comment from the Province of Nova Scotia regarding requirements of the Special Places Protection Act for the site (PID 45059797).

BACKGROUND

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

On December 2nd, PAC/HAC made a motion to request staff to obtain comments from the Province regarding the requirements of the Special Places Protection Act. The committee also requested that staff speak with Johnathan Fowler to ask about LiDAR for the subject lot and

Sara Beanlands for further information about relationship of the Jewish Legion to the site. The responses to each of the inquiries are attached to this report.

DISCUSSION

The CAO is currently requesting proposals from archaeologists to perform a Phase 1 Archaeological Impact Assessment Study as recommended by Catherine Cottreau-Robins, the Senior Curator of Archaeology at the Nova Scotia Museum.

ATTACHMENTS

Attachment A	Email Response from Johnathan Fowler
Attachment B	Email Response from Sara Beanlands
Attachment B1	Attachment 1 to Sara Beanlands Response
Attachment B2	Attachment 2 to Sara Beanlands Response
Attachment C	Email Response from Catherine Cottreau-Robins

Report Prepared by: _____
Alex Dunphy, Planner

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

Attachment A – Email Response from Johnathan Fowler

Alexander Dunphy

From: Jonathan Fowler <fowler@ns.sympatico.ca>
Sent: December 4, 2021 6:05 PM
To: Madelyn LeMay
Cc: Alexander Dunphy; Sara Poirier
Subject: Re: Information Search

Follow Up Flag: Follow up
Flag Status: Flagged

Caution

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

Good evening, Madelyn and team.

I've had a quick scan through my records and, yes, there is good evidence of early colonial occupation in the area you have identified. Probably any property this close to an 18th century fort would have elevated archaeological potential, but we have some additional considerations here:

1. There is a pre-Deportation Acadian parish church here as well, just where the blockhouse now stands (Rob Ferguson and I outline the evidence in ch 8 of *Underground Nova Scotia*, published in 2010);
2. There is a truckhouse (i.e. trading establishment) in the near vicinity, which has some significance for Mi'kmaw history; and
3. There are documented extramural features associated with the early fort in this area, for example those shown on the map below, which includes stables and soldiers' huts.

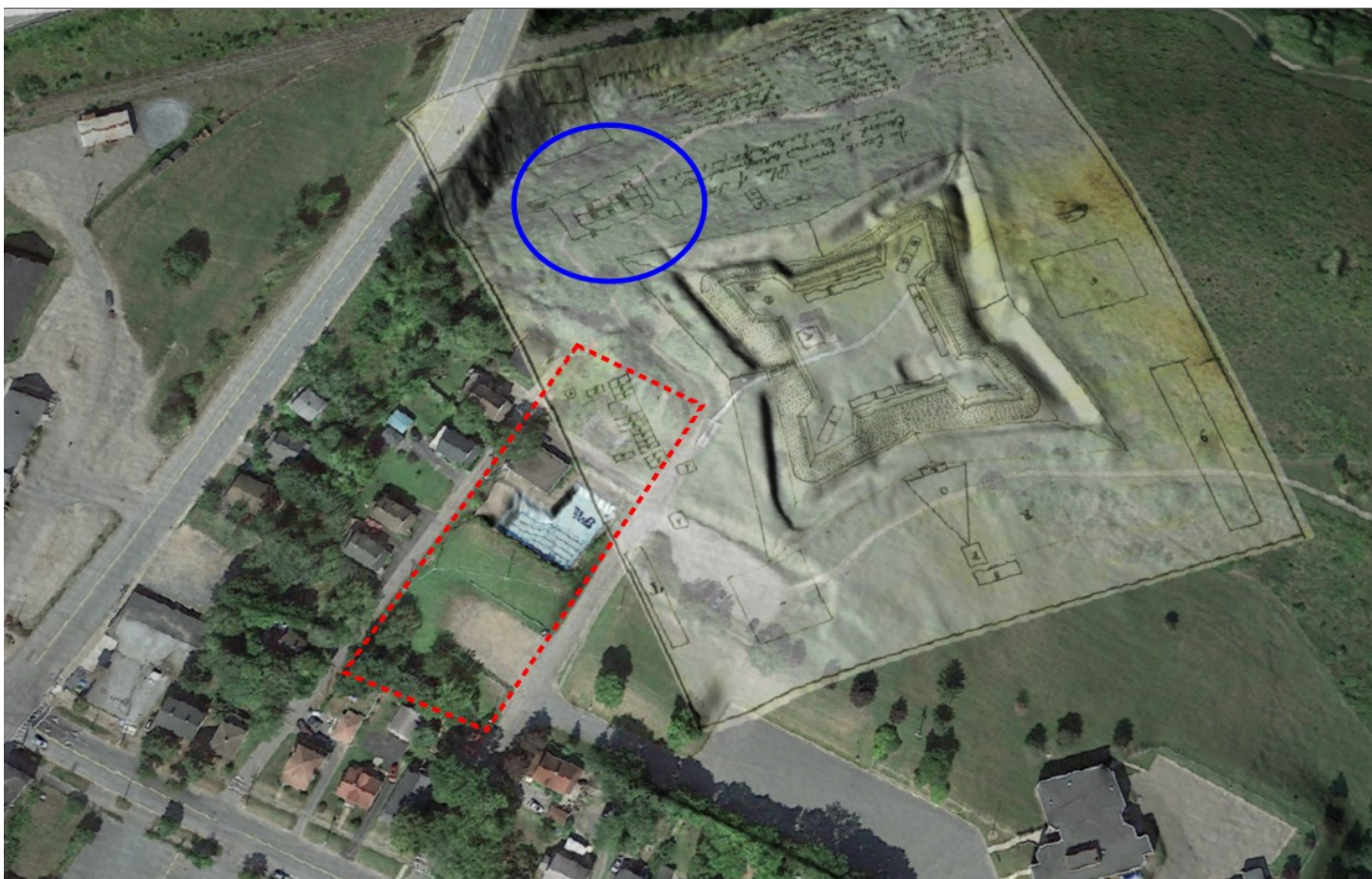
A quick look at the landscape with the aid of 2011 LiDAR data, which gives us the ability to map elevation very precisely (and remove trees and buildings), with the properties in question outlined in the red dashed line:



We can drape 2015 satellite imagery over this 3D model:



And then we can begin to collate a series of historical maps, for example this 1757 plan of the fort from the Clements Library in Michigan:



In this last image, we can see several stables and huts intruding into the northernmost of the two properties in question. Beyond this, in the blue oval, we have the remains of the truckhouse, apparently outside the area of interest, but I have additional evidence placing this complex much closer to the northernmost of the two properties you asked about.

Therefore, I would judge there to be ample evidence at this location (and there is much more of it) to demonstrate elevated archaeological potential. This should probably figure into any future designs for the area, as the provincial Special Places Program will likely require a proper archaeological resource impact assessment and mitigation prior to construction.

Additionally, however, these heritage resources contain potential for development and interpretation. They are unique and authentic (it is difficult to determine their integrity at the moment), and they connect to a network of heritage sites all the way down the valley, including nearby Grand-Pré National Historic Site. There may be some potential for the municipality, working with local stakeholders, to develop these resources and capture some of the tourist traffic that otherwise drives literally right by your doorstep.

So, this is a quick, high-level assessment, and I'd be happy to draw the picture more comprehensively in the new year if that is something the municipality would be interested in. I routinely undertake this kind of work through my consultancy, Northeast Archaeological Research Inc., and we're here if you'd like to discuss this case further.

Best,

Jonathan
902 478-1896

On Fri, Dec 3, 2021 at 10:18 AM Madelyn LeMay <MLeMay@westhants.ca> wrote:

Good morning, Jonathan!

It's been a while, since I have seen you - but I am looking for your help again!

This time, it's in the former town of Windsor.

West Hants Regional Municipality (WHRM) is in the midst of two processes regarding lots on Fort Edward Street:

1. the amendment of the designation on the Future Land Use Map from Community Use to Residential and re zoning in the Land Use By-law from Open Space (OS) to Two Unit Residential (R2) of PID 45059797 ; and
2. the sale of PID 45059797 and PID 45059805 (which is already zoned Two Unit Residential (R2)).

I am wondering if there is any information that you have and would be willing to share with me and PAC/HAC regarding this area? I have made a similar request to Sara Beansland.

Anything you can offer would be really appreciated.

Madelyn



Madelyn LeMay

Director of Planning and Development
West Hants Regional Municipality
PO Box 3000, 76 Morison Drive, Windsor, NS, B0N2T0

T 902-798-8391 Ext. 114
E MLeMay@westhants.ca
W www.westhants.ca

Attachment B – Email Response from Sara Beanlands

Alexander Dunphy

From: sbeanlands@boreasheritage.ca
Sent: December 5, 2021 3:53 PM
To: Madelyn LeMay
Cc: Alexander Dunphy; Sara Poirier
Subject: RE: Lands on Fort Edward Street, Windsor
Attachments: Jewish Legion Memorial_Revised.pdf; Jewish Legion - MOU Request - Final.pdf

Caution

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

Hi Madelyn,

It's been some time now since we were working on this – we have not done much since COVID appeared – and my memory is a bit hazy. But I have attached a couple of letters that were sent to the Windsor Council with respect to the property. We were proposing to establish a “Cultural Pavilion” on the swimming pool site that would highlight the diversity of cultures in Hants County, including the history of the Jewish soldiers (It began as a memorial to the Jewish soldiers but evolved into a broader, more inclusive proposal. I don't think that Council ever responded to our MOU request, however we do have a signed MOU with Parks Canada.

Hope this helps,
Sara

From: Madelyn LeMay <MLeMay@westhants.ca>
Sent: December 3, 2021 10:19 AM
To: sbeanlands@boreasheritage.ca
Cc: Alexander Dunphy <ADunphy@westhants.ca>; Sara Poirier <spoirier@westhants.ca>
Subject: Lands on Fort Edward Street, Windsor

Good morning

I am looking to you for some information. West Hants Regional Municipality (WHRM) is in the midst of two processes regarding lots on Fort Edward Street:

- (1) the amendment of the designation on the Future Land Use Map from Community Use to Residential and re zoning in the Land Use By-law from Open Space (OS) to Two Unit Residential (R2) of PID 45059797 ; and
- (2) the sale of PID 45059797 and PID 45059805 (which is already zoned Two Unit Residential (R2).

During the preparation of the staff report, we made a request to WHRM's Administration Department for any minutes or agreements related to the properties and are waiting for that material. Planning staff became aware only last night during a Planning and Heritage Advisory Committee (PAC/HAC) meeting that you had made a presentation to the former Windsor Town Council; no details were provided.

I am wondering if there is any information that you have and would be willing to share with me and PAC/HAC regarding this area?

Anything you can offer would be really appreciated.

Madelyn



Madelyn LeMay

Director of Planning and Development

West Hants Regional Municipality

PO Box 3000, 76 Morison Drive, Windsor, NS, B0N2T0

T 902-798-8391 Ext. 114

E MLeMay@westhants.ca

W www.westhants.ca

Attachment B1 - Attachment 1 to Sara Beanlands Response



JEWISH LEGION CENTENNIAL SOCIETY

May 21, 2019

Mayor Anna Allen
Town of Windsor
100 King Street
Windsor, Nova Scotia

Re: Jewish Legion Society

Dear Mayor Allen & Councillors,

We are writing to follow up on our meeting with you on Monday, April 8th, 2019.

We firstly want to thank you for taking the time to allow us to provide you with a full presentation on our project to commemorate the presence of the Jewish Legion in Windsor in 1918, and as well to memorialize the warm hospitality extended to the Jewish Legion by the people of the Town of Windsor. This indeed is a significant part of the heritage of the Town of Windsor.

This letter is a formal request to the Town of Windsor to enter into a Memorandum of Understanding with the Jewish Legion Centennial Society to convey to them by way of purchase the old swimming pool site. We look forward to a positive response.

Respectfully submitted,

A handwritten signature in black ink, which appears to read "Jon Goldberg". The signature is fluid and cursive.

Jon Goldberg
Chair, Jewish Legion Centennial Society
Director Emeritus,
Atlantic Jewish Council

Attachment B2 - Attachment 2 to Sara Beanlands Response



JEWISH LEGION CENTENNIAL SOCIETY

June 13, 2019

Re: Jewish Legion Memorial in Windsor, Nova Scotia

Thank you for the opportunity to provide you with further information on the Jewish Legion Centennial Project. The Jewish Legion Centennial Society was formed in 2017 to commemorate the 100th anniversary of the Training of the Jewish Legion in Windsor, Nova Scotia and to establish a permanent memorial to mark the significance of this historic event at Fort Edward.

Although much has been written about the Jewish Legion, the training of the Legion in Nova Scotia is less well known in the chronicles of twentieth-century military and Jewish history, and we believe it deserves a permanent commemoration. Indeed, the formation of the Jewish Legion represents not only the creation of the first modern Jewish military formation, but a social transformation of Jewish communities around the world, particularly those in Canada and the United States. In 1917, the British War Office approved the raising of a Jewish military force to assist the Allied war effort in the Middle East. Shortly thereafter, Jewish recruits from across Canada and the United States assembled at the Imperial Recruits Depot in Windsor, Nova Scotia to begin their training as the 39th Battalion Royal Fusiliers, one of four Jewish battalions, which collectively became known as the Jewish Legion. All North American recruits of the Jewish Legion received initial training at Fort Edward in Windsor, and it was here that a group of immigrant Jewish men became soldiers of the British Imperial Army, thereby creating in the Jewish diaspora a growing sense of unity, purpose and national identity.

Equally as compelling is the underlying story of Jewish recruits' experience in the small rural town of Windsor as the local community supported and comforted members of the Legion, many of whom felt disoriented and isolated from the other troops. During its brief tenure in Windsor, the Legion returned the town's warm embrace and still, to this day, descendants of those brave soldiers recall their fathers' and grandfathers' deep and lasting affection for the Town of Windsor. Windsor's 1918 display of core Canadian values resounded in September 2018 when the unique history of the Jewish Legion was brought to life in a moving commemorative event that attracted considerable and very positive national media attention.

The Jewish Legion Centennial Society seeks to build a memorial to commemorate the soldiers of the Jewish Legion – to honour the service and sacrifice of those who trained at Fort Edward – and to create a meaningful space where people can reflect upon, honour and remember the past – a place of memory for all those who have sacrificed to make this world a better place in which to live. At the same time, it is an opportunity to recognize the spirit and generosity of the citizens of Windsor, Nova Scotia, who in 1917, embraced the sons of immigrant Jewish families from across the United States and Canada, thereby demonstrating intrinsic values of tolerance, inclusion and diversity. There is no such memorial to the Jewish Legion in North America, and it is

only fitting that the Jewish soldiers of the 39th Battalion are recognized and honoured in Nova Scotia. The memorial will include the names of all Jewish soldiers who trained at Fort Edward.

We have collaborated with Talbot Sweetapple of MacKay-Lyons Sweetapple Architects Ltd. to begin design work on the proposed memorial, copies of which are provided below and are currently looking for support to ensure the successful completion of this important project. The details of the history of the 39th Battalion Royal Fusiliers are recounted in the attached article published in the *Journal of the Royal Nova Scotia Historical Society*. Please do not hesitate to contact me if you have any questions or would like additional information (sbeanlands@boreasheritage.ca; 902 483-7999).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'S. Beanlands'.

Sara Beanlands, on behalf of,
Jon Goldberg
Chair, Jewish Legion Centennial Society
Director Emeritus, Atlantic Jewish Council,
and the entire Board of Directors of the Jewish Legion Centennial Society



MacKay-Lyons Sweetapple
Architects Limited

5670 Spring Garden Road, Suite 309, Halifax, NS. B3J 1H6

Journal of the Royal Nova Scotia Historical Society

Volume 21, 2018

The Training of the Jewish Legion in Windsor, Nova Scotia, during the First World War

by SARA BEANLANDS

Read before the Royal Nova Scotia Historical Society 15 March 2017

The very idea of establishment of a Jewish Legion ... was in the nature of a revolution in the life of the Jewish people dispersed as it was among the nations of the world...¹

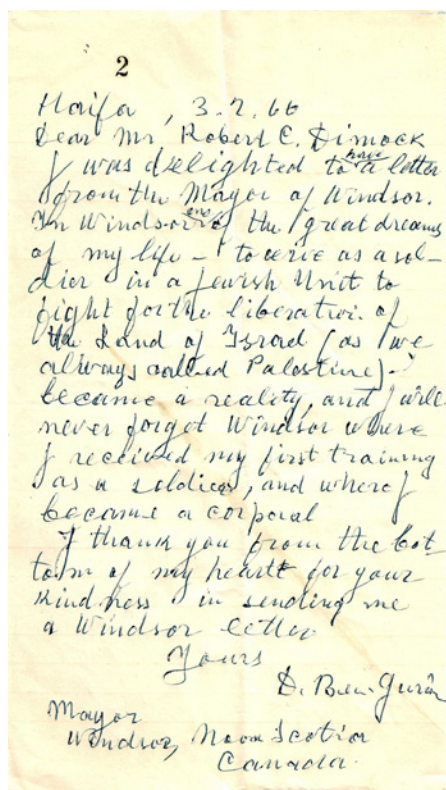
As Bernard Joseph, a prominent Israeli cabinet minister, expressed in 1967, the formation of the Jewish Legion represented not only the creation of the first modern Jewish military formation, but a social transformation of Jewish communities throughout the world. These events would become part of the reshaping of the Middle East after the First World War. In 1917, the British War Office approved the raising of a Jewish military force to assist the Allied war effort in the Middle East. Shortly thereafter, Jewish recruits from across Canada and the United States assembled at the Imperial Recruits Depot in Windsor, Nova Scotia to begin their training as the 39th Battalion Royal Fusiliers. One of four Jewish battalions, they collectively became known as the Jewish Legion. Among the recruits were David Ben-Gurion, Yitzhak Ben-Zvi and Bernard Joseph, all of whom played significant roles in Israel's development. Although much has been written about the Jewish Legion and its role in the Zionist movement, the training of the Legion in Nova Scotia is less well known in the chronicles of twentieth-century military history.² Indeed, all North American recruits of the Jewish Legion received initial training at Fort Edward (in Windsor) and it was there that a group of displaced immigrant Jewish men became soldiers of the British Imperial Army. This transformation created in the Jewish diaspora a growing sense of unity, political purpose and national identity. This paper will explore the experience of the Jewish Legion within a small transit training camp in rural Nova Scotia, largely through the experiences of David Ben-Gurion, who would later have a fundamental role in creating the modern Jewish state of Israel.

In 1966, Robert Dimock, Mayor of the Town of Windsor, wrote a letter to Ben-Gurion, who by then had been the first Prime Minister of the State of Israel, serving from 1948 until (with one short break) 1963. Although the original letter has been lost, Ben-Gurion's response, torn from the pages of his enumerated notebook, has been preserved:

Dear Mr. Robert C. Dimock,

I was delighted to have a letter from the Mayor of Windsor. In Windsor, one of the great dreams of my life—to serve as a soldier in a Jewish Unit to fight for the liberation of the Land of Israel (as we always called Palestine) became a reality, and I will never forget Windsor where I received my first training as a soldier, and where I became a Corporal. I thank you from the bottom of my heart for your kindness in sending me a Windsor letter.

Yours, D. Ben-Gurion³



Letter written to the Mayor of Windsor, Robert C. Dimock, by David Ben-Gurion. (Private Collection of the Dimock Family)

Ben-Gurion was 80 years old when he wrote these words, and it would seem the Mayor's letter offered him pause for reflection. Perhaps, in the closing years of his life, the letter carried with it not only the postmark of Windsor, Nova Scotia, but receding memories of his youth. Whatever his reason for responding, his words reveal a lasting fondness for Windsor, where nearly a half century earlier, he and his Jewish compatriots awaited their call to arms.

Born in Płońsk, Poland in 1886, Ben-Gurion's childhood was dominated by Zionist ideology, which emerged in the late nineteenth century, particularly after the tsarist regime imposed civil restrictions throughout the Pale of Settlement and condoned the pogroms of anti-Jewish violence within the Russian Empire.⁴ He was introduced to Hebrew by his grandfather at the age of three, and was educated in a Hebrew school established by his father, Avigdor Grün.

By the age of 14, Ben-Gurion (who was born David Grün) led a Zionist youth group, “Ezra,” whose members promoted Hebrew studies and emigration to the Holy Land. He was fascinated by Zionism and later admitted: “I can hardly remember a time when the idea of building what we used to call ‘Eretz Israel,’ or the Land of Israel, wasn’t the guiding factor of my life.”⁵ Thus, although it would be easy to assume that he had always endorsed the formation of a Jewish fighting force, this was not the case. In fact, he had been an outspoken opponent of the initial scheme—and he was not alone. “A Jewish regiment is an absurdity,”⁶ declared Samuel Daiches, a well-known Zionist rabbi, whose sentiment was echoed in the *Jewish Daily News* of October 1914, in which it was described as “a piece of folly that would neither shed glory on the Jewish people nor bring practical benefit to the Zionist movement.”⁷

While studying law in Constantinople in 1912, Ben-Gurion and his companion, Yitzhak Ben-Zvi, volunteered for service in the Turkish army. They believed the raising of a Jewish force under the auspices of the western Allies would endanger not only those Jews who had settled in Palestine under the Ottoman regime, but the future of the Zionist movement.⁸ But when Ottoman authorities began arresting and expelling Jewish residents in 1914, Ben-Gurion found himself in a Jerusalem prison awaiting deportation, with ample time to reconsider his fidelity to the Ottoman Empire. He would eventually arrive in New York in May of 1915, and three years later, having definitively switched sides, boarded a train bound for Nova Scotia, as a recruit of the newly formed 39th Battalion.⁹

Although the formation of a Jewish fighting force during the First World War was a notion espoused by some prominent and influential members of the Zionist movement, the desire to recruit a Jewish military contingent was not exclusively motivated by Zionist ideology, nor was it endorsed by the executive of the Zionist Council. Rather, the origins of the Jewish Legion are to be found in a convergence of factors and multiple interests that go beyond the national aspirations of the Diaspora Jewry.¹⁰ Among contributing factors was the existence and extent of social discrimination within Britain and other European countries in the early twentieth century. Despite the great number of non-conscripted Jews who responded to the British call to arms in 1914, and although many served and died on the battlefields of Europe alongside their non-Jewish compatriots, charges of “disloyalty, cowardice, and unmanliness” were common.¹¹ These denunciations were rooted not only in anti-Semitism, but were also fueled by misplaced assumptions regarding the perceived failure of Jews to participate in the war effort.¹² Many of those living in immigrant enclaves in the United States and Canada, however, were unnaturalized residents, thus unable to serve without declaring their intention to become citizens.¹³ Beyond a desire to demonstrate loyalty to the British Empire, the creation of a unified Jewish military force would serve to silence those who had branded the Jewish “constitutionally unfit as soldiers.”¹⁴ Orthodox Jews seeking to enlist had resisted for other

reasons as well, including their requirement to eat kosher food and to be among other Jews for prayer. A specific Jewish unit would allow these Jewish immigrants to join the British forces without compromising their religious beliefs.¹⁵

Opposition, however, came not only from officials in the British War Office, but also from leaders of the World Zionist Organization, who adhered to the existing policy of neutrality and did not approve of militant Zionism. Parallel undercurrents of resistance existed within Jewish communities where assimilation to British and American society had been obtained, or was desired.¹⁶ Furthermore, many Jewish immigrants had fled Russia and other Eastern European countries to avoid conscription, and felt no obligation to support a cause to which tsarist Russia was allied.¹⁷ Indeed, the debate over Jewish military service in the First World War polarized the Jewish community, and these divisions decelerated attempts to form a specific Jewish fighting force.¹⁸

Nevertheless, Zionist ideology and the belief in the “liberation of the Promised Land” were motivating factors for potential recruits. The expansion of the war to involve Turkey and Palestine provided opportunity for service that furthered Zionist and British military objectives alike. Although Vladimir Jabotinsky, Joseph Trumpeldor and others recommended the raising of a Jewish unit to fight alongside British troops for the liberation of Palestine in 1915, British military authorities would consider nothing more than a transport and supply unit.¹⁹ The resulting Zion Mule Corps, comprising 650 Jewish soldiers under the command of Colonel John Henry Patterson, provided an opportunity for a distinct form of Jewish military service not unlike the creation of the No. 2 Construction Battalion, authorized as a segregated non-combatant labour unit of the Canadian Expeditionary Force in 1916, to accept African-Canadian volunteers.²⁰ While the Zion Mule Corps was ostensibly a transport unit rather than a fighting formation, it was a symbolic, if not tangible, step towards inclusion of Jewish soldiers in the allied forces.²¹

Efforts to organize a Jewish military force were stalled until 1917, at which time a combination of political developments in Britain, the prospect of the United States entering the war and military events overseas set the stage for the War Cabinet’s decision to recruit a Jewish regiment.²² Shortly thereafter, the British government issued the Balfour Declaration, interpreted by many as an official endorsement of a Jewish national home. The underlying rationale, however, was to secure Jewish support for the Allied war effort, which manifested itself in a propaganda campaign, particularly in the United States. Britain’s policy toward Zionism under Prime Minister David Lloyd George, motivated by a combination of anti-Semitism and the endless need for additional troops, nevertheless created a political platform from which Jabotinsky could realize his dream of a Jewish Legion.²³

Enrolment efforts then began in earnest. The core of the first battalion, officially known as the 38th Battalion, Royal Fusiliers, was made up of former members

of the Zion Mule Corps and volunteers from Jewish enclaves in Britain, many of whom had emigrated from Russia and were well aware of the anti-Jewish ideology that accompanied the Bolshevik Revolution.²⁴ In North America, recruitment centres were established in New York, Philadelphia, Boston, Pittsburgh, Cleveland, Detroit, Chicago and Montreal, with troops being drawn from across the continent and beyond, as far south as Argentina and Brazil.²⁵ All male non-citizens of the United States, and citizens of allied and neutral countries, between the ages of 18½ and 45 were eligible; though American citizens of draft age were not permitted to join.²⁶ Contingents of recruits, some numbering as many as 500, left every three weeks for Windsor, Nova Scotia, for in-transit training at Camp Fort Edward. The first unit of 150 to 200 men left New York on February 27, 1918 as part of the newly-formed 39th Battalion, and in May, the first group of Jews residing in Canada joined the American recruits in Nova Scotia.²⁷ Ben-Zvi, who would later serve as the Jewish state's second President, left for Windsor with the fourth group in early May, while Ben-Gurion enlisted with the fifth group, leaving Boston later that month and arriving at Fort Edward on June 1, 1918.²⁸

The formation of the Legion was recalled by the volunteers as a time of great excitement, particularly in the United States, where lively celebrations attended their departure from every city. Ben-Gurion wrote to his wife that before boarding the train in Boston, he and his fellow recruits marched through the streets accompanied by music, flags and cheering crowds.²⁹ They were received with enthusiasm at every stop and when the train passed through Bangor, Maine, it was flagged down to enable those who lined the tracks the opportunity to embrace the Legionnaires.³⁰ For those living in immigrant enclaves in the United States and Canada, this public display of appreciation contributed to a sense of empowerment among individual recruits, greatly improved the patriotic image of the American Jew and led to the development of a collective sense of belonging and shared purpose.³¹

As an idealistic and self-assured young man, Ben-Gurion was already well known in Jewish circles, and in a letter to his wife, Paula, he described his experience as the train pulled into Portland:

The moment I came out of the carriage, and the crowd saw me, they lifted me up and shouted 'Hurray!', and when I managed with difficulty to free myself, they caught hold of me again and carried me high above the heads of hundreds of people who had gathered next to the railway station.³²

On board, the mood was also one of enthusiasm, and Ben-Gurion was amazed that his new comrades did not tire of singing, dancing and playing jokes.³³ By the time they reached Nova Scotia, however, fatigue had started to set in: "We spent the night in the small town of Truro" Ben-Gurion recalled:

There we stayed in the hotel. We had to leave Truro at 6:40 a.m., and we begged the hotel proprietor to wake us promptly at five. And of course he promised to do so. But he didn't wake us until half-past six, and we jumped out of bed as if we had been stung. We were dressed within ten minutes and just about managed to reach the train in time. We got there literally at the last minute.³⁴

Later that morning, the train rolled into the Windsor railway station, where the reception was more subdued. Ben-Zvi was there to greet the new recruits and marched them in military formation to the Imperial Recruits Depot at Camp Fort

Edward. They were accompanied by some applause, but as Ben-Gurion noted, without any singing. Nevertheless, the presence of Ben-Gurion was greatly anticipated, and news of his arrival spread quickly. "From all sides they came to shake my hand" he wrote, "The whole camp knew I was coming, and they waited for me impatiently."³⁵

Fort Edward had been established by British forces in 1750 and had functioned as a stronghold throughout the Seven Years' War. Although it remained in service during the American Revolution and the War of 1812, its strategic importance steadily declined, and the facilities gradually fell into ruin. By the late nineteenth century, most of the original buildings had disappeared.³⁶ Following the outbreak of the First World War, however, Fort Edward became one of numerous facilities across the country used to train local recruits for the Canadian Expeditionary Force (CEF). When the 112th Overseas Infantry Battalion departed for England in July of 1916, it became the first local military unit from Fort Edward to go to war since the American Revolution.³⁷

The role of Fort Edward expanded in late September of 1917, when the Imperial Recruits Depot, which was initially located at Camp Aldershot in Kentville, was transferred to Halifax to accommodate non-Canadian volunteers for the British Expeditionary Force (BEF).³⁸ Recruits were quartered in the Halifax Armouries



David Ben-Gurion, photograph taken in Windsor in 1918. (Army Museum, Halifax Citadel)

under the command of Major John Walkley, formerly in charge of the Jewish Legion recruiting centre in Boston. But, two months later the massive Halifax Explosion resulted in major damage to the Armoury building and the Imperial Recruits Depot was moved to Windsor, with Major Walkley still in command.³⁹

When Ben-Gurion arrived on the first of June 1918, the only remaining structures of the original fort were the Blockhouse and the Officers' Quarters. But there were already about 400 Legionnaires in camp and as he cast his gaze across the large open compound, there were bell tents "stretched as far as the eye could see."⁴⁰ He was now a *bona fide* soldier, Private D. Ben-Gurion, No. 3831, Platoon 11 of the Jewish Legion. "My first day in camp has been so rich in experiences and fresh impressions that I hardly know where to begin," he confided in a letter to his wife, whom he had married only a few months before his departure. "I feel drunk with my new life. Everything here is better, more pleasant and more interesting than I thought it would be or expected ... True enough there is an iron military discipline here. Yet for some reason I feel myself much freer and less inhibited than I have ever done before."⁴¹

Less than three weeks later, however, the reality of a soldier's life at Camp Fort Edward seems to have set in. "I am not a free man," he complained, "I'm a soldier. And a soldier can't always do what he would like."⁴² Evidently, the "iron military discipline" to which he referred was delivered by a Sergeant-Major who was a "gold mine of unprintable English." In the words of one Jewish recruit:

I am indebted to him for a world of picturesque and inimitable abuse which I had known to abound in the Russian language, but whose existence in the mother tongue of Shakespeare and Tennyson I had not suspected. That first lesson enriched my vocabulary far more than my knowledge of drill.⁴³

The daily routine began at 05:30 with reveille, followed by roll-call and a wash and mandatory shave before breakfast. The men were then engaged in physical training, followed by military drill until lunch. There was more training in the afternoon, after which there was mail call and dinner. In the evening, there were special courses for non-commissioned officers, while regular troops were able to stroll the streets of Windsor or visit the YMCA.⁴⁴

The Legionnaires included men from all walks of life, with a broad range of backgrounds and personalities. Indeed, the main feature of the Jewish recruits was their heterogeneity.⁴⁵ As Roman Freulich recorded in his memoirs,

Most were ardent Zionists, but among them were also men who were seeking adventure, running away from their wives or from their creditors. The caliber of men ranged from high to low: from gentle idealists who hated war, to men of violent passions who enjoyed the idea of combat and danger.⁴⁶

Others were simply naïve, as was the case of one young soldier who was recruited in a Chicago coffee shop. Although he had no idea where Israel was, nor did he have any understanding of Zionism, the recruiting officers enticed him into service by assuring that his name would be written in a Golden Book, covered with precious stones and kept in magnificent palace in Paris. This appealed to the young man and he signed up on the spot. But his experience was disappointing, if not disillusioning, and, in the end, he concluded: "I don't care about their Golden Book. I just want home and that's it."⁴⁷

With no military experience and, indeed, no country for which to fight, the Jewish recruits felt isolated from the other troops. Although their tents were only "twenty five or thirty feet away from those of the British rookies" there was a clear separation between them.⁴⁸ There was an "indefinable something" that kept them apart.⁴⁹ For Elias Gilner, a veteran of the Jewish Legion and soldier at Fort Edward, "the invisible barriers" stemmed from "our religion, our heavy accents and, above all, our 'idealism'."⁵⁰ Gilner understood the underlying tension and described the situation in his book, *War and Hope: A History of the Jewish Legion*:

We were going toward a homeland while these boys had been sent far away from home. We were pursuing a dream that would infuse new life into a long-dispersed people; they were being driven to chase a myth that was draining their lifeblood away.⁵¹

Ben-Gurion also observed some animosity in camp. The Legionnaires, he wrote, "dance and make merry, sing Jewish songs and behave as if they were in the 'old country' and not in Canada. The non-Jews sit silently and look on in amazement—and I suppose also in annoyance—at these wild dances and noisy songs in a strange language."⁵² Though fist fights periodically broke out, altercations were apparently kept within the confines of the camp. In line with improving physical fitness, and possibly morale, the recruits were encouraged to participate in a variety of sporting events. In early spring of 1918, the local newspaper recorded that the "boys are looking forward to the opening of the playing field, and are already arranging baseball and football teams."⁵³ Evidently, the Jewish recruits excelled at baseball, winning by margins that embarrassed the other battalions to the point where, after one lopsided game, a brawl broke out that had to be settled by the officers.⁵⁴

At the age of 32, Ben-Gurion found military life, the fresh air, and the smell of the grass appealed to him, and two weeks after his arrival he felt fully adjusted to the conditions at Fort Edward. "My health is first rate" he wrote, "I'm tanned, and the skin on my face has peeled off. I'm certainly much healthier than I was before, because of the daily marching ... and the open-air life."⁵⁵ Although most of the volunteers came from urban centres and were unaccustomed to strict military



Jewish Legion at the Imperial Recruits Depot, Fort Edward. Yom Kippur, 1918. (Detail)
Image Credit: Army Museum Halifax Citadel

discipline, this physical transformation spread throughout the camp. According to Private Louis Fischer, this new environment had:

given a new lease of energy to the legionnaires. Sallow cheeks have become ruddy, eyes open and brighten; movements are smarter and snappier... Five hours' daily drill is a nerve tonic, a muscle developer, an appetizer and a sleep producer. Here we can see what proper and normal living conditions mean to the Jew.⁵⁶

While their fitness level increased, so too did their complaints about the food. Breakfast consisted of white bread and coffee; lunch was soup, a “good helping” of meat and bread, and dinner included bread and butter and coffee or tea.⁵⁷ According to one recruit, the sugarless tea contained saltpeter and “tasted like dishwater.”⁵⁸ Nevertheless, the training and camp life brought discernable improvements to the overall fitness and general well-being of these mostly urban recruits.

In general, despite anti-Semitism and xenophobia that was common in Canada at the time, there appears to have been good rapport between the Jewish Legionnaires and the local community of Windsor. In the words of Gilner, the townsmen and the farmers in the surrounding country were “sympathetic and considerate.” He recalled that “once, on a warm day when we were returning from an arduous assignment, our party stopped at a farmhouse to ask for a drink of water. In no time at all the farmer appeared with a bucket full of foaming fresh milk.”⁵⁹ The townspeople also offered support to the Jewish recruits by marking their customs and special occasions. Perhaps the best example of this was the celebration of the Jewish New Year on September 6, 1918 when 500 Legionnaires held a sit-down banquet in the Windsor Opera House. More than a hundred prominent Canadian and British officers and men were in attendance, as well as the Mayor and other town officials.⁶⁰ This was probably the largest kosher dinner held in Nova Scotia to that date.⁶¹

The soldiers also contributed to the local community. During the early summer of 1918, troops in training at Fort Edward, including the Jewish Legion, “rendered good service in helping to extinguish some fierce forest fires which raged in the district for over a week, and were instrumental in saving a large number of farms and homesteads from destruction.”⁶² One of these farms was Castle Frederick, located in Falmouth, and the home of Major W.F.D. Bremner, who was second in command at Fort Edward. According to Major Bremner’s grandson, James Bremner, who still lives at Castle Frederick, David Ben-Gurion was among the soldiers who helped fight the fire and was quartered at the farm that still stands today.

Ben-Gurion quickly made his presence known to both his compatriots and his superiors. He joined and chaired a committee of Legionnaires that negotiated with Major Walkley for improvements at the camp and was surprised to find the commander approved their requests at once. This resulted in an overall improvement in the meals, their own kosher kitchen, ritual slaughterer, butcher and cooks.⁶³ He also improvised a library and a place to write letters in the camp itself, consisting of a large tent with a few tables and a cupboard for books.⁶⁴ The willingness to grant these special requests was a reflection of the desire of senior officers to accommodate the Jewish troops during their time at the camp. According to the Major, “everything possible was done so as not to interfere with their strict religious views,” although this treatment did not go unnoticed by the British recruits, who complained that the Jewish soldiers were given special privileges.⁶⁵

Ben-Gurion’s status in camp also brought him more responsibility than the average soldier. He was tasked with listening to complaints and dealing with any Jewish recruit who felt he had been mistreated. “My popularity here makes things difficult” he wrote: “Almost nothing happens in camp which is not brought to me.”⁶⁶ This popularity may have prompted the Sergeant-Major to suggest he be promoted, only thirteen days after his arrival. But Ben-Gurion strongly objected, explaining

that he was a representative of the company in Windsor and that as a private he had greater authority among the men than he would have if he became a corporal. The sergeant replied that he understood, and so it came as a surprise when Ben-Gurion learned, later that same day, that an order had been published announcing his promotion to corporal.⁶⁷

"I have not agreed to take this post" he complained, "and unless they force me to accept it because of military discipline, I won't do so." Meanwhile, the camp was buzzing with the news of his promotion and his refusal, which might have enhanced his moral authority among the men. Three days later, he seemed resigned to the fact that, whether he liked it or not, he could not remain a private, and on June 15 reluctantly wrote that "by next week, I'll probably be a corporal."⁶⁸

Given his reference to the rank of corporal in his letter to Mayor Dimock, one can assume that, despite his initial trepidation, he later took pride in this achievement. And in fact, he seems to have enjoyed the intellectual stimulation that accompanied his promotion. "I have become a student again" he wrote, "But this time I am being given lessons not in school or university but underneath the blue skies, sitting in the green grass in an open field..."⁶⁹ During his time in Windsor, Ben-Gurion's leadership skills improved and his influence grew.

The diverse nature of the Jewish troops, in terms of their social class, educational background and personal motivations, was a distinctive characteristic of the Legion at Camp Fort Edward.⁷⁰ Ben-Gurion was able to refine his leadership style, his rhetoric and his actions in this diverse context. "In this camp" he wrote,

there are all the types to be found among the Jewish people, from the most lofty-minded idealists and the highly educated to coarse and evil-minded individuals, born criminals: one can hear things which can only be heard in the underworld and the lowest strata of society. There are also intrigues and insults, and some of the Legionnaires seem to respect nothing, neither God nor Satan. What is strange is that the only person in camp whom they respect and will listen to is yours truly... There is one fellow here who has been in camp for only ten days but who has already been in the military jail twice. He is not afraid of anything, and boasts that he has been in Sing-Sing and that no one can control him when he gets into a fight. But one word from me and this fellow calms down and sits quiet as a lamb. Because of this they come to me every moment of the day with a complaint or a request, until I wish sometimes that I was just an ordinary soldier and that no one would bother me.⁷¹

If he had arrived at the train station in Windsor already well-known and respected in the Jewish community, at Fort Edward he began to develop the skills of a political

leader. This is demonstrated by his influence on both the men with whom he trained and the superiors under which he served. When the troops noticed that the Jewish flag was not flying with those of Canada, Britain and Australia for the 1918 Dominion Day parade through Windsor, Ben-Gurion did not hesitate to approach the Major and demand this oversight be corrected. The Major obliged at once.⁷²

Ben-Gurion spent little over a month in Windsor. His final letter from Fort Edward is dated July 9, 1918, in which he stated that he would be leaving the next morning. For weeks, he had been anticipating his call, and although time had passed quickly, he had grown impatient. Notwithstanding the brevity of his sojourn in Nova Scotia, it was an important and transformative moment in the life of a man who would become one of the most significant political leaders of the mid-twentieth century.

The experience was transformative for the troops as well. In a period of ascending nationalism, a dispersed refugee population was able to imagine creating a new state for themselves, through their armed force. Jewish enclaves across the United States and Canada fused behind them, promoting the development of a uniquely North American Jewish identity.⁷³ Upon leaving Windsor, one recruit recalled, “our Jewish army went marching toward the railway station, lifting our three beloved flags: the Jewish, the American and the British. We marched proudly, singing national songs. On the way we received blessing from the local inhabitants, including women who wiped their tears.”⁷⁴

Having left Fort Edward, members of the 39th battalion went to the Regimental Depot at Crown Hill barracks, near Plymouth in southern England, which was the permanent holding and training area for the Royal Fusiliers.⁷⁵ Here, the Legionnaires received 13 weeks of additional, and more rigorous, military training prior to being posted to conflict areas in Palestine. Although the first Jewish contingent from North America reached England in early April of 1918, the recruitment cycle was extended so that some of the Jewish volunteers were, in fact, still receiving their initial training at Fort Edward at the time of the armistice with Turkey. From England, they were sent to various military holding facilities outside Cairo, where members of the Jewish battalions received additional training before being sent to Palestine. Eventually, both the 38th and 39th battalions were deployed to the front lines and fought in the Jordan Valley during the latter stages of the war. Members of both battalions were among the British troops who marched into Jerusalem with Turkish prisoners in the fall of 1918.⁷⁶ The Legion suffered significant losses during the campaign in Palestine, both from military action and malaria, and was disbanded shortly after the armistice with Germany. Yet, the historical significance of the Jewish Legion lies more in its symbolism to the Jewish people, than in its military contributions during the First World War.

The formation of the Jewish Legion was, in the words of Martin Watts “a transitional moment between Jewry’s existence solely as a Diaspora and the formation

of a Jewish nation state being placed on the international political agenda.”⁷⁷ For Bernard Joseph, a Canadian volunteer who trained at Fort Edward “the recruitment and actual existence of such a Jewish Legion was decisive proof of the existence of a Jewish People, since it entailed, in a measure, the normalization of the people.”⁷⁸ And as Robert Levin, the grandson of Philip Petrovsky—who had also trained at Fort Edward—recently wrote: “It is always important for those of us born after the birth of Israel to remember that for 1900 years, the Jewish people were stateless and defenseless. These brave men, just 100 years ago, decided to change that equation forever. We are in their debt for their efforts.”⁷⁹

This was, of course, just one strand of historical memory among the many and often conflicting retrospectives that have attended the complex consequences of the creation of the modern state of Israel. Yet, in ways of which historians have previously taken little account, the sojourn in Nova Scotia impacted on the trajectory of Zionism and on the personal role that Ben-Gurion would take later in the twentieth century. Although the initial military training the Jewish Legion received in Windsor was similar to that in other transit training camps, Fort Edward was the backdrop against which a displaced immigrant population attempted to advance the ambitions of a stateless nation and to begin the construction of a new identity through the creation of a fighting force.

ENDNOTES

- 1 Shlomit Keren and Michael Keren, “The Jewish Legion in the First World War as a Locus of Identity Formation,” *Journal of Modern Jewish Studies*, 6: 1 (2007), 81-82.
- 2 See Roman Freulich, *Soldiers in Judea, Stories and Vignettes of the Jewish Legion* (New York: Herzl Press, 1964); Elias Gilner, *War and Hope: A History of the Jewish Legion* (New York: Herzl Press, 1969); Vladimir Jabotinsky, *The Story of the Jewish Legion* (B. Ackerman, 1945); Zachariah Kay, “A Note on Canada and the formation of the Jewish Legion,” *Jewish Social Studies*, 24: 3 (1967), 171-7; J.H. Patterson, *With the Judaeans in Palestine* (London: Hutchinson & Co., 1922); Alan Sillitoe, “Patterson the Zionist,” *Jewish Quarterly*, 28: 4 (no. 105), 16-18; Patrick Streeter, *Mad for Zion: a Biography of Colonel J. H. Patterson* (Harlow: The Matching Press, 2004); Martin Watts, *The Jewish Legion and the First World War* (New York: Palgrave MacMillan, 2004).
- 3 David Ben-Gurion to Robert Dimock, 3 July 1966, Dimock Family Private Collection.
- 4 Watts, *The Jewish Legion and the First World War*, 2.
- 5 David Ben-Gurion, *Memoirs* (World Publishing Company, 1970), 34.
- 6 Elias Gilner, *War and Hope: A History of the Jewish Legion* (New York: Herzl Press, 1969), 107.
- 7 Joshua H. Neumann, “The Jewish Battalions and the Palestine Campaign,” *American Jewish Yearbook*, 21 (1920), 121.
- 8 Watts, 20.
- 9 Michael Keren and Shlomit Keren, *We are Coming, Unafraid: The Jewish Legions and the Promised Land in the First World War* (Lanham: The Rowman & Littlefield Publishing Group, Inc., 2010), 5.

- 10 Jonathan Katz, "Constructing a Jewish Legion for Canadians," *Dorot: The McGill Undergraduate Journal of Jewish Studies* (The Jewish Studies Students' Association of McGill University), 9 (2007), 117.
- 11 Keren, *We are Coming, Unafraid*, 3.
- 12 Ibid., 4.
- 13 Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 69-70.
- 14 Ibid.
- 15 Keren, *We are Coming, Unafraid*, 5; Gilner, 19; Watts, 3.
- 16 Watts, 5.
- 17 Watts, 47; Gilner, 89-90; Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation", 70.
- 18 Watts, 47.
- 19 Watts, 22-23.
- 20 See Calvin Ruck, *The Black Battalion 1916-1920—Canada's Best Kept Military Secret* (Halifax: Nimbus Publishing, 1987).
- 21 Brian Denis, *The Seven Lives of Colonel Patterson: How an Irish Lion Hunter Led the Jewish Legion to Victory* (Syracuse: Syracuse University Press, 2008), 221.
- 22 Keren, *We are Coming, Unafraid*, 5; Watts, 83.
- 23 Keren, *We are Coming, Unafraid*, 5.
- 24 Brian, 103; Watts, 82-84.
- 25 Gilner, 169.
- 26 Ibid., 151.
- 27 Gilner, 152; Brian, 239; Neumann, 127-128.
- 28 Gilner, 179-180.
- 29 David Ben-Gurion, *Letters to Paula*, trans. Aubrey Hodes (London: Vallentine, Mitchell, 1971), 1.
- 30 Ibid., 1,3
- 31 Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 69-70.
- 32 Ben-Gurion, 3.
- 33 Ibid.
- 34 Ibid., 3-4.
- 35 Ibid., 4.
- 36 Judith Tulloch, "Fort Edward: Guide Briefing Notes" (Undated Manuscript).
- 37 Judith Tulloch, "Fort Edward NHS: Confirmation and Clarification of National Historic Significance," (Undated Manuscript), 4.
- 38 Tulloch, "Fort Edward NHS", 9; L.S. Loomer. Windsor, Nova Scotia: A Journey in History (Windsor: West Hants Historical Society, 1996), 286.

- 39 "History of the Imperial Recruits Depot," *The Hants Journal*, November 20, 1918, 2. See also A. Ruffman & C. Howell, *Ground Zero: A Reassessment of the 1917 Explosion in the Halifax Harbour* (Halifax: Nimbus Publishing, 1994).
- 40 Gilner, 187-188.
- 41 Ben-Gurion, 2-3.
- 42 *Ibid.*, 13.
- 43 Gilner, 189.
- 44 Ben-Gurion, 5-6, 18-19, Gilner, 190.
- 45 Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 70, 72.
- 46 Roman Freulich, *Soldiers in Judea: Stories and Vignettes of the Jewish Legion* (New York: Herzl Press, 1964), 31.
- 47 See Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 73.
- 48 Gilner 190-191.
- 49 *Ibid.*, 190.
- 50 *Ibid.*
- 51 *Ibid.*
- 52 Ben-Gurion, 6.
- 53 "British Expeditionary Forces," *The Hants Journal*, April 24, 1918, 1.
- 54 "Notes From Imperial Recruits Depot, Fort Edward," *The Hants Journal*, June 5, 1918, 1.
- 55 Ben-Gurion, 8.
- 56 See Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 78.
- 57 Ben-Gurion, 6.
- 58 Gilner, 188.
- 59 Gilner, 190.
- 60 "Jewish New Year at Fort Edward," *The Hants Journal*, September 1, 1918.
- 61 Loomer, 294.
- 62 "History of the Imperial Recruits Depot," *The Hants Journal*, November 20, 1918, 2.
- 63 Ben-Gurion, 12.
- 64 *Ibid.*, 13.
- 65 "History of the Imperial Recruits Depot," *The Hants Journal*, November 20, 1918, 2.
- 66 Ben-Gurion, 23.
- 67 *Ibid.*, 8.
- 68 *Ibid.*, 8, 12.
- 69 *Ibid.*, 14.
- 70 Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 70, 72.

- 71 Ben-Gurion, 23.
- 72 *Ibid.*
- 73 Keren, “The Jewish Legion in the First World War as a Locus of Identity Formation”.
- 74 *Ibid.*, 76.
- 75 Gilner, 154.
- 76 Keren, *We are Coming, Unafraid*, 6; Neumann, 130.
- 77 Watts, 241.
- 78 Keren, “The Jewish Legion in the First World War as a Locus of Identity Formation,” 81-82.
- 79 Pers. Com. September 2018.

Attachment C – Email Response from Catherine Cottreau-Robins

Alexander Dunphy

From: Cottreau-Robins, Catherine M <Catherine.Cottreau-Robins@novascotia.ca>
Sent: December 7, 2021 9:59 AM
To: Madelyn LeMay; shelleybibby@gmail.com
Cc: Alexander Dunphy; Sara Poirier; Cormier, John Kenneth; Cross, Anna
Subject: RE: Lands Abutting Fort Edward, Windsor

Caution

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

Hi Madelyn,

We have reviewed our information here and an archaeological assessment is recommended for the properties before any kind of development or ground disturbance activity. We have 3 archaeology sites recorded not far from the lots. In addition, we ascribe elevated potential for additional archaeological resources for the general area (both historical and pre-contact or Mi'kmaq archaeological resources). We know generally that this area in Windsor was well known and well used in both the recent and distant past.

An archaeological assessment should include a thorough background desktop study as well as field reconnaissance of the properties and possibly some exploratory shovel testing, if the archaeologist on site deems shovel testing as an informative method. I know there has been development in the area however that does not negate the possibility of the presence of buried archaeological materials. We have a list of archaeological consultants in good standing with the province that we can share if needed.

Yours,

Katie

Katie Cottreau-Robins, PhD
Senior Curator Archaeology, Nova Scotia Museum
Department of Communities, Culture, Tourism and Heritage

From: Madelyn LeMay <MLeMay@westhants.ca>
Sent: December 6, 2021 3:23 PM
To: Cottreau-Robins, Catherine M <Catherine.Cottreau-Robins@novascotia.ca>
Cc: Alexander Dunphy <ADunphy@westhants.ca>; Sara Poirier <spoirier@westhants.ca>
Subject: RE: Lands Abutting Fort Edward, Windsor

** EXTERNAL EMAIL / COURRIEL EXTERNE **

Exercice caution when opening attachments or clicking on links / Faites preuve de prudence si vous ouvrez une pièce jointe ou cliquez sur un lien

Thanks very much, Katie - I would appreciate being kept in the loop. Both Jonathan Fowler and Sara Beanlands have provided some information which we'll pass along to PAC/HAC and Council.

Madelyn



Madelyn LeMay

Director of Planning and Development
West Hants Regional Municipality
PO Box 3000, 76 Morison Drive, Windsor, NS, B0N2T0

T 902-798-8391 Ext. 114
E MLeMay@westhants.ca
W www.westhants.ca

From: Cottreau-Robins, Catherine M <Catherine.Cottreau-Robins@novascotia.ca>
Sent: Monday, December 6, 2021 3:16 PM
To: Madelyn LeMay <MLeMay@westhants.ca>; Cormier, John Kenneth <John.Cormier@novascotia.ca>
Cc: Alexander Dunphy <ADunphy@westhants.ca>; Sara Poirier <spoirier@westhants.ca>
Subject: RE: Lands Abutting Fort Edward, Windsor

Caution

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

Hi Madelyn,

Thank you for your email. We are likely going to recommend an archaeological assessment given the locations of the properties. We have been in touch with Shelley Bibby who contacted us last week. Our GIS analyst is compiling some info for our review. We can keep you in the loop.

Yours, katie

From: Madelyn LeMay <MLeMay@westhants.ca>
Sent: December 3, 2021 3:21 PM
To: Cottreau-Robins, Catherine M <Catherine.Cottreau-Robins@novascotia.ca>
Cc: Alexander Dunphy <ADunphy@westhants.ca>; Sara Poirier <spoirier@westhants.ca>
Subject: Lands Abutting Fort Edward, Windsor

**** EXTERNAL EMAIL / COURRIEL EXTERNE ****

Exercice caution when opening attachments or clicking on links / Faites preuve de prudence si vous ouvrez une pièce jointe ou cliquez sur un lien

Hi, Katie

I am looking to you for some information. West Hants Regional Municipality (WHRM) is in the midst of two processes regarding lots on Fort Edward Street:

- (1) the amendment of the designation on the Future Land Use Map from Community Use to Residential and rezoning in the Land Use By-law from Open Space (OS) to Two Unit Residential (R2) of PID 45059797 ; and
- (2) the sale of PID 45059797 and PID 45059805 (which is already zoned Two Unit Residential (R2)).

I have written both Jonathan Fowler and Sara Beansland asking for any information they are able to provide, as I was not working with Windsor when apparently the development of the lot for heritage purposes was being considered, so I have very little background on it.

My main question is what requirements there would be under the Special Places Protection Act for anyone proposing development of the lots. One lot was the former swimming pool site and has apparently been “remediated” somewhat recently and the second lot has been used for parking for some time.

Anything advice would be really appreciated!

John Cormier was also mentioned - I was unable to find his information on the CCH website. If you think it is relevant, could you send this email along to him?

Madelyn



Madelyn LeMay

Director of Planning and Development

West Hants Regional Municipality

PO Box 3000, 76 Morison Drive, Windsor, NS, B0N2T0

T 902-798-8391 Ext. 114

E MLeMay@westhants.ca

W www.westhants.ca

**Attachment C – Revised Fort Edward Street Archaeological Resource Impact Assessment – Dr.
Johnathan Fowler**

Fort Edward Street
Archaeological Resource Impact Assessment
HRP A2022NS013



Prepared for: West Hants Regional Municipality
Prepared by: Jonathan Fowler
12 April 2022

EXECUTIVE SUMMARY

In late 2021, the West Hants Regional Municipality retained Northeast Archaeological Research Inc. to conduct a Phase 1 Archaeological Resource Impact Assessment of two contiguous properties at 36 and 65 Fort Edward Street, Windsor, for the purpose of evaluating their archaeological potential.

Our study examined recorded archaeological sites in the Maritime Archaeological Resource Inventory (MARI), published histories, aerial photography, and archival records (cartographic and documentary) from local, national, and international repositories. A pedestrian survey was conducted on 12 February 2022 to examine surface conditions and collect survey points to assist in georeferencing historical maps.

Our assessment concludes that these properties very likely contain archaeological resources associated with Mi'kmaw, Acadian, and British activities dating from the early colonial period and possibly earlier. This meeting point of major rivers and terminus of major portage routes linking the Fundy system to the Atlantic coast was long inhabited by the Mi'kmaq and their ancestors. By the mid-18th century, the Mi'kmaq regularly frequented a trading post (or truckhouse) adjacent to the properties in question. It was one of only six posts in the region that functioned as part of the 1760-61 Treaties of Peace and Friendship between the Mi'kmaq and the British Crown.

In 1722, the Acadians built a parish church just uphill from the two properties. The British demolished it to make way for Fort Edward in 1750. Between 1755 and 1763, Fort Edward functioned as a prison for hundreds of Acadians caught up in the deportations.

Significant fort infrastructure was located outside the ramparts and 18th century maps indicate that some of these structures stood in the properties in question. The northernmost of the two properties is also within the viewplane Parks Canada identifies as essential to the commemorative integrity of Fort Edward National Historic Site. From 1765 and up to recent times, the two properties were the site of the Windsor Agricultural Fair, Canada's oldest, which was designated a national historic event by the Historic Sites and Monuments Board of Canada in 1935.

Construction on these properties in the 20th century has likely impacted the integrity of some archaeological resources, but material cultural evidence is almost certainly still present, some in secondary contexts.

Based on these findings, it is recommended that any future construction activities on these properties be subject to a thorough Phase 2 Archaeological Resource Impact Assessment prior to ground disturbance, including engagement with the Mi'kmaw and Acadian communities.

CONTENTS

Executive Summary.....	i
Contents.....	ii
List of Figures	ii
List of Tables	iii
1.0 Introduction	1
2.0 Development Area	2
3.0 Study Area.....	14
4.0 Methodology.....	16
5.0 Resource Inventory	18
6.0 Resource Evaluation.....	30
7.0 Results and Discussion	37
8.0 Interpretation.....	41
9.0 Evaluation of Research.....	42
10.0 Conclusions and Recommendations.....	42
11.0 References	45

LIST OF FIGURES

Figure 1: Study area location map.	1
Figure 2: Detail of a 1737 map of the Pesikik area.....	4
Figure 3: Map of pre-Deportation Acadian hamlet sites near Fort Edward.....	5
Figure 4: John Hamilton's view of Fort Edward from the west , 1753	6
Figure 5: Commission appointing Isaac Deschamps truckmaster at Fort Edward	7
Figure 6: Detail of part of the Councillors' Grant of former Acadian lands.....	10
Figure 7: Flora Macdonald (1722-1790), painted by Allan Ramsay in 1749.....	11
Figure 8: Detail of an 1879 map showing four buildings at Fort Edward.....	12
Figure 9: The burning of the 18 th century officers' quarters and aftermath.....	13
Figure 10: Map of the study area.....	14

Figure 11: Fort Edward and Windsor in the Regency period.....	15
Figure 12: Detail of a map of Windsor in 1829	16
Figure 13: Bare earth LiDAR hillshade model of the Fort Edward area.....	17
Figure 14: Archaeological features beneath the blockhouse floor	18
Figure 15: Magnetic susceptibility map of the interior of Fort Edward.	19
Figure 16: Detail of a 1686 map of Port-Royal showing ecclesiastical features.....	20
Figure 17: 3D LiDAR model with simulated tidal flooding showing cemetery	21
Figure 18: Georeferenced 1757 plan of Fort Edward showing military infrastructure	23
Figure 19: Georeferenced 1779 plan of Fort Edward showing buildings.	24
Figure 20: Photograph of the garrison cemetery and associated willows	24
Figure 21: A 1929 aerial photo showing old willow trees.	25
Figure 22: Edward Wight's 1757 plan of Fort Edward	26
Figure 23: A cadastral plan showing the location of the truckhouse.	27
Figure 24: A 1934 fire insurance plan showing the Exhibition Grounds.	28
Figure 25: A 1929 Air photo of Fort Edward and the Exhibition Grounds.....	29
Figure 26: Georeferenced 1945 aerial photograph of Fort Edward	29
Figure 27: Maps of Fort Edward's viewplane	31
Figure 28: John Winslow reading the Deportation Order to Acadians.....	33
Figure 29: Historical scenes from the agricultural fair.....	35
Figure 30: Archaeological potential map showing the locations of former structures....	38
Figure 31: LiDAR data of the study area with profiles indicating variations in relief	40

LIST OF TABLES

Table 1: Mi'kmaq in the vicinity of Fort Edward, 1763.....	9
--	---

1.0 INTRODUCTION

In late 2021, the West Hants Regional Municipality retained Northeast Archaeological Research Inc. to conduct a Phase 1 Archaeological Resource Impact Assessment of two contiguous properties, 36 and 65 Fort Edward Street, in Windsor (**Figure 1**). This assessment finds that the properties very likely contain significant archaeological resources relating to Mi'kmaw, Acadian, and Anglo-American communities and traditions. This report describes investigations conducted under Category C Heritage Research Permit A2022NS013 and is formatted according to reporting procedures prescribed by the Nova Scotia Department of Communities, Culture, Tourism, and Heritage.¹



Figure 1: Study area location map. The two properties in question are enclosed by the dashed yellow lines. SOURCE: Google Earth, February 2016.

¹ Reporting Procedures, Archaeological Resource Impact Assessment (Category C):
<https://cch.novascotia.ca/sites/default/files/inline/documents/archaeologicalresourceimpactassessmentnc.pdf>

2.0 DEVELOPMENT AREA

Biophysically, the development area is part of the Carboniferous Lowlands Theme Region (511 Windsor Lowlands) (Davis and Browne 1996, 2:10). Surficial geology maps place Fort Edward Hill in a silty till plain (ground moraine) whose topography is characterized as “[f]lat to rolling, [with] few surface boulders,” and in which the till is “thick enough to mask bedrock undulations.” These materials, furthermore, “generally provide the best agricultural land in the province, moderate drainage and stoniness; [and] moderate to good buffering capacity for acid rain because of transported calcareous bedrock components” (Stea, Conley, and Brown 1992). As we will see, this soil’s ability to support agriculture contributes directly to a major aspect of the study area’s heritage significance. The underlying bedrock consists of Windsor Series rock (limestone, gypsum, shale, and sandstone) associated with the Mississippian, or early Carboniferous, period (Cann, Hilchey, and Smith 1954, 8–9).

2.1 Indigenous presence

The Windsor area is situated in the traditional Mi’kmaw district of *Sipekne’katik* (Sable and Francis 2012, 21). Historic period Mi’kmaw inhabitants referred to the Avon River estuary as *Pesikik* (“to flow splitwise”), referencing the confluence of the Avon and St. Croix rivers, each of which connected to major portage routes linking the Minas Basin and greater Fundy system to the Atlantic Coast.²

There is no direct archaeological evidence of ancient human activity in Fort Edward’s immediate neighbourhood recorded in the Maritime Archaeological Resource Inventory (MARI), but this almost certainly reflects the incomplete coverage and/or lack of archaeological surveys rather than the extent of the actual archaeological resource.³ In other words, the absence of evidence in this case is certainly not evidence of absence.

A major Indigenous village dating mainly to the Maritime Woodland Period has been identified at St. Croix (BfDa-01) (Deal 2016, 91). This well-studied site has in fact revealed artifacts spanning 3000 years, encompassing the Late Archaic, Maritime Woodland, Proto-historic, and early historic periods, making it one of the most long-lived Indigenous habitation sites in the region. It is also a rare example of a site possessing well-dated contexts and abundant palaeobotanical evidence, allowing important inferences to be drawn about the local ecology and foodways (Deal 2016, 121–25; Milner 2014).

² Mi’kmaw Place Names Digital Atlas, <https://placenames.mapdev.ca/>

³ As we will see below, there is antiquarian testimony of at least one Mi’kmaw cemetery near Fort Edward Hill, but the sites in question have not been registered in the MARI.

Less well-preserved Indigenous sites and isolated finds have been recorded at the head of tide on the Avon River, at BfDb-09 and BfDb-22 respectively, the latter suggesting an Archaic presence. Further Archaic evidence has been traced on the upper reaches of the West Branch Avon River (BfDb-03) and at the source of the Avon at Falls Lake and Mockingbird Lake, where a complex of Indigenous sites spanning the Archaic and Maritime Woodland period is recorded (e.g. BfDb-12-18, 20-21).

Although Parks Canada's archaeological excavations at Fort Edward have not revealed material cultural evidence of Mi'kmaw sites⁴ (e.g. Ferguson 1987), only a small area has been excavated to date and it is focused mainly on the ground enclosed by the 1750 British fort. At a minimum, the MARI evidence demonstrates that the upper reaches of the rivers converging at Windsor sustained settlement by the Mi'kmaq and their ancestors for millennia. Passing this way countless times, their habitual movements through the landscape in part explain the British government's desire to militarize Pesikik in the mid-18th century. We will return below to the subject of historic period Mi'kmaw activity at Fort Edward Hill and its vicinity.

2.2 French presence

In the 1680s, French farming families from Port-Royal began moving to the Minas Basin area (Les Mines), their activities at Pesikik beginning with Étienne Rivet and Marie Comeau, who settled across the Avon River near Mount Denson (Fowler 2001; 2006b). Within a decade or so, immigrants were dyking the tidal marshes along each of the major rivers in this district (Duncanson 1983; Clark 1968; R.-G. LeBlanc 2005). The Acadians, in keeping with their generally positive relations with the Mi'kmaq, retained the Mi'kmaw place name, which appears in colonial-era documents in French and English as Pigiguit, Pisiquid, and Pisiquit. Colonial records from the French regime demonstrate that the Mi'kmaw presence at Pesikik persisted after the arrival of the Acadians. The 1687-88 census of Gargas, for example, which was almost certainly incomplete, counts 50 Mi'kmaq among the 114 French inhabitants of Les Mines (Morse 1935, 1:145–49). The symbology of a 1737 map suggests wigwams at Pesikik (**Figure 2**), while a 1748 account of the country notes that 300-400 Mi'kmaq make the journey from the Atlantic coast to see the French priest at Pesikik.⁵ By this time, there were two Acadian parish churches in the district: Sainte-Famille at Falmouth, established in 1698, and Notre-Dame-de-L'Assomption at Fort Edward Hill, established in 1722 (Bujold 2004, 68–71).

⁴ Robert Ferguson, Parks Canada Archaeologist (retired), personal communication 24 January, 2022.

⁵ Anon. 1748. "Mémoire sur l'Acadie," Archives nationales d'outre-mer (ANOM), COL C11D 10, p.3.



Figure 2: Detail of a 1737 map of Acadie appearing to show wigwams in the Pesikik area. The portage route connecting Pesikik to Kjiptuk (the great harbour), the future site of Halifax, is labelled as a *chemin*. It was an Acadian drove road at this time. At lower right. SOURCE: Anon. 1737. "Carte de la coste du N[ord] et du S[ud] de l'Arcadie et de l'île St Jean," Bibliothèque nationale de France (BNF), département Cartes et plans, GE SH 18 PF 132 DIV 2 P 13/1. A cruder and perhaps slightly older version of this map exists, and it shows similar symbology: Anon. 1737. "Carte des côtes de l'Acadie, Iles Royale, St Jean..." BNF, département Cartes et plans, GE SH 18 PF 132 DIV 2 P 13.

An ecclesiastical summary census of the French population of Pesikik counts 150 families in 1731.⁶ The population reportedly exceeded 1600 in 1737 but appears to have dropped sharply after the founding of Halifax in 1749, when perhaps as much as half of the Acadian population departed for new settlements in French controlled territory (R.-G. LeBlanc 2005, 170–71; Johnston 2004, 67). The inhabitants no doubt found the British military presence challenging, particularly after 1750, when Charles Lawrence established Fort Edward on the site of the parish church of Notre-Dame-de-L'Assomption (Fowler and Ferguson 2010). The British deported 981 Acadians from Pesikik in 1755, using Fort Edward as a base of operations and a prison (R.-G. LeBlanc 2005, 171).

⁶ Anon. 1731. "État de l'Acadie pour le gouvernement ecclésiastique," ANOM, COL C11A 107, pp. 235-236.

There is no evidence of colonial-era French domestic activity on Fort Edward Hill. Pesikik is relatively well mapped in the 18th century, and abundant cartographic and documentary evidence places the village sites elsewhere (Fowler 2001). Some of these sites have been explored archaeologically (Deal 2001; Fowler 2005; 2006b; 2006a; 2013; Preston 1991). **Figure 3** summarizes most of the known locations of Acadian hamlets in the area. Although imperfect⁷, the evidence is sufficiently complete to probably discount Fort Edward Hill as a site of intensive domestic activity.⁸ As noted above, however, the hill was the site of the parish church of Notre-Dame-de-L'Assomption.

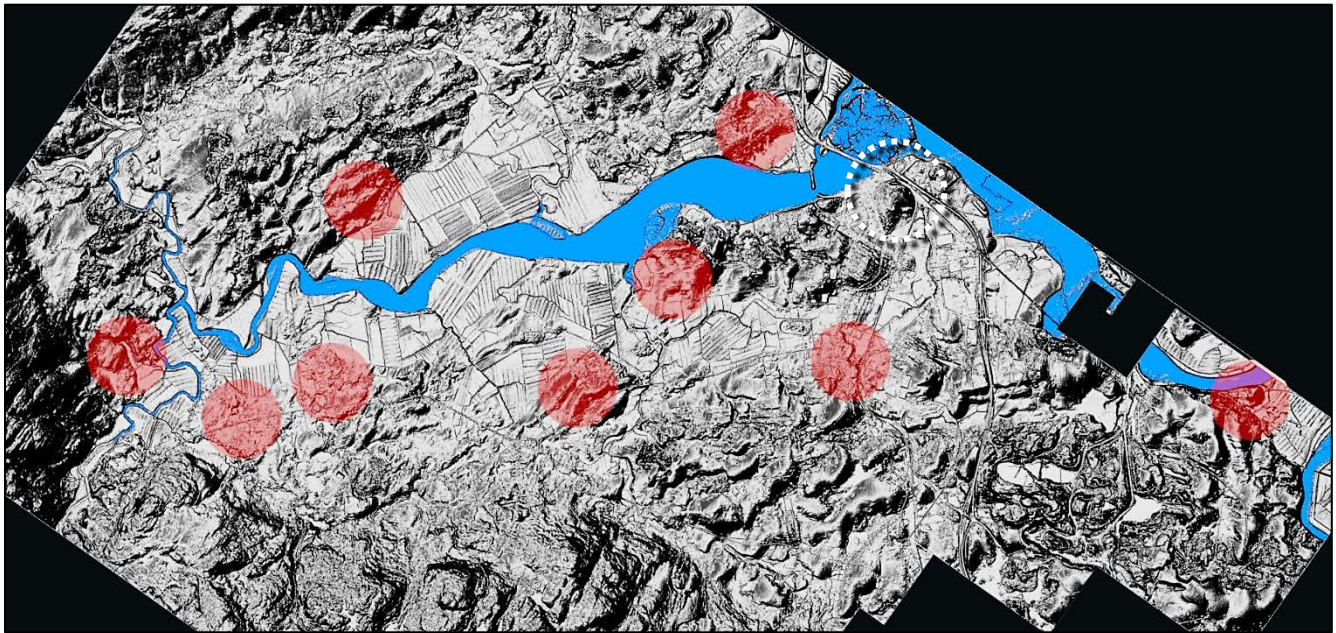


Figure 3: Map of most of the known pre-Deportation Acadian hamlet sites near Fort Edward as derived from historical and archaeological evidence and plotted on 2018 LiDAR hillshade. Fort Edward is highlighted by a dashed white circle at upper right. SOURCE: Province of Nova Scotia.

While the establishment of a British garrison at Fort Edward in 1750 certainly upset the status quo, it also brought opportunities. The troops required provisions and firewood, and colonial records contain many references to Acadians supplying these needs before 1755. Edward Cornwallis hired Acadian labourers to cut a road from Halifax to Pesikik in late 1749 (Halifax's Windsor Street is its terminus) (Akins 1895, 19; MacKenzie 2002, 175), and by approximately 1752 Joshua Mauger, a Jersey-born merchant, shipowner, and eventual politician, had established a

⁷ This is the subject of an upcoming research publication (Fowler in prep.)

⁸ However, it should be noted that most of the mapping allowing us to plot pre-Deportation Acadian villages post-dates the establishment of Fort Edward in 1750, which may have erased some features of the Acadian landscape.

trading post – or truckhouse⁹ – on the slope next to Fort Edward (Chard 1979) (**Figure 4**). Mauger traded in slaves and in Caribbean sugar and was already the official victualler to the Royal Navy in Nova Scotia by this time; the appearance of his truckhouse at Fort Edward coincides with the establishment of his rum distillery in the Halifax suburbs (Chard 1979). The soldiers' thirst for rum was unquenchable, and Mauger was nothing if not enterprising.



Figure 4: British officer John Hamilton painted this view of Fort Edward from the west in 1753. The truckhouse complex is shown as a palisaded enclosure at left (circled). SOURCE: "View of Fort Edward on the Piziquid River, Nova Scotia." Library and Archives Canada (LAC), Acc. No. 1996-361-3.

The truckhouse also catered to Acadian and Mi'kmaw clients and was administered by Isaac Deschamps, an English immigrant thought to be of Swiss heritage, after about 1754. When Mauger departed Nova Scotia for England in 1760, Governor Lawrence brought Deschamps into government employment (**Figure 5**). The Fort Edward truckhouse from this period played an official role as part of the Crown's treaty obligations to the Mi'kmaq (Wicken 2002, 198–200).¹⁰

⁹ Truck, from the French *troquer*, meaning to shop, barter, exchange, derives from the medieval Latin *trocare*. In 18th century British America, the term truckhouse denoted "a store-house for trading with Indians; also, any storage building." *Oxford English Dictionary*.

¹⁰ Treaty scholarship and jurisprudence treat this subject extensively, for the truckhouse provisions inform questions today surrounding Mi'kmaw access to markets, for example in the moderate livelihood fishery.

Some historical context is needed to understand this development and its heritage significance.

As White has shown in his study of the French Empire in the Great Lakes region, the French state lacked the power necessary to impose its will in North America. It therefore sought to achieve its political aims instead through a complex network of alliances with Indigenous peoples. These alliances followed the logics, metaphors, and customs of the country more than European norms. Political influence in the Indigenous context was partly a function of largesse. Governor de Beauharnois and Intendant Hocquart explained it in a 1730 letter to a home government that perennially griped about the expense: "You know, Monseigneur, that all the [Indigenous] nations of Canada regard the governor as their father, which in consequence, following their ideas, he ought at all times to give them what they need to feed themselves, clothe themselves, and to hunt" (White 1991, 180). A similar system developed in the Atlantic region, where in the early 18th century Louisbourg became the main source of diplomatic gifts and trade goods. Many historians with justification see Louisbourg's final capture by Anglo-American forces in 1758 as having consequently dealt a severe blow to the Mi'kmaw economy (Dickason 1971; MacFarlane 1938; Upton 1979, 57; Reid 2004, 678).

The Treaty of Peace and Friendship of 1752, negotiated by Chief Jean-Baptiste Cope and Nova Scotia Governor Thomas Peregrine Hopson, was the first of its kind in our region with a truckhouse provision, and it is an early sign of a Mi'kmaw community's effort to establish economic stability independent of the imperial French cause. The British agreed by this treaty to build a truckhouse at Shubenacadie (Akins 1869, 673), but the rapid return of hostilities appears to have prevented its construction. Informal trade at Mauger's private truckhouse at Pesikik may have fulfilled this function intermittently until peace was formally reestablished in 1760.

The treaties of 1760-61 finally established a lasting peace between the Mi'kmaq and the British Crown. With the French Empire in North America essentially eliminated, Mi'kmaw leaders now saw regulated access to the British market as an

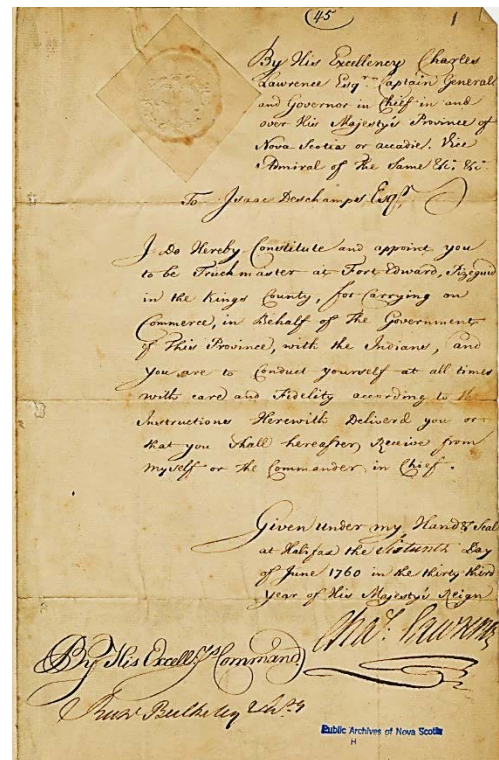


Figure 5: Commission appointing Isaac Deschamps truckmaster at Fort Edward, "for Carrying on Commerce, in Behalf of the Government of this Province, with the Indians." NSA, MG 1 vol. 258 no. 1.

essential part of their community's economic wellbeing; thus, it became a condition for peace. The Cope-Hopson truckhouse provision from the 1752 Treaty reappeared in an elaborated form as British officials committed to establishing a network of government-regulated truckhouses across the region. Six were set up in total, each overseen by a government-appointed truckmaster (Hutton 1983, 65).¹¹ ***The Fort Edward truckhouse and Isaac Deschamps's role there are consequently a significant – if generally forgotten – element of the Treaty relationship between the Mi'kmaq and the British Crown.***

Deschamps was an intelligent observer, and we are fortunate that many of his papers survive in the Nova Scotia Archives and the British Library. They have considerable ethnohistorical value and illuminate many aspects of early colonial life that are otherwise unattested.¹² He maintained a careful record of Acadian prisoners held at Fort Edward through the Seven Years' War, for example, who he appears to have assisted in provisioning.¹³ Underscoring the significance of his role as truckmaster in the treaty context, in 1763 he also left a valuable record of Mi'kmaq families whose "Summer Residence is in the neighbourhood on the River Piziquid and Gaspero." Their names are presented in **Table 1**.

¹¹ These included Henry Green at Fort Frederick on the Saint John River; Philip Knaught (Knaut) and A.D. Widerholt at Lunenburg; William Nevil Woseley at the Eastern Battery (Dartmouth); and Erasmus James Philips at Annapolis Royal. Another post was established at Chignecto (Lewis n.d.). In 1760, Moses Delesdernier, another Swiss immigrant, was also licensed as a truckmaster at Fort Edward (Cuthbertson 1983); Eaton states he held this post since 1757 (1915, 93).

¹² His comments on Acadian agriculture, which he observed first-hand, is a good example. "Copy of a paper written by Chief Justice Isaac Deschamps on the cultivation of the Land in Nova Scotia by the Acadian French Inhabitants – written about 1785." NSA, MG 15 vol. 2 no. 43.

¹³ There are several such lists. This example from 1762 numbers 320 individuals: "List of French prisoners at Fort Edward, Windsor, Nova Scotia with the number in each family and numbers victualled." NSA, MG 1, vol. 258 no. 20, pp. 110-113.

Table 1: Mi'kmaq in the Vicinity of Fort Edward, 1763

"Indian Tribe of Amquaret now hunting between Cornwallis and the River between the two places on the Annapolis Road and there Summer Residence is in the neighbourhood on the River Piziquid and Gaspero."

Captain	<i>Joseph Bernard</i>	1 boy, 1 girl
	<i>Pierre Bernard</i>	
	Barth ^y Amquaret	2 boys
	Barth ^y Amquaret	Sen ^r [?]
	Pierre Amquaret	
	Paul Amquaret	
	Philippe Amquaret	2 boys, 1 girl
	<i>Joseph Dugas</i>	
	<i>Francois Michel</i>	1 girl
	Simon Amquaret	
	Blaize Amquaret	
	Jean Argoumatine	1 boy, 2 girls
	Joseph Argoumatine	
	<i>Jos. Denis</i>	

"Tribe of Nocout now hunting on Kenecoot River in the Township of Newport, Summer residence there also."

Captain	Joseph Nocout	1 boy, 1 girl
	Bartholemew Nocout	2 boys, 3 girls
	Thomas Nocout	1 boy
	Paul Segoua/Segona	1 boy
	Paul Biskerone	1 boy, 2 girls
	Francois Segoua/Segona	
	Janvier Nocout	
	Francois Nocout	1 boy, 2 girls
	Claude Nocout	
	Charles Nocout	
	Rene Nocout	
	Jacques Nocout	
	Lewis Nocout	
	Chas Segona	
	Michel Thoma	
	Joseph Thoma	
	Philippe Nocout	
	<i>Louis Michel</i>	

SOURCE: Isaac Deschamps Papers (1750-1800), NSA MG 1 Vol. 258 No. 8, 20 December 1763, p. 20.

2.3 Anglo-American presence

The 1755 Deportation of the Acadians brought significant changes to Pesiktk. The British policy of population replacement introduced New England immigrants to the area (commonly called Planters in the language of the day), and Falmouth and Newport Townships were established in 1760 (Duncanson 1983; Gwyn 2010; Duncanson 1985; Longley 1961).

While the new townships were created primarily for immigrant families, much of the land on the south side of the Avon River was set aside for the British elite in Halifax (Loomer 1996, 59–61). This area became known as the Councillor's Grant (**Figure 6**), and it was by this process that several planners and perpetrators of the 1755 Deportation subsequently reaped the spoils. This has fed the notion – especially amplified in francophone historiography – that the Acadian removal was a naked land grab.¹⁴

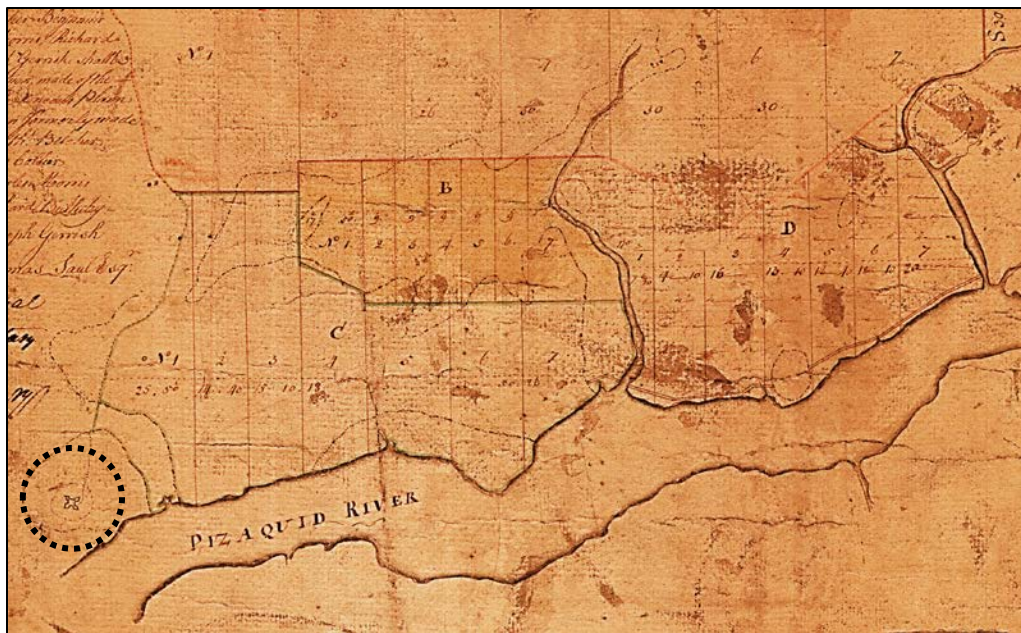


Figure 6: Detail of part of the Councillors' Grant of former Acadian lands at Pesiktk (north at bottom, Fort Edward circled at lower left). The proprietors named are Jonathan Belcher, John Collier, Charles Morris, Richard Bulkeley, Joseph Gerrish, and John Cunningham (for Thomas Saul). Collier and Belcher were on the Executive Council that decided to deport the Acadians in 1755, while the latter, in his role as Chief Justice, rendered a opinion verifying the policy's legality. Charles Morris, though not a councillor in 1755, strongly advocated the deportation policy and was one of its principal planners (Johnston and Kerr 2004, 49; Faragher 2005, 520). SOURCE: Anon. 19 August 1761. Untitled. Nova Scotia Crown Land Information Management Centre (CLIMC), Hants County Portfolio no. 16.

¹⁴ The appropriation of Acadian lands by government officials drew opprobrium even in the 18th century. Based on the testimony he received, the Reverend Dr. Andrew Brown condemned the councilmen-grantees for profiting off "the share they had taken in the expulsion of the French inhabitants" (Brown 1819, 96). This state of affairs was not at all unique to Pesiktk (Fowler 2012).

Nova Scotia's governor and council resolved to reorganize and incorporate this area as the Township of Windsor in late 1764, its ties to the metropolitan elite emphasized by its initial inclusion in the County of Halifax. A public market was declared to be held every Tuesday on "Fort Hill, where Fort Edward now stands," and public fairs were established on the third Tuesday of May and third Tuesday of October each year (Murdoch 1866, 2:444). The by now well-established truckhouse on Fort Edward Hill had clearly made this location a logical commercial hub for the area, and the annual fair – now the Windsor Exhibition – would continue to be held on the hill, *in the study area*, well into the 20th century.

Fort Edward remained a military post throughout this period, declining in importance during times of peace, and hastily refurbished in wartime. The fort was strengthened at the beginning of the American Revolution, for instance, and again during the War of 1812 (Tulloch n.d.). During the former conflict, it was garrisoned by a detachment of the 84th Regiment of Foot (Highlanders), under the command of Capt. Allan Macdonald, whose wife, Flora MacDonald (**Figure 7**), is well known for her role in spirited away Prince Charles Edward Stuart (Bonnie Prince Charlie) after the collapse of the Second Jacobite Rebellion in Scotland in 1746.¹⁵ Touring Windsor with her husband, the Lieutenant-Governor, shortly after the War of 1812 had been declared, Lady Sherbrooke found Fort Edward once again "in a dilapidated state..." (Haliburton 2011, 69). According to a report on the fort's condition that year, even the blockhouse – today the only surviving fort building – was in bad repair, and not the "smallest vestige" of the powder magazine, formerly located in the southeast bastion, could be discerned.¹⁶



Figure 7: Flora Macdonald (1722-1790), painted by Allan Ramsay in 1749, shortly after her release from the Tower of London for her role in the Second Jacobite Rebellion. Perhaps she was unrepentant, for the white rose in her hair is a Jacobite symbol. SOURCE: Ashmolean Museum, WA1960.76.

A report on ordnance land in 1856 revealed that only the blockhouse, officers' quarters, one soldiers' barracks, and a provision store remained.¹⁷ Although these

¹⁵ Many of the members of the 84th Regiment became settlers in Hants County at the conclusion of the war, and members of the Fort Edward garrison were granted land in Douglas Township (Duncanson 1989)

¹⁶ LAC 1812 "Major Crawford's report on the State of Fort Edward, Windsor, Nova Scotia" LAC, R2513-540-5-E. Volume/box number: 20.

¹⁷ National Archives (UK), W.O. 55, v1558, part 6, Report on ordnance lands, 1856, f 84.

four building appear on an 1879 map of the town of Windsor (**Figure 8**), the store house and soldiers' barracks would soon be demolished.

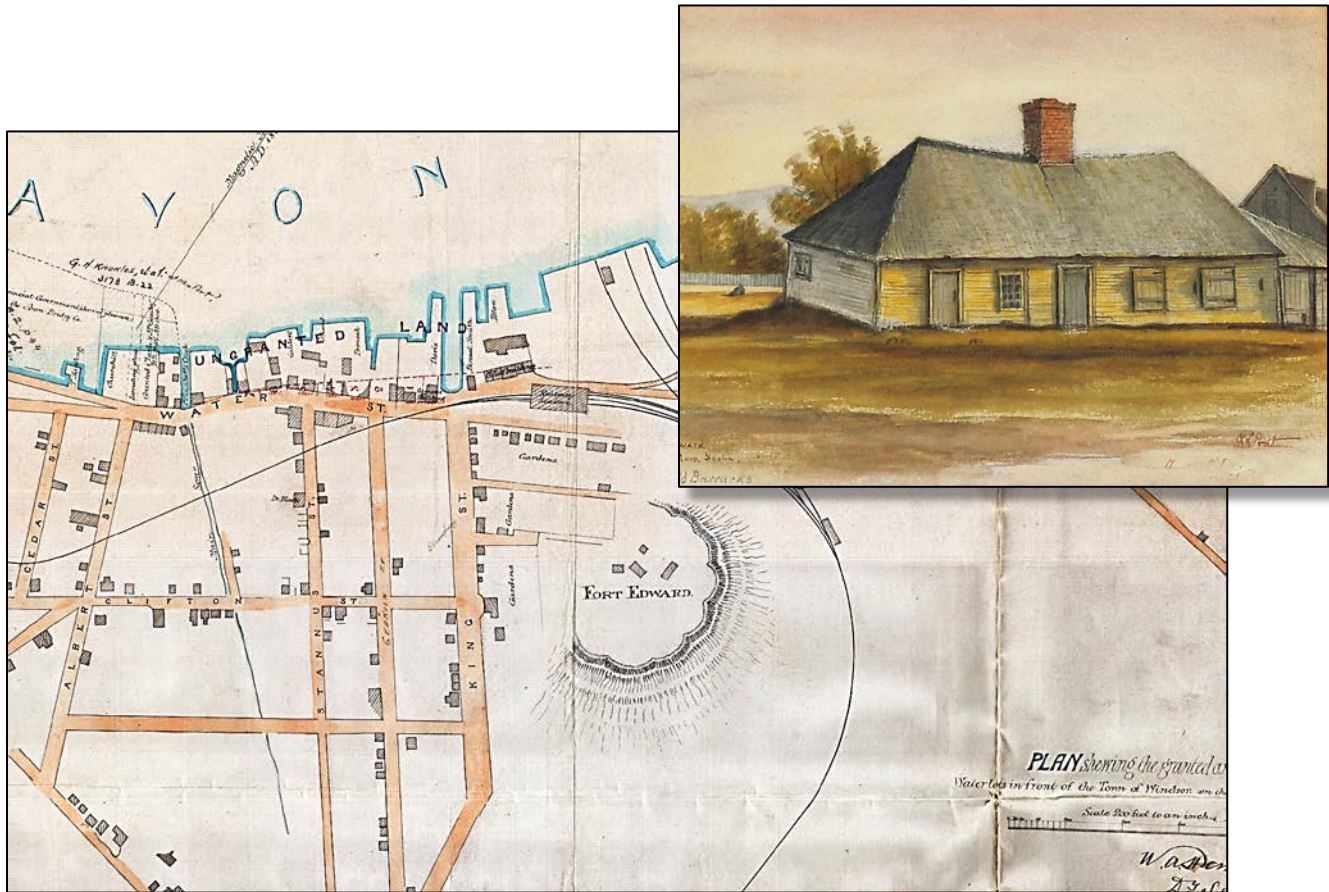


Figure 8: Detail of a map showing the Town of Windsor and four standing buildings at Fort Edward in 1879. North at upper right. Inset: Watercolour of the old soldiers' barracks painted ca. 1880 by Annie L. Pratt. The north-facing gable end of the provision store can be seen at right, behind the soldiers' barracks. This may be the only extant image of the latter building. SOURCE: W.A. Hendry and D.Y. Sw... 1879. "Plan shewing the granted and ungranted Water lots in front of the Town of Windsor on the Avon River." CLIMC, Hants Portfolio no. 026; Nova Scotia Museum.

In 1903, the grounds were leased to the Windsor Golf Club and the officers' quarters were used as a club house. The lease was revoked during WWI, when the fort was used as a training area for troops, at which time the officers' quarters functioned as a quarantine hospital (Tulloch n.d.: 9). Among the soldiers stationed here were the men of the Jewish Legion, including David Ben-Gurion, who would later become Israel's first prime minister (Beanlands 2014). The officers' quarters survived until 1922, when they were destroyed by fire (**Figure 9**). The golf course lease was renewed before and after WWII and was finally terminated in 1973 (Tulloch n.d., 10).



Figure 9: The burning of the 18th century officers' quarters in progress (top); and the building in ruins (bottom) in 1923. SOURCE: NSA, Photographic Collection; NSA, Photographic Collection Acc. No. 7586.

3.0 STUDY AREA

The study area consists of two contiguous properties (PIDs 45059805 and 45059797) at 36 and 65 Fort Edward Street (**Figures 10**). The foregoing discussion highlights the pertinent historical and archaeological context, and the following sections examine the archaeological potential and heritage value of these properties.

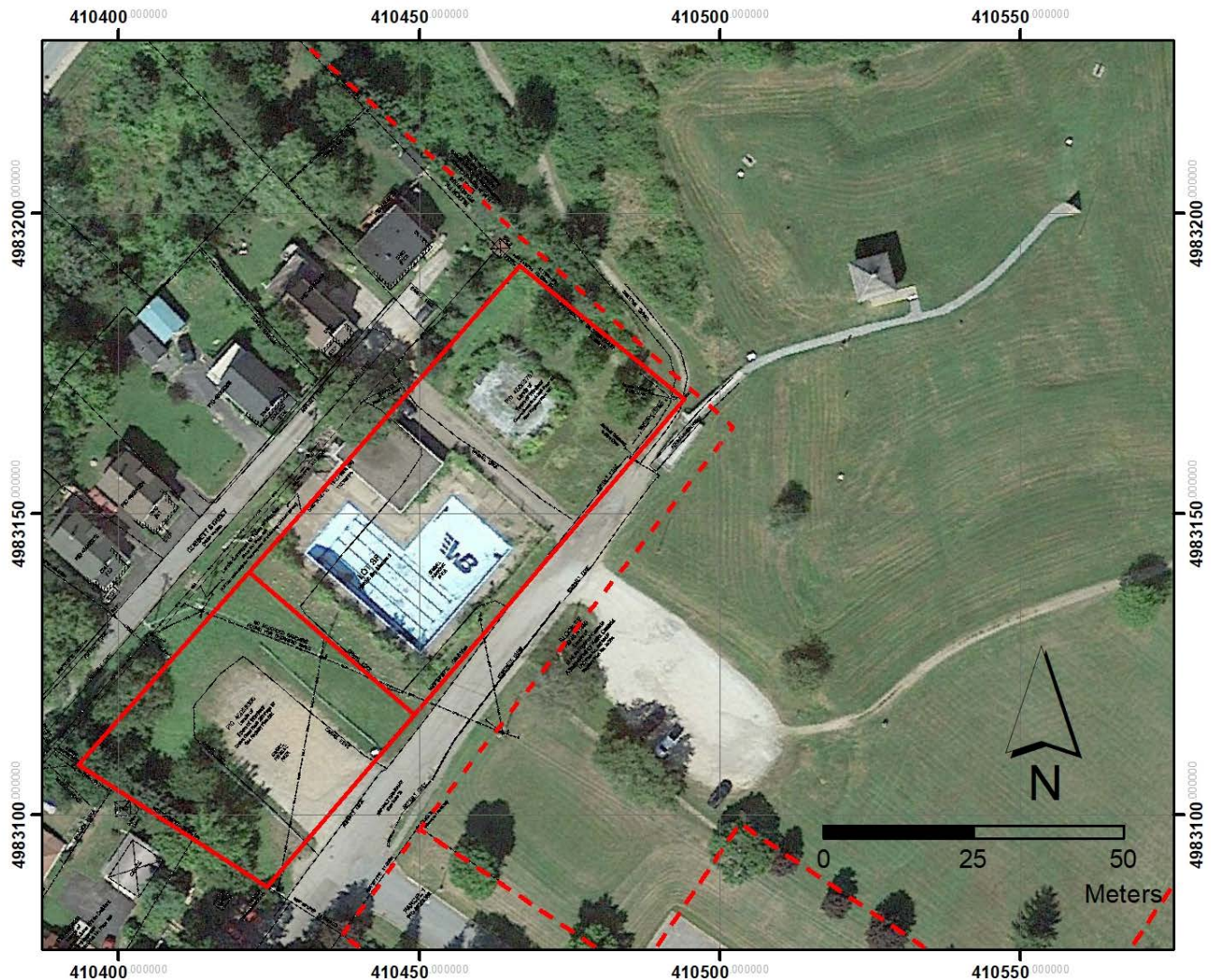


Figure 10: The study area (solid red outline) as indicated by a new survey plan dated 15 February 2022, in reference to the Parks Canada property (dashed red line). The smaller of the two contiguous municipal properties is PID 45059805 and the larger is PID 45059797. SOURCES: Google Earth (2015), Parks Canada, and West Hants Regional Municipality.

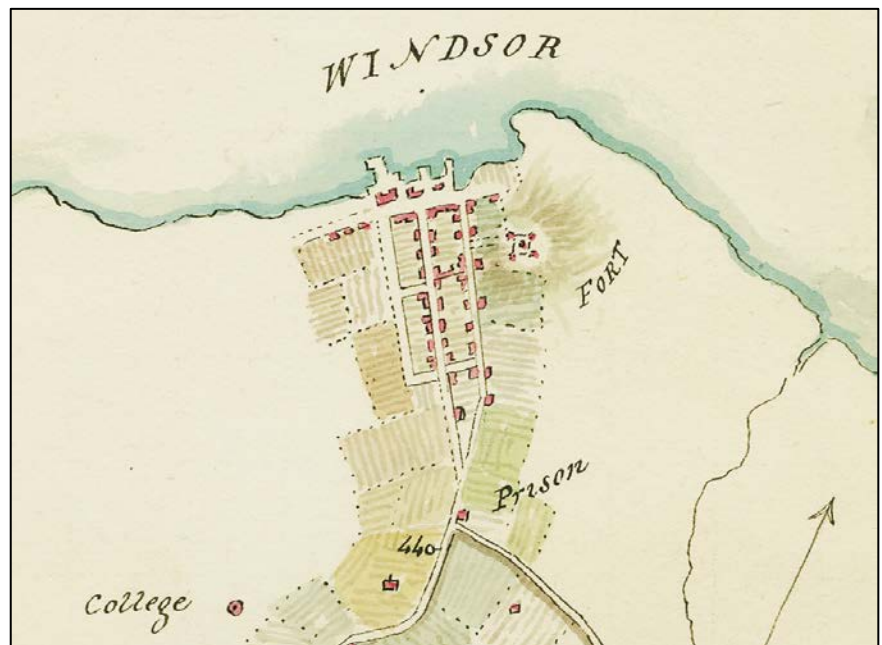
The study area occupies part of the space between the British fort on the hilltop and the planned settlement of Windsor that developed below it to the west (**Figure 11**). Eighteenth century Windsor, in this context, may be recognize as an

offshoot of Fort Edward and its associated truckhouse, which had before the arrival of the New England Planters in 1760 constituted a regional demographic, military, and commercial centre.

This historical relationship between Fort Edward and Windsor is perhaps not very much appreciated today, but it is a Nova Scotian example of an ancient settlement pattern. In the Roman period in Western Europe, for instance, civilian communities often took root outside the gates of permanent military installations (e.g. Mattingly 2006, 170–72). Their residents, attracted and then sustained by imperial coin, supplied the garrisons with goods and services. Long after the soldiers had gone, the civilian settlements remained. Many of Europe's great cities owe their origins to this process, though in Nova Scotia perhaps the closest example is Annapolis Royal, which also grew up alongside the timber and turf, star-shaped fort now known as Fort Anne.

Fort Edward's proximity to the town it spawned has methodological significance for the present investigation because Windsor's durable street grid – and particularly the intersections, which have generally not moved since the mid-18th century – facilitates the georeferencing of colonial-era maps, an essential process for plotting archaeological features in and around the study area.

Figure 11: Fort Edward and Windsor in the Regency period, showing the relationship between Fort Edward and the town that grew up at its feet. Methodologically, the resilience of the town's street pattern offers ground control points (the intersections) for georeferencing old maps. SOURCE: John Elliott Woolford 1817-18, "Surveys of the Roads from Halifax to Windsor and from Halifax to Truro." Sheet 10: Mile 44: Windsor. NSA Map Collection: 15.1.



4.0 METHODOLOGY

The evidence presented in this report was gathered and collated through a straight historical methodology, relying on cartographic and documentary resources in Canada, the United States, and France. Additional information was gleaned from archaeological site reports, the MARI, aerial photographs, and published literature. A pedestrian survey was conducted on February 12, 2022, to assess surface conditions and gather survey points to assist in the process of georeferencing historical maps and plans.



Figure 12: Detail of a map of Windsor in 1829. This map's scale is too small to be of use in this analysis. SOURCE: William Mackay 1834. "The Great Map of Nova Scotia." NSA Map Collection: The Great Map C 14.

Historical mapping plays an important role in the analysis that follows. Fort Edward and its environs have been mapped many times over the centuries, but not all of these maps are useful for our purposes (consider the small-scale rendering in Figures 6 and 11, above), or the early 19th century map in **Figure 12**, at left. Fortunately, several larger-scale plans survive. Georeferencing these maps in a Geographic Information System (GIS) with the assistance of ground control points, such as the intersections of nearby streets, Fort Edward's bastions, and the blockhouse itself (which has not moved since 1750), allows map features of archaeological interest to be plotted on the modern

landscape with reasonable accuracy (Chapman 2006; Rumsey and Williams 2002).¹⁸

Mapping and aerial photography was scanned and processed in GIMP 2.10.24 and ArcMap 10.6.1 software. Base mapping for the GIS at a scale of 1:10,000, was obtained from the online DataLocator service provided by the Nova Scotia Department of Natural Resources.¹⁹ Historical aerial photography was obtained from the National Air Photo Library in Ottawa, and raw LiDAR data (.laz files) were downloaded from the Province of Nova Scotia's Elevation Explorer website.²⁰

¹⁸ The accuracy with which these features can be plotted on the modern surface is difficult to determine without archaeological validation (i.e. excavation), as errors in the manuscript maps cannot be quantified independently. Root Mean Square (RMS) errors in the georeferenced historical maps and aerial photos generally range between 1.7 to 4.1 metres.

¹⁹ Datalocator <https://gis8.nsgc.gov.ns.ca/DataLocatorASP/main.html>

²⁰ Elevation Explorer <https://nsgi.novascotia.ca/datalocator/elevation/>

LiDAR data (**Figure 13**) were processed using Surfer 23 by Golden Software to create digital bare earth models, allowing variations in relief to be quantified.

Background information concerning traditional Mi'kmaw land use and cultural memory was requested from the Archaeological Research Office of the KMKNO on January 18, 2022.

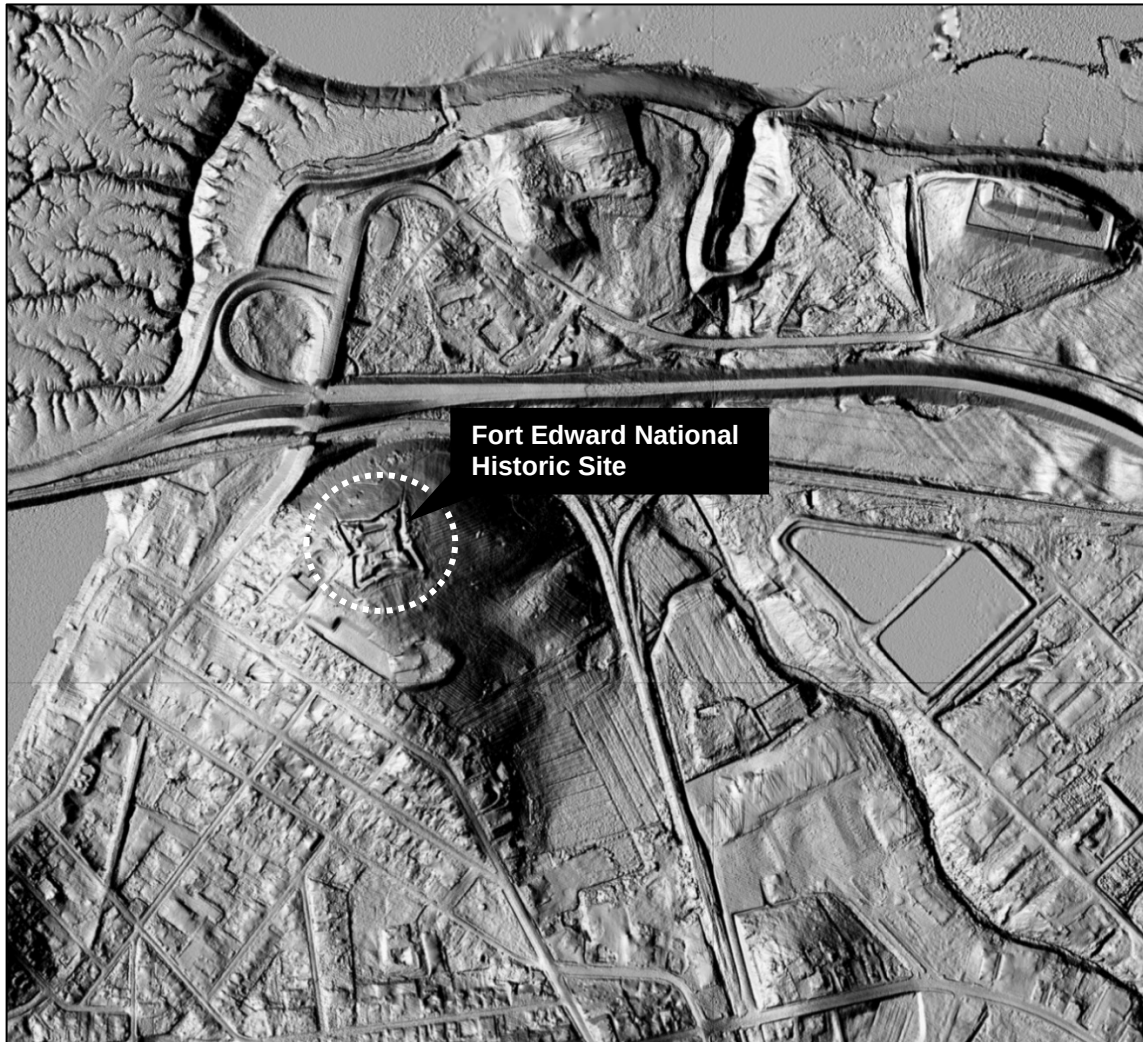


Figure 13: Bare earth LiDAR hillshade model of the confluence of the Avon and St. Croix rivers showing Fort Edward (circled). LiDAR data allows minor variations in relief to be measured, facilitating archaeological site prospection. SOURCE: Province of Nova Scotia (2011).

The nature of potential impacts to the study area is not yet known as the municipality intends this ARIA to provide a high-level scan of archaeological resource potential. The land has not yet been sold and construction activities by a potential buyer have yet to be formalized.

5.0 RESOURCE INVENTORY

Four major themes or traditions are associated with potential archaeological resources in the study area. In chronological order, they are:

- The Acadian Parish Church of Notre-Dame-de-L'Assomption;
- Fort Edward and its associated infrastructure;
- The truckhouse; and
- The Agricultural Fair

Each is now examined in sequence.

5.1 The Acadian Parish Church of Notre-Dame-de-L'Assomption

The Acadian parish church, established in 1722, was demolished by British forces in June of 1750 during Fort Edward's construction. Joshua Winslow records explicitly that Acadian labourers "pulled down the mass house and levelled our block house and laid out the ground for a fort" (Webster 1936, 16).²¹ A ripple of reaction appears in French records where, in describing Pesiktk in 1753, it is said that "les Anglais y ont fait bâtir un fort dans le lieu même ou était autrefois une Eglise sous le titre de l'Assomption" (Abbé de l'Isle-Dieu 1890, 72).²²

In 1997, Parks Canada archaeologists conducted cultural resource management excavations beneath the blockhouse floor and exposed a layer of charcoal and burnt daub slighted by the trench into which the blockhouse foundation had been laid (Fowler and Ferguson 2010, 70–72) (**Figure 14**). Given the prevalence of daub in pre-Deportation Acadian architecture (Crépeau and Christianson 1995), including its association with what appear to be the archaeological remains of the parish church of St-Charles-des-Mines at Grand-Pré National Historic Site (Fowler



Figure 14: Archaeological features beneath the blockhouse floor excavated by Parks Canada archaeologists in 1997 and likely associated with the parish church of Notre-Dame-de-L'Assomption. SOURCE: Parks Canada.

²¹ Loomer states that "In the British period, a building at Fort Edward was used as a Mass house for the Acadians after their chapel had burned, apparently about 1752. There is no other indication of a Mass house on Fort Edward [hill?]" (1996, 40). The first statement is unreferenced and therefore difficult to assess, while the second appears to be false.

²² Translation: The English built a fort there in the same place where the church of L'Assomption previously stood.

2020), it is very likely that this layer belongs to the Acadian church.

Our program of magnetic susceptibility survey at Fort Edward in 2014 sought to map archaeological features inside the fort, including the probable remains of the Acadian church. The results clearly demonstrate that 18th century architectural remains survive here, and that magnetic susceptibility is a viable method for mapping these features in high resolution. They also suggest a roughly rectangular building was partly superimposed by the blockhouse (**Figure 15**), located approximately 30m from the northern end of the study area (Fowler, Beanlands, and Ferguson 2016).

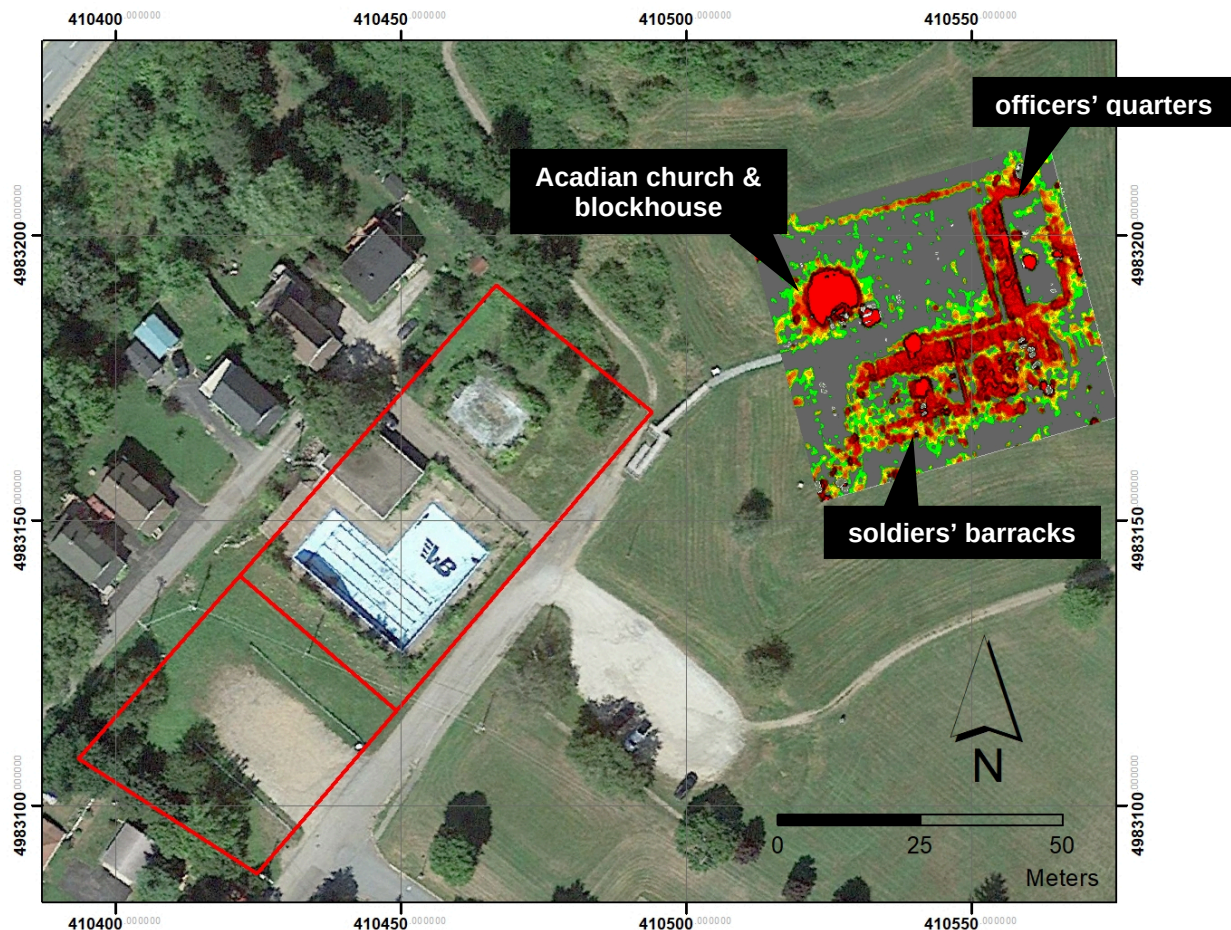


Figure 15: Magnetic susceptibility map of the interior of Fort Edward showing the vanished soldiers' barracks, officers' quarters, and, extending from beneath the blockhouse, the remains of what may be the Acadian parish church of Notre-Dame-de-L'Assomption, approximately 30m from the northern edge of the study area (outlined in red). SOURCE: Google Earth 2015.

It is difficult to clearly determine the boundary of the Acadian ecclesiastical site at this stage. The remains of the church appear to have been located, but if there was a priest's house nearby, its location is not yet known. Such a dwelling was

present at nearby St-Charles-des-Mines at Grand-Pré (e.g. Winslow 1883, 71) and at the mother parish of St-Jean-Baptiste at Port-Royal (**Figure 16**).



Figure 16: Detail of a 1686 map of Port-Royal (Annapolis Royal) showing a priest's house, cemetery, and other landscape features around the Church of St-Jean-Baptiste. The Church of Notre-Dame at Pesiktk may have had a similar "ecclesiastical landscape" setting. SOURCE: Bibliothèque nationale de France, département Cartes et plans, GE SH 18 PF 133 DIV 8 P 2.

The precise location of the Acadian cemetery is also something of an open question. Colonial-era maps and documents, as well as antiquarian and later sources, reference a cemetery on a small marsh island north of Fort Edward Hill, bordering the river (Hind 1889, 2; Loomer 1996, 39; Shand 1979, 7).²³ Several 18th century documents and maps offer supportive evidence. For example, it appears as "Burying Island" on a 1762-63 map of land grants at Pesiktk.²⁴ Hind's statement that this was an Acadian cemetery has been perpetuated by later writers but is conjectural. The area in question (**Figure 17**) is located approximately 350m from the site of the parish church – a uniquely long distance from a church in the context of known Acadian ecclesiastical sites²⁵ – and is separated by a tidal

marsh that would have flooded twice daily in the pre-Deportation period, complicating ritual access.²⁶ While the "Burying Island" may have been the Acadian parish cemetery (insufficient evidence exists at present to test this hypothesis, and the area has been significantly transformed by both natural and cultural processes), it is perhaps more likely to have been a Mi'kmaw cemetery, as its situation in the landscape matches that of other documented Mi'kmaw cemeteries at marsh islands near river mouths in the southern Minas Basin (e.g. BgDb-6 at Avonport (Whitehead 1993, 73) and Starr's Point (Herbin 1911, 16). If this is so, then it raises a serious possibility that the Acadian cemetery may be somewhere nearer the church, at a location yet to be identified on Fort Edward Hill.

²³ E.g. Charles Morris. "A Plan of Lands in the Township of Windsor in the County of Halifax..." NSA V7 230 Windsor, Nova Scotia.

²⁴ Anon. n.d. [1762-63]. "A Plan of Part of the Lands Belonging to the Honourable Richard Buckley Esq." CLIMC Hants County Portfolio no. 14. Although undated, this map must have been drawn in 1762-63 based on the career timelines of the officeholders listed on the document.

²⁵ The Acadian cemetery at Grand-Pré is approximately 30m from the parish church (Fowler 2020); the distance between the parish church and cemetery at Port-Royal (Annapolis Royal) is about the same.

²⁶ Hind (1889, 17) seems to suggest the Acadians had dyked this area, but of this we are uncertain.

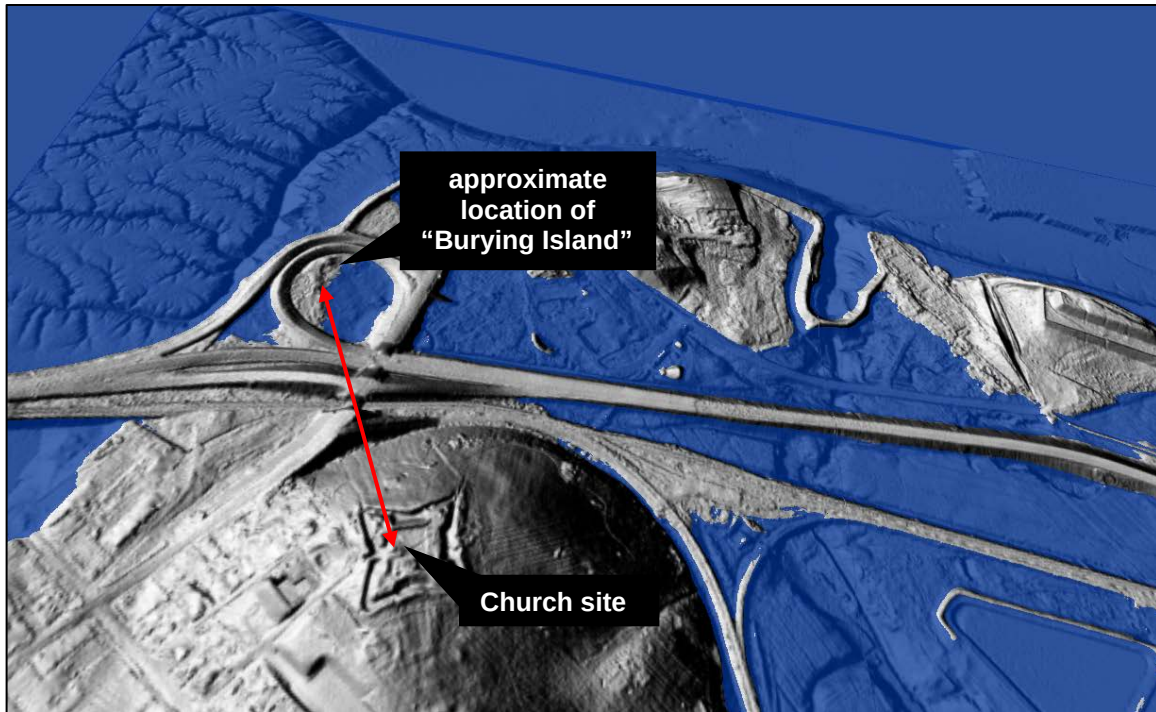


Figure 17: 3D LiDAR model with simulated tidal flooding showing the ca. 350m distance separating the known Acadian church site from the “Burying Island” identified by Henry Youle Hind as the parish cemetery. The distance seems too great for this to have been an Acadian cemetery. This area appears recently to have been substantially altered by the Highway 101 twinning project. SOURCE: Province of Nova Scotia (2011).

Another antiquarian tradition rooted in Hind’s scholarship places a Catholic mission and Mi’kmaq cemetery at Curry’s Corner, near the intersection of King Street and Highway 14:

Many Indian dead were brought here from afar, and there are those now living in Windsor who have heard their fathers describe the solemnities of an Indian’s burial in this ancient place of sepulture . . . [D]uring recent years, the pick, the spade and the plough have again and again turned up bones and skulls and memorials of love, or bitter, but hopeless, strife (Hind 1889, 2).

Hind’s account describes bodies “swathed in long rolls of birch bark...” (Hind 1889, 2), while an earlier description of the discovery mentions human remains associated with woolen garments, clay tobacco pipes, and coffins fastened with copper nails (Anon. 1886), dating the site to the colonial era.

An Acadian hamlet is known to have stood in this location. Hind refers to it as “Landryville”, but period maps associate it with the Trahan family.²⁷ Whoever lived there, the association raises the possibility that this cemetery may have been Acadian, perhaps a successor to that on Fort Edward Hill. If so, like other Acadian cemeteries, this one may well have served the Mi’kmaw community as well. Hind places a “mission chapel” here “within 100 yards” of the unmarked cemetery (also Loomer 1996, 270–71).²⁸

At present, uncertainties surrounding the chronologies and cultural associations of the “Burying Island” and Curry’s Corner cemeteries complicate the archaeological resource inventory on Fort Edward Hill as it relates to the Acadian church. Is there a missing Acadian cemetery somewhere on Fort Edward Hill? Indeed, there is at least one well-attested but unmarked cemetery on its slopes.

5.2 Fort Edward

Fort Edward’s archaeological resources extend beyond the footprint of its ramparts (Tulloch n.d., 3), and this fact is clearly demonstrated by early maps. Wight’s 1757 plan, for example (**Figure 18**), which is the earliest large-scale map of Fort Edward, depicts a number of structures on the western slope in or near the study area, including hay yards, the commanding officer’s stable, bullock houses, and “Soldiers Hutts,” the latter of which, the cartographer admits in his legend, “should be nearer the Glacis.”

A 1779 plan also shows activity in and around the study area (**Figure 19**). One building stands squarely in the northernmost of the two lots on Fort Edward Street, while another straddles the property line next to today’s Cobbett Street. A third building can be seen in what is today the national historic site parking lot, beyond which the officers’ garden occupies an area measuring approximately 1650 square metres (ca. 1.7ha or 0.4 acres).

²⁷ E.g. Charles Morris. 1755. “A Chart of the Sea Coasts of the Peninsula of Nova Scotia.” British Library (BL) Maps K.Top.119.58; Charles Morris. 1755. “A Chart of the Peninsula of Nova Scotia.” BL Maps.K.Top.119.57.

²⁸ Hind, Henry Youle. 1889. “Inquiries Into the History of the Acadian District of Pisiquid.” Halifax: Nova Scotia Historical Society. NSA MG 100 vol. 256 no. 19.

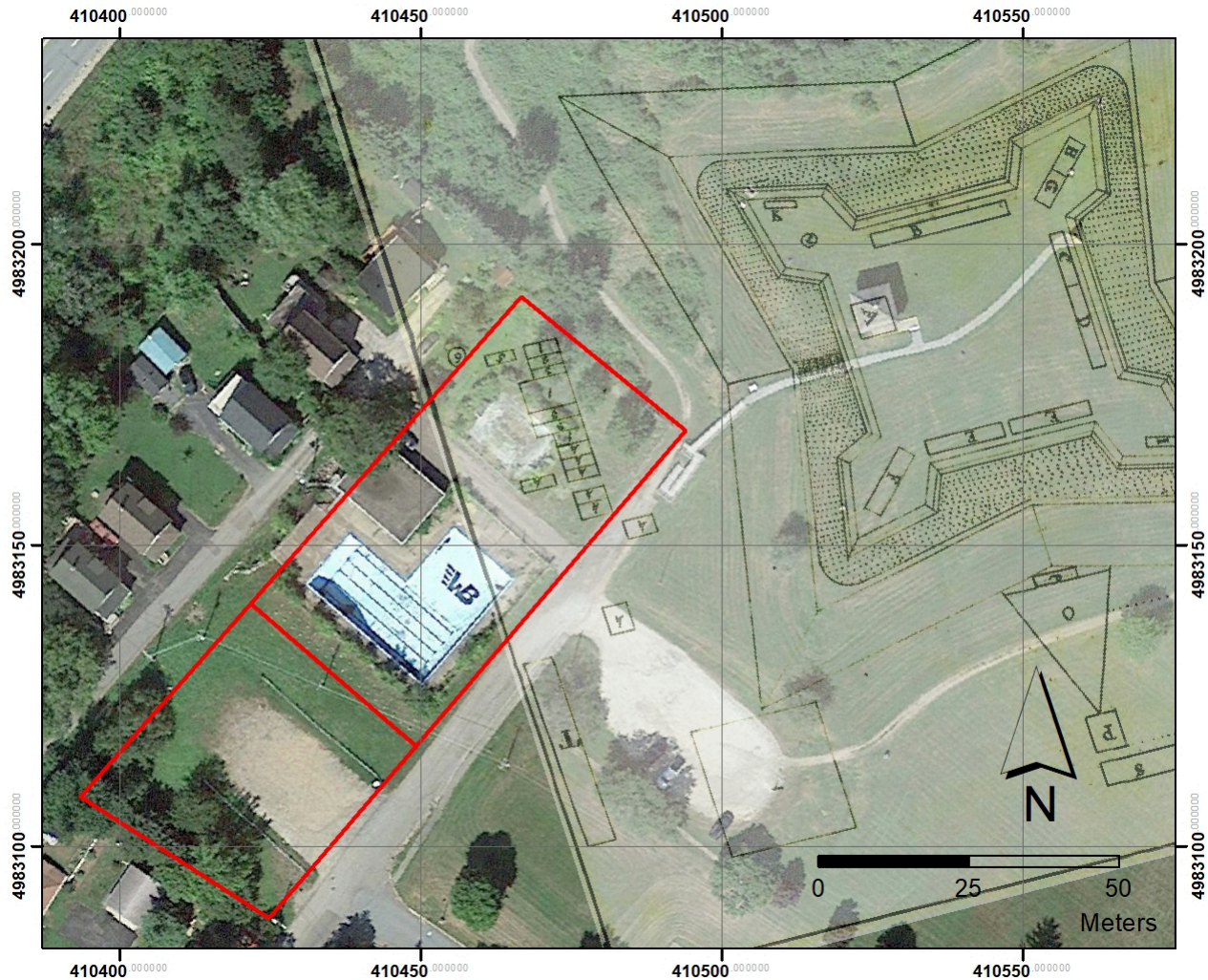


Figure 18: Georeferenced 1757 plan of Fort Edward showing military infrastructure in the study area. These include hay yards, the commandant's stable, bullock houses, and soldiers' huts. SOURCE: Edward Wight. 1757. "An Exact ground Plan of Fort Edward at Pesaquid taken from a survey and Laid down by a scale of 60 feet to an inch." William L. Clements Library, Brun Add. 240.

These maps strongly suggest the presence of archaeological resources associated with Fort Edward in the northernmost of the two properties comprising the study area.

The other major extramural site of archaeological interest and sensitivity associated with Fort Edward is the garrison cemetery, which, being unmarked, has been lost. It is the final resting place of an unknown number of soldiers who died while stationed at the fort, and it also holds the remains of many civilians.²⁹

²⁹ A record in the collection of the West Hants Historical Society lists 19 individuals – apparently all civilians – buried at Fort Edward between 1777 and 1794. Anon. n.d. "Windsor Burials at Fort Edward."

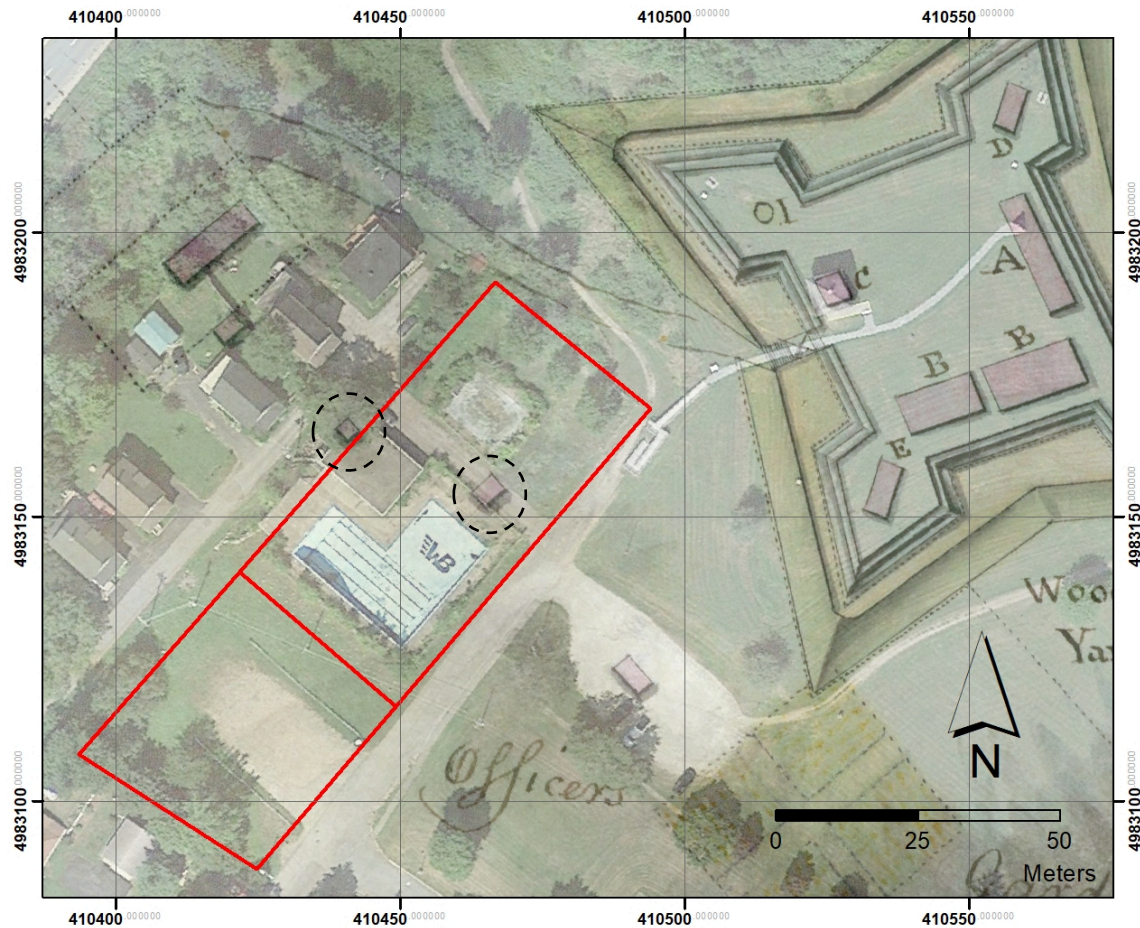


Figure 19: Georeferenced 1779 plan of Fort Edward showing buildings in the study area (circled). SOURCE: W. Spry. 1779. "A Plan of Fort Edward in Nova Scotia." William L. Clements Library 8398.

The garrison cemetery attracted the interest of antiquarians in the 19th century, and Hind, for example, refers to "the grand old willows which partly enfold the old military burial ground" on Fort Edward Hill (Hind 1889, 18). These trees were drawn and photographed many times during this era (e.g. **Figure 20**). Fortunately, a 1929 oblique aerial photograph captures their location in the landscape before they disappeared, allowing the cemetery's general location to be determined with the aid of GIS.

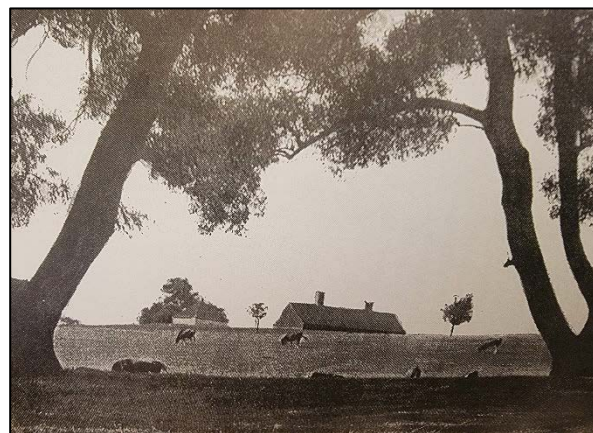


Figure 20: Site of the garrison cemetery and associated willows shown in an old photograph. The blockhouse and officers' quarters can be seen in the distance, suggesting a location downslope and to the east-southeast (Loomer 1996, 5).

Figure 21 shows the probable site of the garrison cemetery, and further research with the aid of LiDAR evidence will certainly clarify this picture.

This subject requires further analysis, but preliminary findings place the garrison cemetery well outside the study area, on the opposite side of Fort Edward Hill. This is perhaps doubly relevant in the context of this ARIA because the garrison cemetery may occupy the site of the older Acadian parish cemetery. The reasons for the uncertainty surrounding the Acadian cemetery's location are outlined above, as is Fort Edward and Windsor's similarity to Fort Anne and Annapolis Royal. At Fort Anne, the British garrison and townspeople reused the Acadian cemetery, and the same pattern may have been followed here at Fort Edward.

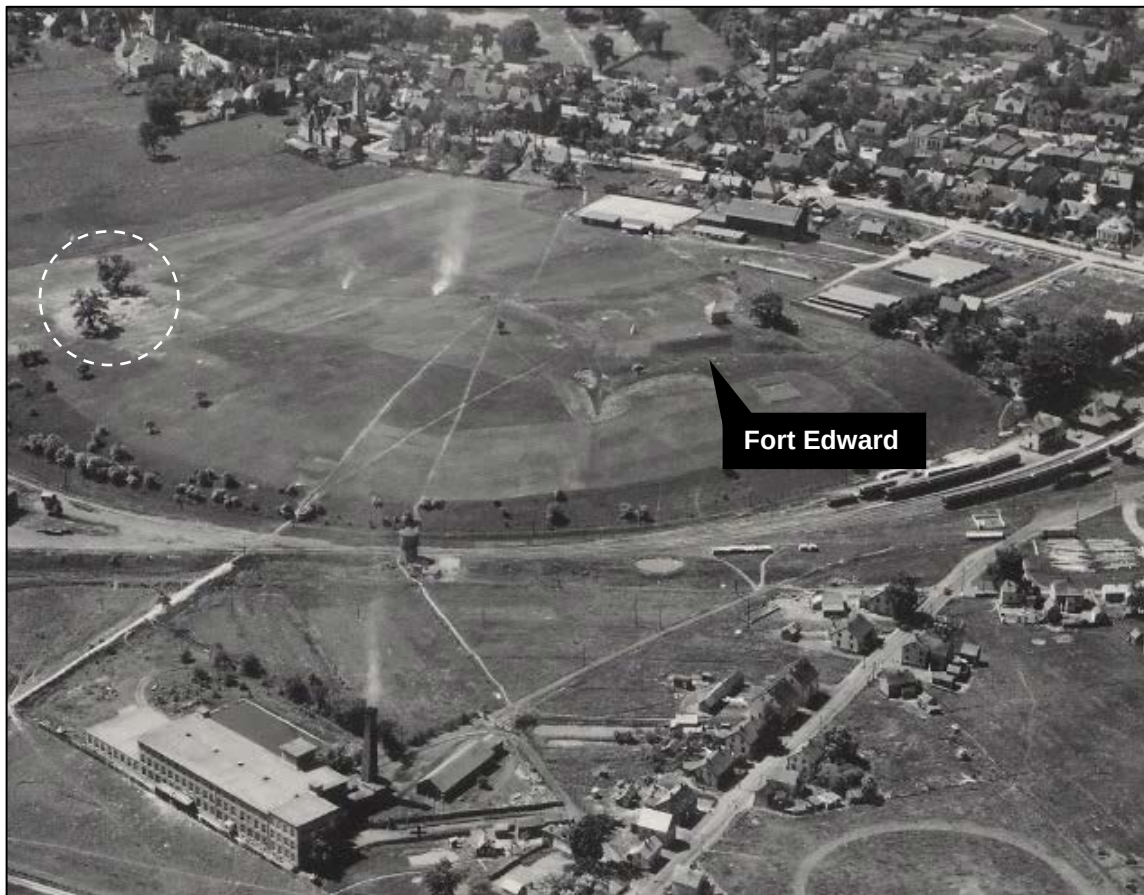


Figure 21: A 1929 aerial photo showing the old willow trees associated with the cemetery. SOURCE: National Air Photo Library (NAPL) A1236-83.

5.3 The Truckhouse

The truckhouse has attracted scholarly interest for some time (Loomer 1996, 15, 46, 62; Shand 1979, 12). An archaeological survey in 1989 recorded a site, BfDa-04, The Loomer Site, at what was thought to be its location, at the foot of Fort Edward Hill along Water Street. According to the MARI, however, artifacts collected here date from the late 19th to early 20th centuries.

Until recently, John Hamilton's painting (Figure 4, above) provided the best locational evidence for the truckhouse. Wight's 1757 plan, however, also shows it (**Figure 22**), albeit at the wrong location.

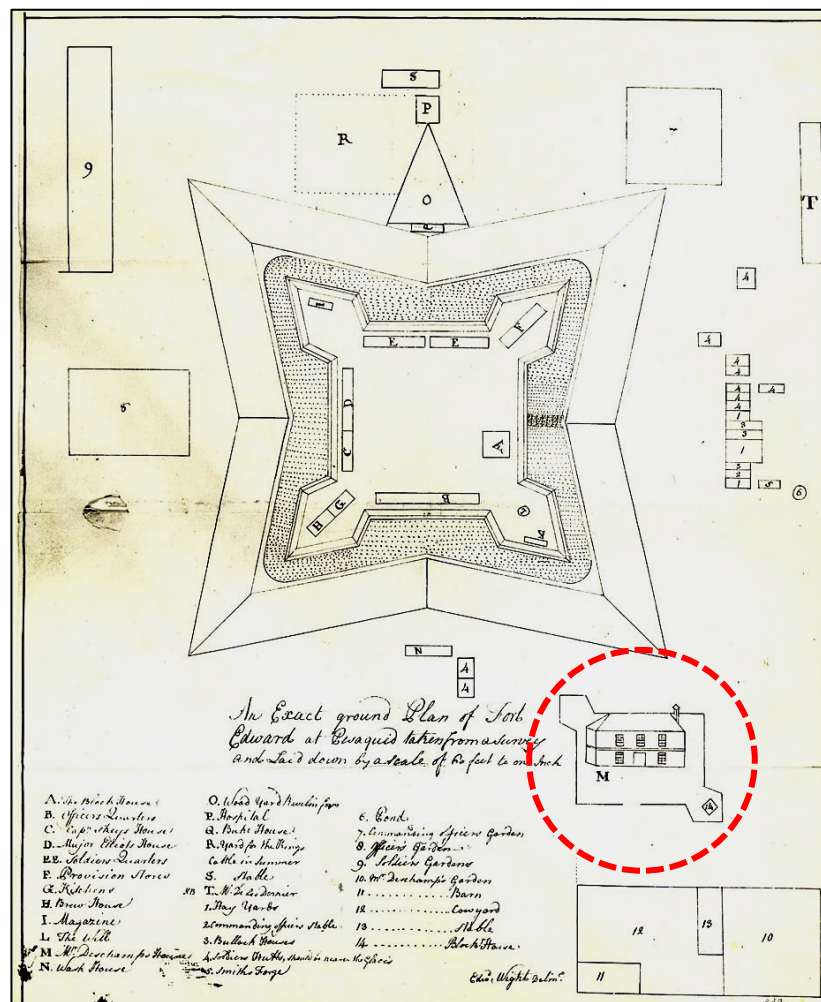


Figure 22: Edward Wight's 1757 plan of Fort Edward appearing to show the truckhouse compound occupying a position roughly in line with the fort's western bastions (North is at the bottom of the map). The actual location as proved by more carefully surveyed cadastral maps is more to the west, and likely just off the righthand side of Wight's page. Perhaps, lacking room, he just nudged it over slightly. SOURCE: Edward Wight. 1757. "An Exact ground Plan of Fort Edward at Pesquid taken from a survey and Laid down by a scale of 60 feet to an inch." William L. Clements Library, Brun Add. 240.

Archival maps of better quality allow us to determine the location of the truckhouse with confidence. It was located across Cobbett Street to the northwest of the study area, on land that has since the 19th century been subdivided into residences (**Figure 23**).



Figure 23: A cadastral plan showing the location of the truckhouse (circled) in reference to Fort Edward and the study area (outlined). The site is presently across Cobbett Street. This map is undated but contextual clues place it in perhaps the 1760s. As in Figure 19, above, which shows the 1779 map of Fort Edward, we see a building unambiguously placed in the study area.

5.4 The Agricultural Fair

The study area was a market centre through the later 18th, 19th, and early 20th centuries, for it was here that the previously mentioned agricultural fair was held. Period maps – and especially fire insurance plans – depict infrastructure relating to

the fair at this location (**Figure 24**).³⁰ By early 20th century, the “Exhibition Grounds” contained many buildings and other architectural features, including: five rows of horse stalls and an equal number of livestock stalls to the north of a judging ring. The judging ring and an associated building are located roughly where the Parks Canada parking lot stands today, and a large armoury stood on what is still Department of National Defence property to the south. The latter building served as a barracks and mess for part of the Jewish Legion, whose members trained at Fort Edward during WWI (Beanlands 2014).

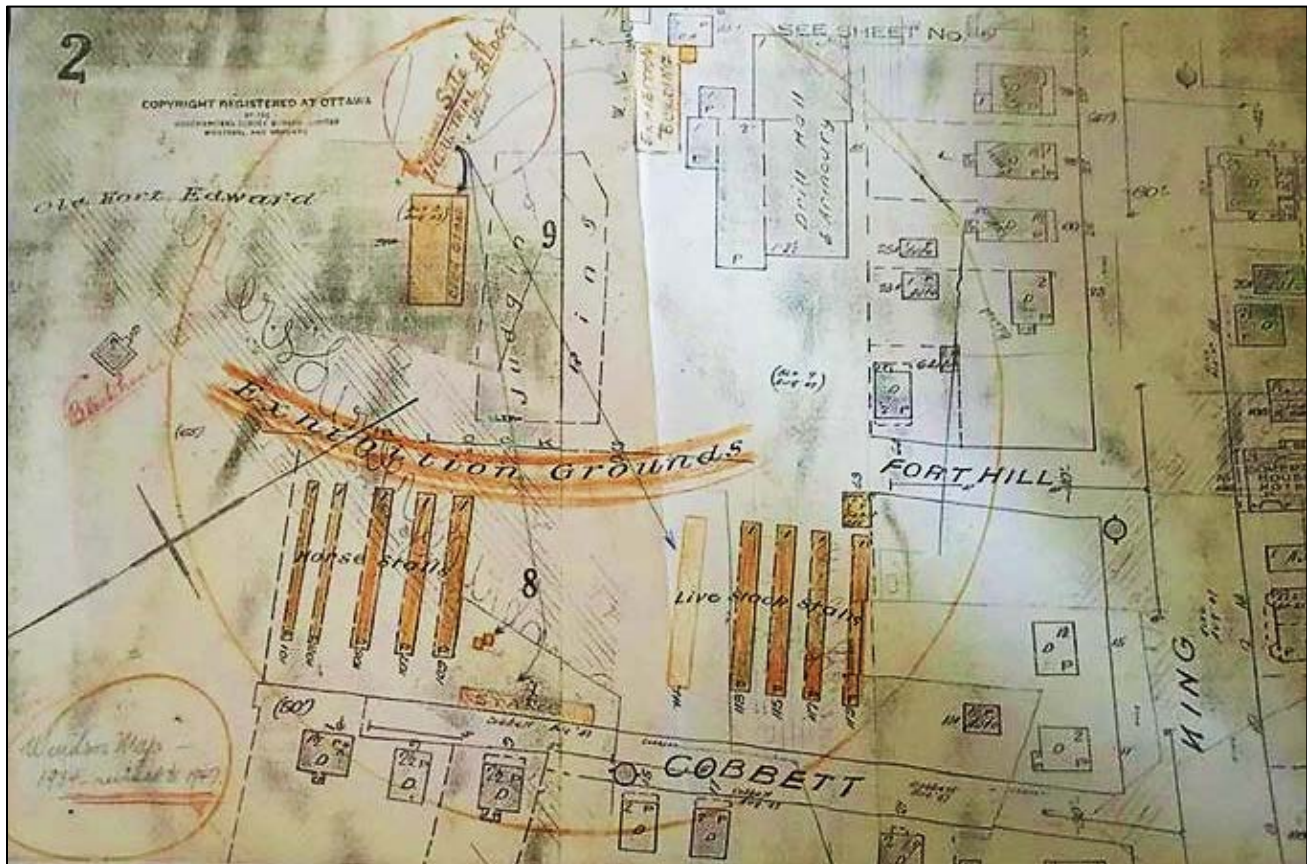


Figure 24: A 1934 (revised 1947) fire insurance plan showing the “Exhibition Grounds” in the study area. SOURCE: West Hants Historical Society.

Many of these structures appear on the earliest aerial photographs of Windsor (**Figure 25**). These photographs supplement the evidence from fire insurance plans and allow architectural features to be plotted with confidence with the aid of GIS (**Figure 26**). These structures were removed when the Windsor Exhibition relocated to its present location, and in 1967 the Town of Windsor established the Windsor Centennial Pool in their place.

³⁰ I was unable to obtain a scanned version of this map from the West Hants Historical Society to georeference, and the fire insurance plans in the Nova Scotia Archives (1899 and 1914) did not depict any of this infrastructure.

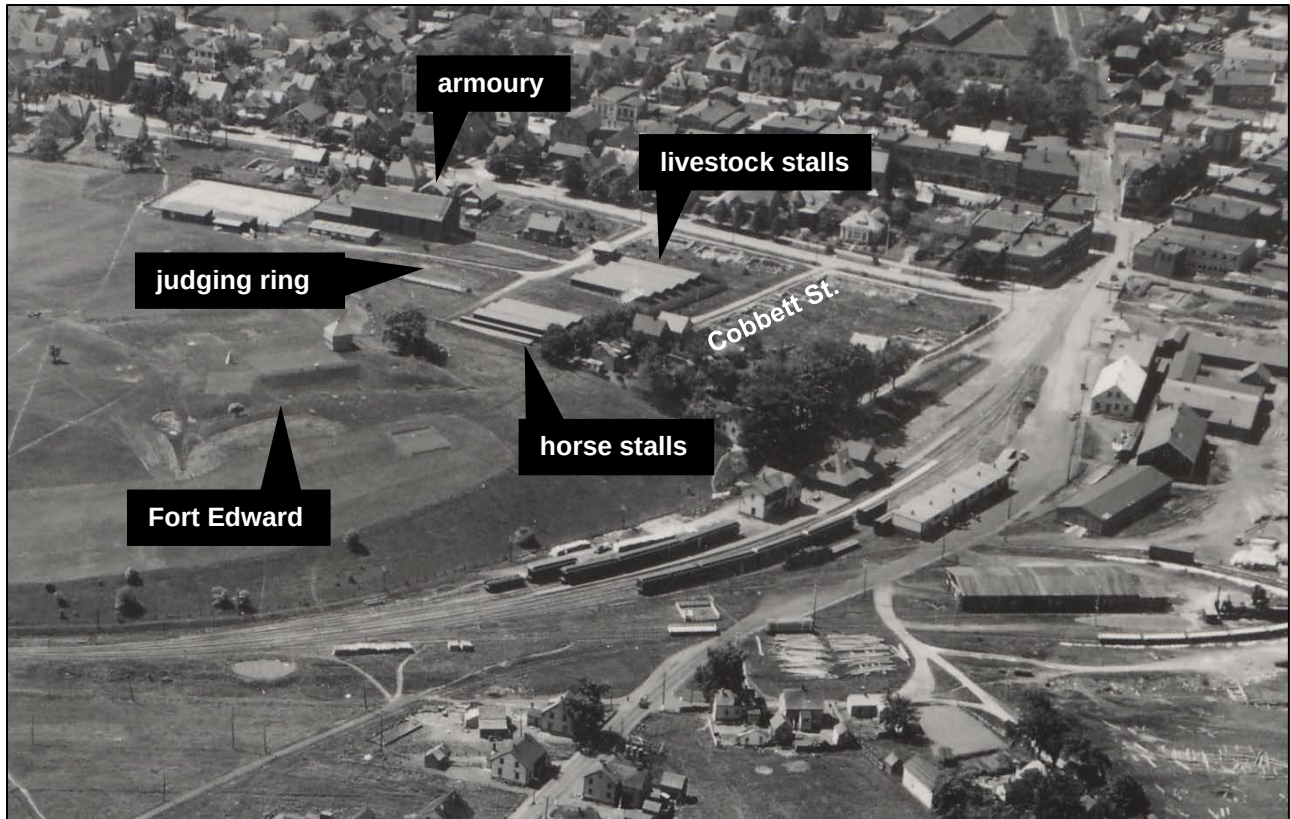


Figure 25: Fort Edward and the Exhibition Grounds from the north. SOURCE: NAPL A1236-83.

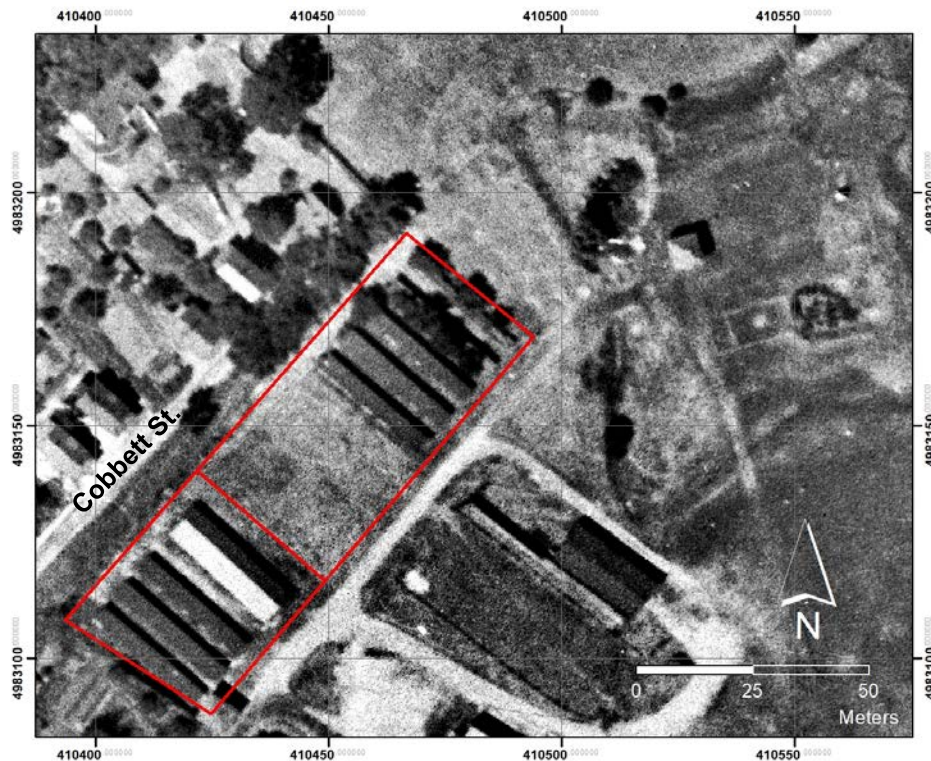


Figure 26: A 1945 aerial photograph of Fort Edward georeferenced to the modern landscape showing the exhibition grounds and nearby buildings. SOURCE: NAPL A8725-013.

6.0 RESOURCE EVALUATION

The approach to resource evaluation favoured here is grounded in the literature of archaeological (e.g. Green and Doershuk 1998; Tainter and Lucas 1983) and critical heritage studies (e.g. Harrison 2010). It is attentive to plural and even divergent regimes of value in assessing heritage objects and places, while emphasizing the inherent value of research potential and knowledge creation.

The key findings are as follows:

6.1 Extramural fort features and the historic place

Documented and potential archaeological resources in the study area have direct relevance to the commemorative integrity of Fort Edward National Historic Site; Parks Canada identifies the fort's viewplane as critical to the site's commemorative integrity.

As the study area is adjacent to Fort Edward National Historic Site, and historical maps show associated 18th century structures in the study area, a consideration of the significance of these likely archaeological features begins with the rationale underpinning Fort Edward's commemoration. Interestingly, these reasons were not clearly stated by the Historic Sites and Monuments Board of Canada when it initially proposed Fort Edward as a national historic site in 1919. The board addressed this oversight in the 1990s, however, by deciding that the designation should "commemorate [Fort Edward's] role in the struggle for predominance in North America, 1750-1812" (Marineau 1998, 6).

Parks Canada identifies several distinct cultural resources supporting Fort Edward's commemorative integrity; in other words, "those resources that were instrumental in, or integral to, the designation of national significance." Not surprisingly, the 1750 blockhouse and the surviving ramparts are counted among these features. However, the primary cultural resource listed in the national historic site's Commemorative Integrity Statement is the *historic place* itself, defined as consisting of both "the lands within the boundaries of Fort Edward National Historic Site and its viewplanes toward the Avon and St. Croix rivers," the latter of which, "give tangible evidence of the reasons for the establishment of the fort at the confluence of the rivers" (Marineau 1998, 7). The statement goes on to observe that protecting the site's Level 1 cultural resources – among which the historic place and viewplanes (**Figure 27**) are of critical importance – is key to ensuring Fort Edward's commemorative integrity "is not impaired or under threat" (Marineau 1998, 7–8; see also Parks Canada 2016, 38).

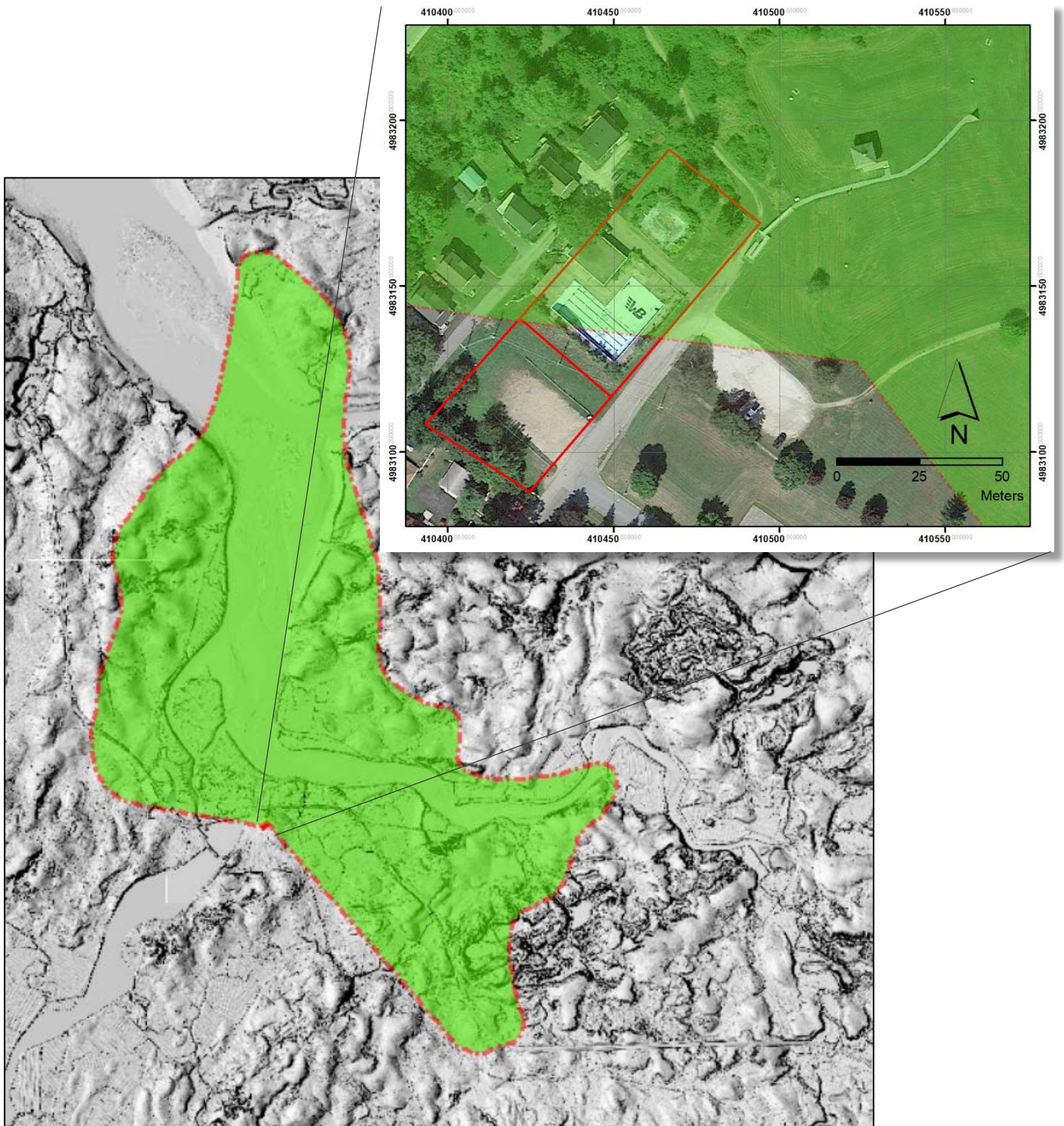


Figure 27: Fort Edward's viewplane in reference to the broader landscape (background) and to the study area (foreground). SOURCES: Google Earth (2015), Province of Nova Scotia (LiDAR), Parks Canada (viewplane).

6.2 Elevated heritage significance via a network of national historic sites and events

Documented and potential archaeological resources both in and adjacent to the study area have high heritage significance in reference to a local network of national historic sites and designated events of national historic significance.

Resource evaluation in this case takes further meaning by the study area's connection to Grand-Pré National Historic Site and The Landscape of Grand Pré World Heritage Site. The latter's basis for inscription on UNESCO's World Heritage List rests on the following criteria:

Criterion (v): The cultural landscape of Grand Pré bears exceptional testimony to a traditional farming settlement created in the 17th century by the Acadians in a coastal zone with tides that are among the highest in the world. The polderisation used traditional techniques of dykes, aboiteaux and a drainage network, as well as a community-based management system still in use today. The resultant rich alluvial soil enabled continuous and sustainable agricultural development.

Criterion (vi): Grand Pré is the iconic place of remembrance of the Acadian diaspora, dispersed by the Grand Dérangement, in the second half of the 18th century. Its polder landscape and archaeological remains are testimony to the values of a culture of pioneers able to create their own territory, whilst living in harmony with the native Mi'kmaq people. Its memorial constructions form the centre of the symbolic re-appropriation of the land of their origins by the Acadians, in the 20th century, in a spirit of peace and cultural sharing with the English-speaking community.³¹

Grand-Pré National Historic Site's designation is justified because:

- it was a centre of Acadian activity from 1682 to 1755;
- it commemorates the Deportation of the Acadians, which occurred at Grand-Pré in 1755; and
- it commemorates the strong attachment that remains to this day among Acadians throughout the world to this area, the heart of their ancestral homeland and symbol of the ties which unite them (Parks Canada 2012, 7).

³¹ UNESCO Committee Decisions, 36 Com 8B.27, Cultural Properties - Landscape of Grand Pré (Canada) <http://whc.unesco.org/en/decisions/4798>

Although geographical separate, Fort Edward and Grand-Pré are closely linked historically and through modern heritage and tourism. Both sites occupy estuarine settings and have histories of Indigenous and Acadian settlement and intermingling. Their narratives are particularly tightly bound by the 1755 Deportation of the Acadians, a designated event of national historic significance. Lieut.-Col. John Winslow, whose capture and deportation of the Acadians from Grand-Pré inspired Longfellow's *Evangeline: A Tale of Acadie* (and the subsequent memorial acts culminating in the creation of Grand-Pré National Historic Site and The Landscape of Grand Pré UNESCO World Heritage Site), actually began his campaign against Acadian civilians in the Minas Basin at Fort Edward. It was to Fort Edward that he and his soldiers were initially sent from Chignecto in August 1755. Only after arriving did he receive further orders to base his operations at Grand-Pré (Winslow 1884, 241–43).

Isaac Deschamps, the Fort Edward truckmaster, spoke French fluently and facilitated communication between British officials, the garrison, and the Acadians throughout the middle years of the 18th century. In 1755, he translated the infamous Deportation Order into French. The documents read on September 5th to the assembled Acadian men and boys by John Winslow at Grand-Pré (**Figure 28**), and by Alexander Murray at Fort Edward were, according to Winslow himself, “put into French” by Isaac Deschamps (Winslow 1883, 90).

Figure 28: Historical reconstruction artwork depicting John Winslow reading the Deportation Order to Acadians at the parish church in Grand-Pré on September 5, 1755. A similar scene took place at Fort Edward at the same time. Both texts were translated into French by truckmaster Isaac Deschamps. SOURCE: Claude Picard.



6.3 A Pre-Deportation Acadian religious site

The pre-Deportation Acadian church of Notre-Dame-de-L'Assomption has been documented and archaeologically attested approximately 35m from the study area.

The study area is thus part of an as-yet poorly understood ecclesiastical site, whose archaeological resource inventory has yet to be properly studied. While there is good reason to place the associated cemetery outside the study area, the boundaries of the church site and the locations of its architectural and landscape features (e.g. priest's house) have yet to be determined.

The Acadian diaspora is a population exhibiting a high degree of interest in heritage and genealogy. The presence of a church site at this location represents a significant cultural resource and a potential driver of additional visitation to Fort Edward National Historic Site.

6.4 A Mi'kmaw Treaty site

The truckhouse was an important site of interaction between the Mi'kmaq and the British, and in 1760 it became a formal part of the Treaty relationship.

The Fort Edward truckhouse borders the study area to the northwest and is one of six such posts established in the region as part of the British Crown's commitments to the Mi'kmaq through the Treaties of Peace and Friendship of 1760-61. None of these other sites is commemorated. In a time of reconciliation, the presence of the truckhouse and its associated archaeological features adjacent to – and perhaps partly in – the study area represents a highly significant and valuable cultural resource.

6.5. The site of Canada's oldest agricultural fair

The study area occupies part of the grounds upon which Canada's oldest agricultural fair was held since 1765. The fair continues to operate at another location, constituting an authentic and community-based example of living heritage.

The market and agricultural fair grew out of the pre-existing commercial relationships between the British, Acadians, and Mi'kmaq at Fort Edward Hill. Abundant evidence places 19th and early 20th century fair infrastructure in the study area (**Figure 29**). The fair continues to exist today in the form of the popular Windsor Exhibition, which has since relocated to another site. Being the oldest event of its kind in Canada, the Windsor Agricultural Fair has been designated as an event of national historic significance.



Figure 29: Historical scenes from the agricultural fair. Top: the festival atmosphere, 1947; middle: horse teams in the judging ring, 1940; bottom: a sign of continuity of practice? Mi'kmaw participants with wigwam on a parade float going up Fort Edward Street, 1935. SOURCES: West Hants Historical Society: 28.7.07.83, 92.843, 12.7.23.10.

6.6 Potential economic benefits of heritage resource mobilization

While cultural value is often sufficient to justify the conservation of heritage resources, it is important to recognize that heritage resources can also drive significant economic activity.

Recent decades have seen the establishment and consolidation of a ‘heritage industry’ (Lowenthal 1985). A significant component of the broader tourism industry, the heritage industry articulates with a range of public- and private-sector organizations including art galleries, museum, and historic sites. The heritage sector also supports and is supported by workers in a variety of fields, ranging from heritage professionals (conservators, curators, interpreters, planners, researchers) to workers in the food, hospitality, and retail sectors. The United Nations notes that the tourism industry has outpaced global economic growth for the nine consecutive years prior to the arrival of the COVID-19 pandemic, and in 2019 was valued at \$3.5 trillion (USD), accounting for 4% of world GDP (United Nations World Tourism Organization 2021, 5). Tourism Nova Scotia estimates the value of overall provincial tourism revenue in 2019 to be \$2.64 billion (CDN) (Tourism Nova Scotia 2022).

The most recent published data on visitation at Fort Edward demonstrates the extent to which visitation patterns correspond to the historical narrative and heritage site linkages outlined above.³² “When asked what other locations and attractions the respondent had visited or was planning to visit that day, 37% indicated Grand-Pré NHS, and 28 % and 26% respectively indicated Port-Royal and Fort Anne.” Visitor motivations included experiencing “a new place/local people/explore (33%), to explore family ancestry, heritage, and landmarks (30%), and to observe/learn at their own pace (20%)” (Parks Canada 2016, 10).

The archaeological resources here and nearby could potentially attract large numbers of visitors who are already exploring the related network of heritage sites linked to Highway 101. Annual Averaged Daily Traffic (AADT) volume westbound on Highway 101 between Exits 5A and 6 at Windsor equalled 7,965 vehicles between 2015 and 2019, or approximately 2,900,000 vehicles per year (Nova Scotia Department of Transportation and Infrastructure Renewal 2021, 109). And while the volume of traffic on Highway 101 is gradually increasing, visitation at Fort Edward has declined from “approximately 3,000 visitors in the year 2000 to 1,100 in 2015” (Parks Canada 2016, 11). If more creativity and effort were devoted to mobilizing the extraordinary heritage resources outlined here, the broader community might benefit significantly, both culturally and financially.

³² 2009-10 data revealed that “80% of visitors are Canadian and 13% American. Of the Canadian audience, 32% are from Nova Scotia (21% of respondents were on a day-trip from Halifax), 17% from Ontario, and the remainder from the rest of Canada” (Parks Canada 2016, 10).

7.0 RESULTS AND DISCUSSION

Taken in its entirety, the evidence gathered to date shows that the study area, though it may be legally defined as two distinct and separate properties, remains nevertheless part of the archaeological landscape and heritage environment of Fort Edward National Historic Site of Canada:

- A pre-Deportation Acadian parish church stood approximately 30m north of the study area. Although there is reason to place the Acadian cemetery elsewhere, this ecclesiastical site is not well evidenced and its proximity to the study area raises the need for archaeological vigilance.
- The study area's proximity to Fort Edward also implicates it in considerations of the fort's views of the Avon River, which Parks Canada states are essential to the national historic site's commemorative integrity.
- Several 18th century maps place buildings and other extramural architectural features associated with Fort Edward unambiguously within the study area.
- The Mauger-Deschamps truckhouse, a significant site in Windsor's commercial heritage and a locus at which part of the Treaty relationship between the British Crown and the Mi'kmaq was fulfilled, was adjacent to the study area, across Cobbett Street. Some of the activities centered on the truckhouse may have "spilled over" to the study area, and indeed the best 18th century map of the truckhouse places an unidentified building in the study area.
- Aerial photographs and mapping show structures associated with the Windsor Agricultural Fair, a designated event of national historical significance, unambiguously within the study area.

Potential archaeological features associated with structures depicted on historical maps and aerial photographs are plotted in **Figure 30**. All of the structures noted on historical maps and aerial photographs are located outside the footprint of the large swimming pool built in the 1960s. It is noteworthy that the legend on Edward Wight's 1757 map of Fort Edward indicates the "Soldiers Hutts should be nearer the Glacis." How much nearer cannot be known, but it is likely that at least some of the structures he drew were located in the study area.

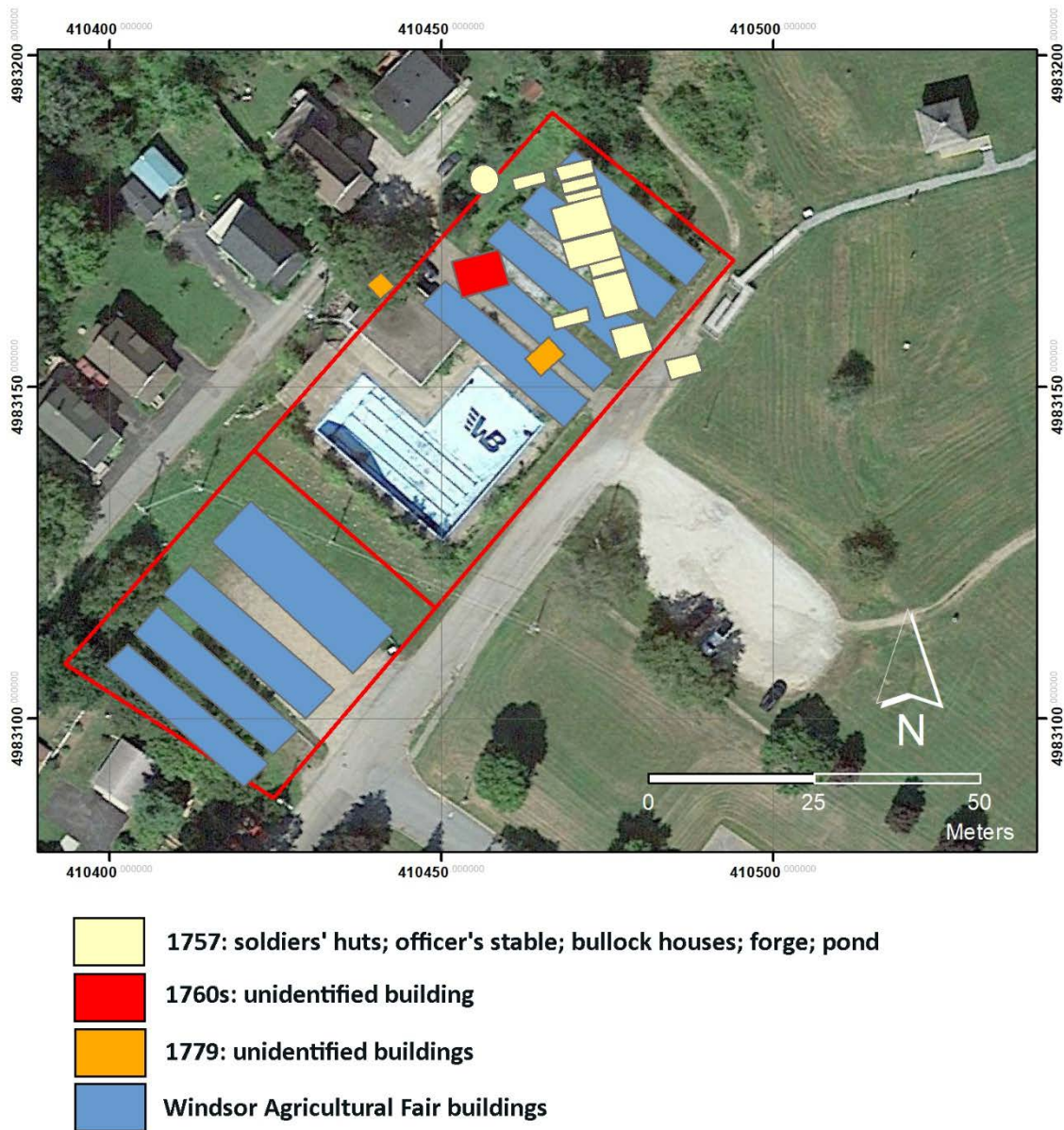


Figure 30: Archaeological potential map showing the locations of former structures identified using historical maps and aerial photographs. SOURCE: Google Earth 2015.

The integrity of these and related features is difficult to ascertain without geophysical prospection and archaeological test excavation. The study area has been significantly altered in recent decades by grading, the excavation of the pool, and the installation of associated infrastructure. In November 2019 the site was capped with imported fill.³³ LiDAR data offers some assistance in quantifying these

³³ M. Philipps to J. Fowler, 19 February 2022.

impacts (**Figure 31**).³⁴ It appears likely that material excavated from the pool in the 1960s was cast up to form berms on the west, south, and east sides of the pool. The upslope – or roughly north – side appears essentially flush with the (previously graded?) surface. ***Based on the evidence consulted to date, it appears the construction of the large swimming pool in the 1960s did not likely directly impact any of the anticipated archaeological features.***

In general, the northernmost of the two properties (PID 45059797), which is also the closer of the two to Fort Edward, appears to contain the most and earliest archaeological evidence associated with Fort Edward and perhaps the truckhouse. This area appears to have been graded, but we do not know when. It may have happened in the early colonial period, in which case early archaeological features are more likely to survive in primary context. If grading took place later, for example in the Victorian period, as part of renovations of the fairgrounds, then the earlier archaeological remains in the upslope part of the property are likely to have been negatively impacted. The more substantial buildings shown on the 1760s and 1770s maps, on the other hand, may well have received a protective blanket of sediment, enhancing their likelihood of survival to present times. If any of these buildings had cellars, wells, or privies, then these are even more likely to remain intact because of their greater depth. As loss traps, they may contain valuable archaeological deposits.

In conclusion, it should not be assumed that previous construction activities at the site, though appearing heavily disruptive, actually destroyed much of the archaeology. Contrary to appearances, significant archaeological deposits might actually survive relatively intact.

³⁴ Two sets of provincial LiDAR data are available. The first, flown in 2011 (months and days unknown) with a pulse spacing of 0.67, was collected with a REIGL Q680i. The second was collected in the summer of 2019 with a pulse spacing of 0.32 using a REIGL VQ1560i and Q780.

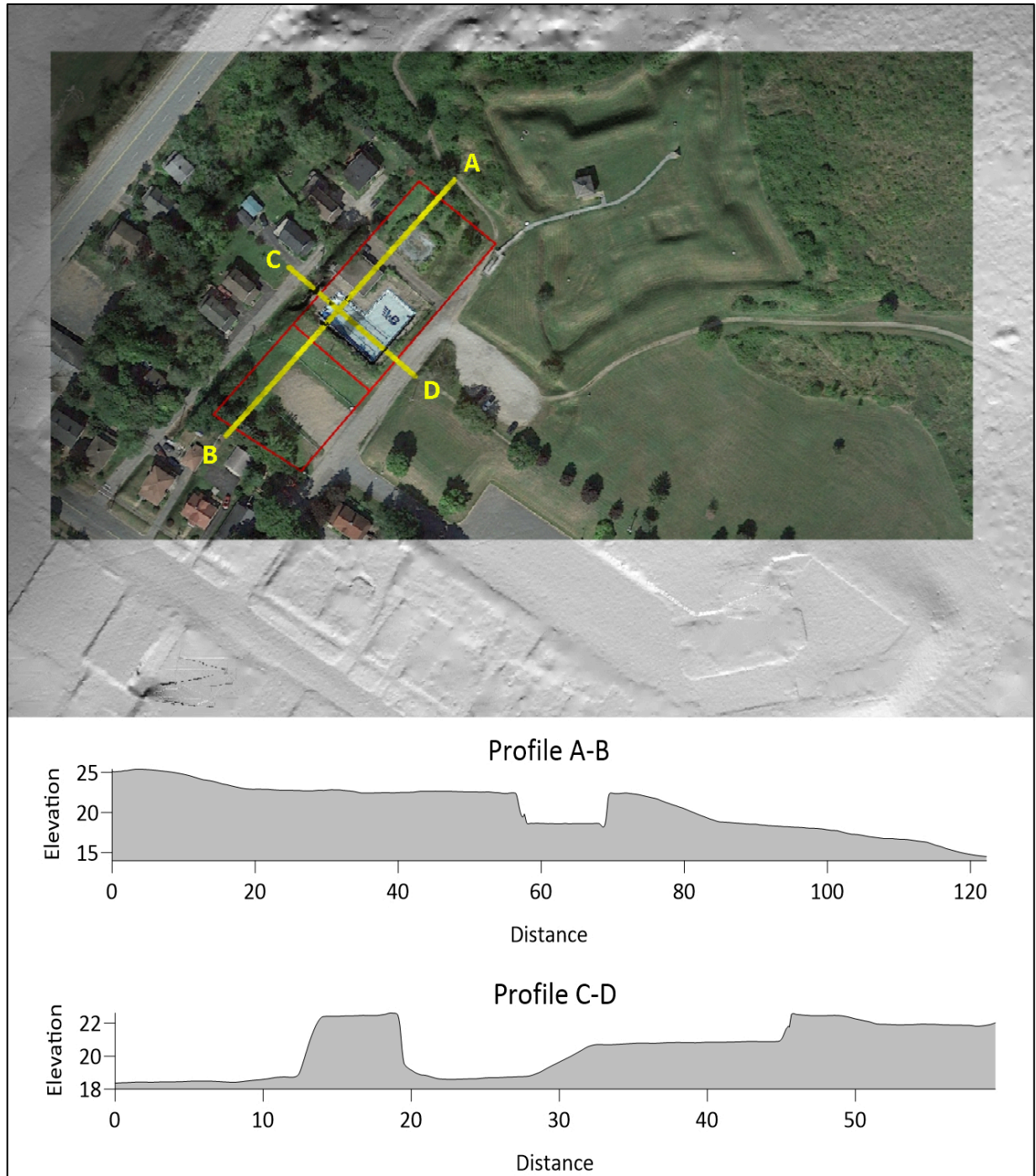


Figure 31: LiDAR data of the study area (outlined in red) and its surroundings with profiles indicating variations in relief arising from previous construction activities. Scale in metres; north at top. SOURCES: Province of Nova Scotia 2019 and Google Earth 2015.

8.0 INTERPRETATION

The primary purpose of this exercise is to assess the archaeological potential of the two properties comprising the study area. As detailed above, there is strong evidence of a range of historical activities in and adjacent to the study area, and compelling evidence that many of these activities left archaeological deposits. Despite past construction activities, there is good reason to expect that at least some of the archaeological resources inventoried here may be well preserved. Other objects and features are likely in secondary contexts. The conclusions and recommendations articulated in the next section reflect these facts and inferences, along with the considerable significance and untapped heritage resource development potential of Fort Edward National Historic Site.

Although visitation has declined in recent years, “[m]any people in the community of Windsor – area residents, members of the West Hants Historical Society, town councilors, and staff, among others – have a strong interest in the future of Fort Edward National Historic Site” and “see Fort Edward as a valuable community asset” (Parks Canada 2016, 35). Parks Canada’s most recent management plan articulates two key strategies for increasing visitation at Fort Edward National Historic Site. The first aims to ***inspire the discovery of Fort Edward NHS*** by:

- improving the quality of pre-trip information;
- working with others to enhance connections with “a network of national historic sites in the region;” and
- enhance visitors’ opportunities “to experience the Fort Edward view-plane and grounds.”

The second strategy aims to cultivate ***shared stewardship*** over Fort Edward NHS and aims to transform the site into a ***community gathering place*** by:

- involving “area residents, the Mi’kmaq, partners, and stakeholders” in protecting Fort Edward’s cultural resources and heritage values; and
- encouraging “area residents, the Mi’kmaq, partners, and stakeholders” to use Fort Edward NHS as a community gathering place (Parks Canada 2016, 35–36).

One is struck by the depth and richness of the heritage resources in and around Fort Edward, by their enormous potential for mobilization, and by their sadly neglected state at present.

9.0 EVALUATION OF RESEARCH

This ARIA relies on standard historical archaeological and empirical landscape archaeological methods and was informed by highly resolved and thorough cartographic, photographic, and ethnohistorical data. The MARI was consulted in order to characterize the study area's archaeological context, particularly in relation to Indigenous sites. To this end, feedback was also elicited from the Mi'kmaq Rights Initiative's Archaeology Research Division.³⁵

An extensive corpus of archival mapping was consulted, and these sources were georeferenced and collated with modern LiDAR evidence to help model archaeological potential. The exercise revealed that, not surprisingly, historical maps frequently exhibit measurement errors in addition to other distortions and omissions. These have been controlled by comparing and collating maps, and by comparing map evidence to independent sources such as land records (deeds), written documents, art, and historical photography whenever possible.

Considerations of archaeological significance and heritage value accounted for varied traditions and sought input from Parks Canada, specialists in local history and heritage, and members of Acadian and Mi'kmaq communities.

Field reconnaissance on 12 February was hampered by the presence of snow, which obstructed vision, but the site has been capped with fill and is unlikely to reveal significant visual evidence in its present state.

10.0 CONCLUSIONS AND RECOMMENDATIONS

Several conclusions and recommendations arise from this study. They range from general considerations pertaining to the value and potential communal benefit of the heritage resource, to specific steps that should be taken to safeguard archaeological resources in the event of future construction.

10.1 General Conclusions and Recommendations

As a cultural asset, the property at the centre of this ARIA – like Fort Edward more generally – represents a potentially very significant heritage resource for the West Hants Regional Municipality. This potential is perhaps not widely recognized because the site's enormously rich and multifaceted history is not very well known. Nor has this site found the kinds of champions who have advanced the cause of heritage development elsewhere along the floor of the Annapolis Valley.

³⁵ J. Fowler to T. Jacobson, 18 January, 2022; T. Jacobson to J. Fowler, 02 February 2022.

Fort Anne, which, as we have seen, is something of a sister site to Fort Edward, was the very first site designated in Canada's national historic sites system in 1917. But this development, which today anchors Annapolis Royal's heritage infrastructure and economy, was nearly doomed by local businessmen who wanted to level to fort's ramparts for commercial development. Heritage activists fought to rescue it from destruction through the late 19th and early 20th centuries, and again in the 1970s, when the town fell on hard times and a plan was again floated to level to fort to build housing (Moody 2014, 214, 303).

Across the Annapolis River, Port-Royal National Historic Site's prominence owes much to its association with the heroic career of Samuel de Champlain, the Father of New France. The Port-Royal Habitation reconstruction began with a small group of passionate heritage advocates lead by Harriet Taber Richardson and Loftus Morton Fortier, who attracted the support of local and international politicians and other leaders (including the governors of Massachusetts and Virginia, the American ambassador to Canada, and the President of Harvard University). They raised significant funds through private donations before the project was adopted and completed by the Canadian federal government in the 1930s (Schmeisser 2001, 4–12).

Grand-Pré National Historic Site, meanwhile, though stewarded by Parks Canada, is a cultural treasure of the Acadian people, who have played a significant part in its development and management for over a hundred years. An Acadian descendant, John Frederic Herbin, in 1907 bought the land that would become the heart of the national historic site and world heritage site, and the funds to build the iconic memorial church in 1924 were raised by donations from Acadians across Canada and the United States (Fowler and Noël 2017, 53; B. LeBlanc 2003, 121). Each of these sites has enjoyed, and continues to benefit from, an active constituency of promoters both outside and inside the official heritage system. *In each case, community members and local governments made the crucial investments of time and money to initiate heritage resource development projects that were subsequently adopted and reinforced by federal investment.*

Fort Edward, meanwhile, despite extraordinary and varied heritage resources, has been comparatively neglected, to the detriment of the local culture and economy.

A period of reflection and meaningful dialogue with partner organizations, especially Parks Canada, and local and descendant communities (e.g. Mi'kmaq, Acadian), seems warranted in determining the best future course of action with respect to these properties.

10.2 Archaeological Heritage Mitigation During Future Construction

Should further ground disturbance be planned for any part of the study area, **it is recommended that a thorough Phase 2 ARIA be undertaken in advance** to better assess the nature of, and mitigate potential impacts to, archaeological resources.

Despite these precautions, should mechanical excavation encounter archaeological evidence, it is recommended that contractors temporarily pause the work and contact John Cormier, Coordinator of Special Places at the Nova Scotia Department of Communities, Culture, Tourism and Heritage: (902) 424-6475 and/or john.cormier@novascotia.ca.

Finally, although Parks Canada's viewplane is not part of provincial jurisdiction or the Special Places Protection Act's regulatory framework, the West Hants Regional Municipality is advised of Parks Canada's concerns in relation to the viewplane, particularly regarding PID 45059797, which is also the property with the greater number of documented archaeological features.

11.0 REFERENCES

- Abbé de l'Isle-Dieu. 1890. "Mémoire Sur Le Règlement Des Limites (1753)." In *Collection de Documents Inédits Sur Le Canada et l'Amérique*, 3:60–87. Quebec.
- Akins, Thomas Beamish. 1869. *Selections from the Public Documents of Nova Scotia*. Halifax: Nova Scotia Archives.
- . 1895. *History of Halifax City*. Halifax: Nova Scotia Historical Society.
- Anon. 1886. "An Ancient Graveyard." *The Morning Herald*, 1886, August 26th edition.
- Beanlands, Sara. 2014. "Formation of the Jewish Legion at Fort Edward." Halifax: Parks Canada Agency.
- Brown, Andrew. 1819. "Removal of the French Inhabitants of Nova Scotia by Lieut. Governor Lawrence and His Majesty's Council in October 1755." Edinburgh. Special Collections. University of Edinburgh Library.
- Bujold, Stéphan. 2004. "L'Acadie Vers 1750: Essai de Chronologie Es Paroisses Acadiennes Du Bassin Des Minas (Minas Basin, NS) Avant Le Grand Dérangement." *Études d'histoire Religieuse* 70: 59–79.
- Cann, D.B., J.D. Hilchey, and G.R. Smith. 1954. *Soil Survey of Hants County*. Nova Scotia Soil Survey 5. Truro: Nova Scotia Department of Agriculture.
- Chapman, Henry. 2006. *Landscape Archaeology and GIS*. Stroud, Gloucestershire: Tempus.
- Chard, Donald Donald F. 1979. "Mauger, Joshua." In *Dictionary of Canadian Biography*. Vol. 4. Toronto and Quebec: University of Toronto and Université Laval.
- Clark, Andrew Hill. 1968. *Acadie: The Geography of Early Nova Scotia to 1760*. Madison: University of Wisconsin Press.
- Crépeau, Andrée, and David Christianson. 1995. "Home and Hearth: An Archaeological Perspective on Acadian Domestic Architecture." *Canadian Folklore Canadien* 17 (2): 93–109.
- Cuthbertson, B.C. 1983. "Deslesdernier, Moses." In *Dictionary of Canadian Biography*. Toronto and Quebec: University of Toronto and Université Laval.

- Davis, Derek S., and Sue Browne. 1996. *The Natural History of Nova Scotia: Theme Regions*. Vol. 2. Halifax: Nova Scotia Museum.
- Deal, Michael. 2001. "Archaeological Investigations at Castle Frederick, Upper Falmouth, 1992." In *Archaeology in Nova Scotia 1992, 1993 and 1994*, 16–55. Curatorial Report 95. Halifax: The Nova Scotia Museum.
- . 2016. *The Collection of Ages: Pre-Contact Archaeology of the Maritime Provinces*. Unpublished manuscript.
- Dickason, Olive Patricia. 1971. "Louisbourg and the Indians: A Study in Imperial Race Relations, 1713-1760." Ottawa, Ont.: University of Ottawa.
- Duncanson, John V. 1983. *Township of Falmouth Nova Scotia*. Belleville, ON: Mika.
- . 1985. *Newport, Nova Scotia, a Rhode Island Township*. Belleville, ON: Mika.
- . 1989. *Rawdon and Douglas: Two Loyalist Townships in Nova Scotia*. Belleville, ON: Mika.
- Eaton, Arthur Wentworth Hamilton. 1915. "Rhode Island Settlers on the French Lands in Nova Scotia 1760 to 1761." *Americana* 10: 83–104.
- Faragher, John Mack. 2005. *A Great and Noble Scheme: The Tragic Story of the Expulsion of the French Acadians from Their American Homeland*. New York: W.W. Norton & Company.
- Ferguson, Robert. 1987. "Fort Edward National Historic Site." In *Archaeology in Nova Scotia, 1985 and 1986*, 117–41. Curatorial Report 63. Halifax: Nova Scotia Museum.
- Fowler, Jonathan. 2001. "The Minas Environs Project 2nd Annual Report, 1999-2000." Halifax: The Nova Scotia Museum.
- . 2005. "A New Acadian Domestic Site at Poplar Grove, Nova Scotia." Halifax: Nova Scotia Department of Communities, Culture and Heritage.
- . 2006a. "A Possible Pre-Deportation Acadian Domestic Site on the St. Croix River." Halifax: Nova Scotia Department of Communities, Culture and Heritage.
- . 2006b. "An 18th Century Domestic Site on the Avon River, Archaeological Research Report, Heritage Research Permit A2006NS65." Halifax: Nova Scotia Department of Communities, Culture and Heritage.

- . 2012. "From Acadians to Planters in the Grand-Pré Area: An Archaeological Perspective." In *The New England Planters in the Atlantic World, 1760-1830*, 37–61. Fredericton, NB: Acadiensis Press.
- . 2013. "Geophysical Survey at the Thibodeau Site, Poplar Grove, HRP A2012NS160." Nova Scotia Department of Communities, Culture and Heritage.
- . 2020. "Geophysical Surveys at Grand-Pré National Historic Site, 2017-2019." Halifax: Parks Canada.
- . in prep. "The Acadian Villages of Pesikik." Halifax.
- Fowler, Jonathan, Sara Beanlands, and Robert Ferguson. 2016. "Geophysical Survey at Fort Edward National Historic Site." Halifax: Parks Canada Agency.
- Fowler, Jonathan, and Robert Ferguson. 2010. "Beneath the Blockhouse Floor." In *Underground Nova Scotia: Stories of Archaeology*, 63–74. Halifax: Nimbus Publishing.
- Fowler, Jonathan, and Stéphane Noël. 2017. "'Poetry Is Always Truer than History': The Curious Parentage of Acadian Archaeology." In *The Country Where My Heart Is: Historical Archaeologies of Nationalism and National Identity*, 37–68. Gainesville: University Press of Florida.
- Green, William, and John F. Doershuk. 1998. "Cultural Resource Management and American Archaeology." *Journal of Archaeological Research* 6 (2): 121–67.
- Gwyn, Julian. 2010. *Planter Nova Scotia 1760-1815: Falmouth Township*. Wolfville: Kings-Hants Heritage Connection.
- Haliburton, G. Brenton. 2011. *A Colonial Portrait: The Halifax Diaries of Lady Sherbrooke, 1811-1816*. Raleigh, N.C.: Lulu Press.
- Harrison, Rodney. 2010. *Understanding the Politics of Heritage*. Manchester and Milton Keynes: Manchester University Press in association with the Open University.
- Herbin, John Frederic. 1911. *The History of Grand-Pre*. St. John, N.B. : Barnes & co., limited. <http://archive.org/details/historyofgrandpr00herbials>.
- Hind, Henry Youle. 1889. *Sketch of the Old Parish Burying Ground of Windsor, Nova Scotia, with an Appeal for Its Protection, Ornamentation, and Preservation*. Windsor, N.S.: Jason A. Anslow.

- Hutton, Elizabeth Ann. 1983. "Indian Affairs in Nova Scotia, 1760-1834." In *The Native Peoples of Atlantic Canada: A History of Indian-European Relations*, 63–80. Ottawa, Ont.: Carleton University Press.
- Johnston, A.J.B. 2004. "The Call of the Archetype and the Challenge of Acadian History." *French Colonial History* 5: 63–92.
- Johnston, A.J.B., and Wayne Kerr. 2004. *Grand-Pré: Heart of Acadie*. Halifax: Nimbus Publishing.
- LeBlanc, Barbara. 2003. *Postcards from Acadie: Grand-Pré, Evangeline & the Acadian Identity*. Kentville: Gaspereau Press.
- LeBlanc, Ronnie-Gilles. 2005. "Pigiguit: L'impact de Grand Dérangement Sur Une Communauté de l'ancienne Acadie." In *Du Grand Dérangement à La Déportation: Nouvelles Perspectives Historiques*, 167–246. Quebec: Marquis.
- Lewis, Roger. n.d. "The History of Truckhouses in Nova Scotia." *What Is a Truckhouse?* (blog). n.d. <https://stopaltongas.wordpress.com/whyoppose/treaties/>.
- Longley, R.S. 1961. "The Coming of the New England Planters to the Annapolis Valley." *Collections of the Nova Scotia Historical Society* 33: 81–101.
- Loomer, L.S. 1996. *Windsor, Nova Scotia: A Journey in History*. Windsor, N.S.: West Hants Historical Society.
- MacFarlane, R.O. 1938. "British Indian Policy in Nova Scotia to 1760." *The Canadian Historical Review* 19 (2): 154–67.
- MacKenzie, Shelagh. 2002. *Halifax Street Names: An Illustrated Guide*. Halifax: Formac Publishing Company.
- Marineau, Francois. 1998. "Fort Edward National Historic Site: Commemorative Integrity Statement." Halifax: Parks Canada.
- Mattingly, David. 2006. *An Imperial Possession: Britain in the Roman Empire, 54 BC - AD 409*. London: Penguin.
- Milner, Cameron. 2014. "The Precontact Village at St. Croix (BfDa-1), Nova Scotia: Explorations of Site Size and Stratigraphic Integrity." St. John's: Memorial University.
- Moody, Barry. 2014. *A History of Annapolis Royal, A Town with a Memory, Volume 2: 1749-2005*. Halifax: Nimbus Publishing.

- Morse, William Inglis. 1935. *Acadiensia Nova (1598-1779)*. Vol. 1. 2 vols. London: Bernard Quaritch Ltd.
- Murdoch, Beamish. 1866. *History of Nova Scotia or Acadie*. Vol. 2. Halifax: James Barnes.
- Nova Scotia Department of Transportation and Infrastructure Renewal. 2021. "Traffic Volume Census on Provincial Highway System." Halifax: Nova Scotia Department of Transportation and Infrastructure Renewal.
https://novascotia.ca/tran/publications/Primary_Roads_-_Traffic_Volume_Data.pdf.
- Parks Canada. 2012. "Grand-Pré National Historic Site of Canada Management Plan." Ottawa, Ont.: Parks Canada.
- . 2016. "The National Historic Sites of Southwest Nova Scotia, Port-Royal, Fort Anne, Charles Fort, Fort Edward and Melanson Settlement: Management Plan." Ottawa: Parks Canada Agency.
- Preston, Brian. 1991. "Heritage Research Permit A1988NS03: Summary Report." In *Archaeology in Nova Scotia 1987 and 1988*, 113–27. Halifax: Nova Scotia Museum.
- Reid, John G. 2004. "Pax Britannica or Pax Indigena? Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification." *The Canadian Historical Review* 85 (4): 669–92.
- Rumsey, David, and Meredith Williams. 2002. "Historical Maps in GIS." In *Past Time, Past Place: GIS for History*, 1–18. Redlands, CA: ESRI Press.
- Sable, Trudy, and Bernie Francis. 2012. *The Language of This Land, Mi'kma'ki*. Sydney, NS: Cape Breton University Press.
- Schmeisser, Barbara M. 2001. "A History of the Reconstruction of the Port-Royal Habitation." Halifax: Parks Canada.
- Shand, Gwendolyn Vaughan. 1979. *Historic Hants County*. Published by the Author.
- Stea, R.R., H. Conley, and Y. Brown. 1992. "Surficial Geology Map of the Province of Nova Scotia." Halifax: Nova Scotia Department of Natural Resources.
<https://www.arcgis.com/home/item.html?id=e41319add9db485a8d3c6827210fd5f1>.

- Tainter, Joseph A., and G. John Lucas. 1983. "Epistemology of the Significance Concept." *American Antiquity* 48 (4): 707–19.
- Tourism Nova Scotia. 2022. "Tourism Revenues." Halifax: Tourism Nova Scotia. <https://tourismns.ca/tourism-revenues>.
- Tulloch, Judith. n.d. "Fort Edward NHS: Confirmation and Clarification of National Historic Site Significance." Historic Sites and Monuments Board of Canada.
- United Nations World Tourism Organization. 2021. "The Economic Contribution of Tourism and the Impact of Covid-19." Madrid: United Nations World Tourism Organization. <https://www.e-unwto.org/doi/epdf/10.18111/9789284423200>.
- Upton, L.F.S. 1979. *Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867*. Vancouver: University of British Columbia Press.
- Webster, John Clarence. 1936. *The Journal of Joshua Winslow*. St. John: New Brunswick Museum.
- White, Richard. 1991. *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region 1650-1815*. Cambridge: Cambridge University Press.
- Whitehead, Ruth Holmes. 1993. *Nova Scotia: The Protohistoric Period 1500-1630, Four Micmac Sites: Oak Island: BICu-2,3, Northport: BICx-1, Pictou BkCp-1, Avonport: BgDb-6*. Curatorial Report 75. Halifax: The Nova Scotia Museum.
- Wicken, William C. 2002. *Mi'kmaq Treaties on Trial: History, Land, and Donald Marshall Junior*. Toronto: University of Toronto Press.
- Winslow, John. 1883. "Journal of Colonel John Winslow, of the Provincial Troops, While Engaged in Removing the Acadian French Inhabitants from Grand Pre, and the Neighbouring Settlements, in the Autumn of the Year 1755." *Report and Collections of the Nova Scotia Historical Society for the Years 1882-1883* 3: 71–196.
- . 1884. "Journal of Colonel John Winslow of the Provincial Troops, While Engaged in the Siege of Fort Beauséjour in the Summer and Autumn of 1755." *Collections of the Nova Scotia Historical Society* 4: 113–246.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councilor Activity ☐
--------------------------------------	--	---	---

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

Submitted by: _____
John Ogilvie, Climate Action Coordinator

Date: October 25, 2022

Subject: Property Assessed Clean Energy (PACE) By-law Second Reading

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 81A

RECOMMENDATION

That after receiving feedback during the Public Hearing, Council approves the following motion, if deemed appropriate:

... Council gives Second Reading and adopts the Property Assessed Clean Energy (PACE) By-law in a manner substantively the same as the draft in Attachment A of the report “Property Assessed Clean Energy (PACE) By-law” to Council, dated September 27, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☒	Social ☐	Economic ☒	Councilor Activity ☐
--	--	---	---------------------------------	--	--

On September 14, 2022, I presented the Municipal Climate Change Action Plan (MCCAP) Committee with a draft PACE by-law for the Committee’s consideration. The report “Property Assessed Clean Energy (PACE) Program Update, Details, and By-law” to the MCCAP Committee is Attachment B to this report. The MCCAP Committee recommended that Council give First Reading and hold a Public Hearing on the draft PACE By-law.

Following a meeting of staff on September 16, 2022, to discuss the PACE program and the draft PACE By-law, staff determined some minor changes to the draft By-law may be required. These changes were approved by Council with First Reading of the draft By-law on September 27, 2022. The changes are detailed in the report to Council titled “Property Assessed Clean Energy (PACE) By-law” as Attachment A to this report.

DISCUSSION

The draft PACE By-law is attached to the report in Attachment A for review and approval by Council. Following public input and feedback through a Public Hearing, Council may then hold Second Reading. If the PACE By-law is approved as drafted after Second Reading, a notice in the paper would signify its approval. Once the PACE By-law is effective, staff will determine funding opportunities for discussion with Council and develop a PACE Program Policy for approval by Council. The PACE Program Policy will further outline the eligibility requirements for applicants, the format of Participation Agreements, and the eligible upgrades for homeowners.

NEXT STEPS

1. Approval of a Municipal PACE By-law per the MGA Section 81(A)
2. Determine funding opportunities
3. WHRM PACE Policy Development
4. Spring 2023 – Tentative WHRM PACE Program launch

FINANCIAL IMPLICATIONS

There are no financial implications anticipated with the filing of this report and the adoption of a PACE Program By-law. Funding is being investigated from various external and internal sources for Council’s consideration.

ALTERNATIVES

Council may:

- a. authorize a Public Hearing and hold Second Reading to approve the By-law as drafted, or as specifically revised by Council.
- b. provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

- Attachment A Council Report – September 27, 2022 “Property Assessed Clean Energy (PACE) By-law”
- Attachment B MCCAP Committee Report – September 14, 2022 “Property Assessed Clean Energy (PACE) Program Update, Details, and By-law”

CHIEF ADMINISTRATIVE OFFICER REVIEW

The by-law as noted will provide Council with the ability to create the program. Details of the program continue to be reviewed by MCCAP.

I support the recommendation.

Report Prepared by: _____
John Ogilvie, Climate Action Coordinator

Report Reviewed by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



Attachment A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councilor Activity ☐
--------------------------------------	--	---	---

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

Submitted by: _____
John Ogilvie, Climate Action Coordinator

Date: September 27, 2022

Subject: Property Assessed Clean Energy (PACE) By-law

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 81A

RECOMMENDATION

...that Council give First Reading and hold a Public Hearing to consider adopting a Property Assessed Clean Energy (PACE) By-law in a manner substantively the same as the draft in Attachment A of the report "Property Assessed Clean Energy (PACE) By-law" to Council, dated September 27, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☒	Social ☐	Economic ☒	Councilor Activity ☐
--	--	---	---------------------------------	--	--

On February 22, 2022, Council approved the allocation of \$10,000 in the 2022/23 operating budget to support the joint costs to apply to the Federation of Canadian Municipalities (FCM) Community Efficiency Financing (CEF) Program, for funding to develop and carry out a Property Assessed Clean Energy (PACE) Program.

On July 26, 2022, Council approved a recommendation to submit a joint application with the Town of Kentville to the FCM's CEF Program to assist with funding a PACE program. PACE Atlantic has prepared and submitted the application on behalf of West Hants Regional

Municipality (WHRM) and the Town of Kentville for a detailed program study. PACE Atlantic anticipates a response to the application in October.

On September 13, 2022, I presented Committee of the Whole (COTW) with an information report informing the Committee of initiation of the process to draft and create a PACE by-law for WHRM and made COTW aware a draft by-law would be presented by staff to the Municipal Climate Change Action Plan (MCCAP) Committee the following day.

On September 14, 2022, I presented the MCCAP Committee with a draft PACE by-law for the Committee's consideration (Attachment B). The MCCAP Committee voted to recommend that Council give First Reading and hold a Public Hearing on the draft PACE By-law.

DISCUSSION

Following a meeting of staff on September 16, 2022, to discuss the PACE program and the draft PACE By-law, staff determined some minor changes to the draft By-law may be required. These changes are included in the draft By-law in Attachment A of this report. The word "first" was added to Section 6.2. of the draft By-law to read as follows:

"6.2. A PACE Program Charge constitutes a first lien on the Qualifying Property and may be collected in the same manner as taxes under the Nova Scotia *Municipal Government Act*."

Additionally, staff determined the individual funding allotments for applicants may be better suited to be outlined in the future PACE Program Policy, rather than in the PACE By-law. This would give Council more flexibility in determining funding allotments based on MCCAP Committee priorities and available funding for the program. The original Section 4.1. of the draft By-law is below, followed by the revised Section 4.1.:

Original: "4.1. An Owner of a Qualifying Property may apply for Municipal financing of the cost of an Installation on the property, to the maximum limit of \$30,000 or 25% of the applicant's home value, whichever is less."

Revised to: "4.1. An Owner of a Qualifying Property may apply for Municipal financing of the cost of an Installation on the property, to the maximum limit provided in the PACE Program Policy."

The updated draft PACE By-law is attached to this report as Attachment A for review and approval by Council. Following the ratification of the PACE By-law, staff will develop a PACE Program Policy for approval by Council, which will further outline the eligibility requirements for applicants, the format of Participation Agreements, and the eligible upgrades for homeowners.

NEXT STEPS

1. Approval of a Municipal PACE By-law per the MGA Section 81(A)
2. WHRM PACE Policy Development
3. Spring 2023 – Tentative WHRM PACE Program launch

FINANCIAL IMPLICATIONS

There are no financial implications anticipated with the filing of this report and the adoption of a PACE Program By-law. Funding is being sought from the FCM's CEF program, to enable WHRM to launch a PACE program.

ALTERNATIVES

Council may:

- a. hold First Reading and authorize a Public Hearing to approve the By-law as drafted, or as specifically revised by Council.
- b. provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A	Draft Property Assessed Clean Energy (PACE) By-law
Attachment B	MCCAP Committee Report – September 14, 2022 “Property Assessed Clean Energy (PACE) Program Update, Details, and By-law”

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: _____
John Ogilvie, Climate Action Coordinator

Report Reviewed by: _____
Sara Poirier, Senior Planner

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

Report Approved by: _____
Mark Phillips, Chief Administrative Officer



1. TITLE

This By-law shall be known, and may be cited, as the Property Assessed Clean Energy (PACE) By-law.

2. BACKGROUND AND SCOPE

- 2.1. The purpose of this By-law is to enable West Hants Regional Municipality to establish financing of energy and water efficiency, renewable energy, greenhouse gas emission reduction, and climate change adaptation for Qualifying Properties.
- 2.2. This By-law is enacted pursuant to the *Nova Scotia Municipal Government Act* (NS MGA) Section 81A (1), which states: *The council may make by-laws imposing, fixing, and providing methods of enforcing payment of charges for the financing and installation of any of the following on private property with the consent of the property owner:*
 - (a) *energy-efficiency equipment;*
 - (b) *renewable energy equipment;*
 - (c) *equipment for the supply, use, storage, or conservation of water.*
- 2.3. This By-law does not exempt any person from complying with the requirements of other by-laws, regulations, licenses, permits, authorities, or approvals in force and otherwise required by West Hants Regional Municipality, the Province of Nova Scotia, or the Government of Canada.
- 2.4. This By-law shall apply only to upgrades installed using the West Hants Regional Municipality PACE Program.

3. DEFINITIONS

- 3.1. “Act” means the *Nova Scotia Municipal Government Act*.
- 3.2. “Building” means any structure placed on, over, or under the land and every part of the same and any external chimney, staircase, porch, or other structure used in connection with such building.
- 3.3. “Certificate of Completion” means a form issued by the Program Administrator on behalf of the Municipality, completed and signed by the Contractor, and counter-signed by the property owner, stating that the Upgrade(s) and associated equipment have been installed on the property.
- 3.4. “Charge” means the charge for financing the Upgrade(s), which includes any interest levied.
- 3.5. “Chief Administrative Officer” or “CAO” means the administrative leader of West Hants Regional Municipality, appointed by Council
- 3.6. “Contractor” means the individual or corporation engaged by the property owner, and approved by West Hants Regional Municipality, to carry out the Upgrade(s), including but

-
- not limited to suitability assessments and evaluations, equipment installation, and specialized work.
- 3.7. “Council” means the Mayor and other members of the Council of West Hants Regional Municipality.
- 3.8. “Installation” or “Upgrade” means any equipment that is permanently installed on a property which will result in:
- (a) improved energy and/or water efficiency;
 - (b) increased renewable energy production;
 - (c) reduced greenhouse gas emissions; and/or
 - (d) enhanced resiliency to the negative effects of climate change.
- 3.9. “Municipality” means West Hants Regional Municipality.
- 3.10. “Owner” means a registered owner of property in accordance with records on file with the Province of Nova Scotia’s Land Registry Office.
- 3.11. “Property Assessed Clean Energy Program” or “PACE Program” means the program established in this By-law under which Owners of Qualifying Properties may apply for and obtain financing for energy and water efficiency, renewable energy, greenhouse gas emission reduction, and climate change adaptation upgrades.
- 3.12. “PACE Program Policy” means the policy established by the Municipality to further delineate the detailed structure and operation of the PACE Program.
- 3.13. “Participation Agreement” means the written and signed PACE Program Participation Agreement between the Owner of a Qualifying Property and the Municipality for financing Upgrades.
- 3.14. “Program Administrator” means the person or third party designated by the Municipality to operate the PACE Program.
- 3.15. “Qualifying Property” means a property located with the Municipality that meets the requirements of this By-law, the PACE Program Policy, and the Participation Agreement.

4. APPLICATION AND APPROVAL

- 4.1. An Owner of a Qualifying Property may apply for Municipal financing of the cost of an Installation on the property, to the maximum limit provided in the PACE Program Policy.
- 4.2. Financing shall be subject to obtaining written approval of the CAO or their designate on behalf of the Municipality.
- 4.2.1. The following conditions must be met for the CAO or designate to grant approval of an application:
- (a) The Owner is not in arrears of any Municipal taxes, rates, or charges;

- (b) The Owner must execute the PACE Participation Agreement with the Municipality; and
- (c) Any additional conditions specified in the PACE Program Policy must be met.

5. PAYMENT OF CHARGE

- 5.1. The charge shall become payable upon submission of the Certificate of Completion by the Contractor to the Program Administrator, who will in turn submit it to the CAO or their designate.
- 5.2. The charge may consist of the following:
 - (a) The cost of the Installation, including all labour and equipment costs;
 - (b) Permitting fees and applicable taxes;
 - (c) Applicable PACE Program fees;
 - (d) Interest accrued on the Charge including any additional interest arising due to any default of payment; and
 - (e) Less any applicable federal, provincial, or other funding received for the installation.
- 5.3. The Owner of a Qualified Property may elect to pay the Charge by equal installments over the period specified in the Participation Agreement.
- 5.4. The Charge period shall not exceed 20 years.
- 5.5. Interest will be levied on Charges as specified in the PACE Program Policy and the Participation Agreement and is payable annually on the entire amount outstanding and unpaid, regardless of if the Owner has elected to pay by installments.
- 5.6. In the event of default of any payment under the PACE Participation Agreement, the outstanding balance shall be immediately due and payable. Interest shall accrue on the amount then due and payable at the same rate applied by the Municipality for unpaid taxes.
- 5.7. The Director of Finance shall maintain a separate account of all monies due for PACE Program Charges, identifying the following for the subject property:
 - (a) The name(s) of the Owner(s), the property assessment value, the Property Identification Number (PID), and the civic address;
 - (b) The amount of the Charge levied on the Qualifying Property;
 - (c) The annual interest rate and amount of interest charges included within the Charge;
 - (d) The amount paid on the Charge; and
 - (e) The balance due on the Charge.

6. LIEN

- 6.1. The Charge, and lien, shall become effective when the Certificate of Completion has been issued by the Program Administrator.
- 6.2. A PACE Program Charge constitutes a first lien on the Qualifying Property and may be collected in the same manner as taxes under the Nova Scotia *Municipal Government Act*.
- 6.3. The lien, or notice thereof, shall be registered on the title of the Qualifying Property, at the Owner's expense.
- 6.4. The lien shall remain in effect until the total Charge, including any interest, has been paid in full.

7. MUNICIPAL LIABILITY

- 7.1. The Municipality is not responsible for the quality of the Installation carried out by the Contractor or the equipment involved and is not responsible for guaranteeing any energy or water savings, renewable energy production or greenhouse gas emission reduction. As a result, the Municipality shall not be liable for any loss, liability, injury, or damage, direct or consequential, caused by the supply of equipment, its installation or use by the Owner.



WEST HANTS REGIONAL MUNICIPALITY
PROPERTY ASSESSED CLEAN ENERGY (PACE) BY-LAW

RP-001

I, (Municipal Clerk Name), Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of ____ (month), ____ (year).

(Signature of Municipal Clerk)
(Typed name of Municipal Clerk)

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



Attachment B

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councilor Activity ☐
--------------------------------------	--	---	---

To: Municipal Climate Change Action Plan (MCCAP) Committee

Submitted by: _____
John Ogilvie, Climate Action Coordinator

Date: September 14, 2022

Subject: Property Assessed Clean Energy (PACE) Program Update, Details, and By-law

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 81A

RECOMMENDATION or DECISION REQUEST

...that the Municipal Climate Change Action Plan (MCCAP) Committee recommends that Council give First Reading and hold a Public Hearing to consider adopting a Property Assessed Clean Energy (PACE) By-law in a manner substantively the same as the draft in Attachment A of the report "Property Assessed Clean Energy (PACE) Program Update, Details, and By-law" to the MCCAP Committee dated September 14, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☒	Social ☐	Economic ☒	Councilor Activity ☐
--	--	---	---------------------------------	--	--

On February 22, 2022, Council approved the allocation of \$10,000 in the 2022/23 operating budget to support the joint costs to apply to the Federation of Canadian Municipalities (FCM) Community Efficiency Financing (CEF) Program, for funding to develop and carry out a Property Assessed Clean Energy (PACE) Program.

On July 26, 2022, Council approved a recommendation to submit a joint application with the Town of Kentville to the FCM's CEF Program to assist with funding a PACE program. PACE

Atlantic has prepared and submitted the application on behalf of West Hants Regional Municipality (WHRM) and the Town of Kentville for a detailed program study. PACE Atlantic anticipates a response to the application around the middle of September.

The PACE program design and administration for WHRM are to be directed by the MCCAP Committee. This includes choosing eligible projects, determining the size of household funding allotments, and the creation of a by-law for program implementation.

DISCUSSION

Potential Projects and Costs

The MCCAP Committee needs to decide what type of residential projects will be included in the scope of the WHRM PACE program. Below is a list of projects that may have the most impact in energy savings (greenhouse gas emission reductions), water usage reductions, cost-efficiency, and building comfort. The list is not exhaustive; however, it represents what most existing PACE programs provide and what the FCM funding rules allow for. A key component of PACE funding is that upgrades are tied to the home, not the resident, so upgrades must be permanent.

Some items are listed as potentially free through Efficiency NS, as they currently have programs that complete those actions for free. Homeowners can contact Efficiency NS themselves for these upgrades, however they can also be suggestions made when homes are audited for PACE program applications. A major benefit of the design of the PACE program is that the loans it provides can be used in combination with federal and provincial funding sources. This means an audit for the PACE program will suggest the most cost-effective ways for homeowners to get upgrades to their homes and will assist homeowners in getting all applicable rebates/grants.

Building envelope upgrades:

- Insulation
- Replacement of windows and doors
- Weather/air sealing

Efficiency:

- LED lighting – potentially free through Efficiency NS
- Water heater replacement or blankets – \$600-\$3000 for new tank and professional installation, blanket potentially free through Efficiency NS
- Hot water pipe insulation – potentially free through Efficiency NS
- Drain water heat recovery – \$100 or more with installation
- Low flush toilets, low-flow showerheads, etc. – potentially free through Efficiency NS
- Smart thermostat systems – approximately \$100-\$200 for professional installation

Fuel switching:

- Pellet/woodstoves – around \$5000 depending on size
- Heat pumps (air or geothermal) – \$4000-\$8000 for ducted air-source heat pump, \$1500-\$3500 per zone for ductless air-source mini-splits, \$15 000-\$35 000 for geothermal systems
- Electric
- Heat pump/solar pool heaters
- EV charging stations

Green energy:

- Solar photovoltaic (PV) panels – average \$0.10 per kWh, or \$2 per watt
- Thermal solar panels

Climate Adaptation:

- Back-flow prevention valves
- Sump pumps
- Basement waterproofing

The MCCAP Committee can also choose to allow PACE funding for health and safety measures required for any home energy improvements. This may include wiring upgrades, service upgrades, or environmental remediation. The Town of Wolfville allows this in their PACE program.

Individual Allotments

PACE Atlantic anticipates that WHRM could receive up to \$4 million to implement the PACE program if the funding application is successful. PACE Atlantic has suggested to achieve 200-250 building retrofits per year, the average project would cost ~\$16,000. The MCCAP Committee can choose to set a project limit lower or higher than this, but to achieve maximal impact, staff recommend setting it higher than \$16,000. Individual households may require multiple actions, which will cost more up front. This is due to the effectiveness of certain actions being compounded by others, such as proper building insulation and the installation of a heat pump. Without properly insulating a home, a heat pump will not be cost-effective or efficient. Larger allotments would also assist in achieving deeper greenhouse gas (GHG) emission cuts and increasing efficiency. The residential sector accounts for 31% of the entire GHG inventory in West Hants, producing 90,502 tonnes of CO₂ equivalent (tCO₂e) of the total 290,010 tCO₂e. To achieve the current goal of a 45% reduction in annual emissions by 2030, this program needs to achieve sizeable emission cuts in the residential sector.

Based on information from nearby jurisdictions, staff recommend a maximum loan of \$30,000 or 25% of the applicant's home value, whichever is less. This would mean a home worth \$120,000 or more would receive the maximum loan size. Homeowners can always opt to apply for a smaller loan, if they do not require the full allotment. Colchester County has the same loan limit and is a county with a similar rural/urban mixture to WHRM.

Loan periods in other PACE programs range from 10-20 years. The MCCAP Committee can decide the timelines being offered in the WHRM PACE Program, based on the minimum 1:1 savings-to-loan ratio. Staff recommend offering a maximum loan term of 20 years, with the ability for homeowners to sign an agreement with a loan term shorter than 20 years. Offering a long loan period will help ensure adequate resident uptake and make the Program accessible to low-income applicants. A core tenet of PACE Programs is that savings from energy efficiency help applicants pay for the capital cost of upgrades, so the loan terms need to be long enough to allow that to occur.

Another major consideration for the Municipality is the limited disposable income of some households, and energy poverty, within the Region. According to a study by the Canadian Urban Sustainability Practitioners, Nova Scotia has the fifth highest number of energy-poor families in the country, totalling 147,085. Generally, energy poverty occurs when a household spends six percent or more of its net income on energy bills. Breaking the cycle of energy poverty requires investments to reduce energy consumption, which means the PACE program may need to cover a large portion – or the entirety – of upfront project costs. These households are also most vulnerable to the direct and indirect effects of climate change, such as heat waves and market volatility. Reducing energy consumption and improving building comfort will help to adapt to the changing climate and enhance resiliency in WHRM.

Examples in Other Towns and Municipalities

Switch Wolfville began in 2021 with a \$14.1 million investment from FCM, with approximately \$4 million to provide grants, and the rest for loans. Data regarding the number of projects completed does not seem to be readily accessible at this time.

- 0% interest rate
- 15-year terms
- Financing up to \$40,000 or 15% of property value (whichever is less)
- Early, partial, full payments accepted
- 5% admin fee
- Minimum project of \$3000 (including HST)
- Applicants can use personal financing in combination with the program or break projects up into phases. Once the borrowed amount is paid back in sufficient quantities, additional program financing can be accessed
- Applicants can pick their own contractors if they meet program requirements
- Projects must be fixed at the property (no electric vehicles (EV) or appliances, but EV chargers allowed)
- If property is sold, payments can be transferred to new owners or remaining balances can be paid off
- Required health and safety upgrades are allowed, subject to a cap of 30% of the total financing provided

Cozy and Solar Colchester began in October 2021 with an approximately \$8.3 million dollar investment from FCM; around \$5.6 million is in the form of a loan, and the rest as a grant. To-date, over 500 participants have enrolled, and the program has provided financing for 223 home efficiency projects. The program is currently paused and is expected to restart in late 2022 or early 2023. It is generally a similar program to Wolfville's, with similar financing rules and project eligibility, but with different loan amounts. Staff recommend the WHRM PACE Program include provisions for a low-income admin fee exemption, like the Program in Colchester County. This can be outlined in the WHRM PACE Program Policy, to be developed by staff following ratification of a By-law.

- 0% interest rate
- Up to 15-year terms
- Financing up to \$30 000 or 25% of property value (whichever is less)
- 5% admin fee
- No minimum project size
- Low-income admin fee exemption

Family Size	Household Income
Single	<\$26,485
2	<\$34,982
3 or more	<\$41,978

Clean Energy Financing is financed through the Clean Foundation. It has been initiated in multiple municipal units throughout Nova Scotia including the Towns of Bridgewater (2016), Amherst (2019) and New Glasgow and the Municipalities of Digby (2016), Lunenburg (2016), Barrington (2017), Yarmouth (2018), Cumberland (2019), Victoria (2021) and East Hants (2022).

- 10-20 – year financing
- 1-4% interest rates
- Between \$10 000-\$40 000 in financing

By-Law Creation

WHRM must create a by-law to initiate this PACE Program, and to provide transparent details about Program administration and structure. The By-law explains the relevant authorities regarding Program administration, the application qualifications, and the way fees can be collected. It will enable Program financing of upgrades for qualified residential homes within the Region to enhance energy and water efficiency, GHG emission reductions, and renewable energy installations. Council has this authority specifically from the Nova Scotia Municipal Government Act in Section 81A (1):

“The council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for the financing and installation of any of the following on private property with the consent of the property owner:

- (a) energy-efficiency equipment;
- (b) renewable energy equipment;
- (c) equipment for the supply, use, storage or conservation of water...”.

A draft by-law is attached to this report as Attachment A for review and recommendation by the MCCAP Committee. The draft by-law outlines the approval process for applicants, the record-keeping requirements, how loans will be repaid, and the payment term. Following the ratification of a PACE By-law, staff will develop a PACE Program Policy for approval by Council, which will further outline the eligibility requirements for applicants, the format of Participation Agreements, and the eligible upgrades for homeowners.

Future Community Engagement

There will need to be an extensive marketing campaign to engage the community on this program. To achieve targeted program engagement, information will need to be widely available and easily accessible. PACE Atlantic will provide WHRM with website and marketing information, with an eye on mail-out brochures at the start of the program as well as a social media campaign.

PACE Atlantic is also requesting the Municipality host a community and industry engagement session(s) in the Fall of 2022 to gather input on the proposed PACE Program.

NEXT STEPS

1. MCCAP Committee recommendation to Council for First Reading and Public Hearing of the proposed By-law
2. Approval of a Municipal By-law per the MGA Section 81(A)
3. WHRM PACE Policy Development
4. Spring 2023 – WHRM PACE Program launch

FINANCIAL IMPLICATIONS

There are no financial implications anticipated with the filing of this report and the adoption of a PACE Program By-law. Funding is being sought from the FCM’s CEF program, to enable WHRM to launch a PACE program.

ALTERNATIVES

The MCCAP Committee may recommend that Council:

- a. hold First Reading and authorize a Public Hearing to approve the By-law as drafted, or as specifically revised by direction of the MCCAP Committee;
- b. provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A Draft Property Assessed Clean Energy (PACE) By-law

Report Prepared by: _____
John Ogilvie, Climate Action Coordinator

Report Reviewed by: _____
Sara Poirier, Senior Planner

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



1. TITLE

This By-law shall be known, and may be cited, as the Property Assessed Clean Energy (PACE) By-law.

2. BACKGROUND AND SCOPE

- 2.1. The purpose of this By-law is to enable West Hants Regional Municipality to establish financing of energy and water efficiency, renewable energy, greenhouse gas emission reduction, and climate change adaptation for Qualifying Properties.
- 2.2. This By-law is enacted pursuant to the *Nova Scotia Municipal Government Act* (NS MGA) Section 81A (1), which states: *The council may make by-laws imposing, fixing, and providing methods of enforcing payment of charges for the financing and installation of any of the following on private property with the consent of the property owner:*
 - (a) *energy-efficiency equipment;*
 - (b) *renewable energy equipment;*
 - (c) *equipment for the supply, use, storage, or conservation of water.*
- 2.3. This By-law does not exempt any person from complying with the requirements of other by-laws, regulations, licenses, permits, authorities, or approvals in force and otherwise required by West Hants Regional Municipality, the Province of Nova Scotia, or the Government of Canada.
- 2.4. This By-law shall apply only to upgrades installed using the West Hants Regional Municipality PACE Program.

3. DEFINITIONS

- 3.1. “Act” means the *Nova Scotia Municipal Government Act*.
- 3.2. “Building” means any structure placed on, over, or under the land and every part of the same and any external chimney, staircase, porch, or other structure used in connection with such building.
- 3.3. “Certificate of Completion” means a form issued by the Program Administrator on behalf of the Municipality, completed and signed by the Contractor, and counter-signed by the property owner, stating that the Upgrade(s) and associated equipment have been installed on the property.
- 3.4. “Charge” means the charge for financing the Upgrade(s), which includes any interest levied.
- 3.5. “Chief Administrative Officer” or “CAO” means the administrative leader of West Hants Regional Municipality, appointed by Council
- 3.6. “Contractor” means the individual or corporation engaged by the property owner, and approved by West Hants Regional Municipality, to carry out the Upgrade(s), including but

-
- not limited to suitability assessments and evaluations, equipment installation, and specialized work.
- 3.7. “Council” means the Mayor and other members of the Council of West Hants Regional Municipality.
- 3.8. “Installation” or “Upgrade” means any equipment that is permanently installed on a property which will result in:
- (a) improved energy and/or water efficiency;
 - (b) increased renewable energy production;
 - (c) reduced greenhouse gas emissions; and/or
 - (d) enhanced resiliency to the negative effects of climate change.
- 3.9. “Municipality” means West Hants Regional Municipality.
- 3.10. “Owner” means a registered owner of property in accordance with records on file with the Province of Nova Scotia’s Land Registry Office.
- 3.11. “Property Assessed Clean Energy Program” or “PACE Program” means the program established in this By-law under which Owners of Qualifying Properties may apply for and obtain financing for energy and water efficiency, renewable energy, greenhouse gas emission reduction, and climate change adaptation upgrades.
- 3.12. “PACE Program Policy” means the policy established by the Municipality to further delineate the detailed structure and operation of the PACE Program.
- 3.13. “Participation Agreement” means the written and signed PACE Program Participation Agreement between the Owner of a Qualifying Property and the Municipality for financing Upgrades.
- 3.14. “Program Administrator” means the person or third party designated by the Municipality to operate the PACE Program.
- 3.15. “Qualifying Property” means a property located with the Municipality that meets the requirements of this By-law, the PACE Program Policy, and the Participation Agreement.

4. APPLICATION AND APPROVAL

- 4.1. An Owner of a Qualifying Property may apply for Municipal financing of the cost of an Installation on the property, to the maximum limit of \$30,000 or 25% of the applicant’s home value, whichever is less.
- 4.2. Financing shall be subject to obtaining written approval of the CAO or their designate on behalf of the Municipality.
- 4.2.1. The following conditions must be met for the CAO or designate to grant approval of an application:
- (a) The Owner is not in arrears of any Municipal taxes, rates, or charges;



- (b) The Owner must execute the PACE Participation Agreement with the Municipality;
and
- (c) Any additional conditions specified in the PACE Program Policy must be met.

5. PAYMENT OF CHARGE

- 5.1. The charge shall become payable upon submission of the Certificate of Completion by the Contractor to the Program Administrator, who will in turn submit it to the CAO or their designate.
- 5.2. The charge may consist of the following:
 - (a) The cost of the Installation, including all labour and equipment costs;
 - (b) Permitting fees and applicable taxes;
 - (c) Applicable PACE Program fees;
 - (d) Interest accrued on the Charge including any additional interest arising due to any default of payment; and
 - (e) Less any applicable federal, provincial, or other funding received for the installation.
- 5.3. The Owner of a Qualified Property may elect to pay the Charge by equal installments over the period specified in the Participation Agreement.
- 5.4. The Charge period shall not exceed 20 years.
- 5.5. Interest will be levied on Charges as specified in the PACE Program Policy and the Participation Agreement and is payable annually on the entire amount outstanding and unpaid, regardless of if the Owner has elected to pay by installments.
- 5.6. In the event of default of any payment under the PACE Participation Agreement, the outstanding balance shall be immediately due and payable. Interest shall accrue on the amount then due and payable at the same rate applied by the Municipality for unpaid taxes.
- 5.7. The Director of Finance shall maintain a separate account of all monies due for PACE Program Charges, identifying the following for the subject property:
 - (a) The name(s) of the Owner(s), the property assessment value, the Property Identification Number (PID), and the civic address;
 - (b) The amount of the Charge levied on the Qualifying Property;
 - (c) The annual interest rate and amount of interest charges included within the Charge;
 - (d) The amount paid on the Charge; and
 - (e) The balance due on the Charge.

6. LIEN

- 6.1. The Charge, and lien, shall become effective when the Certificate of Completion has been issued by the Program Administrator.
- 6.2. A PACE Program Charge constitutes a lien on the Qualifying Property and may be collected in the same manner as taxes under the Nova Scotia *Municipal Government Act*.
- 6.3. The lien, or notice thereof, shall be registered on the title of the Qualifying Property, at the Owner's expense.
- 6.4. The lien shall remain in effect until the total Charge, including any interest, has been paid in full.

7. MUNICIPAL LIABILITY

- 7.1. The Municipality is not responsible for the quality of the Installation carried out by the Contractor or the equipment involved and is not responsible for guaranteeing any energy or water savings, renewable energy production or greenhouse gas emission reduction. As a result, the Municipality shall not be liable for any loss, liability, injury, or damage, direct or consequential, caused by the supply of equipment, its installation or use by the Owner.



WEST HANTS REGIONAL MUNICIPALITY
PROPERTY ASSESSED CLEAN ENERGY (PACE) BY-LAW

RP-001

I, (Municipal Clerk Name), Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of ____ (month), ____ (year).

(Signature of Municipal Clerk)
(Typed name of Municipal Clerk)

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



Committee of the Whole Excerpts
October 11, 2022

Battery Powered Extrication Tools BFD Portion Excerpt

Both Windsor Fire Department and Brooklyn Fire Department, Station 1 required the need to purchase extrication tools, batteries, chargers, and other equipment. Their approved budgets were:

- Windsor Fire Dept Budget - \$ 79,810 from Windsor Fire Equipment Reserve
- Brooklyn Fire Dept Budget - \$ 52,314 from Long Term Debt

Pricing was required from qualified vendors to supply all the equipment and delivery of the equipment, noting that the equipment supplied, and all parts and all replacement parts thereof are to be new only (not remanufactured), never used, and of the latest manufacture.

The public tender closed on September 8, 2022, with one supplier submitting a bid, as follows:

- Safety Source Fire \$ 145,039.84 with taxes

Brooklyn Fire Department's share of the quote equates to \$ 62,138.65 before taxes, putting it over-budget and requiring additional approval of council.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPROVE THE AWARD OF TENDER WHRMAD22-02 FOR THE SUPPLY OF BATTERY POWERED EXTRICATION TOOLS TO THE COMPLIANT BIDDER, SAFETY SOURCE FIRE, FOR BROOKLYN FIRE DEPARTMENT'S EQUIPMENT LIST, AT THE OVER-BUDGET TENDERED PRICE OF \$62,138.65 PLUS APPLICABLE TAXES.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Committee of the Whole

Submitted by:

Shelleena Thornton, Municipal Operations Supervisor

Date: October 11, 2022

Subject: Battery Powered Extrication Tools – Brooklyn Fire Department’s Portion

LEGISLATIVE AUTHORITY

Municipal Government Act, R.S.N.S. 1998, c. 18 - Section 65 – Adoption of Budgets

RECOMMENDATION or DECISION REQUEST

...Committee of the Whole recommends that Council approve the award of tender WHRMAD22-02 for the supply of Battery Powered Extrication Tools to the compliant bidder, Safety Source Fire, for Brooklyn Fire Department’s equipment list, at the over-budget tendered price of \$62,138.65 plus applicable taxes.

BACKGROUND

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

As previously presented and approved in the 2022/23 capital budget, both Windsor Fire Department and Brooklyn Fire Department, Station 1 required the need to purchase extrication tools, batteries, chargers, and other equipment. Their approved budgets were:

- Windsor Fire Dept Budget - \$ 79,810 from Windsor Fire Equipment Reserve
- Brooklyn Fire Dept Budget - \$ 52,314 from Long Term Debt

A worthy note is that prior to budget deliberations, suppliers are reached out to for general information and pricing to help determine budgeting amounts. Timing, specification variations, and quantities are a few variables that may reflect discrepancies when initially requested (from one department to another). Hence the difference reflected in this situation.

DISCUSSION

Pricing was required from qualified vendors to supply all the equipment and delivery of the following:

Windsor Fire Department

- 1 X Electric Cutter, minimum cut rating of A9, B9, C9, D9, E9, F4, cutter opening minimum 8.0"
- 1 x Electric Spreader, minimum 28.5" spread, 82,280ftlb of spreading force, 15,000 ftlbs of pulling force
- 1 x Electric Ram, minimum 50" spread distance (extendable preferred for cross ramming), minimum force 30,000lbs
- 1 x Ram Support Frame (rocker panel support)
- 1 x Ram Extension kit (if available)
- 1 x Set Ram support brackets for cross ramming
- 1 x Pulling Chain kit for spreader tool
- 5 x Batteries
- Wiring and charging units for charging of 3 batteries on tools, with 2 extra battery chargers for stand-alone batteries and any diagnostics.

Brooklyn Fire Department

- 1 X Electric Cutter, minimum cut rating of A9, B9, C9, D9, E9, F4, cutter opening minimum 8.0"
- 1 x Electric Spreader, minimum 28.5" spread, 62,900 ftlb of spreading force, 11,600 ftlbs of pulling force
- 1 x Electric Ram, minimum 50" spread distance (extendable preferred for cross ramming), minimum force 30,000lbs
- 1 x Ram Support Frame (rocker panel support)
- 1 x Ram Extension kit (if available)
- 1 x Set Ram support brackets for cross ramming
- 1 x Pulling Chain kit for spreader tool
- 5 x Batteries
- Wiring and charging units for charging of 3 batteries on tools, with 2 extra battery chargers for stand-alone batteries and any diagnostics.

The equipment supplied and all parts and all replacement parts thereof are to be new only (not remanufactured), never used, and of the latest manufacture.

The public tender closed on September 8, 2022, with one supplier submitting a bid, as follows:

- Safety Source Fire \$ 145,039.84 with taxes

The submission was reviewed, evaluated, and scored on the technical and financial components to ensure compliance with the technical specifications requested in the tender. Staff recommend proceeding with the purchase of the quoted equipment.

Brooklyn Fire Department's share of the quote equates to \$ 62,138.65 before taxes, putting it over-budget and requiring additional approval of council.

FINANCIAL IMPLICATIONS

2022/23 Capital Budget – Battery Powered Extrication Tools

	Windsor Fire Department	Brooklyn Fire Department
Quoted Received	\$63,982.95	\$62,138.65
Non-Recoverable Tax (4.29%)	<u>\$2,744.87</u>	<u>\$2,665.75</u>
Total	\$66,727.82	\$64,804.40
Budget	\$79,810.00	\$52,314.00
Variance (over budget)	\$13,082.18	(\$12,490.40)

Windsor Fire Department battery powered extrication tools will be purchased from the Windsor Fire Reserve, as their portion of the tender has come in under budget, this will result in a smaller draw from the reserve for 2022-23.

Should council approve the above quoted tender price, Brooklyn Fire Department battery powered extrication tools, will be \$12,490.40 over budget. This purchase is being funded through long-term debt, and there will be financial implications to the debt servicing costs related to the over budget amount. Debt servicing will see an increase of \$2,669 to a yearly total of \$13,849.

NEXT STEPS

Pending approval of Council, staff will award formal contract to Safety Source Fire to proceed with the supply of the equipment in accordance with their proposal.

ALTERNATIVES

Council may choose to either defer this, or not proceed with this purchase. This is not the recommendation to council.

ATTACHMENTS

No attachments.

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: 
Shelleena Thornton, Municipal Operations Supervisor

Report Reviewed by: _____
Ryan Richard, Fire Chief Brooklyn Fire Department

Report Reviewed by: _____
Diana Gibson, Acting Director of Financial Services

Report Approved by: 
Mark Phillips, CAO



Committee of the Whole Excerpts
October 11, 2022

Brooklyn Fire Dept – Supply Generator Over Budget Excerpt

Public Works intends to purchase a diesel generator to support the operations for the Brooklyn Fire Station #2. Pricing was requested from qualified vendors to supply all labour, material, equipment, delivery, and installation of one (1) generator resulting in approval for \$83,650 plus 15% contingency for a total \$96,197.50 being approved at the September 27, 2022 Council meeting. Following the meeting staff proceed to issue the purchase order but was informed that the price could not be honoured as the tender was past the sixty (60) day period. The updated price quoted is now \$101,200 plus 15% contingency for a total of \$116,380.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPROVE THE AWARD OF TENDER WWHPW22-02 FOR THE SUPPLY AND INSTALLATION OF A GENERATOR FOR BROOKLYN FIRE STATION #2 TO THE LOW COMPLIANT BIDDER, THOMPSON'S ELECTRIC LTD, FOR THE UPDATED TENDERED PRICE OF \$101,200.00 PLUS 15% CONTINGENCY AND APPLICABLE TAXES.



Committee of the Whole Excerpts
October 11, 2022

Grants & Contributions Policy Excerpt

At the June 28, 2022, West Hants Regional Council meeting direction was given for staff to prepare a report examining amending the Grants and Contributions Policy RCOFN-012.00 adding a section for recreational facilities defining yearly capital and operational funding limits.

Included in the updated policy is an opportunity for groups to apply for the Recreation Facility Capital Investment Project Grant with a maximum of up to \$50,000 per qualifying organization per calendar year.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL ADOPT THE AMENDED WEST HANTS REGIONAL MUNICIPALITY GRANTS AND CONTRIBUTIONS POLICY RCOFN-012.00.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: West Hants Regional Municipality Committee of the Whole

Submitted by: _____
Kathy Kehoe, Director, Community Development

Date: October 5, 2022

Subject: **Grants and Contributions Policy RCOFN-012.00**

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

Committee of the Whole recommend that Council adopt the amended West Hants Regional Municipality Grants and Contributions Policy RCOFN-012.00.

BACKGROUND

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

At the June 28, 2022, West Hants Regional Council meeting direction was given for staff to prepare a report examining amending the Grants and Contributions Policy RCOFN-012.00 adding a section for recreational facilities defining yearly capital and operational funding limits.

West Hants Regional Municipality wishes to recognize the valuable contributions provided through the volunteer efforts of community organizations and agencies on behalf of its residents. The policy demonstrates and formalizes Councils commitment to assist organizations which provide beneficial programs, services, or projects to the community while, at the same

time, recognizing the financial constraints affecting the Municipality's ability to provide funding to these groups.

The Grants & Contributions Policy objective is to treat all organizations fairly, equitably, and reasonably within the parameters established by Council as follows: Youth Development; Senior Support & Services; Public Safety; Provincial Events and Heritage & Culture. On an annual basis Council determines the amount of funding during the budget process.

In the 2022/23 fiscal budget year Council had a total of \$220,000 that it could disperse to community organizations and stay within the policy set by Council. Included in this value is the totality of all the grants issued by the municipality including the Heritage, Sponsorship/Advertising and Travel grants. This dollar value also includes the amount granted to community organizations and funded through reserves and/or the Canadian Community Building Fund. Within the Community Development departmental budget, Council approves the amount of funds that may be issued to community groups based on the applications received. Any funds approved outside of the operating budget would be required to be funded through a reserve or the Canadian Community Building Fund.

	<u>2022/23 Operating Budget</u>	Recommended by Staff	Approved 28/06/22	Approved 26/07/22	Approved 27/09/22	Total Approved to date
Operating	\$97,500.00	\$44,500.00	\$45,125.00			\$45,125.00
Community Capital Project		\$14,050.00	\$14,050.00			\$14,050.00
Public Safety	\$7,500.00	\$7,500.00	\$7,500.00			\$7,500.00
Community Recreation Program		\$6,000.00	\$6,000.00			\$6,000.00
Community Event		\$2,500.00	\$2,500.00			\$2,500.00
Special Events Operations & Promotions		\$9,195.00	\$11,695.00	\$5,000.00		\$16,695.00
Leadership		\$3,000.00	\$3,000.00			\$3,000.00
Community Trail Fund	\$2,500.00	\$2,500.00	\$2,500.00			\$2,500.00
Major Capital		\$3,500.00	\$3,500.00			\$3,500.00
In-Kind		\$14,745.00	\$14,745.00			\$14,745.00
Canada Community Building Fund		\$5,000.00	\$100,000.00		\$45,000.00	\$145,000.00
5% Reserve Fund		\$15,402.00	\$15,402.00			\$15,402.00
Travel Allowance (approval at staff level)	\$2,500.00		\$2,500.00			\$2,500.00
Sponsorship/Advertising (approval at staff level)	\$4,000.00		\$4,000.00			\$4,000.00
Heritage (approval separate from grants process)	\$5,000.00		\$1,000.00	\$10,000.00		\$11,000.00
	\$119,000.00	\$127,892.00	\$233,517.00	\$15,000.00	\$45,000.00	\$293,517.00
** funding approved at the staff level has been carried forward as if it has been spent as it is a budgeted item that can be applied for at anytime throughout the fiscal year						
Based on 2022-23 Operating Budget						
1% of total budget = \$220,000						
1.5% of total budget = \$330,000						

DISCUSSION

The Grants & Contributions application process is designed to have one application intake per year with the annual application deadline typically being in mid February. This program is primarily designed to assist not-for-profit organizations with their volunteer-led initiatives.

Staff have reviewed the Grants and Contributions Policy and recommend that the existing operating grant request levels remain as originally defined and approved by Council. The operating grant assists not-for-profit organizations with general operating expenses including administrative costs and program related expenses. This includes but is not limited to costs associated with insurance, heating and electricity and phone/internet costs.

Staff have included in the updated policy an opportunity for groups to apply for the Recreation Facility Capital Investment Project Grant with a maximum of up to \$50,000 per qualifying organization per calendar year. This new project grant will give Council the authority within the context of the Grants and Contributions Policy to award grant money to qualifying organizations.

To enable Council to fund organizations in keeping with the policy staff are recommending an increase in the total amounts paid for grants in a fiscal years' operating budget from 1% to 1.5% of the taxes for general municipal purposes levied by the municipality. For example, based on the 2022-23 operating budget, if Council were to approve the increase from 1% to 1.5% of the total amount of taxes levied it would allow Council the ability to fund grants up to \$330,000 and follow the policy. The dollar value annually includes funds budgeted in the operating budget, and funds that may be granted from a reserve or the Canadian Community Building Fund.

NEXT STEPS

If approved as amended, staff will annually implement the Grants and Contributions Policy RCOFN-012.00.

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

1. Committee of the Whole may choose to amend the policy as it is presented prior to recommending Council consider adopting the amended policy.
2. Committee of the Whole may choose to not approve the amended policy.

ATTACHMENTS

RCOFN-012 Grants and Contributions Policy – amended draft

CHIEF ADMINISTRATIVE OFFICER REVIEW

As highlighted by the Director, staff are trying to amend a policy of Council to match the current practice of Council. This is in reference to the amount of funding provided annually to outside organizations and the funding categories in place. I will express the importance of creating a policy that is clear to the applicants as to what the application process entails, what the level of funding is for each category and how frequent a group is eligible. A fair system for all applicants should be a goal that is achieved through the policy. Especially as it relates to timing and deadlines for applications if this is desired by Council.

I look forward to Council's review of these amendments so that the policy fits Council's wishes.

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

Report Reviewed by: _____
Diana Gibson, Acting Director, Financial Services

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

1.0 PURPOSE

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

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

2.0 POLICY OBJECTIVE

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

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

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

3.0 AUTHORITY

Authority is provided under Section 65, Municipal Government Act, as amended. The total of the amounts paid for grants in a fiscal years' operating budget will not normally exceed 1.5% of the taxes for general municipal purposes levied by the municipality.

4.0 ORGANIZATIONAL ELIGIBILITY

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

- Society within the meaning of the Children and Family Services Act.
- Mental health clinic in receipt of financial assistance from the province.
- Exhibition held by an educational institution in the Municipality.
- Club, association, or exhibition within the meaning of the Agriculture and Marketing Act.
- Charitable, nursing, medical, athletic, educational, environmental, cultural, community, fraternal, recreational, religious, sporting, or social organization within the province.
- Daycare licensed under the Day Care Act.
- Registered Canadian charitable organization.
- Volunteer fire and emergency services providers, as defined in Municipal Government Act, who are registered with the Municipality.

Heritage Property Act

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

5.0 TYPES OF GRANTS OR CONTRIBUTIONS AND MAXIMUM FUNDING ALLOCATION

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

5.1 Operating Grants

- Maximum Contribution \$1,500
- Operating funding for not-for-profit community groups to assist with general operating expenses, including administrative or insurance costs and program related expenses.

5.2 Community Capital Project Grants

- Maximum Contribution \$2,500
- To assist in the expansion or improvement of an indoor or outdoor cultural,

GRANTS AND CONTRIBUTIONS POLICY

social, heritage, and recreation facilities and/or equipment for projects under \$2,500. *Funding will not be granted to purchasing recreation equipment that the Municipality can reasonably expect individuals or groups to buy for themselves.*

- A separate agreement may be required depending on the nature and value of the asset for which the funds are provided.

5.3 Public Safety Grants

- Maximum Contribution \$7,500, up to the amount set in the fiscal operating budget.
- Grants under this category are for non-profit organizations registered with the Municipality that provided or ensure public or community safety.

5.4 Community Recreation Program Grants

- Maximum Contribution \$1,000
- Recurring community recreation programs which Council has determined provide significant benefit to the broad community and are open to all members of the public.
- Assistance provided to groups interested in the creation, expansion and improvement or recreational opportunities in their communities.

5.5 Community Event Grants

- Maximum Contribution \$1,000
- Community Events that are of a cultural, social, or recreational significance to the community.

5.6 Special Events Operations & Promotion Grants

- Maximum Contribution \$5,000
- To provide assistance for special events operations and promotions that will see participants and spectators attend from outside the West Hants Regional Municipality. This funding will support events that foster good community relations, support culture, develop the local economy and tourism industry and enrich the quality of life for residents and visitors.

5.7 Leadership Grants

- Maximum Contribution \$1,000
- Grants available for recreation groups seeking help to provide supervision and leadership to implement a program.

GRANTS AND CONTRIBUTIONS POLICY

- Wanting to have representatives attend leadership training that will improve the function of the group or the quality of leadership.

5.8 Sponsorship Advertising/Donation of Prizes Requests

- Maximum contribution per organization per year \$100. - Grants will only be awarded to the extent the current fiscal budget permits.
- To provide assistance for advertising to local not-for-profit organizations for projects, events or initiatives that benefit residents and are within the mandate of the Municipality.

5.9 Youth Travel Assistance

- Maximum Contribution Limits apply – Grants will only be awarded to the extent that the current fiscal budget permits.
- The Youth Travel Assistance Grant Program applies to residents of the West Hants Regional Municipality, 22 years of age or under, involved in non-profit minor sports or cultural activities, who have qualified to compete in sport championships/cultural events.

5.10 Community Trail Funding Program

- Maximum contribution - \$2,500
- The trail funding program supports community organizations in the maintenance and development of trails for public use.

5.11 Major Capital Project Grants

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

GRANTS AND CONTRIBUTIONS POLICY

5.12 Recreation Facility Capital Investment Project Grants

- Maximum Contribution –\$50,000
- To aid with expansion or improvement of indoor or outdoor not-for-profit community recreation facilities.;
- Funding request is defined as a capital project partnered with the West Hants Regional Municipality with no greater than fifty percent (50%) of the funds being contributed by the Regional Municipality.
- In exceptional circumstances, Council may choose to contribute more than fifty percent (50%) of the cost of the project but will only do so when the need is clear and urgent, and all other sources of funding have been investigated.
- Projects must be completed during the fiscal year in which the funds are being requested. No carry-over of funds will be permitted.
- Projects must be for the betterment of the entire community and accessible by all residents and be Parks, Recreation and Culture related.
- Projects must follow the West Hants Regional Municipality Procurement and Tendering Policy RCOFN-003.00 or a procurement process approved by the West Hants Regional Municipality.
- The total amount funded through the Recreation Facility Investment Projects grant program will be determined by West Hants Regional Council on a case-by-case basis.
- Depending on the funding source identified by staff, additional requirements may be necessary to maintain eligibility.
 - Canadian Community Building Fund requirements:
 - Agreement to abide by the Municipal agreement with the Province of Nova Scotia, which includes having the ability to pay for the project before reimbursement from the Municipality.

5.12 In-kind Contributions

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

6.0 FUNDING ELIGIBILITY

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

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

-
- 6.2 Grant applicants should be able to demonstrate active fundraising efforts to support the continuation of a program, project, or service. The West Hants Regional Municipality should not be considered as a primary source of funding for the organization. (This Section 6.2 is not applicable to those applicants who provide volunteer services on behalf of the Municipality in lieu of the Municipality providing the services directly, e.g., Volunteer Fire Societies.)
- 6.3 Funding requests can be defined as events/projects/programs which support, sustain, promote, inform, educate, celebrate, preserve, and/or provide access to the arts, culture, environment, heritage, safety and/or health activities for a specific or general demographic or geographic group.
- 6.4 Requests for financial assistance for events of a Municipal, Provincial or National significance which would be expected to bring economic and/or public relations benefit to the Municipality.
- 6.5 The applicant must demonstrate a commitment to all of the following principles:
- a) Accessibility (open to all Municipal residents)
 - b) Effectiveness (funding supports specific Municipal goals or objectives)
 - c) Accountability (through sound management and financial practices)
- 6.6 Requests for financial assistance for the Recreation Facility Capital Investment Project must submit audited financial statements for three consecutive years prior to the application year. Requests for financial assistance under this category must also submit details of all funding sources.

7.0 GENERAL INFORMATION

- 7.1 Municipal Council sets the funding limits and annual budget allotments within this Grants and Contributions Policy.
- 7.2 Applicants will complete the appropriate Municipal application form and supply the requested documentation.
- 7.3 Application deadlines and expiry periods may apply.

GRANTS AND CONTRIBUTIONS POLICY

- 7.4 All applications except for youth travel and sponsorship/donations are approved by Council and applicants will be notified by letter of approval or denial. The letter will state any terms and conditions that apply to the grant approvals.
- 7.5 Applications for youth travel and sponsorship/donations are reviewed and approved by either the Director of Community Development or the Chief Administrative Officer.
- 7.6 Applicants should demonstrate community support, fundraising efforts, and efficient use of resources, sound business practices and development of volunteers.
- 7.7 A financial statement and pertinent documentation must be filed with the Municipality annually.
- 7.8 The Municipality reserves the right to deny any application it deems not within its' mandate.
- 7.9 All proposed work must comply with Municipal, Provincial and Federal regulations.
- 7.10 The following are the evaluation criteria that will be applied when reviewing grant applications:
- a. Project/program fits within the mandate (vision/mission) of the Municipality.
 - b. The organization is a not-for-profit and in good standing with the Registry of Joint Stock Companies.
 - c. The application is for a program, event, facility is for public community purpose. c
 - d. A financial need is demonstrated.
 - e. The organization is sourcing other funding partners.
 - f. The project is economical.
 - g. The project/program brings value to the residents of the Municipality.
 - h. The funding provided by the Municipality will enable the organization to leverage dollars from other funding agencies.
 - i. The facility, program or event provides a good return on investment.

GRANTS AND CONTRIBUTIONS POLICY

- j. The applicant has demonstrated that they will recognize the Municipality's contribution.
- k. The organization has demonstrated long-term sustainability.
- l. The applicant has demonstrated its own commitment to the project (i.e., In-kind donations, financial contribution etc.)

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

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

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

8.0 APPLICATION PROCESS

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

8.2 All applications must be accompanied by the required documentation to be considered complete when received.

8.3 Incomplete or late applications received after the deadlines set by Administration may not be processed.

8.4 Applicants receiving a grant or contribution under the Grants and Contribution Policy will not be eligible to receive a grant or contribution under any other grant program established by Council in the same fiscal year. This does not apply to organizations exempted under the Property Tax Exemption policy.

9.0 GENERAL TERMS

GRANTS AND CONTRIBUTIONS POLICY

- 9.1 Granting of assistance in any one year or over several years is not a commitment to future funding.
- 9.2 Applications for in-kind support will be forwarded to the respective department for review and a separate report to Council will be prepared for consideration and approval during the approval process.

10.0 THE ROLE OF ADMINISTRATION

- 10.1 The Administration of West Hants Regional Municipality will set application deadlines, receive and process written and complete submissions by applying established parameters, within the budget approved by Council.
- 10.2 Grant applicants determined to be ineligible for funding will be notified, in writing as soon as is practically possible.
- 10.3 The Chief Administrative Officer will provide a written report to Council on the recommended disposition of funds, annually.
- 10.4 Requests for grants, contributions or in-kind support received outside of the established grant application period will only be considered should sufficient funding be available in the current fiscal year.
- 10.5 Successful applicants will be notified with an official letter with instructions and reporting requirements.
- 10.6 Pursuant to the Municipal Government Act, Section (65C), a list of grants approved by West Hants Regional Municipality to community organizations will be published annually on the municipal website. The information will include the name of the applicant, name of the organization and grant funding approved.

11.0 RELATED PROGRAMS & INFORMATION

- 11.1 Youth Travel Assistance Program Guidelines
- 11.2 Community Trail Funding Program Guidelines

WEST HANTS REGIONAL MUNICIPALITY
GRANTS AND CONTRIBUTIONS POLICY

11.3 Community Development In-kind Contribution Grant

11.4 Grants to Recognized Fire Services

11.5 Registered Heritage Properties Grant

12.0 REPEAL

12.1 The Grants and Contribution Policy, RCOFN-012.00, dated November 24, 2020, is hereby repealed.

I, Shelleena Thornton, Municipal Clerk of the West Hants Regional Municipality, in the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of ____ (month), ____ (year).

S. Thornton
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	<i>Date</i>
<i>Approval:</i>	<i>Date</i>
<i>Description:</i>	

1.0 PURPOSE

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

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

2.0 POLICY OBJECTIVE

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

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

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

3.0 AUTHORITY

Authority is provided under Section 65, Municipal Government Act, as amended. The total of the amounts paid for grants in a fiscal years' operating budget will not normally exceed 1.5% of the taxes for general municipal purposes levied by the municipality.

4.0 ORGANIZATIONAL ELIGIBILITY

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

- Society within the meaning of the Children and Family Services Act.
- Mental health clinic in receipt of financial assistance from the province.
- Exhibition held by an educational institution in the Municipality.
- Club, association, or exhibition within the meaning of the Agriculture and Marketing Act.
- Charitable, nursing, medical, athletic, educational, environmental, cultural, community, fraternal, recreational, religious, sporting, or social organization within the province.
- Daycare licensed under the Day Care Act.
- Registered Canadian charitable organization.
- Volunteer fire and emergency services providers, as defined in Municipal Government Act, who are registered with the Municipality.

Heritage Property Act

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

5.0 TYPES OF GRANTS OR CONTRIBUTIONS AND MAXIMUM FUNDING ALLOCATION

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

5.1 Operating Grants

- Maximum Contribution \$1,500
- Operating funding for not-for-profit community groups to assist with general operating expenses, including administrative or insurance costs and program related expenses.

5.2 Community Capital Project Grants

- Maximum Contribution \$2,500
- To assist in the expansion or improvement of an indoor or outdoor cultural,

GRANTS AND CONTRIBUTIONS POLICY

social, heritage, and recreation facilities and/or equipment for projects under \$2,500. *Funding will not be granted to purchasing recreation equipment that the Municipality can reasonably expect individuals or groups to buy for themselves.*

- A separate agreement may be required depending on the nature and value of the asset for which the funds are provided.

5.3 Public Safety Grants

- Maximum Contribution \$7,500, up to the amount set in the fiscal operating budget.
- Grants under this category are for non-profit organizations registered with the Municipality that provided or ensure public or community safety.

5.4 Community Recreation Program Grants

- Maximum Contribution \$1,000
- Recurring community recreation programs which Council has determined provide significant benefit to the broad community and are open to all members of the public.
- Assistance provided to groups interested in the creation, expansion and improvement or recreational opportunities in their communities.

5.5 Community Event Grants

- Maximum Contribution \$1,000
- Community Events that are of a cultural, social, or recreational significance to the community.

5.6 Special Events Operations & Promotion Grants

- Maximum Contribution \$5,000
- To provide assistance for special events operations and promotions that will see participants and spectators attend from outside the West Hants Regional Municipality. This funding will support events that foster good community relations, support culture, develop the local economy and tourism industry and enrich the quality of life for residents and visitors.

5.7 Leadership Grants

- Maximum Contribution \$1,000
- Grants available for recreation groups seeking help to provide supervision and leadership to implement a program.

GRANTS AND CONTRIBUTIONS POLICY

- Wanting to have representatives attend leadership training that will improve the function of the group or the quality of leadership.

5.8 Sponsorship Advertising/Donation of Prizes Requests

- Maximum contribution per organization per year \$100. - Grants will only be awarded to the extent the current fiscal budget permits.
- To provide assistance for advertising to local not-for-profit organizations for projects, events or initiatives that benefit residents and are within the mandate of the Municipality.

5.9 Youth Travel Assistance

- Maximum Contribution Limits apply – Grants will only be awarded to the extent that the current fiscal budget permits.
- The Youth Travel Assistance Grant Program applies to residents of the West Hants Regional Municipality, 22 years of age or under, involved in non-profit minor sports or cultural activities, who have qualified to compete in sport championships/cultural events.

5.10 Community Trail Funding Program

- Maximum contribution - \$2,500
- The trail funding program supports community organizations in the maintenance and development of trails for public use.

5.11 Major Capital Project Grants

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

GRANTS AND CONTRIBUTIONS POLICY

5.12 Recreation Facility Capital Investment Project Grants

- Maximum Contribution –\$50,000
- To aid with expansion or improvement of indoor or outdoor not-for-profit community recreation facilities.;
- Funding request is defined as a capital project partnered with the West Hants Regional Municipality with no greater than fifty percent (50%) of the funds being contributed by the Regional Municipality.
- In exceptional circumstances, Council may choose to contribute more than fifty percent (50%) of the cost of the project but will only do so when the need is clear and urgent, and all other sources of funding have been investigated.
- Projects must be completed during the fiscal year in which the funds are being requested. No carry-over of funds will be permitted.
- Projects must be for the betterment of the entire community and accessible by all residents and be Parks, Recreation and Culture related.
- Projects must follow the West Hants Regional Municipality Procurement and Tendering Policy RCOFN-003.00 or a procurement process approved by the West Hants Regional Municipality.
- The total amount funded through the Recreation Facility Investment Projects grant program will be determined by West Hants Regional Council on a case-by-case basis.
- Depending on the funding source identified by staff, additional requirements may be necessary to maintain eligibility.
 - Canadian Community Building Fund requirements:
 - Agreement to abide by the Municipal agreement with the Province of Nova Scotia, which includes having the ability to pay for the project before reimbursement from the Municipality.

5.12 In-kind Contributions

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

6.0 FUNDING ELIGIBILITY

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

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

-
- 6.2 Grant applicants should be able to demonstrate active fundraising efforts to support the continuation of a program, project, or service. The West Hants Regional Municipality should not be considered as a primary source of funding for the organization. (This Section 6.2 is not applicable to those applicants who provide volunteer services on behalf of the Municipality in lieu of the Municipality providing the services directly, e.g., Volunteer Fire Societies.)
- 6.3 Funding requests can be defined as events/projects/programs which support, sustain, promote, inform, educate, celebrate, preserve, and/or provide access to the arts, culture, environment, heritage, safety and/or health activities for a specific or general demographic or geographic group.
- 6.4 Requests for financial assistance for events of a Municipal, Provincial or National significance which would be expected to bring economic and/or public relations benefit to the Municipality.
- 6.5 The applicant must demonstrate a commitment to all of the following principles:
- a) Accessibility (open to all Municipal residents)
 - b) Effectiveness (funding supports specific Municipal goals or objectives)
 - c) Accountability (through sound management and financial practices)
- 6.6 Requests for financial assistance for the Recreation Facility Capital Investment Project must submit audited financial statements for three consecutive years prior to the application year. Requests for financial assistance under this category must also submit details of all funding sources.

7.0 GENERAL INFORMATION

- 7.1 Municipal Council sets the funding limits and annual budget allotments within this Grants and Contributions Policy.
- 7.2 Applicants will complete the appropriate Municipal application form and supply the requested documentation.
- 7.3 Application deadlines and expiry periods may apply.

GRANTS AND CONTRIBUTIONS POLICY

- 7.4 All applications except for youth travel and sponsorship/donations are approved by Council and applicants will be notified by letter of approval or denial. The letter will state any terms and conditions that apply to the grant approvals.
- 7.5 Applications for youth travel and sponsorship/donations are reviewed and approved by either the Director of Community Development or the Chief Administrative Officer.
- 7.6 Applicants should demonstrate community support, fundraising efforts, and efficient use of resources, sound business practices and development of volunteers.
- 7.7 A financial statement and pertinent documentation must be filed with the Municipality annually.
- 7.8 The Municipality reserves the right to deny any application it deems not within its' mandate.
- 7.9 All proposed work must comply with Municipal, Provincial and Federal regulations.
- 7.10 The following are the evaluation criteria that will be applied when reviewing grant applications:
- a. Project/program fits within the mandate (vision/mission) of the Municipality.
 - b. The organization is a not-for-profit and in good standing with the Registry of Joint Stock Companies.
 - c. The application is for a program, event, facility is for public community purpose. c
 - d. A financial need is demonstrated.
 - e. The organization is sourcing other funding partners.
 - f. The project is economical.
 - g. The project/program brings value to the residents of the Municipality.
 - h. The funding provided by the Municipality will enable the organization to leverage dollars from other funding agencies.
 - i. The facility, program or event provides a good return on investment.

GRANTS AND CONTRIBUTIONS POLICY

- j. The applicant has demonstrated that they will recognize the Municipality's contribution.
- k. The organization has demonstrated long-term sustainability.
- l. The applicant has demonstrated its own commitment to the project (i.e., In-kind donations, financial contribution etc.)

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

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

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

8.0 APPLICATION PROCESS

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

8.2 All applications must be accompanied by the required documentation to be considered complete when received.

8.3 Incomplete or late applications received after the deadlines set by Administration may not be processed.

8.4 Applicants receiving a grant or contribution under the Grants and Contribution Policy will not be eligible to receive a grant or contribution under any other grant program established by Council in the same fiscal year. This does not apply to organizations exempted under the Property Tax Exemption policy.

9.0 GENERAL TERMS

GRANTS AND CONTRIBUTIONS POLICY

- 9.1 Granting of assistance in any one year or over several years is not a commitment to future funding.
- 9.2 Applications for in-kind support will be forwarded to the respective department for review and a separate report to Council will be prepared for consideration and approval during the approval process.

10.0 THE ROLE OF ADMINISTRATION

- 10.1 The Administration of West Hants Regional Municipality will set application deadlines, receive and process written and complete submissions by applying established parameters, within the budget approved by Council.
- 10.2 Grant applicants determined to be ineligible for funding will be notified, in writing as soon as is practically possible.
- 10.3 The Chief Administrative Officer will provide a written report to Council on the recommended disposition of funds, annually.
- 10.4 Requests for grants, contributions or in-kind support received outside of the established grant application period will only be considered should sufficient funding be available in the current fiscal year.
- 10.5 Successful applicants will be notified with an official letter with instructions and reporting requirements.
- 10.6 Pursuant to the Municipal Government Act, Section (65C), a list of grants approved by West Hants Regional Municipality to community organizations will be published annually on the municipal website. The information will include the name of the applicant, name of the organization and grant funding approved.

11.0 RELATED PROGRAMS & INFORMATION

- 11.1 Youth Travel Assistance Program Guidelines
- 11.2 Community Trail Funding Program Guidelines

WEST HANTS REGIONAL MUNICIPALITY
GRANTS AND CONTRIBUTIONS POLICY

11.3 Community Development In-kind Contribution Grant

11.4 Grants to Recognized Fire Services

11.5 Registered Heritage Properties Grant

12.0 REPEAL

12.1 The Grants and Contribution Policy, RCOFN-012.00, dated November 24, 2020, is hereby repealed.

I, Shelleena Thornton, Municipal Clerk of the West Hants Regional Municipality, in the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of ____ (month), ____ (year).

S. Thornton
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	<i>Date</i>
<i>Approval:</i>	<i>Date</i>
<i>Description:</i>	



Committee of the Whole Excerpts
October 11, 2022

MCCAP Resident Member Appointment Excerpt

MCCAP provides a forum for all municipal departments and Council representatives to work co-operatively on implementing and evaluating the adaptation and mitigation actions outlined in the Municipal Climate Change Action Plans of the Municipality. These policy and adaptation procedures help protect people, properties, special places, and municipal infrastructure from the negative impact of climate change. The current MCCAP Committee resident appointments expire on October 31, 2022.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPOINT MARK WILLIAMSON AND PETER MOORE AS RESIDENT REPRESENTATIVES ON THE MUNICIPAL CLIMATE CHANGE ACTION PLAN COMMITTEE UNTIL OCTOBER 31, 2024.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Mayor Zebian and members of Committee of the Whole

Submitted by: _____
Deanna Snair, Municipal Clerk

Date: October 11, 2022

Subject: Appointments to the Municipal Climate Change Action Plan (MCCAP) Committee

LEGISLATIVE AUTHORITY

Part 1 Section 24 of the Municipal Government Act

RECOMMENDATION or DECISION REQUEST

...that Committee of the Whole recommends that Council appoint Mark Williamson and Peter Moore as resident representatives on the Municipal Climate Change Action Plan Committee until October 31, 2024.

BACKGROUND

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

The current MCCAP Committee resident appointments expire on October 31, 2022. Staff placed an advertisement of the positions in the local paper and on social media and received two (2) expressions of interest.

DISCUSSION

The MCCAP terms of reference outlines that the Committee consists of eleven (11) members, with the composition as follows:

- three (3) Councillors;
- two (2) resident members, who are not members of Council
- Chief Administrative Officer or designate;
- Director of Public Works or designate;
- Director of Planning and Development or designate;
- Director of Community Development or designate;
- Director of Finance or designate;
- Protective Services Manager or designate.

Public advertisement for MCCAP resident member openings was placed in the local paper, on the Municipal website and Facebook page on September 20th, 2022. Applications were accepted until 4:30 p.m. September 30, 2022. Due to a technical issue, the deadline for applications was extended to midnight October 2, 2022. There were two (2) applications received.

NEXT STEPS

Once approved by Council on October 25, 2022, all resident representative applicants will be contacted to notify them of the appointment made and any additional information needed by those appointed.

FINANCIAL IMPLICATIONS

Resident members appointed to a Committee of Council will receive remuneration in accordance with the Council Remuneration Policy, which is identified in the annual Operating Budget

ALTERNATIVES

(State any option to the recommendation and implication of the options, if anything)

ATTACHMENTS

MCCAP Terms of Reference

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Deanna Snair, Municipal Clerk

Report Reviewed by: _____
(Name and Title)

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

1. Official Name

The official name of this committee is the Municipal Climate Change Action Plan Committee. It may be referred to as MCCAP.

2. Members/Composition

The Committee consists of a eleven (11)members:

- three (3) Councillors;
- two (2) resident members, who are not members of Council
- Chief Administrative Officer or designate;
- Director of Public Works or designate;
- Director of Planning and Development or designate;
- Director of Community Development or designate;
- Director of Finance or designate;
- Protective Services Manager or designate.

All members of the Committee are appointed by resolution of Council, and each member appointed serves the Committee for a two year term Members are eligible for reappointment.

Resident members are chosen through an evaluation process and recommendation to Council.

All positions, whether or not an existing member has re-offered, will be reviewed through the evaluation process when the specified term is over.

In the case of an unexpected vacancy, previous applications on file may be considered by the Chair and staff, or the option to re-advertise may be applicable. A recommendation will be made to Council for appointment. That new person's appointment will serve the remainder of the term of the person replaced or as deemed appropriate.

The Chair and the Vice-Chair are elected by a majority of the members and hold office for a two-year term. The Chair acts as the liaison with Council.

MCCAP may recommend to Council that a Committee member who fails to attend three (3) consecutive meetings of MCCAP, without good reason accepted by the MCCAP Chair be dismissed from the Committee.

3. Goals

The Municipal Climate Change Action Plan Committee provides a forum for all municipal departments and Council representatives to work co-operatively on implementing and evaluating the adaptation and mitigation actions outlined in the Municipal Climate Change Action Plans of the Municipality hereafter referred to as “the MCCAP”. These policy and adaptation procedures help protect people, properties, special places, and municipal infrastructure from the negative impact of climate change.

The Committee will strive to reflect the best interests of the Region in any recommendation.

4. Deliverables

The Committee will:

- develop an annual Work Plan of actions based on the MCCAP. This work plan will include the estimated timeline and cost for the action, anticipated partners and recommendations for funding sources such as the Gas Tax Agreement or other provincial and federal funding programs. The annual Work Plan will summarize actions completed in the previous year;
- submit the Work Plan annually to Council to be placed on file;
- keep Council fully informed on the progress of MCCAP implementation;
- undertake, as it determines appropriate, pilot projects that carry out actions outlined in the MCCAP, funded in part or in whole through the Committee’s approved annual budget;

5. Jurisdiction

MCCAP was formed pursuant to the Meeting and Committee Procedural Policy dated March 23, 2020.

The Committee's duration is indefinite, based on:

- Council's continued support of the above Goals and Deliverables.

6. Resources/Budget

Following their appointment new Committee members will be given an introductory workshop organized by staff to assist them in their duties.

MCCAP resident members are remunerated in accordance with the Councillor Remuneration Policy.

Municipal planning staff will provide ongoing support to the Committee. Staff will:

- arrange meeting times and venues and take Committee minutes;
- circulate meeting agendas and minutes;
- provide reports or status updates on identified projects or applications; and
- make public presentations on behalf of the Committee as required.

7. Governance

MCCAP meetings will generally take place the morning of the second Wednesday of the month in February, April, September and November but additional meetings may be called by the Chair on an as-needed basis or as directed by Council. Members will be informed of all meetings and supplied with an agenda prior to each scheduled meeting date.

A quorum is a majority of the number of appointed members at the time of the meeting.

Orders and rules of conduct for debate for MCCAP meetings are the same as those for Council in the Meeting and Committee Procedural Policy.

8. Communications



MCCAP members and staff will communicate with each other at meetings (in person or electronic), by telephone or by email.

Draft minutes of MCCAP meetings are available to the public and will be approved at the next meeting.

All MCCAP meetings are open to the public, except as specified Section 203 of the MGA.

MCCAP agendas may set aside a period of time during the meeting for public comment or presentation.

9. Related Policies, Procedures and Legislation

West Hants MCCAP
Hantsport MCCAP
Windsor MCCAP
West Hants ICSP
Hantsport ICSP
Windsor ICSP
Meeting and Committee Procedural Policy
Council Remuneration Policy

Approved by: _____
Committee Chair

Adoption	
Notice to Council:	Not Applicable
Initial Approval:	Sept. 9, 2020
Amendment #1	February 9, 2022
Description: MCCAP Committee Terms of Reference	



Committee of the Whole Excerpts
October 11, 2022

Outdoor Fires By-law RO-001 By-law Excerpt

Prior to consolidation, each entity (the former Town of Windsor, former Town of Hantsport, and the former West Hants Municipality) had their own By-Laws regarding Outdoor Fires, Burning of materials and Fire protection. None of which uniformly address the needs of the entire region once consolidation occurred.

The recommended motion was that Committee of the Whole recommend that ...

THAT COUNCIL GIVE FIRST READING AND PROCEED TO A PUBLIC HEARING AND SECOND READING FOR THE OUTDOOR FIRES BY-LAW RO-001, WHICH WOULD INCLUDE THE REPEAL OF THE OUTDOOR FIRES BY-LAW #39 FOR THE FORMER TOWN OF WINDSOR DATED DECEMBER 2, 2010; THE FIRE AND BURNING MATERIALS BY-LAW 1-93 FOR THE FORMER TOWN OF HANTSPORT DATED OCTOBER 29, 1993; AND THE FIRE PROTECTION BY-LAW FOR THE FORMER MUNICIPALITY OF WEST HANTS DATED MAY 12, 1994, AS PRESENTED TO COMMITTEE OF THE WHOLE ON OCTOBER 11, 2022.

Outdoor Fires By-law

Committee of the Whole
October 11th, 2022

something inspiring awaits



Background

- At the November 10th, 2020 Committee of the Whole meeting, Council directed staff to review the three current fire-related by-laws (former Town of Hantsport, former Town of Windsor, and former Municipality of the District of West Hants), and establish one Regional by-law.
- Municipal staff, an RCMP member, Fire Chiefs, and By-law Enforcement met to review and establish a Regional by-law.
- A draft regional Outdoor Fires By-law was brought to the September 14, 2021 Committee of the Whole meeting. Council directed staff to postpone it so as to seek public input.



Background

- Sought public input. Staff advertised in the:
 - December 2021 'Inspired' Newsletter,
 - Municipal social media pages (Facebook and Twitter)
- The following was received:
 - Phone call – One (1)
 - Email/letters – Four (4)



Public Input

- Definition of urban doesn't include areas that have agricultural uses
 - Solution: the definition of urban was redefined to exclude areas serviced with municipal water/sewer with existing agricultural or resource designation
- Provide clear definitions of what can be burned and in what type of appliance. Also identify what the penalty(ies) are for non-compliance.
 - Solution: Definitions have been provided. Defining 'what' can be burned is clearer and a much shorter list than what 'cannot' be burned. Enforcement and penalty information is provided within the proposed by-law



something inspiring awaits



Public Input Continued

- Chiminea and Fire-pit were used interchangeably
 - Solution: Chiminea is defined and fire-pit removed from the by-law
- Spelling of 'chiminea' needs consistency
 - Solution: Spelling was corrected
- Does proposed by-law follow Provincial laws
 - Solution: Municipal by-laws must comply at minimum with Provincial and Federal regulations and legislation



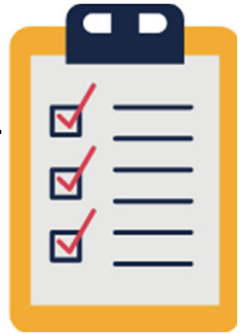
Public Input Continued

- If someone cannot burn to reduce tick infestation within the region, would the Municipality provide a solution to rid of ticks
 - Solution: Not addressed in the proposed by-law as tick infestation is a separate issue
- Concerned with noise from fans and odours/fumes from restaurants
 - Solution: Not addressed in the proposed by-law as noise, odours and fumes related to a restaurant business is not associated with outdoor fires (although there is a request of council for staff to consider a Peace and Good Order By-law (that may address these))



Other Key Points Addressed

- Aligning with the Province in that 'permits' are not required
- Is not based on 'community boundaries' as most are not familiar with where those are. This proposed regional by-law defines urban and rural and reflects distances to particular structures, dwellings, woods, etc. for consistency
- Defines what can be burned (smaller list) versus what cannot (much-longer complex list)
- Complies with Provincial/Federal legislation. Links to legislation and the "Check Before You Burn" website are provided within the proposed by-law for quick and easy reference



Other Key Points Addressed Continued

- Outdoor Furnaces – permitted while adhering to other legislation and manufacturer's installation instructions (which would be required for property insurance as well)
 - Smoke from outdoor furnaces used as a heat source for a home will not be enforced
- Campfires – permittable as defined



Other Key Points Addressed Continued

- This proposed by-law would repeal the following by-laws:
 - Former Town of Hantsport – By-law 1-93 Fire and Burning of Materials
 - Former Town of Windsor – By-law #39 Outdoor Fires By-law
 - Former Municipality of the District of West Hants – Fire Protection By-law dated September 14, 2004



Education

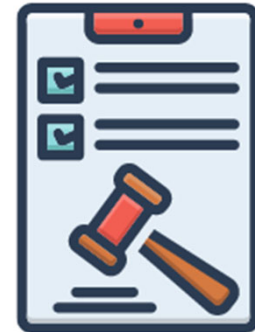
Education is vital and will be a key component when an Outdoor Fires By-law is approved.

- Infographics
 - Campfires
 - Acceptable burning material
 - Distances
 - Etc.,
- Municipal website and social media sites
- Municipal quarterly “Inspired” newsletter
- Local newspaper should Second Reading be given



Enforcement

- Wind velocity and smoke
 - May be challenging to enforce due to fluctuation
- Neighbour disputes
 - Often a civil matter rather than an enforcement matter.
Calling 911 for this is NOT permissible.



Enforcement

- Non-Emergency
 - Complainant - Contact Municipal By-law Enforcement at bylawenforcement@westhants.ca or at 902-798-8391 Ext. 7.
OR the local RCMP Detachment's non-emergency # at 902-798-2207
 - Responder (By-law Enforcement or the RCMP) - Contact the local Fire Department to put the fire out IF required
 - The Fire Department is **NOT** the initial point of contact unless the fire is or is getting out of control
- Emergency (fire is or is getting out-of-control)
 - 911



Enforcement

As per the Province of Nova Scotia – 911

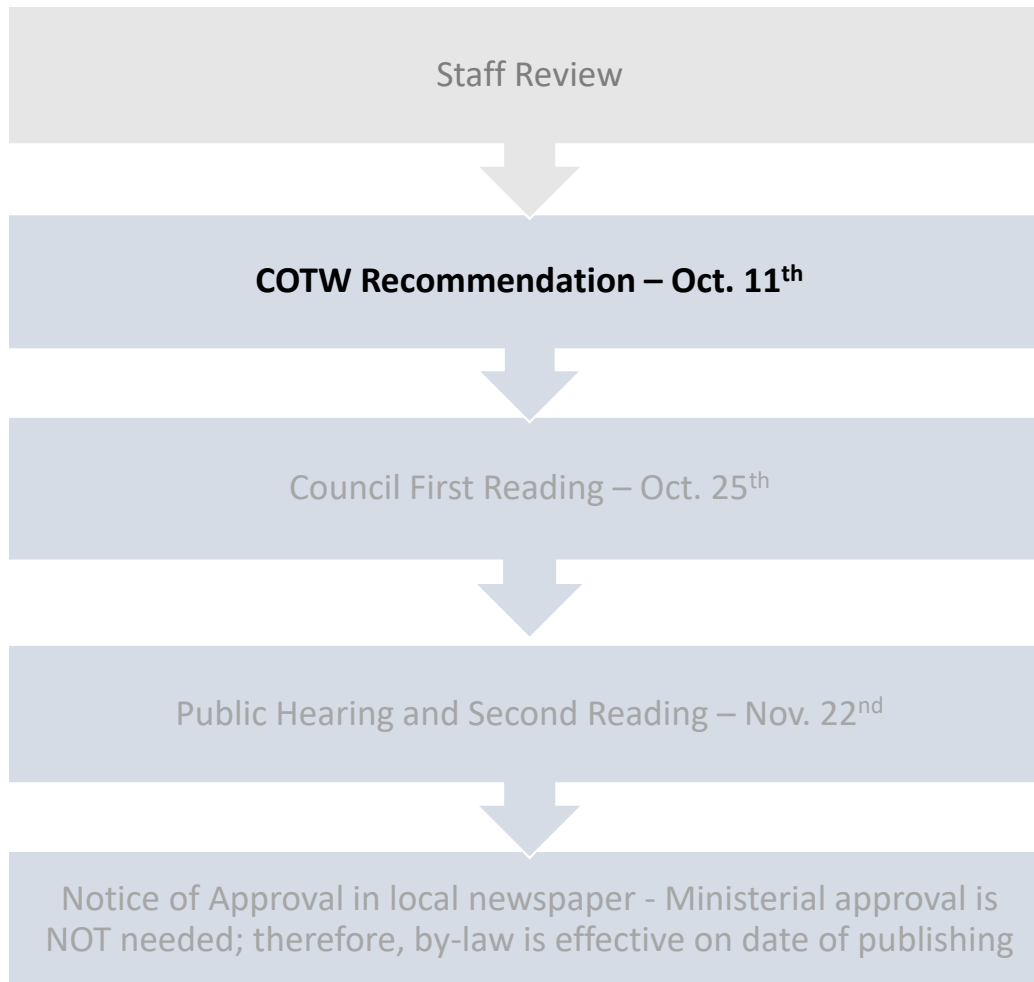
<https://beta.novascotia.ca/911-emergency-when-call>



- **DO call 911**
 - If your health, safety or property is threatened and you need help right away. The 911 call taker (operator) will notify emergency responders, like fire, police or ambulance.
- **DO NOT call 911**
 - If your issue is not an emergency. Call takers (operators) need to be available to answer emergency calls.

something inspiring awaits





Process Overview

- Council direction for one regional by-law
- Public input was sought December 2021 into January 2022
- Proposed by-law included input from Fire Chiefs, RCMP, By-law Enforcement, CAO's Office, public
- Further public input during public hearing stage
- Council decision

something inspiring awaits



Outdoor Fires By-law Recommendation

- ...that Council give First Reading and proceed to a Public Hearing and Second Reading for the Outdoor Fires By-law RO-001, which would include the repeal of the Outdoor Fires By-Law #39 for the former Town of Windsor dated December 2, 2010; the Fire and Burning Materials By-Law 1-93 for the former Town of Hantsport dated October 29, 1993; and the Fire Protection By- Law for the former Municipality of West Hants dated May 12, 1994, as presented to Committee of the Whole on October 11, 2022.





WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Committee of the Whole

Submitted by: 
Shelleena Thornton, Municipal Operations Supervisor

Date: October 11, 2022

Subject: Outdoor Fires By-law RO-001

LEGISLATIVE AUTHORITY

Municipal Government Act, R.S.N.S. 1998, c. 18:

- 172 (1) A council may make by-laws, for municipal purposes, respecting
- (a) the health, wellbeing, safety, and protection of persons;
 - (b) the safety and protection of property;
 - (c) persons, activities and things in, on or near a public place or place that is open to the public;
 - (d) nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations...

Fire and Emergency Services

Powers where fire

- 297 (1) When any fire, rescue or emergency occurs, the fire chief or other officer in charge, and any person under the direction of that officer, shall endeavour to extinguish the fire and prevent it from spreading, conduct the rescue or deal with the emergency and, for that purpose, may
- (a) command the assistance of persons present and any inhabitant of the municipality;
 - (b) remove property from buildings on fire or in danger of fire;
 - (c) take charge of property;

- (d) enter, break into or tear down any building;
 - (e) exclude and remove persons and vehicles from the building or vicinity; and
 - (f) generally, do all things necessary to respond to the emergency.
- (2) It is an offence to disobey any lawful order or command of the officer in charge.

RECOMMENDATION or DECISION REQUEST

...that Council give First Reading and proceed to a Public Hearing and Second Reading for the Outdoor Fires By-law RO-001, which would include the repeal of the Outdoor Fires By-Law #39 for the former Town of Windsor dated December 2, 2010; the Fire and Burning Materials By-Law 1-93 for the former Town of Hantsport dated October 29, 1993; and the Fire Protection By-Law for the former Municipality of West Hants dated May 12, 1994, as presented to Committee of the Whole on October 11, 2022.

BACKGROUND

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

Prior to consolidation, each entity (the former Town of Windsor, former Town of Hantsport, and the former West Hants Municipality) had their own By-Laws regarding Outdoor Fires, Burning of materials and Fire protection. None of which uniformly address the needs of the entire region once consolidation occurred.

At the November 10, 2020, Committee of the Whole meeting, staff was directed to review current fire-related by-laws and create a regional one. A Regional by-law will encompass the entire West Hants Regional Municipality to ensure consistency, cohesiveness, and clarity for all within the Region.

With this directive, staff reviewed each former entity's by-laws and consulted with fire service experts, By-law Enforcement, and the RCMP, which lead to the establishment of a proposed regional by-law, where all communities within the region uniformly follow the same practices. This proposed by-law was presented at the September 14, 2021 Committee of the Whole meeting at which time, council had questions and staff was directed to postpone it so as to get public input prior to it going to First Reading.

DISCUSSION

Staff met to review the questions of council and advertised on the Municipal website, social media pages, and within the quarterly "Inspired" newsletter in Dec 2021/Jan 2022, seeking public input.

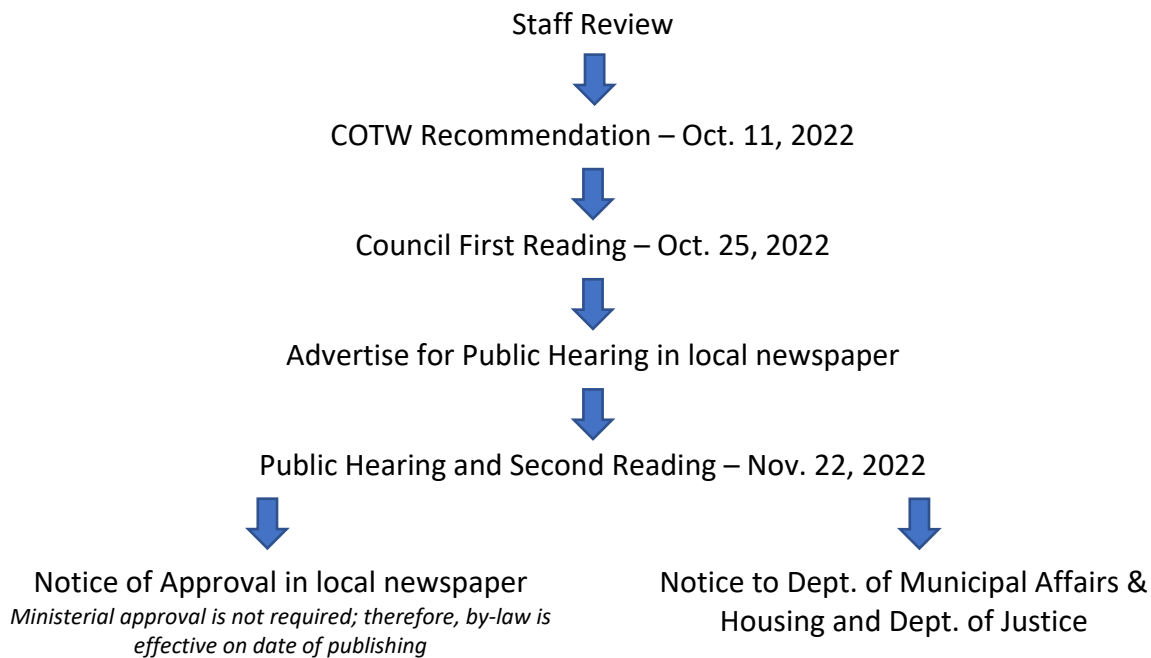
Key points:

- Definition of urban doesn't include areas that have agricultural uses.
Solution: the definition of urban was redefined to exclude areas serviced with municipal water/sewer with existing agricultural or resource designation.
- Provide clear definitions of what can be burned and in what type of appliance. Also identify what the penalty(ies) are for non-compliance.
Solution: Definitions have been provided. Defining 'what' can be burned is clearer and a much shorter list than what 'cannot' be burned. Enforcement and penalty information is provided within the proposed by-law.
- Chiminea and Fire-pit were used interchangeably.
Solution: Chiminea is defined, and fire-pit removed from the by-law.
- Spelling of 'chiminea' needs consistency.
Solution: Spelling was corrected.
- Does proposed by-law follow Provincial laws.
Solution: Municipal by-laws must comply at minimum with Provincial and Federal regulations and legislation.
- If someone cannot burn to reduce tick infestation within the region, would the Municipality provide a solution to rid of ticks.
Solution: Not addressed in the proposed by-law as tick infestation is a separate issue.
- Concerned with noise from fans and odours/fumes from restaurants.
Solution: Not addressed in the proposed by-law as noise, odours and fumes related to a restaurant business is not associated with outdoor fires (although there is a request of council for staff to consider a Peace and Good Order By-law (that may address these).
- Outdoor furnaces are permitted while adhering to other legislation and manufacturer's installation instructions (which would be required for property insurance as well). Smoke from outdoor furnaces used as a heat source for a home will not be enforced.
- Campfires are permitted as defined.
- Permits are not required.
- Defines what can be burned (smaller list) versus what cannot (much longer and complex).
- Not based on geographical boundaries but rather based on definitions of urban/rural and reflects distances to structures, dwellings, woods, etc. for consistency throughout the region.

- There will be neighbourly disputes and is often a civil matter rather than enforcement matter. If there is a by-law infraction, it will be addressed; however, may be challenging. For example, wind velocity and smoke may be challenging to prove due to fluctuations.

The proposed by-law has also been vetted through the Solicitor.

NEXT STEPS



FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality. Advertising costs have been approved in the 2022/23 operating budget.

ALTERNATIVES

Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the proposed Outdoor Fires By-law as drafted or as specifically revised by direction of Council;
- provide alternative direction.

ATTACHMENTS

- Proposed Outdoor Fires By-law RO-001
- September 14, 2021 Excerpt and Recommendation Report

CHIEF ADMINISTRATIVE OFFICER REVIEW

The bylaw has been thoroughly reviewed by the various departments within the municipality.

I support the recommendation.

Report Prepared by: 
Shelleena Thornton, Municipal Operations Supervisor

Report Reviewed by: _____
Jamie Juteau, Ryan Richard, Chris Spencer, and Peter Johnston
Fire Chiefs

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

Report Approved by: 
Mark Phillips, CAO

Enabling Legislation

Municipal Government Act, R.S.N.S. 1998, c. 18:

- 172 (1) A council may make by-laws, for municipal purposes, respecting
- (a) the health, well being, safety, and protection of persons;
 - (b) the safety and protection of property;
 - (c) persons, activities and things in, on or near a public place or place that is open to the public;
 - (d) nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations...

Fire and Emergency Services

Powers where fire

- 297 (1) When any fire, rescue or emergency occurs, the fire chief or other officer in charge, and any person under the direction of that officer, shall endeavour to extinguish the fire and prevent it from spreading, conduct the rescue or deal with the emergency and, for that purpose, may
- (a) command the assistance of persons present and any inhabitant of the municipality;
 - (b) remove property from buildings on fire or in danger of fire;
 - (c) take charge of property;
 - (d) enter, break into or tear down any building;
 - (e) exclude and remove persons and vehicles from the building or vicinity; and
 - (f) generally do all things necessary to respond to the emergency.
- (2) It is an offence to disobey any lawful order or command of the officer in charge.

Title

1. This By-Law is entitled the “Outdoor Fires By-Law”.

Definitions

2. In this By-Law:

- (1) “acceptable appliance” means an outdoor receptacle which is constructed from bricks, concrete blocks, heavy gauge metal, stone or other suitable non-combustible components, has a spark arrestor or metal mesh screen, is positioned on a fire-proof surface, and does not exceed one (1) meter (3.3 feet) in width or in diameter when measured between the widest point or outside edges;
- (2) “campfire” means a fire not exceeding sixty (60) centimeters in width at the largest point, and not piled higher than forty-five (45) centimeters in height, located at least five (5) meters (16.4 feet) from other combustible materials, started and maintained with the permission of the owner of the property where the fire is located;
- (3) “chiminea” means a chiminea or other small, commercially manufactured burning appliance constructed from a suitable fire resistant material and intended to burn small quantities of wood or charcoal;
- (4) “Fire Chief” means a fire chief, fire captain or chief officer of a fire department, or other person designated by such person in and for the applicable fire protection district or area;
- (5) “fire-proof pad” means a pad made of non-combustible material(s), such as cement or concrete, that is resistant to heat;
- (6) “Municipal and/or Municipality” means West Hants Regional Municipality;
- (7) “nuisance” means the causing of any smoke or other emissions from any fire permitted under this By-law or otherwise, that adversely affects the reasonable

enjoyment by other persons on their property as determined by a Fire Chief, Special Constable, Fire Inspector, and/or RCMP. Smoke from seasoned firewood does not constitute a nuisance under this by-law.

- (8) “open air” means anywhere that is not fully enclosed by a building or structure;
- (9) “owner” has the same meaning as in the Municipal Government Act;
 - (a) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,
 - (b) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,
 - (c) a person who occupies shores, beaches or shoals, and
 - (d) in the absence of proof to the contrary, the person assessed for the property.
- (10) “solid waste” means solid waste as defined in the former Municipality of West Hants Solid Waste Management By-law and former Town of Windsor Solid Waste By-law;
- (11) “special constable” means a person(s) appointed by the Municipality to enforce Municipal by-laws;
- (12) “rural area” means that part of West Hants Regional Municipality which is not an urban area as defined herein;
- (13) “urban area” means those areas within West Hants Regional Municipality which are serviced by Municipal water and sewer but excludes properties with existing agricultural or resource designation.



WEST HANTS REGIONAL MUNICIPALITY
OUTDOOR FIRES BY-LAW

RO-001

Prohibition on Open Air Fires

3. Subject to the provisions of Provincial legislation regarding fires, no person shall light, ignite, start, allow or cause to be lighted, ignited or started, or add fuel to, or otherwise permit or encourage to burn, a fire of any kind whatsoever in the open air except as permitted under section 4.

Permitted Open Air Fires

4. Except as may be otherwise prohibited by law, an open air fire is permitted:
- (1) for cooking food with propane, natural gas, charcoal or wood within a portable or fixed barbeque in which the fire is contained on its underside and on at least three sides;
 - (2) in an acceptable appliance or chiminea, provided that:
 - (a) a spark arrestor or mesh screen is used to contain any sparks or blowing debris;
 - (b) only clean, seasoned firewood or charcoal is burned;
 - (c) in the case of an acceptable appliance, it is located at least five (5) meters (16.4 feet) from any building, flammable structure, combustible material or property line;
 - (d) in the case of a chiminea:
 - (i) the chiminea is positioned on a fire-proof pad that extends at least fifty (50) centimeters (19.7 inches) outward from where the door of the chiminea is located and twenty (20) centimeters on all other sides;
 - (ii) the chiminea is at least five (5) meters (16.4 feet) from all buildings and at least one (1) meter (3.3 feet) from any wooden surface that

-
- is not appropriately screened with a CSA approved fire-proof material;
- (iii) if the operating instructions that come with the chiminea are stricter than the standards in this By-Law, the position and operation of the chiminea must comply with those operating instructions;
- (e) a responsible adult who is equipped with tools or equipment to contain an outdoor fire (which may include brooms, rakes, back tanks, shovels, hoses and an adequate water supply), is present on the property and supervising while the fire is burning and until the fire is fully extinguished;
- (f) a fire extinguisher is available on the property and within a reasonable distance from where the fire is located; and
- (g) the fire does not create a nuisance.
- (3) for training purposes, or as a preventative measure intended to reduce the risk or spreading of a more serious fire, if the burning is carried out or supervised by a fire department, brigade or service which is registered pursuant to the Fire and Emergency Service Policy, COGE-007.00 or by any person responding reasonably to an emergency;
- (4) for organized competitions where lighting fires is a component, such as the water boil in a woodsmen's competition;
- (5) by a person lost or in distress in a wooded area, if reasonable precautions are taken against the spreading of the fire;
- (6) for a campfire in a rural area;
- (7) in a rural area between March 15th to October 15th as per the [NS Forest Act \(as amended\)](#) and as permitted on the [NS Check Before You Burn](#) website provided that:

-
- (a) the fire is initiated by, or authorized by the owner of the property where the fire is situated;
 - (b) the fire is for the purpose of:
 - (i) weed control or other agricultural or forestry purposes, including the elimination of infestations of insects or disease;
 - (ii) brush removal or land clearing;
 - (iii) the burning of grass or other vegetation; or
 - (c) the fire is not within one hundred (100) meters (328 feet) of a dwelling located on other property;
 - (d) the fire is not within twenty (20) meters (66 feet) of any structure;
 - (e) the fire is not within twenty (20) meters (66 feet) of another property, except with the express written consent of the owner and occupant of such other property;
 - (f) the fire is not within three hundred five (305) meters (1,000 feet) of woods as per the Nova Scotia Forest Act;
 - (g) the fire is not started or permitted to continue when the wind is blowing of sufficient velocity to jeopardize the ability to control the fire;
 - (h) the fire is not left unattended by the owner of the property or an adult authorized and designated by the owner to be responsible for the fire;
 - (i) the owner or adult responsible for the fire is suitably equipped with appropriate tools such as rakes, shovels, and water tanks or other suitable water source, or, for substantial burning, mechanical equipment that may be used to suppress a fire, such as a bulldozer, and any other equipment that is necessary or prudent to control or extinguish the fire;
 - (j) the fire is not fueled by, or allowed to burn anything, except wood, brush, and vegetation or byproducts thereof; and

-
- (k) any smoldering embers from the fire are completely extinguished after the burning is completed.
- (8) between the dates of October 15 to March 15 (in alignment with the [NS Forest Act \(as amended\)](#) and as permitted on the [NS Check Before You Burn](#) website), provided that:
- (a) the owner or person responsible for the fire have received any necessary approvals from the Province with respect to the fire;
 - (b) the fire is not within twenty (20) meters (66 feet) of any structure;
 - (c) the fire is not within twenty (20) meters (66 feet) of another property, except with the express written consent of the owner and occupant of such other property;
 - (d) the fire is not started or permitted to continue when the wind is blowing of sufficient velocity to jeopardize the ability to control the fire;
 - (e) the fire is not left unattended by the owner of the property or an adult authorized and designated by the owner to be responsible for the fire;
 - (f) the owner or adult responsible for the fire is suitably equipped with appropriate tools such as rakes, shovels, and water tanks or other suitable water source, or, for substantial burning, mechanical equipment that may be used to suppress a fire, such as a bulldozer, and any other equipment that is necessary or prudent to control or extinguish the fire;
 - (g) the fire is not fueled by, or allowed to burn anything, except wood, brush, and vegetation or byproducts thereof; and
 - (h) and any smoldering embers from the fire are completely extinguished after the burning is completed.

Outdoor Furnaces

5. Wood burning furnaces or appliances which are located outside a building intended to receive heat or hot water from such furnace or appliance may not be installed or used

(1) in an urban area unless:

- (a) it has a chimney that extends to a height of at least four (4) meters above the grade of the surrounding soil; and
- (b) the furnace or appliance, its chimney, and any support structure for the chimney, complies with any applicable requirements pursuant to the *Building Code Act*, *Fire Safety Act*, and the Municipality's Building Code Act By-Law RB-001; and
- (c) the furnace or appliance is constructed, installed and operated in compliance with the same requirements as are set out in subsection (2) for such furnaces or appliances in rural areas;

(2) in a rural area unless:

- (a) the manufacturer's installation instructions are followed;
- (b) the furnace or appliance is not placed on a wooden deck or other combustible platform;
- (c) clearance of five (5) meters is observed in all directions from other combustible materials, including any dwelling; and

Immediate Notification of Fire Department

6. In the case of any fire, the person who lit or otherwise started the fire, or allowed the fire to start, must notify the fire department in and for the applicable fire protection district if the fire is or appears to be unable to be controlled.

Authority

7. (1) The Fire Chief, Special Constable, Fire Inspector, and/or RCMP shall have control over the prevention and suppression of fires governed by this By-Law, and shall have the authority to extinguish or order extinguished any fire which:

- (a) poses a health or safety hazard to persons or property;
- (b) in the opinion of the Authorities is causing a nuisance; or
- (c) does not meet the provisions of this By-law.

(2) The Fire Chief, Special Constable, Fire Inspector, and/or RCMP may enter upon any land, at any reasonably necessary time, for the purpose of performing their duties and functions pursuant to this By-Law.

Penalty

8. (1) Any person who contravenes any provision of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than two hundred fifty dollars (\$250.00) and not more than five thousand dollars (\$5,000).

- (a) In addition to any fine or imprisonment imposed, the Court may order the person convicted to pay all expenses incurred in correcting the contravention of the by-law or any damages associated with such contravention.
- (b) Where any person is in contravention of any provision of this By-law, the Authority(ies) may direct in writing, that the contravention be remedied in the manner and within the time specified.
- (c) Upon the failure of the person to comply with such notice, the Authority(ies) may order the remedy, and recover the cost of such work from the property owner.
- (d) The Municipality's cost to remedy the contravention pursuant to any provision of the by-law shall constitute a lien against the property owner



WEST HANTS REGIONAL MUNICIPALITY
OUTDOOR FIRES BY-LAW

RO-001

which shall be applied and enforced in the same manner as for rates and taxes.

- (2) In lieu of prosecution under this By-law, a Special Constable, Fire Inspector and/or RCMP may, in their sole and absolute discretion, issue to any person they believe, upon reasonable grounds, has committed an offence under this By-law, a Notice of Violation, which Notice shall require the person to whom it is directed, to pay to the Municipality with fourteen (14) days of the issuance of the Notice, the sum of \$100.00 (one hundred dollars), for an offence outside that of Provincial legislation. Where a Notice of Violation is issued and if that sum is paid as required therein, no prosecution shall ensue in respect to the matter or matters referred to in the Notice. For greater certainty, nothing in this by-law requires the Municipality to issue a Notice of Violation before initiating a prosecution.

Repeal

9. (1) The former Town of Hantsport - By-Law 1-93 Fires and Burning of Materials By-law approved by the Minister on the 29th day of October, 1993; and
The former Town of Windsor Windsor Outdoor Fires Bylaw - #39 approved December 02, 2010; and
The former Municipality of the District of West Hants Fire Protection By-law dated September 14, 2004 are all hereby repealed.

I, (Municipal Clerk Name), Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of _____ (month), _____ (year).

(Signature of Municipal Clerk)
(Typed name of Municipal Clerk)



WEST HANTS REGIONAL MUNICIPALITY
OUTDOOR FIRES BY-LAW

RO-001

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



Committee of the Whole Excerpts
September 14, 2021

OUTDOOR FIRE BY-LAW

At the November COTW meeting, Council gave direction to staff to review the current By-Laws in place prior to consolidation.

The recommended motion was...

... TO POSTPONE THE MOTION UNTIL JANUARY TO ALLOW FOR PUBLIC ENGAGEMENT AND INPUT.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Committee of the Whole

Submitted by: _____
Shelleena Thornton, Municipal Operations Supervisor

Date: September 14, 2021

Subject: Outdoor Fires By-Law RO-001

LEGISLATIVE AUTHORITY

Municipal Government Act, R.S.N.S. 1998, c. 18:

- 172 (1) A council may make by-laws, for municipal purposes, respecting
- (a) the health, well being, safety, and protection of persons;
 - (b) the safety and protection of property;
 - (c) persons, activities and things in, on or near a public place or place that is open to the public;
 - (d) nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations...

Fire and Emergency Services

Powers where fire

- 297 (1) When any fire, rescue or emergency occurs, the fire chief or other officer in charge, and any person under the direction of that officer, shall endeavour to extinguish the fire and prevent it from spreading, conduct the rescue or deal with the emergency and, for that purpose, may
- (a) command the assistance of persons present and any inhabitant of the municipality;
 - (b) remove property from buildings on fire or in danger of fire;
 - (c) take charge of property;
 - (d) enter, break into or tear down any building;

- (e) exclude and remove persons and vehicles from the building or vicinity; and
 - (f) generally, do all things necessary to respond to the emergency.
- (2) It is an offence to disobey any lawful order or command of the officer in charge.

DECISION REQUEST

...that Committee of the Whole recommends that Council give First Reading and proceed to a Public Hearing and Second Reading for the Outdoor Fires By-law RO-001, XXX, which includes the repeal of the Outdoor Fires By-Law #39 for the former Town of Windsor dated December 2, 2010; the Fire and Burning Materials By-Law 1-93 for the former Town of Hantsport dated October 29, 1993; and the Fire Protection By- Law for the former Municipality of West Hants dated May 12, 1994, as presented to Committee of the Whole on September 14, 2021.

BACKGROUND

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

With the creation of the West Hants Regional Municipality (WHRM) on April 1, 2021, it was necessary that a new Regional Outdoor Fire By-Law be created to clarify and consistently meet the needs for the entire region.

On July 1, 2015, the former Town of Hantsport dissolved into the West Hants Municipality and on April 1, 2020, the former Town of Windsor and West Hants Regional Municipality consolidated.

Prior to consolidation, each entity (the former Town of Windsor, former Town of Hantsport, and the former West Hants Municipality) had their own By-Laws regarding Outdoor Fires, Burning of materials and Fire protection. None of which uniformly addressed the needs of the entire region once consolidation occurred.

A Regional By-Law will encompass the entire West Hants Regional Municipality to ensure consistency, cohesiveness, and clarity for all citizens within the Region.

At the November 10, 2020, Committee of the Whole meeting, staff was directed to review existing fire-related By-Laws.

With this directive, staff reviewed each entity's By-Law, consulted with Fire service experts, By-law Enforcement, the RCMP, and a new Regional By-Law where all communities within the Region uniformly agree to follow the same practices. The proposed by-law has also been vetted through the Solicitor.

DISCUSSION

The former Town of Hantsport Fire Burning Materials By-Law, number 1-93 only pertains to fires that are intended for the purpose of food preparation. Any other type of fire requires a special burn permit from the Fire Chief and is subject to financial penalties for violations.

The former Town of Windsor By-Law #39 does expand on areas of permitted outdoor fires that allows for fires outside of food preparation so long as the burning appliances installation instructions are followed, a mesh screen or spark arrestor are present, the burning appliance is more than 15 feet from any building, flammable/combustible material, or property line and it cannot be placed on a wooden deck or a combustible platform. This By Law also requires a special burn permit to burn trees, shrubs, brushes, wood, or other vegetation and is also subject to financial penalties up to but not exceeding \$5,000.00 for violations.

The former West Hants Municipality Fire Protection By-Law allowed for open burning of materials that are defined as combustible under the By Law between the months of October 15th - April 15th without a permit. Outside of this time frame a permit issued by the Department of Natural Resources is required to have open fires so long as it is not within 100 feet of another property owners building. This By Law is also subject to financial penalties up to but not exceeding \$10,000.00 for violators and imprisonment if payment is defaulted.

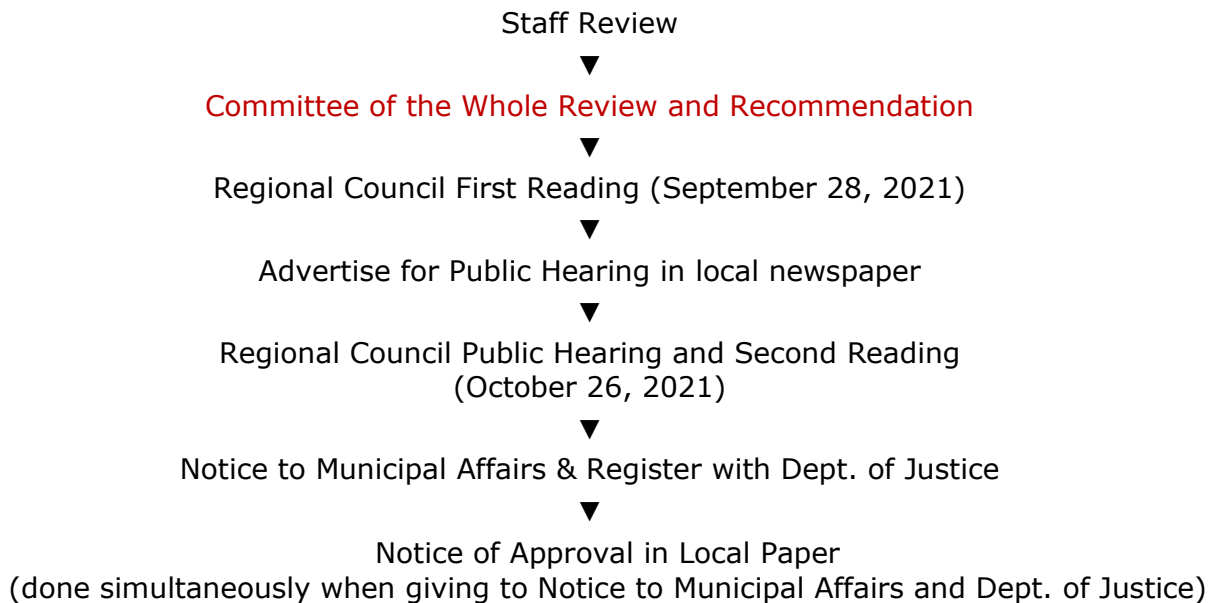
All three By-Laws outline varying definitions regarding terms of reference, definitions surrounding prohibited and permitted open air fires and safe, acceptable distances from combustible materials as well as varied financial penalties for violations. This causes confusion when interpreting the By-Law depending on location and which former By-Law is in effect for that area.

Upon direction from Council, staff reviewed all three former By-Laws, consulted the Municipal Government Act, and referenced Fire and Emergency Services to formulate a By-Law that encompasses a vast amount of the former regulations while expanding on definitions in areas to allow for chimineas, outdoor furnaces and such. A revised By-Law will expand to all communities within the West Hants Regional Municipality to ensure cohesiveness. Within this By-Law, a fire permit is no longer required so long as the individual complies with the NS Forest Act and meets all criteria outlined in the draft By-Law.

NEXT STEPS

Should COTW support this recommendation, Council will give first reading at its September 28, 2021 Council meeting and hold a public hearing and second reading at the October 26, 2021 Council meeting. Should second reading be approved, all former by-laws would be repealed. Notice of a public hearing will be placed in the newspaper, on the website and on social media.

The proposed steps for approval of the Outdoor Fires By-law RO-001 are:



This by-law does not require Ministerial approval and would be effective when the Notice of Approval is in the local newspaper.

It is important to further note, that until registered with the Dept. of Justice and the Summary Offence Ticket booklet is updated, any penalty enforcement would need to be done by long-form rather than summary offence ticket.

FINANCIAL IMPLICATIONS

There are no financial implications.

ALTERNATIVES

1. Committee of the Whole could choose to not recommend that Council give first reading of the draft, Council may choose not to support the new revised By-Law which would not repeal the current By-Laws in place. This is not the recommendation to Council.
2. Council may choose to provide alternative direction, such as requesting further information which may include a revised By-Law.

ATTACHMENTS

- Proposed West Hants Regional Municipality Outdoor Fire By-law RO-001
- Former Town of Windsor #39 Outdoor Fires Bylaw
- Former Town of Hantsport By-Law 1-93, Fires and Burning of Materials By-Law
- Former Municipality of the District of West Hants Fire Protection By-Law

CHIEF ADMINISTRATIVE OFFICER REVIEW

The draft by-law is in keeping with the discussions and review by operations over the past year. It is further a reflection of feedback from the fire services in relation to the administration and enforcement of the by-law.

I support the recommendation and the draft by-law but make note that revisions can be made pending feedback from the public hearing process. Should revisions be substantial, the by-law adoption process would need to start over.

Report Prepared by: _____

Report Reviewed by: _____

Shelleena Thornton,
Municipal Operations Supervisor

Report Approved by:  _____
Mark Phillips, CAO

OUTDOOR FIRES BY-LAW

Enabling Legislation

Municipal Government Act, R.S.N.S. 1998, c. 18:

- 172 (1) A council may make by-laws, for municipal purposes, respecting
- (a) the health, well being, safety, and protection of persons;
 - (b) the safety and protection of property;
 - (c) persons, activities and things in, on or near a public place or place that is open to the public;
 - (d) nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations...

Fire and Emergency Services**Powers where fire**

- 297 (1) When any fire, rescue or emergency occurs, the fire chief or other officer in charge, and any person under the direction of that officer, shall endeavour to extinguish the fire and prevent it from spreading, conduct the rescue or deal with the emergency and, for that purpose, may
- (a) command the assistance of persons present and any inhabitant of the municipality;
 - (b) remove property from buildings on fire or in danger of fire;
 - (c) take charge of property;
 - (d) enter, break into or tear down any building;
 - (e) exclude and remove persons and vehicles from the building or vicinity; and
 - (f) generally do all things necessary to respond to the emergency.
- (2) It is an offence to disobey any lawful order or command of the officer in charge.

Title

1. This By-Law is entitled the "Outdoor Fires By-Law".

OUTDOOR FIRES BY-LAW

Definitions

2. In this By-Law:

- (1) "acceptable appliance" means an outdoor receptacle which is constructed from bricks, concrete blocks, heavy gauge metal, stone or other suitable non-combustible components, has a spark arrestor or metal mesh screen, is positioned on a fire-proof surface, and does not exceed one (1) meter (3.3 feet) in width or in diameter when measured between the widest point or outside edges;
- (2) "camp fire" means a fire not exceeding sixty (60) centimeters in width at the largest point, and not piled higher than forty-five (45) centimeters in height, located at least five (5) meters (16.5 feet) from other combustible materials, started and maintained with the permission of the owner of the property where the fire is located;
- (3) "chimenea" means a chimenea or other small, commercially manufactured burning appliance constructed from a suitable fire resistant material and intended to burn small quantities of wood or charcoal;
- (4) "Fire Chief" means a fire chief, fire captain or chief officer of a fire department, , or other person designated by such person in and for the applicable fire protection district or area;
- (5) "fire-proof pad" means a pad made of non-combustible material(s), such as cement or concrete, that is resistant to heat;
- (6) "Municipal and/or Municipality" means West Hants Regional Municipality;
- (7) "nuisance" means interference with a neighbouring property owner's enjoyment of his or her property;
- (8) "open air" means anywhere that is not fully enclosed by a building or structure;
- (9) "owner" has the same meaning as in the Municipal Government Act;
 - (a) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,
 - (b) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,

OUTDOOR FIRES BY-LAW

- (c) a person who occupies shores, beaches or shoals, and
- (10) (d) in the absence of proof to the contrary, the person assessed for the property. "solid waste" means solid waste as defined in the former Municipality of West Hants Solid Waste Management By-law and former Town of Windsor Solid Waste By-law;
- (11) "special constable" means a person(s) appointed by the Municipality to enforce Municipal by-laws;
- (12) "rural area" means that part of West Hants Regional Municipality which is not an urban area as defined herein;
- (13) "urban area" means those areas within West Hants Regional Municipality **which are serviced by Municipal water and sewer.**

Prohibition on Open Air Fires

3. Subject to the provisions of Provincial legislation regarding fires, no person shall light, ignite, start, allow or cause to be lighted, ignited or started, or add fuel to, or otherwise permit or encourage to burn, a fire of any kind whatsoever in the open air except as permitted under section 4.

Permitted Open Air Fires

4. Except as may be otherwise prohibited by law, an open air fire is permitted:
 - (1) for cooking food with propane, natural gas, charcoal or wood within a portable or fixed barbeque in which the fire is contained on its underside and on at least three sides;
 - (2) in an acceptable fire pit or chimenea, provided that:
 - (a) a spark arrestor or mesh screen is used to contain any sparks or blowing debris;
 - (b) only clean, dry wood or charcoal is burned;
 - (c) in the case of an acceptable fire pit, the fire pit is located at least five (5) meters (16.4 feet) from any building, flammable structure, combustible material or property line;
 - (d) in the case of a chimenea:

OUTDOOR FIRES BY-LAW

- (i) the chiminea is positioned on a fire-proof pad that extends at least fifty (50) centimeters (19.7 inches) outward from where the door of the chiminea is located and twenty (20) centimeters on all other sides;
 - (ii) the chiminea is at least five (5) meters (16.5 feet) from all buildings and at least one (1) meter (3.3 feet) from any wooden surface that is not appropriately screened with a CSA approved fire-proof material;
 - (iii) if the operating instructions that come with the chiminea are stricter than the standards in this By-Law, the position and operation of the chiminea must comply with those operating instructions;
- (e) a responsible adult who is equipped with tools or equipment to contain an outdoor fire (which may include brooms, rakes, back tanks, shovels, hoses and an adequate water supply), is present on the property and supervising while the fire is burning and until the fire is fully extinguished;
- (f) a fire extinguisher is available on the property and within a reasonable distance from where the fire is located; and
- (g) the fire does not create a nuisance.
- (3) for training purposes, or as a preventative measure intended to reduce the risk or spreading of a more serious fire, if the burning is carried out or supervised by a fire department, brigade or service which is registered pursuant to the Fire and Emergency Service Policy, COGE-007.00 or by any person responding reasonably to an emergency;
- (4) for organized competitions where lighting fires is a component, such as the water boil in a woodsmen's competition;
- (5) by a person lost or in distress in a wooded area, if reasonable precautions are taken against the spreading of the fire;
- (6) for a campfire in a rural area;
- (7) for a fire in a rural area between March 15th to October 15th as per the NS Forest Act provided that:

OUTDOOR FIRES BY-LAW

- (a) the fire is initiated by or authorized by the owner of the property where the fire is situated;
 - (b) the fire is for the purpose of:
 - (i) weed control or other agricultural or forestry purposes, including the elimination of infestations of insects or disease;
 - (ii) brush removal or land clearing;
 - (iii) the burning of grass or other vegetation; or
 - (iv) the demolition of wooden structures or of wooden construction materials or other combustible waste which is not acceptable for composting under the Municipality's Solid Waste By-Laws.
 - (c) the fire is not within one hundred (100) meters (328 feet) of a dwelling located on other property;
 - (d) the fire is not within twenty (20) meters (66 feet) of any structure;
 - (e) the fire is not within twenty (20) meters (66 feet) of another property, except with the express written consent of the owner and occupant of such other property;
 - (f) the fire is not within three hundred five (305) meters (1,000 feet) of woods as per the Nova Scotia Forest Act;
 - (g) the fire is not started or permitted to continue when the wind is blowing of sufficient velocity to jeopardize the ability to control the fire;
 - (h) the fire is not left unattended by the owner of the property or an adult authorized and designated by the owner to be responsible for the fire;
 - (i) the owner or adult responsible for the fire is suitably equipped with appropriate tools such as rakes, shovels, and water tanks or other suitable water source, or, for substantial burning, mechanical equipment that may be used to suppress a fire, such as a bulldozer, and any other equipment that is necessary or prudent to control or extinguish the fire;
 - (j) the fire is not fueled by, or allowed to burn anything, except wood, brush, and vegetation or byproducts thereof; and
 - (k) any smoldering embers from the fire are completely extinguished after the burning is completed.
- (8) between the dates of October 15 to March 15, provided that:

OUTDOOR FIRES BY-LAW

- (a) the owner or person responsible for the fire have received any necessary approvals from the Province with respect to the fire;
- (b) the fire is not within twenty (20) meters (66 feet) of any structure;
- (c) the fire is not within twenty (20) meters (66 feet) of another property, except with the express written consent of the owner and occupant of such other property;
- (d) the fire is not started or permitted to continue when the wind is blowing of sufficient velocity to jeopardize the ability to control the fire;
- (e) the fire is not left unattended by the owner of the property or an adult authorized and designated by the owner to be responsible for the fire;
- (f) the owner or adult responsible for the fire is suitably equipped with appropriate tools such as rakes, shovels, and water tanks or other suitable water source, or, for substantial burning, mechanical equipment that may be used to suppress a fire, such as a bulldozer, and any other equipment that is necessary or prudent to control or extinguish the fire;
- (g) the fire is not fueled by, or allowed to burn anything, except wood, brush, and vegetation or byproducts thereof; and
- (h) and any smoldering embers from the fire are completely extinguished after the burning is completed.

Outdoor Furnaces

5. Wood burning furnaces or appliances which are located outside a building intended to receive heat or hot water from such furnace or appliance may not be installed or used
- (1) in an urban area unless:
 - (a) it has a chimney that extends to a height of at least four (4) meters above the grade of the surrounding soil; and
 - (b) the furnace or appliance, its chimney, and any support structure for the chimney, complies with any applicable requirements pursuant to the *Building Code Act*, *Fire Safety Act*, and the Municipality's Building Code Act By-Law RB-001; and

OUTDOOR FIRES BY-LAW

- (c) the furnace or appliance is constructed, installed and operated in compliance with the same requirements as are set out in subsection (2) for such furnaces or appliances in rural areas;
- (2) in a rural area unless:
 - (a) the manufacturer's installation instructions are followed;
 - (b) the furnace or appliance is not placed on a wooden deck or other combustible platform;
 - (c) clearance of five (5) meters is observed in all directions from other combustible materials, including any dwelling; and

Immediate Notification of Fire Department

6. In the case of any fire, the person who lit or otherwise started the fire, or allowed the fire to start, must notify the fire department in and for the applicable fire protection district if the fire is or appears to be unable to be controlled.

Authority of Fire Chief

7. (1) The Fire Chief shall have control over the prevention and suppression of fires governed by this By-Law, and shall have the authority to extinguish or order extinguished any fire which:
- (a) poses a health or safety hazard to persons or property;
 - (b) in the opinion of the Fire Chief is causing a nuisance; or
 - (c) does not meet the provisions of this By-law.
- (2) The Fire Chief, Special Constable, and/or RCMP may enter upon any land, at any reasonably necessary time, for the purpose of performing their duties and functions pursuant to this By-Law.

Penalty

8. (1) Any person who contravenes any provision of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than two hundred fifty dollars (\$250.00) and not more than five thousand dollars (\$5,000).
- (a) In addition to any fine or imprisonment imposed, the Court or Judge may order the person convicted to pay all expenses incurred in correcting the

OUTDOOR FIRES BY-LAW

contravention of the by-law or any damages associated with such contravention.

- (b) Where any person is in contravention of any provision of this By-law, the Fire Chief may direct in writing, that the contravention be remedied in the manner and within the time specified.
- (c) Upon the failure of the person to comply with such notice, the Fire Chief may order the remedy, and recover the cost of such work from the property owner.
- (d) The Municipality's cost to remedy the contravention pursuant to any provision of the by-law shall constitute a lien against the property owner which shall be applied and enforced in the same manner as for rates and taxes.

- (2) In lieu of prosecution under this By-law, Special Constable may, in their sole and absolute discretion, issue to any person they believe, upon reasonable grounds, has committed an offence under this By-law, a Notice of Violation, which Notice shall require the person to whom it is directed, to pay to the Municipality with fourteen (14) days of the issuance of the Notice, the sum of \$100.00 (one hundred dollars), for an offence outside that of Provincial legislation. Where a Notice of Violation is issued and if that sum is paid as required therein, no prosecution shall ensue in respect to the matter or matters referred to in the Notice. For greater certainty, nothing in this by-law requires the Municipality to issue a Notice of Violation before initiating a prosecution.

Repeal

9. (1) The former Town of Hantsport - By-Law 1-93 Fires and Burning of Materials By-law approved by the Minister on the 29th day of October, 1993; and
The former Town of Windsor Windsor Outdoor Fires Bylaw - #39 approved December 02, 2010; and
The former Municipality of the District of West Hants Fire Protection By-law dated September 14, 2004 are all hereby repealed.

OUTDOOR FIRES BY-LAW

I, (Municipal Clerk Name), Municipal Clerk of the West Hants Regional Municipality, in the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of _____(month), _____(year).

(Signature of Municipal Clerk)

(Typed name of Municipal Clerk)

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



**TOWN OF WINDSOR
BYLAW#39
Respecting**

Outdoor Fires Bylaw

AUTHORITY

39.01

Sections 172 (a), (b), and (d) of the Municipal Government Act provides municipalities with the power to make bylaws respecting the health, well-being, safety and protection of persons, the safety and protection of property, and activities that may cause nuisances including burning, odours and fumes.

INTERPRETATION

39.02

In this bylaw:

- (1) "Acceptable Outdoor wood burning appliance" means an outdoor receptacle which is constructed from bricks, concrete blocks, heavy gauge metal, stone or other suitable non-combustible components, and has a spark arrestor or metal mesh screen, and, does not include outdoor wood furnaces;
- (2) "Council" means the Council for the Municipality of the Town of Windsor;
- (3) "Fire Chief" means the Fire Chief of the Windsor Fire Department or his / her designate.
- (4) "Garden and Yard Waste" means any shrubbery, tree prunings, leaves, brush, weeds, grass, roots, tree stumps, turf and similar vegetation;
- (5) "General Waste" means any rubbish, garbage, non-wooden material, packaging, containers, bottles, cans, rags, clothing, petroleum products, manure or sewer;
- (6) "Hazard" means a risk of damage or nuisance which may be caused by the burning of any general waste, and which may adversely affect property and/or persons;
- (7) "Non-designated Material" means tires, waste dangerous goods as defined in the Dangerous Goods Management Regulations pursuant to the *Environment Act*, Stats. N.S., 1994-1995,c.1 and amendments

thereto; used oil as defined in the used oil regulations pursuant to the ***Environment Act***, supra; railway ties or other wood treated with wood preservative; material containing rubber or plastic; painted wood; garbage, food products, organics such as animal remains;

- (8) "Nuisance" means the causing of any smoke or other emission from any fire permitted under this bylaw, or otherwise, that adversely affects the reasonable enjoyment by other persons of their property;
- (9) "Outdoor Wood Furnace" means an outdoor wood-burning appliance, or a solid fuel burning appliance, used for the space heating of buildings, the heating of water or other similar purposes;
- (10) "Portable Barbecuing Appliance" means any appliance used for the purpose of cooking food outdoors, normally fuelled by liquefied petroleum gas, natural gas, compressed briquettes or charcoal;
- (11) "Town" means the Town of Windsor.

OUTDOOR FIRES PROHIBITED

- 39.03**
- (1) No person shall be permitted to operate an open fire pit within the Town;
 - (2) No person shall be permitted to have an outdoor fire within the Town, on any land owned or occupied by such person, or on any public lands owned by the Town, unless contained in an acceptable outdoor wood burning appliance;
 - (3) No person shall be permitted to burn non-designated material, general waste, or garden and yard waste on any lands owned or occupied by such person, or on any other lands within the Town.

OUTDOOR FIRES PERMITTED

- 39.04**
- (1) Persons shall be permitted to cook food using a portable barbecue, other food preparation appliances (designed for outdoor use) or outdoor wood burning appliances;
 - (2) Persons using outdoor gas or wood burning appliances in the Town of Windsor shall be permitted to do so but the following provisions shall apply:
 - (a) The manufacturer's installation instructions must be followed;
 - (b) only dry seasoned firewood shall be used as it burns with little or no smoke by-product;
 - (c) a spark arrestor or mesh screen is used to contain any sparks or blowing debris;
 - (d) the acceptable outdoor wood burning appliance shall be located in excess of 15 feet from any building, flammable structure, combustible material or property line;

- (e) notwithstanding Section 39.04 (2) (d), the acceptable outdoor wood burning appliance must not be placed on wooden decks or combustible platforms;
- (f) the fire does not create a nuisance;
- (g) a responsible adult is present on the property while the fire is burning and until the fire is extinguished;
- (h) a fire extinguisher, or other means of extinguishing a fire, acceptable to the Fire Chief/or designate, is within reasonable distance from where the fire is located.

SPECIAL BURN PERMITS

39.05 Special burn permits are required for the following activities:

Open air burning of trees, wood, shrubs, bushes or other vegetation:

- (a) special permission from the Fire Chief of the Windsor Fire Department;
- (b) a burning permit; and
- (c) compliance with the provisions of this By-Law

PERMITTED CIRCUMSTANCE

39.06 Nothing in this Bylaw shall apply to the Windsor Fire Department while engaged in training sessions or other related activities if authorized by the Fire Chief or his designate.

PERMIT APPLICATION

- 39.07**
- (1) Where a permit is required under this By-law, an application shall be made to the Fire Chief;
 - (2) Where the Fire Chief determines that the proposed burning would be a hazard to safety or where there is a failure to meet the requirements of the By-Law, the Fire Chief shall refuse to issue a permit;
 - (3) In making a determination under Section 39.09 (2) the Fire Chief may take into consideration any number of factors which may include but are not necessarily be limited to the following:
 - (a) the number of permits issued on a particular day;
 - (b) the velocity of the wind;
 - (c) the general weather conditions prevalent;
 - (d) whether or not the applicant is suitably equipped to ensure the fire is maintained under control;
 - (e) the proposed manner and method of burning;
 - (f) whether the applicant owns or is the occupant of the land upon which the burning is intended to occur, or has the written consent,

produced prior to the issuance of the permit, of the owner of the land which the burning will occur;

- (g) whether the applicant is 19 years of age or older and ensures that at least one other person, of 19 years of age or older, suitably equipped to control the fire, will be present while the fire is burning or smoldering;
 - (h) any other matter the Fire Chief determines relevant to safety.
- (4) A permit issued under the authority of this By-Law may be revoked by the Fire Chief at any time where it is determined that the proposed burning will pose a hazard to persons or property or where the conditions of the permit have not been met;
 - (5) The Fire Chief may specify on the permit the hours of the day and the number of days during which the permit shall be valid, and in so doing, may distinguish between permits issued for commercial or other uses, but no permit shall be issued for a period exceeding fourteen (14) days;
 - (6) The Fire Chief may designate the location where and the hours during which applications for permits shall be received.

FEES

39.08 Where application is made for a permit, a non-refundable \$ 50.00 (fifty dollars) **Application Fee** must be paid before application is processed.

Upon successful application, a \$ 50.00 (fifty dollar) **Permit Fee** must be paid in full before permit is issued.

OFFENCES AND PENALTIES

- 39.09**
- (1) Any person who contravenes or fails to comply with any of the provisions of this bylaw shall be liable to a penalty no less than \$250 and not exceeding \$5,000 for each offence, as per Schedule A attached.
 - (2) In addition to any penalty imposed as a result of a guilty plea, the Town may levy a fee for reimbursement of all expenses incurred or damages associated with the offence.

REPEAL

39.10 **Bylaw #18** of the Town Bylaws entitled Prevention of Fires Bylaw and any amendments thereto, shall be hereby repealed.

EFFECTIVE DATE

39.11 This Bylaw shall be effective upon publication.

CAO/Clerk's Annotation (Office Use Only)

Date of first reading:	September 28, 2010
Dates of advertisement of Notice of Intent to Consider:	Oct. 21 & Nov. 4, 2010
Date of second reading:	November 23, 2010
*Date of advertisement of Passage of Bylaw:	December 02, 2010
Date of mailing to Minister a certified copy of Bylaw:	December 03, 2010

I certify that this Outdoor Fires Bylaw was adopted by Council and published as indicated above.



Louis Coutinho, CAO
Town of Windsor

Schedule "A"

Offence	Penalty
First Offence	\$ 250.00
Second Offence	\$ 1,000.00
Third Offence	\$ 5,000.00



**Town of Hantsport
By-law #1-93**

Fires and Burning of Materials By-law

1. This By-law shall be known as the Fires and Burning of Materials By-law, number 1-93.
2. No person shall ignite, set fire to or burn any materials, articles or substances whatsoever, out of doors, within the limits of the Town of Hantsport, except as provided by this By-law.
3. This By-law shall not apply to the setting of fire or burning of charcoal or other flammable materials commonly used for the purpose of a barbeque or similar outdoor cooking, when intended for the purpose of food preparation.
4. The Fire Chief may, from time to time, issue a special burning permit to an applicant and may prescribe within the permit:
 - a) The number of people required to supervise the burning.
 - b) The conditions under which the fire may be set.
 - c) The types of materials that will be permitted to be burned.
 - d) The hours and day on which the burning shall take place.
 - e) The location at which the fire may be set.
5. The penalties for violation of the provision of this By-law are as provided by the Town's Act, R.S.N.S. 1989, c. 472, and amendments thereto.
6. This By-law shall not apply to the persons acting directly under the authority of the Fire Chief of the Hantsport Fire Department in the performance of his duties.
7. All Fires and Burning of Materials By-laws of the Town now in force are hereby repealed and this By-law substituted therefore.

Passed by the Town Council of the Town of Hantsport on the 5th day of October, 1993.

Approved by the Minister of Municipal Affairs on the 29th day of October, 1993.

BE IT RESOLVED THAT THE FOLLOWING BE AND
THE SAME IS HEREBY ADOPTED AND ENACTED AS
A BY-LAW OF THE MUNICIPALITY OF THE
DISTRICT OF WEST HANTS

FIRE PROTECTION BY-LAW

1. The Fire Protection By-law passed by the Council of the Municipality of the District of West Rants on the 11th day of May, A.D., 1994 and approved by the Minister of Municipal Affairs on the 12th day of May, A.D., 1994 be and is hereby repealed and the following is substituted therefor.
2. In this By-law,
 - (a) "Controlled Combustion Unit" means an incinerator, furnace, barrel, drum, tank or container;
 - (b) "Designated Material" means:
 - (i) tires;
 - (ii) waste dangerous goods as defined in the Dangerous Goods Management Regulations pursuant to the *Environment Act*, Stats. N.S., 1994-1995, C. 1 and amendments thereto;
 - (iii) used oil as defined in the used oil regulations pursuant to the *Environment Act*, supra;
 - (iv) a railway tie or other wood treated with wood preservative;
 - (v) a material containing rubber or plastic;
 - (vi) painted wood;
 - (vii) garbage, food products, organics such as animal and human remains but does not include dry leaves and dry grass.
 - (c) "Furnace" means any equipment, apparatus, device or structure designed to burn solid, liquid or gaseous fuel for the purpose of heating, drying, generating power or processing steam or any combinations thereof;
 - (d) "Incinerator" means any equipment, apparatus, devise or structure designed to incinerate waste which is capable of controlling the combustion temperature,

the degree of gaseous mixing and the length of time that the combustion gases reside in the incinerator;

- (e) "Material" means combustible material other than designated material;
 - (f) "Municipality" means the Municipality of the District of West Hants;
 - (g) "Open Burning" means burning of material not carried out in a controlled combustion unit.
3. (a) No person shall carry out, cause, permit or be responsible for the open burning of designated material.
- (b) Subsection (a) does not apply to open burning conducted by a person or organization that is authorized by the Province to conduct courses to train fire fighting personnel.
- (c) Subsection (a) does not apply to a Municipality that conducts open burning in accordance with the provisions of the Municipal Waste Incinerator Regulations.
4. (a) Subject to Section 5(a)(ii) and 5(a)(iii), the burning of material shall be permitted at all times within a controlled combustion unit.
- (b) Subject to Section 5(a)(i), open burning of materials shall be permitted except between the 15th day of April and the 15th day of October in each year without a permit.
- (c) Subject to Section 5(a)(i), between the 15th day of April and the 15th day of October in each year, no person shall carry out, cause, permit or be responsible for the open burning of material without a permit issued by the Department of Natural Resources.
5. (a) No person shall carry out, cause, permit or be responsible for:
- (i) the open burning of material;
 - (ii) burning of material in a barrel, drum, tank or other container;
 - (iii) burning within a furnace that is used for heating purposes which is

external to the building being heated;

within 30.48 meters or 100 feet of another property owner's building.

- (b) Subsection (a) shall not apply to the burning of charcoal or propane within a barbecue for cooking purposes.
6. (a) Any person who carries out, causes, permits or is responsible for the burning of a fire which goes out of control is guilty of an offence.

(b) The Court may, in addition to any penalty imposed for this offence order the accused to pay the cost of putting out such fire and the cost shall be charged at the Department of Natural Resources (Nova Scotia) rates, and the sum so ordered by the Court shall constitute a first lien on the property of the accused and shall bear interest at the same rate as taxes and may be collected in the same manner as provided for ordinary rates and taxes under the *Municipal Government Act*, Stats. N.S., 1998 Chapter 18.
 7. Any person who carries out, causes, permits or is responsible for the burning of a fire shall abide by the provisions of the *Environment Act*, Stats. N.S., 1994-1995, C. 1 and the regulations thereunder.
 8. In any prosecution for an offence under this By-law, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without the knowledge or consent of the accused.
 9. Where a corporation commits an offence under this By-law, any officer or director of the corporation who directed, authorized, assented to, acquiesce in or participated in the violation of this By-law is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted.
 10. Where an offence under this By-law is committed or continued on more than one day, each day shall constitute a separate offence.
 11. Anyone who violates the provisions of this By-law shall be liable to a minimum penalty of not less than Two Hundred Dollars (\$200.00) and not exceeding Ten Thousand Dollars (\$10,000.00) and in default in payment thereof to imprisonment for not more than one year or both, including the imposition of a minimum fine.

I, Dwight M. Bennett, C.A.O. and Municipal Clerk-Treasurer of the Municipality of the District of West Rants, do hereby certify that the foregoing is a true copy of the Fire Protection By-law duly passed at a duly called meeting of the Municipal Council of the Municipality of the District of West Rants duly convened and held on the 13 day of May, A.D., 2004 and published in the Rants Herald, a newspaper circulating in the Municipality on the 020 day of June, A.D., 2004.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this 2 day of June, A.D., 2004.

First Reading: 1 do/

Second Reading: 4 Y 1 /o'f

DWIGHT M. BENNETT, C.A.O.
MUNICIPAL CLERK-TREASURER



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation	Decision Request ☒	Councillor Activity ☐
--------------------------------------	----------------	--	--

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

Submitted by:

Deanna Snair, Clerk

Date: October 25, 2022

Subject: 2022 Resident Appointments to Planning and Heritage Advisory Committee

LEGISLATIVE AUTHORITY

Municipal Government Act – Section 24 Standing, Special and Advisory Committees

RECOMMENDATION

... that Council appoint the following six (6) residents to continue as resident members of the Planning and Heritage Advisory Committee for the 2022-2024 term:

- Lisa Bland
- Tasha Rogers
- Jennifer Nicholls
- Bill Preston
- Jane Davis
- Jamie O’Hanlon

AND

... that Council appoints **Stefan Palios** as the seventh (7th) resident member of the Planning and Heritage Advisory Committee for the 2022-2024 term.

BACKGROUND

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

At the October COTW meeting, a report regarding new resident members of the Planning and Heritage Advisory Committee was considered. At that time staff was unaware that Ms. Jamie O’Hanlon had applied to be re-appointed, as a computer error placed her application in a “junk” mail in-box. Staff only became aware of her application on Monday October 24.

DISCUSSION

Since COTW has recommended the continuation of all other PAC/HAC members who applied, it seems reasonable that Council may wish to retain Ms. O’Hanlon on PAC/HAC. Should this be the case, one new resident member recommended by COTW will need to not be named to PAC/HAC.

NEXT STEPS

Once approved by Council on October 25, 2022, all applicants will be contacted to notify them of whether or not they were appointed. Required additional information will be sent to new members and the Planning and Development Department will host an information session for new members.

FINANCIAL IMPLICATIONS

Resident members appointed to a Committee of Council will receive remuneration in accordance with the Council Remuneration Policy, which is identified in the annual Operating Budget.

ALTERNATIVES

Committee of the Whole could choose to go in-camera to review the applications in detail and select alternative resident representatives.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

Report Prepared by: _____
Deanna Snair, Clerk

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

Report Approved by: _____
Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
October 11, 2022

Police Advisory Board (PAB) Excerpt

Police Advisory Board Committee Members appointed in 2021 were notified of the approaching end of their term and were encouraged to apply for the upcoming term. One (1) resident vacancy was available. The current resident committee member did not indicate a wish to remain on PAB.

Public advertisement for resident members was placed in the Valley Journal Advertiser, the Municipal website and Facebook page. One (1) application was received.

The recommended resident appointment would fulfil the resident-member requirement and comply with the Police Act of NS. Should the recommendation be supported, all committee appointments would be fulfilled including the that of the Ministerial appointed member.

The recommended motion was that Committee of the Whole recommend that ...

THAT COUNCIL APPROVES GUIDO GUIDE FURLANI BE APPOINTED TO THE POLICE ADVISORY BOARD AS A RESIDENT COMMITTEE MEMBER FOR THE TERM NOVEMBER 01, 2022 TO OCTOBER 31, 2024, PENDING COMPLETION OF A SATISFACTORY RECORDS CHECK.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Committee of the Whole

Submitted by: _____
Deanna Snair, Municipal Clerk

Date: October 11, 2022

Subject: Police Advisory Board Resident Member Appointment

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act (MGA) –Sections 24-27, Standing, special and advisory committees; Vacancy on Boards, Commissions and Committees; Citizen Advisory Committees; and Community Committees.

Police Act of NS – Section 57 - Establishment and composition of Police Advisory Boards, and Section 68(1) – Function of Advisory Board

Police Regulations of NS – Part 3

RECOMMENDATION or DECISION REQUEST

That Committee of the Whole recommends

... that Council approves Guido Guide Furlani be appointed to the Police Advisory Board as a resident committee member for the term November 01, 2022 to October 31, 2024, pending completion of a satisfactory criminal records check.

BACKGROUND

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

Police Regulations, Part 3 outlines Board member qualifications, selection process, Code of Conduct of Board members, and the role of the Chair. The Police Act of NS outlines the composition and functions of the Police Advisory Board.

The Meeting and Committees Procedural Policy RCOGE-003.00 (as amended) was approved by Council at the October 27, 2020 Council meeting and outlines procedures while conducting Committees of Council meetings.

DISCUSSION

Police Advisory Board (as per Sections 57 and 68(1) of the Police Act of NS) The function of the advisory board is to provide advice to the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality, but the advisory board shall not exercise jurisdiction relating to complaints, discipline, personnel conduct or the internal management of the Royal Canadian Mounted Police.

A five-member advisory board consists of:

- (a) two members of council appointed by resolution of the council;
- (b) two members appointed by resolution of the council, who are neither members of council nor employees of the municipality; and
- (c) one member appointed by the Minister.

The vacancy was advertised until midnight, October 2, 2022, in which one application was received. Staff reviewed the application and sent copies to the Chair of the Police Advisory Board. The recommended resident appointment would fulfil the resident-member requirement and comply with the Police Act of NS. Should the recommendation be supported, all committee appointments would be fulfilled including the that of the Ministerial appointed member.

NEXT STEPS

Once approved by Council on October 25, 2022, all applicants will be contacted to notify them of whether or not they were appointed. Required additional information will be sent to new members.

FINANCIAL IMPLICATIONS

Resident members appointed to a Committee of Council will receive remuneration in accordance with the Council Remuneration Policy, which is identified in the annual Operating Budget.

ALTERNATIVES

- Council may choose not to accept the recommendation and direct the clerk to re-advertise for committee member appointments.

ATTACHMENTS

N/A

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Deanna Snair, Clerk

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
September 13, 2022

Windsor Flood Risk Assessment Study - Update Request Excerpt

Windsor experienced a significant flood event on July 27, 2021 and subsequent floods with overflow events on September 2, September 10. Additional flooding events (though less severe) occurred at least 3 or 4 more times between September 2021 March / April 2022.

The flood locations (between July and September) bounded by Stannus, Victoria, Gray and Albert Streets as well as the Tremaine and Trecothic Marsh area were significantly impacted.

A Windsor Flood Study was commissioned through an RFP and awarded to identify storm water management issues and solutions for the community of Windsor.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECTS STAFF TO PROVIDE AN UPDATE ON THE FLOOD RISK ASSESSMENT PROJECT TO BE PRESENTED BY CBCL TO COUNCIL AT ITS OCTOBER COUNCIL MEETING WITH A SUMMARY OF THE WORK AND FINDINGS COMPLETED TO DATE, THE WORK STILL REQUIRED TO BE COMPLETED AND THE ESTIMATED TIMEFRAME FOR THE COMPLETION OF THE WORK AND THE ANTICIPATED FINAL REPORT DELIVERY.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ✓	Recommendation ✓	Decision Request ☐	Councillor Activity ✓
---------------	------------------	---	-----------------------

To: Committee of the Whole, West Hants Regional Municipality

Submitted by: Jim Ivey, Councillor, Windsor South, District 11

Date: October 11, 2022

Subject: Windsor Flood Risk Assessment – Formal Update Request

LEGISLATIVE AUTHORITY

N/A

RECOMMENDATION or DECISION REQUEST

Committee of the Whole directs staff to provide an update on the Flood Risk Assessment project to be presented by CBCL to Council at its October Council meeting with a summary of the work and findings completed to date, the work still required to be completed and the estimated timeframe for the completion of the work and the anticipated final report delivery.

BACKGROUND

Property ✓	Public Opinion ✓	Environment ✓	Social ☐	Economic ✓	Councillor Activity ☐
------------	---------------------	---------------	---------------------------------	------------	---

Windsor experienced a significant flood event on July 27, 2021 and subsequent floods with overflow events on September 2, September 10. Additional flooding events (though less severe) occurred at least 3 or 4 more times between September 2021 March / April 2022.

The flood locations (between July and September) bounded by Stannus, Victoria, Gray and Albert Streets as well as the Tremaine and Trecothic Marsh area were significantly impacted. Homes were flooded with combined overflows into the lake basin and a walking bridge with trails were washed out during one occasion at the Trecothic Marsh.

Following the July and September floods, with concern and urgency for action, a high-pressure mobile pump was secured on a short-term basis to cover-off during the time to secure the purchase of a permanent pump. Its intent was to provide relief at Pump Station 1 should an additional major flood occur.

Additionally, a Windsor Flood Study was commissioned through an RFP and awarded to identify

storm water management issues and solutions for the community of Windsor including Wentworth Creek.

Both of the initiatives (pump and flood study) were and are important to all stakeholders and particularly the residents impacted with flooded basements, insurance claims and personal expenses incurred.

DISCUSSION

At the West Hants Council meeting September 27, 2022 an informal inquiry sought to understand when the study might be concluded as it was 3 months past its original estimated date of June 2022 (early summer). Additionally, an inquiry was made with regards to when stakeholder community engagement was going to take place.

In response to the question of timing, Council was advised that we might see a draft report at the end of this year or the start of next. This would be 6 or 7 months past the estimated date for a final report on a significant project in the Windsor area and within the Municipality's capital budget.

In response to inquiry on stakeholder / community engagement, Council was advised that community engagement was not part of the scope of the project. If stakeholder engagement was wanted, it would be additional to the contracted scope. This is not the way I understood the report or its presentation in November.

Given the importance of the report, I feel it is necessary for Council to clearly understand where this project stands for current work completed and expected timing of work to be completed.

Additionally, we need to understand the apparent misunderstanding of the stakeholder / community engagement which is an expectation within the community and was identified by the CAO as a key point of the study when Council was approving the staff recommendation.

In summary, the flood study included many deliverables however discussion from this report is primarily focused on the timeline and several of the project management tasks which included: ("*> italics*" for emphasis):

Project Management Tasks (from the report)

>• The consultant will work closely with the West Hants MCCAP Committee and Public Works staff;

>• The consultant will provide a work plan that describes how the consultant will keep Public Works staff abreast of progress on this study's objectives, including what is being done and why, assumptions and findings;

>• The consultant must prepare and present findings to the MCCAP Committee and/or West Hants Committee of the Whole when it comes time to review this body of work, and be available to Council for questions during the process;

- The consultant will review the West Hants MCCAP and other related research, such as the ACAS, Lot Grading By-Law staff report and the May 24, 2018 report "Stormwater Management: Utilizing Low Impact Development", which the MCCAP Committee will make available to the consultant;

- The consultant shall be responsible for all mapping requirements of the project and all resulting GIS ArcMap .shp files and map products shall become the property of the Municipality at the conclusion of the project. The Municipality will provide topographic layers, as well as other data as needed by the consultant for the project, from the Municipality's GIS; and

>• *The consultant will make recommendations to the Public Works staff on appropriate stakeholder involvement, if necessary, at relevant stages of the project.*

Questions from the preceding include:

Has the consultant ...

1. *Worked with West Hants MCCAP at this point in time?*
2. *Worked with Public Works staff in a measurable manner?*
3. *Provided a work plan that describes how the consultant will keep Public Works staff abreast of progress on this study's objectives, including what is being done and why, assumptions and findings?*
4. *Identified when they might expect to prepare and present draft or final findings to the MCCAP Committee and/or West Hants Committee of the Whole when it comes time to review this body of work?*
5. *Identified when they might be available to Council for questions during the process?*
6. *Identified when it will make recommendations to the Public Works staff on appropriate stakeholder involvement, if necessary, at relevant stages of the project?*

From the other deliverables identified in the report as part of the current assessment in Windsor; the consultant has also been engaged to undertake the following:

1. *Assessing the limitations in our major drainage systems for existing developments as well as flows that are expected from future developments*
2. *Reviewing current developments within study the area and anticipated changes to development within the study area*
3. *Assessing peak flows and available storage capacity in current drainage systems and*
4. *Identifying all existing 'bottlenecks' and limiting sections*

As a final question, given the specific nature of the work the consultant has been engaged to undertake and the work that appears would have been done at this point in time; why did we engage another firm altogether to provide an assessment of the stormwater capacity that exists within the Trecothick Marsh area with the existing and future developments that council is currently reviewing for approvals?

NEXT STEPS

TBD based on Council's discussion

FINANCIAL IMPLICATIONS

Potential time of the consultant to update Council, although it appears to already be included in the scope of work from the recommendation by staff as approved at the November 23 2021 Council meeting.

ALTERNATIVES

Council may choose to do nothing or suggest option of their own.

ATTACHMENTS

Windsor Flood Assessment report

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: Jim Ivey, Councillor Windsor South, District 11

Report Reviewed by: _____
(Name and Title)

Report Approved by: _____
(Name and Title)



West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Committee of the Whole

Submitted by: 
Todd Richard

Date: November 9, 2021

Subject: Windsor Flood Risk Assessment Study Recommendation

LEGISLATIVE AUTHORITY

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

RECOMMENDATION or DECISION REQUEST

It is recommended for Committee of the Whole to recommend to Council that:

Council approve the award of tender WHPW21-18 for Flood Risk Assessment Study to the low compliant bidder, CBCL, for the tendered price of \$79,550, plus applicable taxes, with \$43,854 coming from Canada Community Building Fund reserve.

BACKGROUND

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

	☐				☐
--	--------------------------	--	--	--	--------------------------

West Hants Regional Municipality is seeking a qualified consultant for the preparation of a Flood Risk Assessment Study for the community of Windsor, NS.

Windsor's geography and historical settlement pattern contribute to its vulnerability to stormwater flooding. The municipality determined flooding, both inland and from storm surge, to be a priority area of concern in the context of climate trends and projections. In addition, the Regional Emergency Management Office, have determined flooding as one of the most significant risks to the community.

It is critical to the Municipality to identify the limitations in water drainage, to plan and design infrastructure improvements these areas to a standard that not only better addresses today's flooding issues, but takes the projected increase of short, higher intensity rainfalls caused by climate change into account.

DISCUSSION

The intent of this study is to identify storm water management issues and solutions for the community of Windsor (former Town of Windsor boundaries) and shall include Wentworth Creek. There have been previous Flood Risk Assessment studies performed for Three Mile Plains¹, Falmouth² and Hantsport³. This study should take these previous studies into consideration, to ensure that flood risks are reviewed up to the boundaries of these former reports.

- Managing stormwater runoff in the most cost-effective and ecologically appropriate manner, including maximizing the use of natural features to slow and control storm water;
- Protecting citizens from the dangers of flash flooding;
- Mitigating damage to infrastructure and private property;
- Protecting the quantity and quality of groundwater resources;
- Protecting and enhancing the quality of surface water in the community and the municipality's natural features; and
- Providing stormwater information for future development in the community.

The Windsor Flood Risk Assessment Study & Stormwater Management Plan will be the primary document that contains the framework and standards to:

Describe the Current Circumstances

- Delineate stormwater sheds in Windsor, and provide a GIS layer illustrating these sheds;

¹ Three Mile Plains Flood Risk Assessment Study, Dillon Consulting (2019)

² Falmouth Stormwater Management Plan, CBCL Limited (2016)

³ Hantsport Flood Risk Assessment Study, Dillon Consulting (2018)

- Meet with the Municipality to review changes which should be made to drainage systems within the study area; and
- Inventory and describe existing drainage conditions, creating GIS ArcMap .shp data points as appropriate;

Define Requirements for Development

- Describe how to apply LID BMP's within the Municipality to achieve the study's objectives, considering both current and intended land uses identified in the Municipal Planning Strategy and Land Use By-law. This will require meeting with Planning staff to review current development within study area and anticipated changes to development within the study area;
- Assess limitations in major drainage systems for existing development as well as flows that are expected from future development using recommended BMPs; and
- Identify opportunities and estimate associated costs of addressing under-capacity issues in the current infrastructure.

Hydrologic and Hydraulic Modeling

- Input drainage information based on consultant's inventory and available topographic data;
- Assess peak flows and available storage capacity in current drainage system;
- Identify all existing 'bottlenecks' and limiting sections;
- Select a computer model (e.g., USEPA SWMM5, or Stormnet) and explain to the Committee why this model is most appropriate for achieving the objectives of the study;
- Prepare a range of Design Rainfall events to be used in the model to simulate predicted increases in peak flows and assess hydraulic conditions in the Windsor drainage system. These Design Rainfall events must reflect climate trends and projections for changes in precipitation as discussed in the West Hants Municipal Climate Change Action Plan (MCCAP); and
- Assess limiting sections of the drainage system using a range of flow control scenarios for all design rainfalls;

Resolution of Limitations

- List upgrades to drainage systems components to accommodate projected future peak flows for a range of control scenarios;
- Evaluate the potential for integrating additional stormwater storage in the drainage system to offset the need for capacity (infrastructure) upgrades and/or increases;

- Recommend an optimum combination of drainage system capacity upgrades and storage for the Windsor area. This proposed 'drainage plan' should include any technical specifications, such as general location and size of retention, treatment and/or infiltration components;
- Provide recommended policy and typical specifications to accompany the acceptable BMPs; and
- Recommend the priority of each potential upgrade or action based on both the impact on the drainage system and financial costs.

Project Management Tasks

- The consultant will work closely with the West Hants MCCAP Committee and Public Works staff;
- The consultant will provide a work plan that describes how the consultant will keep Public Works staff abreast of progress on this study's objectives, including what is being done and why, assumptions and findings;
- The consultant must prepare and present findings to the MCCAP Committee and/or West Hants Committee of the Whole when it comes time to review this body of work, and be available to Council for questions during the process;
- The consultant will review the West Hants MCCAP and other related research, such as the ACAS, Lot Grading By-Law staff report and the May 24, 2018 report "Stormwater Management: Utilizing Low Impact Development", which the MCCAP Committee will make available to the consultant;
- The consultant shall be responsible for all mapping requirements of the project and all resulting GIS ArcMap .shp files and map products shall become the property of the Municipality at the conclusion of the project. The Municipality will provide topographic layers, as well as other data as needed by the consultant for the project, from the Municipality's GIS; and
- The consultant will make recommendations to the Public Works staff on appropriate stakeholder involvement, if necessary, at relevant stages of the project.

On October 8, staff issued an Invitation for Proposal (RFP) for Engineering Services for this study project to prequalified engineering consultants, closing on October 21. The call for proposals resulted in three proposals being submitted for evaluation. The proposals were evaluated for completeness, technical ability and proposed approach to execute the scope of work.

The three bids received included:

- | | |
|---------------|---------------------------|
| • CBCL | \$ 79,550. ⁰⁰ |
| • EXP | \$ 91,840. ⁰⁰ |
| • DesignPoint | \$ 121,248. ⁵³ |

CBCL Limited was deemed to be the low compliant bidder and has previous experience and qualification with the engineering assessment for similar projects throughout Nova Scotia, including the 2016 Falmouth Stormwater Assessment Study; as such has been recommended to Council for award of this contract.

NEXT STEPS

Pending approval of Council; staff will award formal contract to CBCL to proceed with the study scope of work in accordance with their proposal.

FINANCIAL IMPLICATIONS

On June 8, 2021, Council supported an application to the 2021 Flood Risk Infrastructure Investment Program (FRIIP) to fund 50% of a Windsor Flood Risk Impact Study, with the remaining funds to come from Gas Tax Reserve.

West Hants Regional Municipality has received funding from the Nova Scotia Flood Risk Infrastructure Investment Program (FRIIP) to fund 50% of the cost of a Windsor Flood Water Impact Study up to a maximum contribution of \$39,109.

The total cost with applicable taxes is \$82,963, leaving a balance of \$43,854 to come from Canada Community Building Fund Reserve.

ALTERNATIVES

1. Council may choose to award this project to an alternative proponent.
2. Council may choose to not to proceed with this capital project.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report and recommendation is in alignment with the recent direction provided by Council and the urgency to review storm water management in the community of Windsor. As noted in the report and RFP there is a public engagement component that will ensure community members can express their concerns and to share their experiences making a more complete assessment of the conditions.

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



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

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

Submitted by: _____
Alex Dunphy, Planner

Date: October 25th, 2022

Subject: File# 22-04A 4245 Highway 14, Windsor Forks PID 45038361 - Rezoning

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

If Council wishes to proceed to a Public Hearing the following motion would be in order:

... that Council gives First Reading and will hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law by rezoning 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone.

BACKGROUND

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

Application

The completed application was submitted by Julien Payne on July 7th, 2022 to change the zoning of 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone to permit the conversion of the existing building from a commercial use with a residential unit to a two-unit residential building.

DISCUSSION

A Public Information Meeting was held on September 8th, 2022.

The public comment period ended on September 23rd and no comments from the public were received regarding the application.

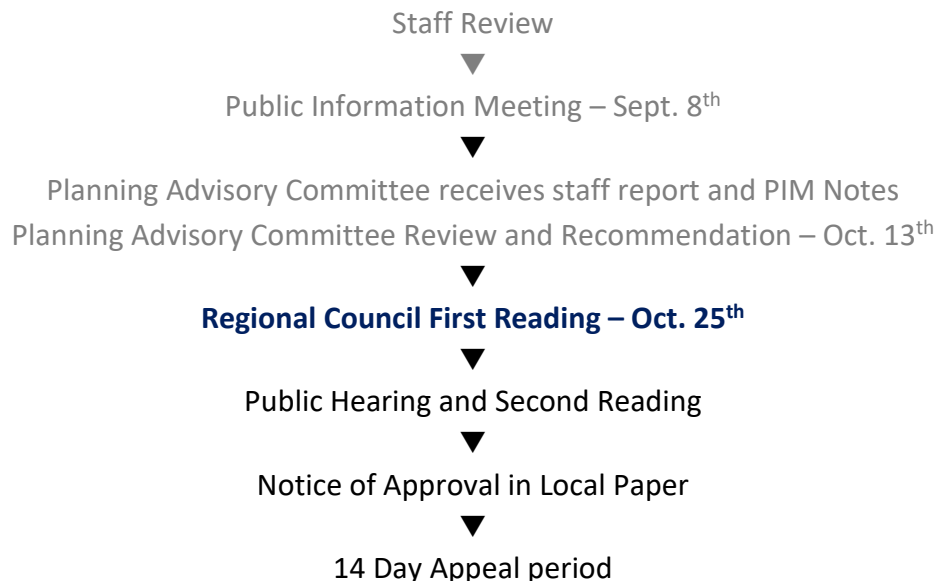
On October 13th, 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

During the October 13th meeting PAC/HAC recommended in favour of the application.

NEXT STEPS

The proposed amendment has been considered based on the West Hants Municipal Planning Strategy and has proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider rezoning 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone.

Process



FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A 2022-10-13 Staff Report - File# 22-04 4245 Highway 14, Windsor Forks PID
45038361 – Rezoning

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in the report, the recommendation / rezoning is in keeping with the surrounding properties. It is further noted that to-date the PIM feedback period of September 8 to 23, 2022 has not provided for any noted public concerns.

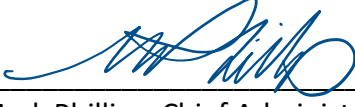
I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

APPENDIX A



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
--------------------------------------	------------------	---	--

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: October 13th, 2022

Subject: 4245 Highway 14, Windsor Forks PID 45038361 - Rezoning

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

... that PAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law by rezoning 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone.

BACKGROUND

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

Application

The completed application was submitted by Julien Payne on July 7th, 2022 to change the zoning of 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone to permit the conversion of the existing building from a commercial use with a residential unit to a two-unit residential building.

Surrounding Context

The subject lot is a corner lot located on the northern corner of the intersection of Sangster Bridge Road and Highway 14 in the community of Windsor Forks. Properties to the north, east, and south are all low-density residential dwellings. West of the subject lot is a commercial building with an attached residential unit.

DISCUSSION

The subject lot is currently designated Agriculture on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (MPS) (Figure 1) and zoned Rural Commercial (RC) on Schedule A of the West Hants Land Use By-law (LUB) (Figure 2).

The applicant had requested to convert a commercial office unit within the mixed-use existing building on the subject lot into a residential short-term rental unit. As short-term rentals are not specifically defined in the West Hants MPS and LUB, the request was processed as a conversion to a two-unit residential dwelling. The application may be considered through a rezoning pursuant to Policy 16.1.3.

Municipal Planning Strategy Document Review

Policy 16.1.3 is the primary enabling policy to be considered for this application. This policy permits Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the GFLUM to a zone permitted in the adjacent designation without requiring a Strategy amendment. In this circumstance the subject lot is located immediately adjacent to the Resource designation and may be rezoned to the General Resource (GR) zone, which permits two-unit residential dwellings as-of-right.

Policy 16.3.1 provides the general criteria that must be considered for all LUB amendments. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria:

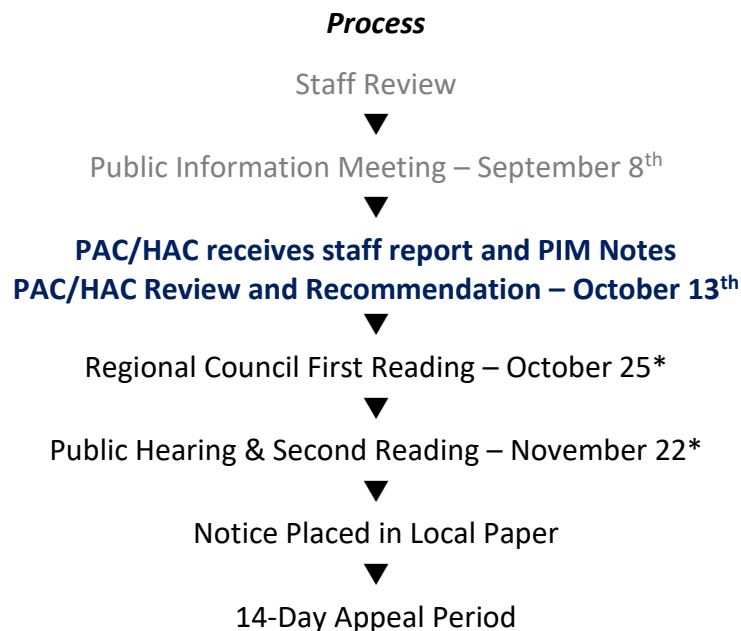
- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, District Manager of the Nova Scotia Department of Public Works, and Inspector Specialist of the Nova Scotia Department of Environment and Climate Change have no concerns which have not been addressed in this report.

Comments from the Nova Scotia Department of Public Works

A District Manager from the Nova Scotia Department of Public Works confirmed that the subject lot would require a defined access point and the current open access would need to be reconstructed to meet the access management guidelines. This work would be required to be carried out prior to any development permits being issued.

NEXT STEPS

Discussion by PAC/HAC will be incorporated into the report and presentation to Council.



*anticipated dates; final dates are set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Current Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Policy Summary for Amendment to a Land Use By-law
Attachment B	Public Information Meeting Notes

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – GFLUM Extract

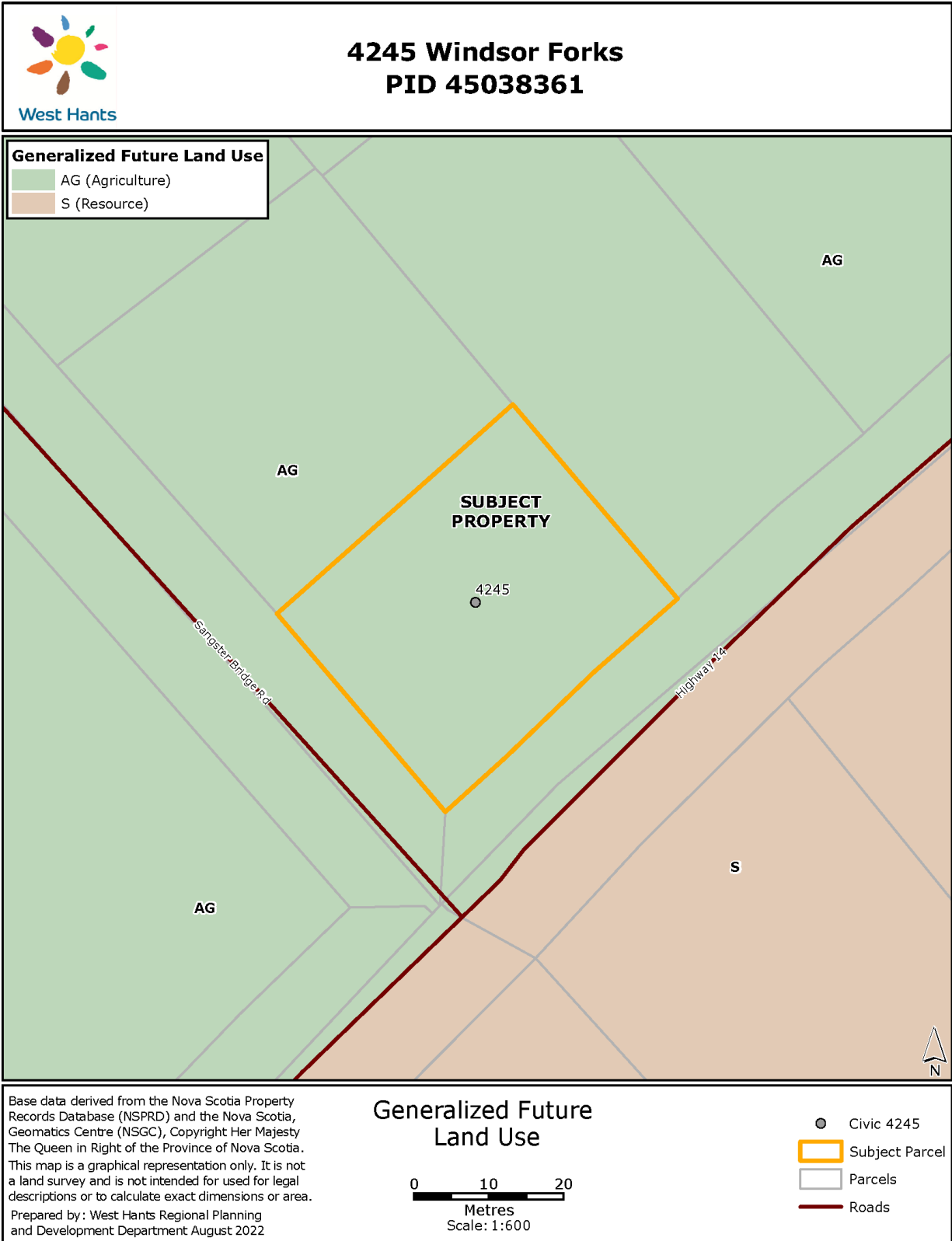


Figure 2 – Current Zoning Map Extract

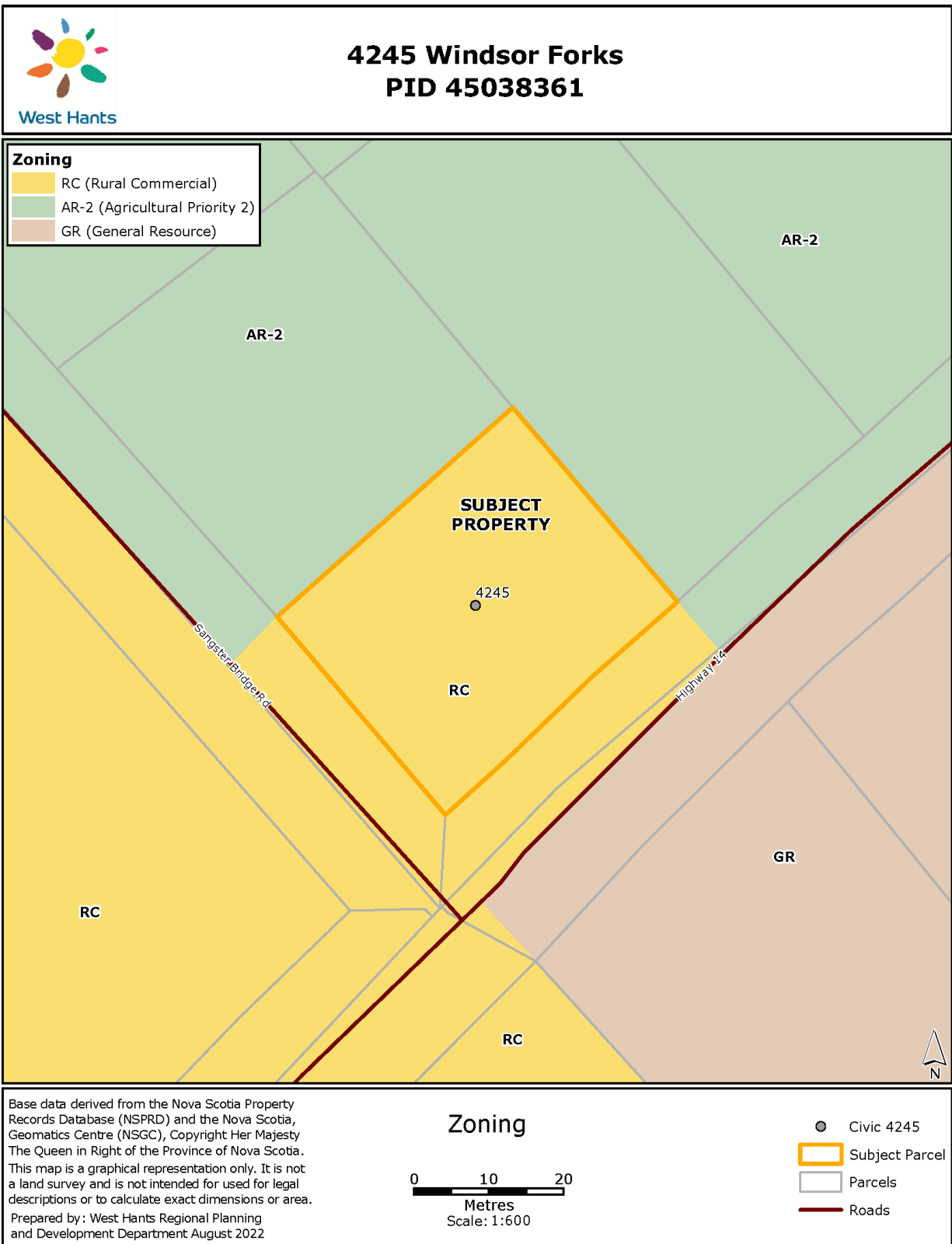
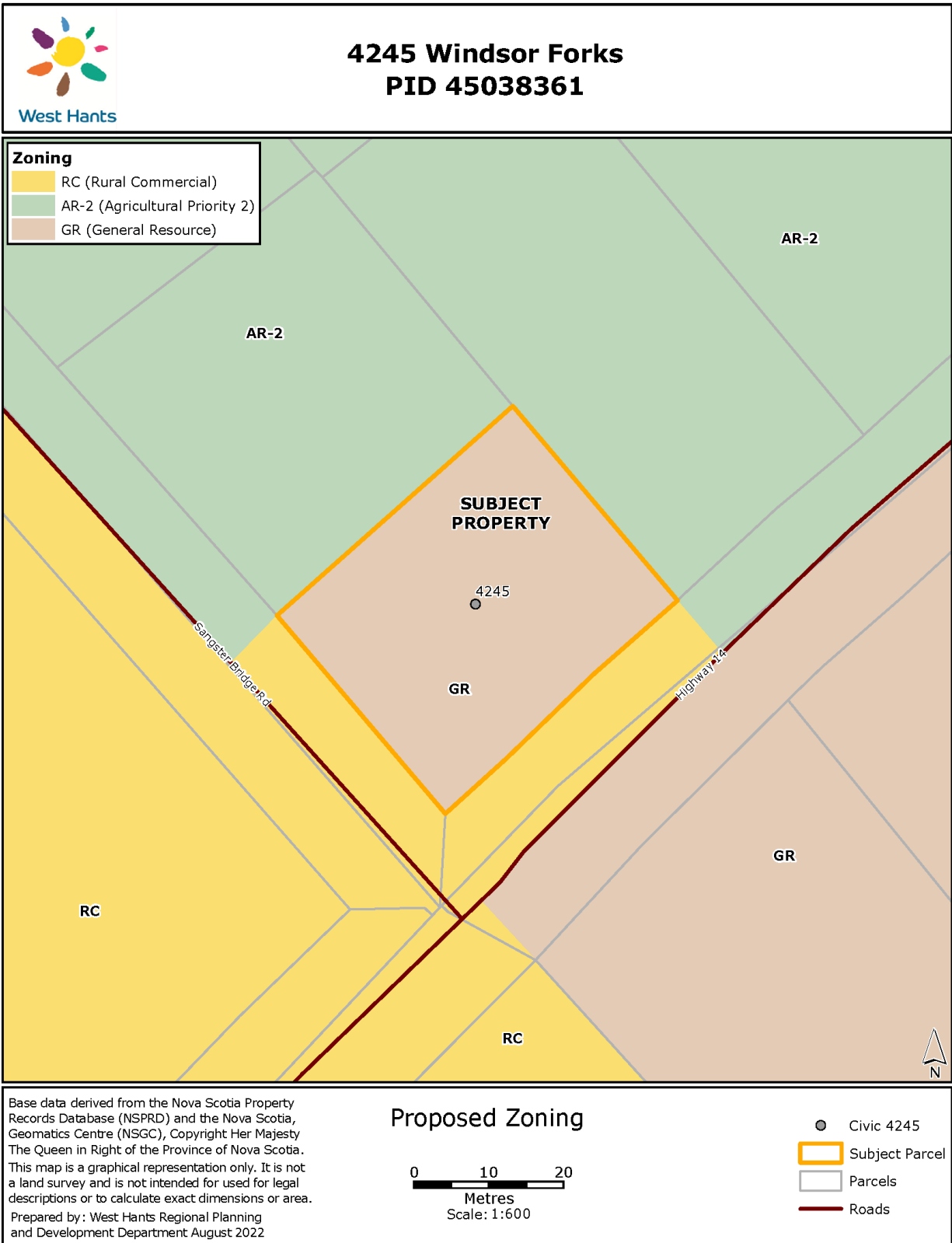


Figure 3 – Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendment to Land Use By-law

Policy 16.1.3 <i>It shall be the intention of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.</i>	The subject lot is located immediately adjacent to the Resource designation, which permits the General Resource (GR) zone. Provided that all criteria of Policy 16.3.1 are met, this proposed amendment may be reasonably considered by Council.
---	---

Policy 16.3.1 <i>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:</i>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Public Works Department confirmed that there are no municipal services on the subject lot.
<i>(ii) the adequacy of school facilities;</i>	N/A
<i>(iii) the adequacy of fire protection;</i>	The local Fire Chief and Manager of Building and Fire Inspection Services have stated that there is adequate fire protection for the building and proposed change of use.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	A District Manager from the Nova Scotia Department of Public Works commented that there were no concerns regarding the road network.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(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;</i>	The proposed use would require the applicant to obtain approval for an on-site septic system and potable water system approved by a Qualified Person.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	A District Manager from the Nova Scotia Department of Public Works commented that access to the property would need to be reconstructed to meet the access management guidelines and would require a defined access point.

<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that amending the zoning of the lot would create a non-conforming parcel of land. Non-conforming status will not affect the ability of the proposed use to be permitted. Approval from the Department of Public Works for the access and the Department of Environment and Climate Change for the on-site septic system are independent of the non-conforming status of the lot.
<i>(e) the pattern of development which the proposal might create;</i>	The proposal is not a substantial change in the pattern of development for this area, as the existing building is already being partially used as a short-term rental. The Development Officer has no concerns regarding the pattern of the development.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i>	The lot appears to be flat and dry, there were no concerns recorded during the site visit.
<i>(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</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B - Public Information Meeting Notes
September 8th – 23rd, 2022
File 22-04
4245 Highway 14, Windsor Forks PID 45038361

Meeting date and time	A virtual Public Information Meeting was held on September 8 th , 2022 beginning at 6:55 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: Three (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Dunphy • Planner Poirier • Director LeMay • Meeting Secretary Lake No members of the public requested an invitation to the PIM via Zoom.
Applicant Julien Payne Property 4245 Highway 14, Windsor Forks PID 45038361	Planner Dunphy outlined the application to rezone the subject lot to permit the conversion of the commercial unit within the mixed-use building to an additional residential unit intended for short-term rental.
Comments	Comments from the public could be submitted to Planner Dunphy by mail, e-mail and telephone between September 8th – 23rd, 2022. No comments were received from the public.
Adjournment	The meeting was adjourned at 6:59 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

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

Submitted by: _____
Alex Dunphy, Planner

Date: October 25th, 2022

Subject: File# 22-19A 697 Greenhill Road, Greenhill PID 45026010 - Rezoning

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

If Council wishes to proceed to a Public Hearing the following motion would be in order:

... that Council gives First Reading and will hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law by rezoning 697 Greenhill Road, Greenhill (PID 45026010) from the Agricultural Priority Two (AR-2) zone to the Rural Residential (R-4) zone.

BACKGROUND

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

Application

The completed application was submitted by Doug Faulkner on August 15th, 2022 to change the zoning of a 52 acre property located at 697 Greenhill Road, Greenhill (PID 45026010) from the Agricultural Priority Two (AR-2) zone to the Rural Residential (R-4) zone to permit the construction of a private road and subdivided lots for residential purposes.

DISCUSSION

A Public Information Meeting was held on September 8th, 2022.

The public comment period ended on September 23rd with two (2) members of the public providing comments regarding concerns with the drilling of additional wells on the subject lot.

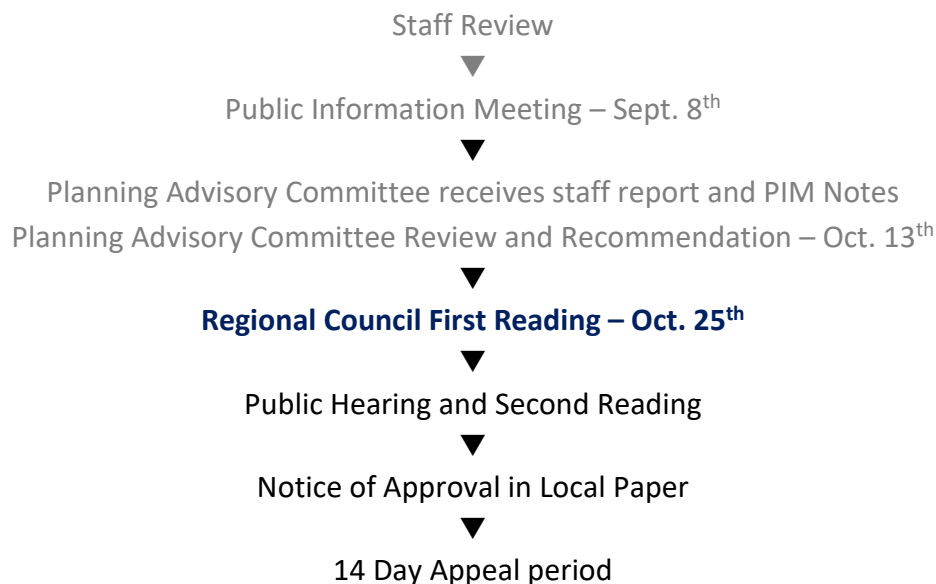
On October 13th, 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

During the October 13th meeting PAC/HAC discussed whether a hydrogeological report would be excessive for the scale of the development and would be inconsistent with the owner's existing ability to subdivide 1 lot each year from the site without providing a hydrological assessment. PAC/HAC recommended in favour of the application with no hydrogeological report required.

NEXT STEPS

The proposed amendment has been considered based on the West Hants Municipal Planning Strategy and has proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider rezoning 697 Greenhill Road, Greenhill (PID 45026010) from the Agricultural Priority Two (AR-2) zone to the Rural Residential (R-4) zone.

Process



FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A 2022-10-13 Staff Report - File# 22-19 697 Greenhill Road, Greenhill PID
45026010 - Rezoning

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report and process carried out to-date by the applicant and planning department was thorough and in-keeping with polices and procedures of the municipality. Comments from the public made during the PIM meeting and defined feedback period have been noted in the attached report and discussed by PAC/HAC.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

APPENDIX A



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
--------------------------------------	------------------	---	--

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: October 13th, 2022

Subject: 697 Greenhill Road, Greenhill PID 45026010 - Rezoning

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

... that PAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law by rezoning 697 Greenhill Road, Greenhill (PID 45026010) from the Agricultural Priority Two (AR-2) zone to the Rural Residential (R-4) zone, provided a hydrogeological study can be provided to determine that the development will have no negative affect on the existing water table.

BACKGROUND

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

Application

The completed application was submitted by Doug Faulkner on August 15th, 2022 to change the zoning of a 52 acre property located at 697 Greenhill Road, Greenhill (PID 45026010) from the Agricultural Priority Two (AR-2) zone to the Rural Residential (R-4) zone to permit the construction of a private road and subdivided lots for residential purposes.

Surrounding Context

The subject lot is a 52 acre, mostly undeveloped lot with frontage on Greenhill Road and located within the community of Greenhill. Adjacent properties on the northern side of Greenhill Road are primarily residential with open fields, while uses on the southern side of Greenhill Road tend to be either residential or undeveloped.

DISCUSSION

The subject lot is currently designated Agriculture on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (MPS) (Figure 1). The subject lot is currently zoned Agricultural Priority Two (AR-2) on Schedule A of the West Hants Land Use By-law (LUB) (Figure 2).

The applicant had requested to amend the zoning of the subject lot to Rural Residential (R-4) in order to subdivide and construct a private road for personal use. Lots which are zoned Agricultural Priority Two (AR-2) are able to be considered for rezoning to the Rural Residential (R-4) zone based on a report prepared by a professional agrologist, pursuant to Policy 8.9.3.

Municipal Planning Strategy Document Review

Policy 8.9.3 is the primary enabling policy to be considered for this application. This policy permits Council to consider a Land Use By-law amendment to change the zoning of a property from Agricultural Priority Two (AR-2) to Rural Residential (R-4) based on a report prepared by a professional agrologist. In order to use this policy, the agrologist's report must show that the site has little, or no agricultural capability and development of the site will not adversely affect existing agricultural operations or the agricultural character of the area.

Policy 8.6.1 provides the criteria which must be met by an agrologist report in order to permit the consideration of rezoning a lot for non-farm development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the subject lot exhibits constraints with regard to land fertility, slope, and drainage;
- the author of the report is a professional agrologist who performed a site visit;
- the report includes a site plan showing the study area; and
- the report identifies site features and reasons that the subject lot would not be productive agricultural land.

Policy 16.3.1 provides the general criteria that must be considered for all LUB amendments. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria, provided a hydrogeological report can be carried out prior to rezoning since:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, District Manager of the Nova Scotia Department of Public Works, and Inspector Specialist of the Nova Scotia Department of Environment and Climate Change have no concerns which have not been addressed in this report.

Comments from the Public

Concerns have been received from two members of the public regarding the potential straining of available potable water through increased well extraction in the area. The applicant has reported no shortage of potable water to the existing well on the subject lot. Clause (b) of Policy 16.3.1 reads “*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*”. This clause must be addressed prior to development. Due to this, I am recommending the suggested action from the Nova Scotia Department of Environment and Climate Change to request a hydrogeological report to confirm that the proposed development will not negatively affect the water table of the area.

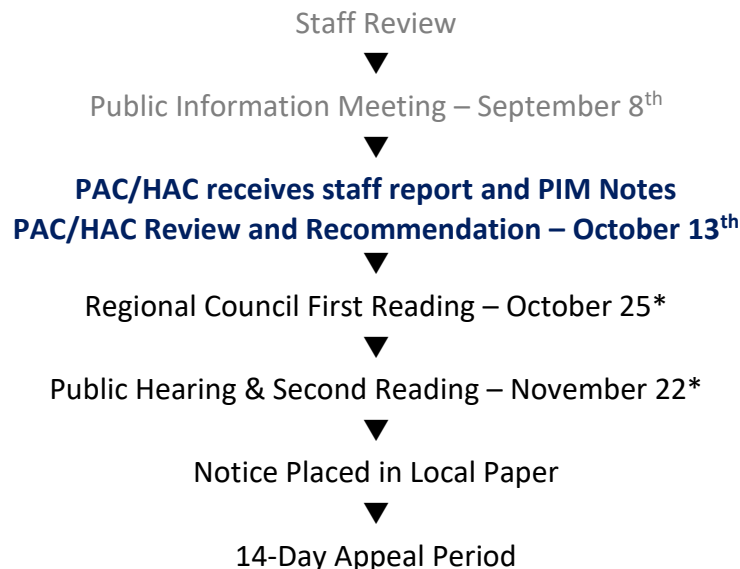
Comments from the Nova Scotia Department of Public Works

An Engineering Aide from the Nova Scotia Department of Public Works confirmed that a maximum of three (3) residential lots can be accommodated by the existing access to the subject lot and that developing a private road would not be permitted.

NEXT STEPS

Discussion from PAC will be incorporated into the report and presentation to Council.

Process



*anticipated dates; final dates are set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Current Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Policy Summary for Amendment to a Land Use By-law
Attachment B	Public Information Meeting Notes
Attachment C	Agrologist Report

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – GFLUM Extract

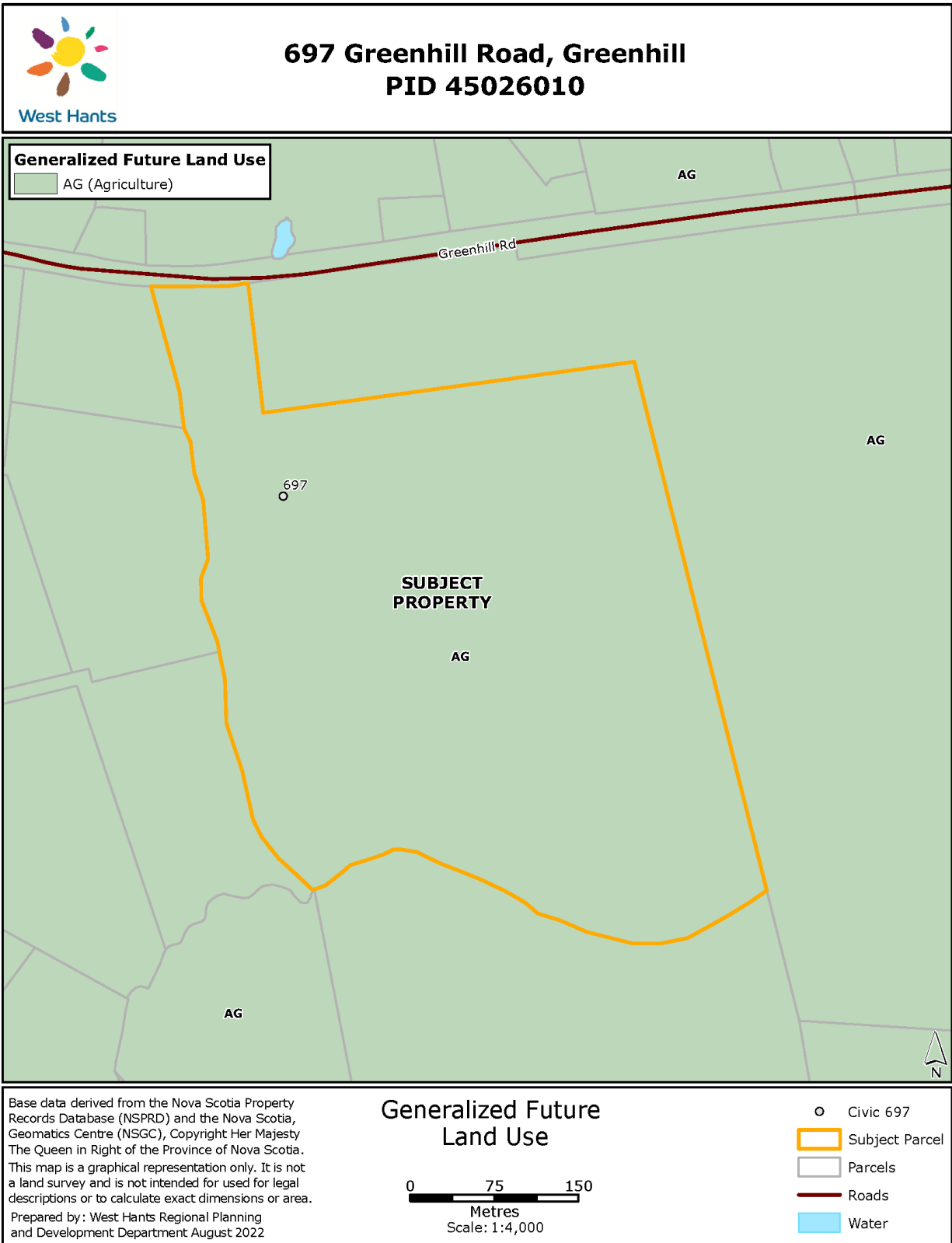


Figure 2 – Current Zoning Map Extract

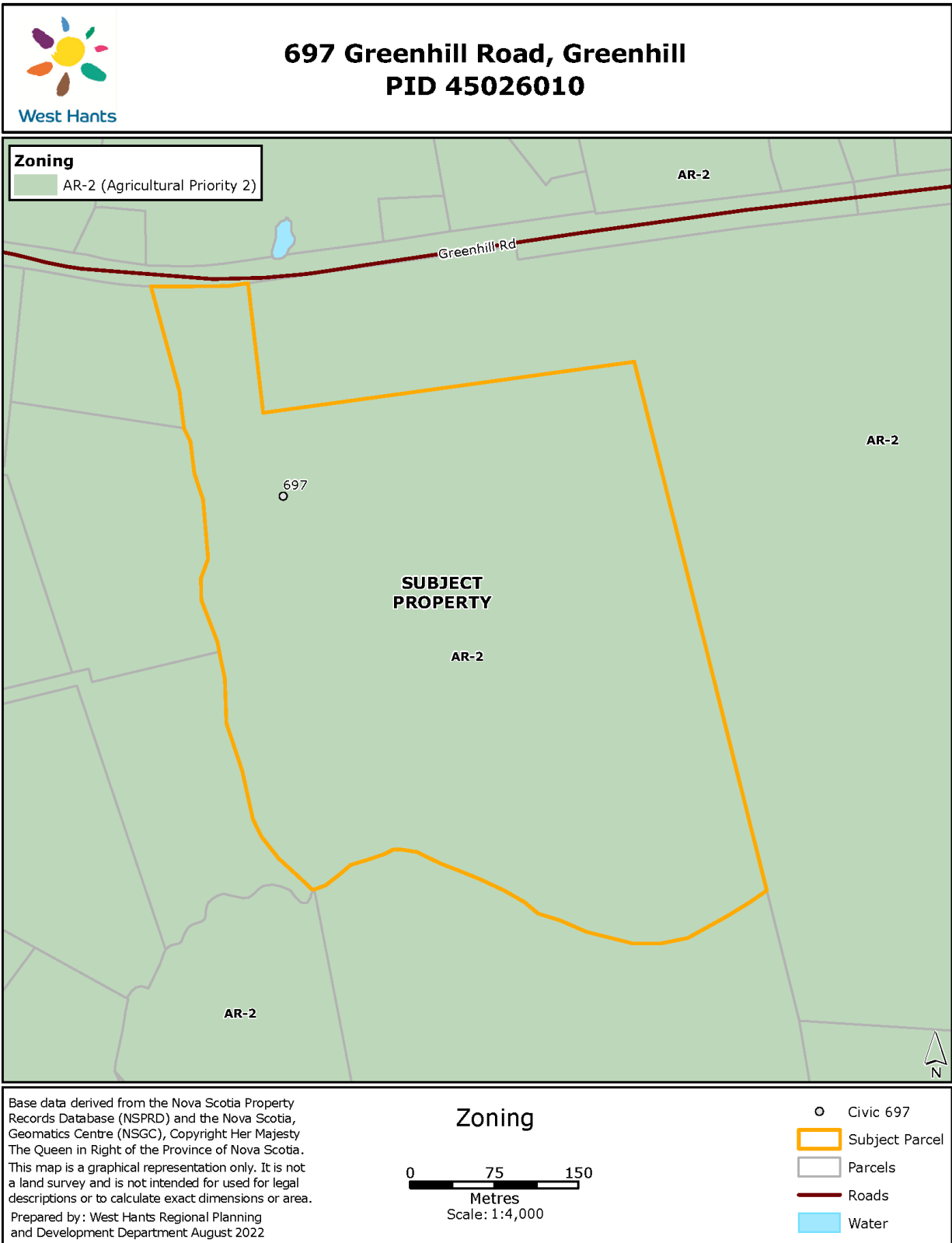
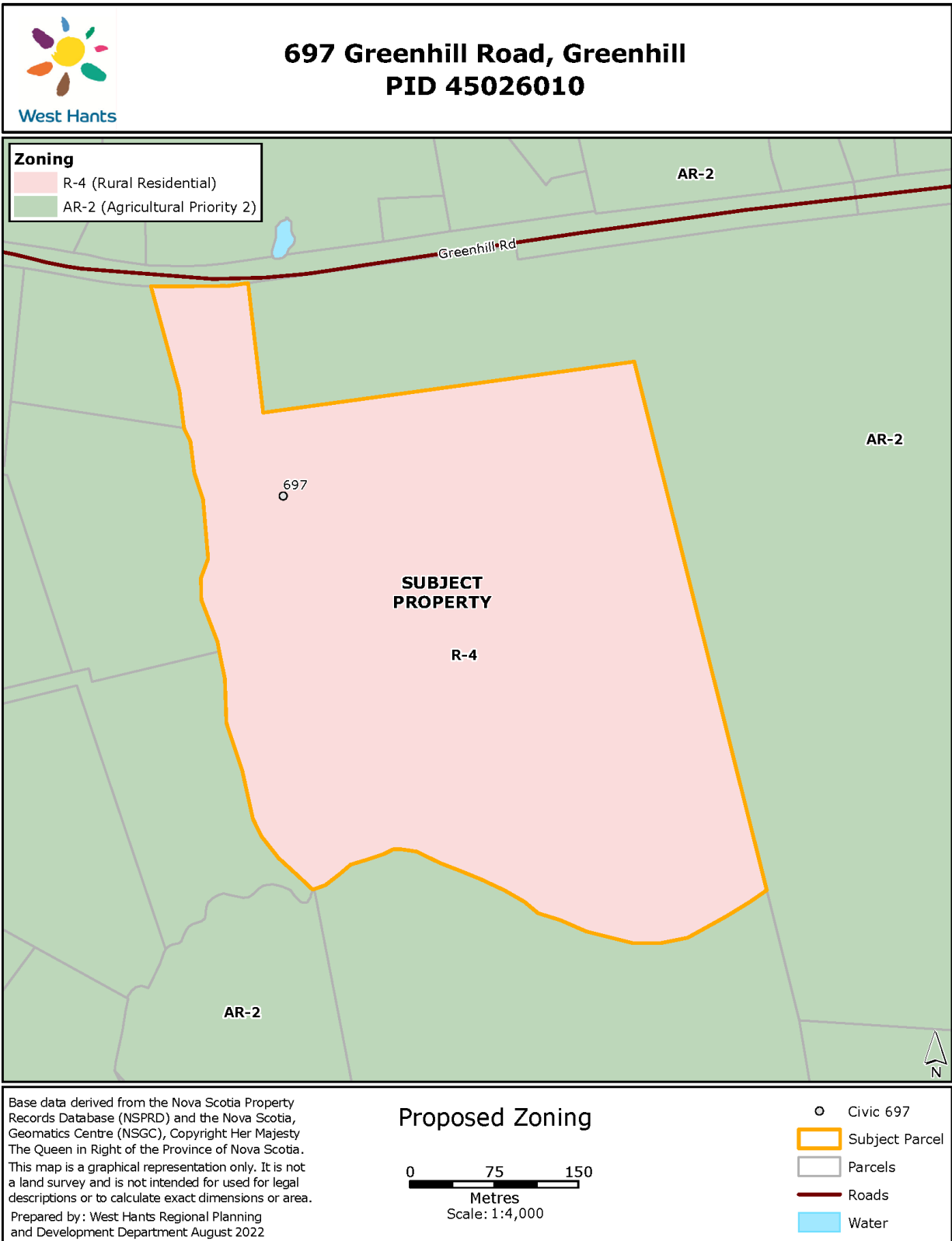


Figure 3 – Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendment to Land Use By-law

Policy 8.9.3 <i>It shall be the policy of Council to consider rezoning land zoned AR-2 to Rural Residential (R-4) subject to the following:</i>	
<i>(a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;</i>	The agrologist report listed as Attachment C concludes that the subject lot is not well suited for future agricultural development.
<i>(b) the proposed development will not compromise or adversely affect the operation or integrity of existing agricultural operations;</i>	The subject lot is large enough to buffer the development from abutting lots.
<i>(c) the predominant agricultural character of the area will not be adversely affected and the proposed development is compatible with the area in terms of such matters as density, scale and traffic generation;</i>	The applicant intends to retain the character of the area by having low-density residential uses on large lot sizes.
<i>(d) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;</i>	The subject lot has sufficient space to maintain setbacks from surrounding properties.
<i>(e) any other matter which may be addressed in a Land Use By-law; and</i>	All matters are addressed.
<i>(f) Policy 16.3.1.</i>	Refer to Policy 16.3.1 summary.
Policy 8.6.1 <i>It shall be the policy of Council to consider certain non-farm development, pursuant to the relevant specific policies of this Part, on land within the Agricultural designation that has been determined to have little or no agricultural capability. A determination of agricultural capability shall be based on the following:</i>	
<i>(a) 90 percent or more of the development site is an existing or abandoned resource extraction site such as a sand pit, gravel pit or quarry for which a permit for extraction has been issued by the Province of Nova Scotia. The resource extraction must have been existing or abandoned prior to the effective date of this Strategy; or</i>	N/A
<i>(b) if not a resource extraction site, a study has been prepared by a professional agrologist, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations and:</i>	
<i>(i) 90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture; or</i>	N/A

<i>(ii) the soils have a capability for agriculture rating better than Class 4, but 90 percent or more of the development site exhibits severe limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings;</i>	The land is rated as Canada Land Inventory (CLI) Class 3 but has constraints which limit the use of the land for agriculture. The amount of effort to convert this property into highly productive land is not feasible, and extensive maintenance on the land would likely be required to maintain agricultural production.
<i>(c) the study shall:</i>	
<i>(i) be prepared by a registered full member of the Nova Scotia Institute of Agrologists;</i>	A report was received from Jonathan Wort, who is a Professional Agrologist recognized by the Nova Scotia Institute of Agrologists.
<i>(ii) require a site inspection by the agrologist;</i>	A site visit was conducted on July 6 th , 2022 by Johnathan Wort and Caitlin McCavour.
<i>(iii) specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;</i>	The Canadian Land Classification system was designed for land that has been previously cleared and does not include forested sites. The agrologist's report did not reclassify the land, but instead used OMAFRA protocol to determine whether the subject lot is suitable for agriculture.
<i>(iv) identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;</i>	Refer to Interpretation sections in Attachment C.
<i>(v) include a site plan illustrating the area studied and any relevant site features;</i>	Included within Attachment C.
<i>(vi) identify reasons why the use would be compatible with, or not adversely affect, area farms. Reference should be made to the following where applicable: site and locational constraints; infilling between existing non-farm development; logical extension of existing non-farm development; special use with special locational requirements; current pattern of development; parcel size and shape; surrounding land uses; context within which the parcel fits into the farming area; viability of the parcel and remnant for farming; and existing, past and future use of the parcel and remnant;</i>	The proposed residential use is compatible with the surrounding agricultural uses as each lot as part of the subdivision process would have sufficient setback distances and large lot sizes, indicative of agricultural areas.

<i>(vii) indicate the implications of letting the parcel go out of agricultural production; and</i>	There is no evidence to suggest the subject lot has been in agricultural production over the last 50 years.
<i>(viii) indicate the implications of fragmenting the land.</i>	The intent of the application is to maintain large lot sizes. Maintaining the total lot size of 52 acres is not useful as it is not feasible to support agricultural production.

Policy 16.3.1 <i>In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Public Works Department confirmed that there are no municipal services on the subject lot.
<i>(ii) the adequacy of school facilities;</i>	N/A
<i>(iii) the adequacy of fire protection;</i>	The local Fire Chief and Manager of Building and Fire Inspection Services have stated that there is adequate fire protection for the proposed use.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	A Nova Scotia Department of Public Works Engineering Aide confirmed that the existing access would be sufficient for a maximum of three (3) lots and that developing a private road on the lot would not be permitted.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(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;</i>	As there have been concerns regarding the supply of potable water access in the area, a hydrogeologist report regarding the potential effects of the development on the existing water table should be pursued.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	A Nova Scotia Department of Public Works District Manager commented that they do not have any concerns regarding movement relative to the subject lot.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer had no concerns regarding the adequacy of the of the shape

	or size of the subject lot for the intended use.
<i>(e) the pattern of development which the proposal might create;</i>	As the intent of the application is to permit residential lots with large lot size, the type of development is similar to surrounding uses. The Development Officer had no concerns about the pattern of the development.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i>	See Attachment C.
<i>(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</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B - Public Information Meeting Notes
September 8th – September 23rd, 2022
File 22-19
697 Greenhill Road, Greenhill PID 45026010

Meeting date and time	A virtual Public Information Meeting was held on September 8 th , 2022 beginning at 7:10 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: Three (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Dunphy • Planner Poirier • Director LeMay • Meeting Secretary Lake The following members of the public requested an invitation to the PIM via Zoom: • Candace Hillier • Leslie and Jason Bower • Richard Bullock
Applicant Doug Faulkner Property 697 Greenhill Road, Greenhill PID 45026010	Planner Dunphy outlined the amendment application to rezone a 52 acre agriculturally zoned property to permit residential subdivision and construction of a private road.
Comments	Comments from the public could be submitted to Planner Dunphy by mail, e-mail and telephone between September 8th – 23rd, 2022. 2 phone calls were received, with an email follow up. The questions and comments from the public are summarized below. The email response is attached. Two phone calls were received during the PIM comment period. Staff responses are included in purple text: • Richard Bullock was concerned about the drilling of additional wells on the subject lot, citing issues with water extraction from a dug well.

	Alex confirmed that he would be reviewing access to water as part of the criteria for the rezoning. Elizabeth Caverly had concerns regarding the digging of additional wells on the subject lot and potential for the intensity of residential development on the lot. Alex confirmed that potable water access would be reviewed as part of the rezoning process. Alex also responded that the applicant had intended to subdivide the subject lot into approximately 3-5 lots, with each lot being multiple acres in size.
Adjournment	The meeting was adjourned at 7:15 p.m.

Public Email Responses Submitted for the Application PIM

September 22nd, 2022

From: Elizabeth Caverly

To: Alex Dunphy

Good morning Mr. Dunphy –

Further to our conversation on Friday, September 16th, I understand that another meeting is scheduled to discuss the above-noted matter. As indicated to you during our discussion, my main concern involves any impact analysis study which, I assume, must have been conducted regarding the local water table and how a new development will impinge on an already stretched resource. As you know, many neighbouring homes have experienced severe water shortages this season and these new plans will only exacerbate the situation.

I wish to attend the next meeting and to be afforded an opportunity to raise my concerns and to have a better understanding of the scope of the anticipated project. Please provide me with the necessary zoom link at your earliest convenience.

Thank you

Elizabeth

M. Elizabeth Caverly

Director – Directrice

Atlantic Region / région atlantique

Courts Administration Service

Service administratif des tribunaux judiciaires

Attachment C – Agrologist Report

Agrologist Report

697 Greenhill Road

Greenhill, Nova Scotia

PID 45026010

July 25th, 2022

PREPARED BY:
PERENNIA FOOD AND AGRICULTURE INC.

Prepared for: Doug Faulkner

Prepared by: Caitlin McCavour (Soil Specialist) BSc. (Agr.), MSc. (candidate), A. Ag

Re-Zoning PID 45026010 West Hants Municipality.

July 25, 2022.

Caitlin McCavour visited the property in question and conducted a site evaluation on June 8th 2022. She conducted the evaluation as outlined in this report. As a follow up Caitlin and I visited the site together on the 6th of July 2022. Caitlin and I walked the property and she showed me the process that she followed in the evaluation, and we discussed the observations.

Based on the work that was conducted by Caitlin and her knowledge of soils and land classification. I am very comfortable with the conclusions that she has presented in this report.

PID 45026010 is a 52 acre property that is wooded and appears to never have been in agricultural production. It is my opinion that this piece of land would be a very poor site to develop for agricultural production. The cost of clearing and improving this site for agriculture would far exceed its potential value for agriculture because of its poor soil type, low fertility, and poor drainage.

Based on the land assessment that was conducted, this site is not well suited for future development for Agriculture and could be justifiably rezoned for development.

Sincerely Jonathan Wort PAg.

Manager Livestock and Field Crops Perennia.

jwort@perennia.ca

902 890 0303.

Executive Summary

Perennia Food and Agriculture Inc. received a request from Doug Faulkner to conduct an agrologist report for the potential re-zoning of a parcel of land (PID 45026010) from Agriculture Priority 2 (AR-2) to rural residential (R-4). The site characteristics of this property are described in the following table.

Site	Size	52 acres
	Number of Sites	2
	Percent in Agriculture	None
	Usage	Forest
	Goal	To convert to a residential area.
Climate	Mean Annual Temperature	7.4°C
	Annual Precipitation	1309.6 mm
	Degree Days Above 15°C	426.3
	Frost Free Days	145
Soil	Soil Series	Elmsdale/Wolfville
	Texture	Silty Clay Loam
	Drainage	Poorly to Moderately Well

A review of the soil surveys, a field assessment, and a client interview was conducted to determine the suitability of the land for agriculture production. Through this analysis, we found:

- This site is not currently under agricultural production, and there is no evidence of agricultural production over the last 50 years.
- The property was divided into two blocks based on soil type, and drainage. The Southwestern block of the property is poorly drained and drain tile would likely be required for suitable agricultural production. The Northeastern block of the property is imperfectly drained in areas and is more variable.
- Moderate to severe slopes may increase the risk of erosion once the land is cleared.
- The entire site has inherently low fertility, and extensive use of lime and fertilizer would be required to support agriculture production.
- Creating suitable agricultural land would take several years and require extensive resources.

The cost to bring this piece of land up to production would include, but is not limited to, clearing and stumping, drain tile or other drainage practices, field preparation, and high amounts of lime and fertilizer, which is likely, not feasible to support agricultural production within the next few years.

Background

The protection of farmland is important for the municipality of West Hants. Land currently used as agriculture or identified as having potential for agriculture has been classified as such, and this property has been designated for no other purpose.

Within this municipality, agricultural land is classified in three ways: (1) Prime Agriculture (P/Ag), (2) Agriculture Priority Two (AR-2), and (3) Agriculture Priority Three (AR-3). The piece of land discussed in this report is designated as AR-2, which permits agricultural support uses, agricultural uses, churches, community centers and fire halls, forestry and forestry-related activities, indoor storage facilities accessory to agricultural use, manufactured homes, and one and two-unit dwellings. The construction of any structures requires a development permit, and any subdivision of the land is limited to two lots per land area per calendar year. As a result, AR-2 land can be rezoned in areas where there is evidence of low capability for agricultural production.

Rezoning may be considered beyond the allowed two lots per year if the land is proven unsuitable for agriculture. Under the Municipality of the District of West Hants Municipal Planning Strategy

Policy 8.9.3 - It shall be the policy of the Council to consider rezoning land zoned AR-2 to Rural Residential (R-4) subject to the following:

- (a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;*
- (b) the proposed development will not compromise or adversely affect the operation or integrity of existing agricultural operations;*
- (c) the predominant agricultural character of the area will not be adversely affected and the proposed development is compatible with the area in terms of such matters as density, scale and traffic generation;*
- (d) adequate separation distances and buffering between agricultural and non-agricultural uses can be*
- (e) any other matter which may be addressed in a Land Use By-law; and*
- (f) Policy 16.3.1.*

And

Policy 8.6.1 - It shall be the policy of Council to consider certain non-farm development, pursuant to the relevant specific policies of this Part, on land within the Agricultural designation that has been determined to have little or no agricultural capability. A determination of agricultural capability shall be based on the following:

- (a) 90 percent or more of the development site is an existing or abandoned resource extraction site such as a sand pit, gravel pit or quarry for which a permit for extraction has been issued by the Province of Nova Scotia. The resource extraction must have been existing or abandoned prior to the effective date of this Strategy; or*

(b) if not a resource extraction site, a study has been prepared by a professional agrologist, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations and:

- (i) 90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture; or*
- (ii) the soils have a capability for agriculture rating better than Class 4, but 90 percent or more of the development site exhibits severe limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings; Municipal Planning Strategy Municipality of the District of West Hants Page 73*

(c) the study shall:

- (i) be prepared by a registered full member of the Nova Scotia Institute of Agrologists;*
- (ii) require a site inspection by the agrologist;*
- (iii) specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;*
- (iv) identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;*
- (v) include a site plan illustrating the area studied and any relevant site features;*
- (vi) identify reasons why the use would be compatible with, or not adversely affect, area farms. Reference should be made to the following where applicable: site and locational constraints; infilling between existing non-farm development; logical extension of existing non-farm development; special use with special locational requirements; current pattern of development; parcel size and shape; surrounding land uses; context within which the parcel fits into the farming area; viability of the parcel and remnant for farming; and existing, past and future use of the parcel and remnant;*
- (vii) indicate the implications of letting the parcel go out of agricultural production; and*
- (viii) indicate the implications of fragmenting the land.*

This report provides site information for a request to approve the rezoning of 52 acres of land from AR-2 to R-4. The parcel of land is located at 697 Greenhill Road, Greenhill, NS, PID 45026010 and is owned by Doug Faulkner.

The Canadian Land Classification system was used to determine if this land could be used for agriculture. However, this system is designed for land that has been previously cleared and does not include forested sites. Therefore, these soils were not reclassified, but the parameters for determining agricultural restricting properties were identified. These parameters were identified using an OMAFRA protocol (<http://omafra.gov.on.ca/english/landuse/classify.htm#subd>). While we did not reclassify the site, we used these parameters to determine whether the property is suitable for agriculture.

Report

Site visits were conducted on June 9th and July 6th, 2022, at 697 Greenhill Road, Greenhill, NS. The site visits consisted of a site walkthrough, site assessment, and discussion with the property owner. Information about the site to be used for the consideration of land rezoning can be found in this report.

Site Information

The site is located at 697 Greenhill Road, Greenhill, NS (Figure 1). It is approximately 52 acres (2,265,120 sq. ft.) within the municipality of West Hants. The property is currently forested, and no agriculture production has been conducted on this site to the property owner's knowledge. Some silviculture has been performed recently; however, there is no evidence of agricultural production at the site for the previous 25 years and 25 years+. All surrounding properties are also classified as AR-2; however, only the property across the road (north) is currently used for agriculture. Properties to the East, South, and West are forested, with some having single dwellings upon the property. Additional agricultural land within 5 km of the site is present, with most of the adjacent land being forested. A new road is under construction, and old logging roads are evident near the back of the property.

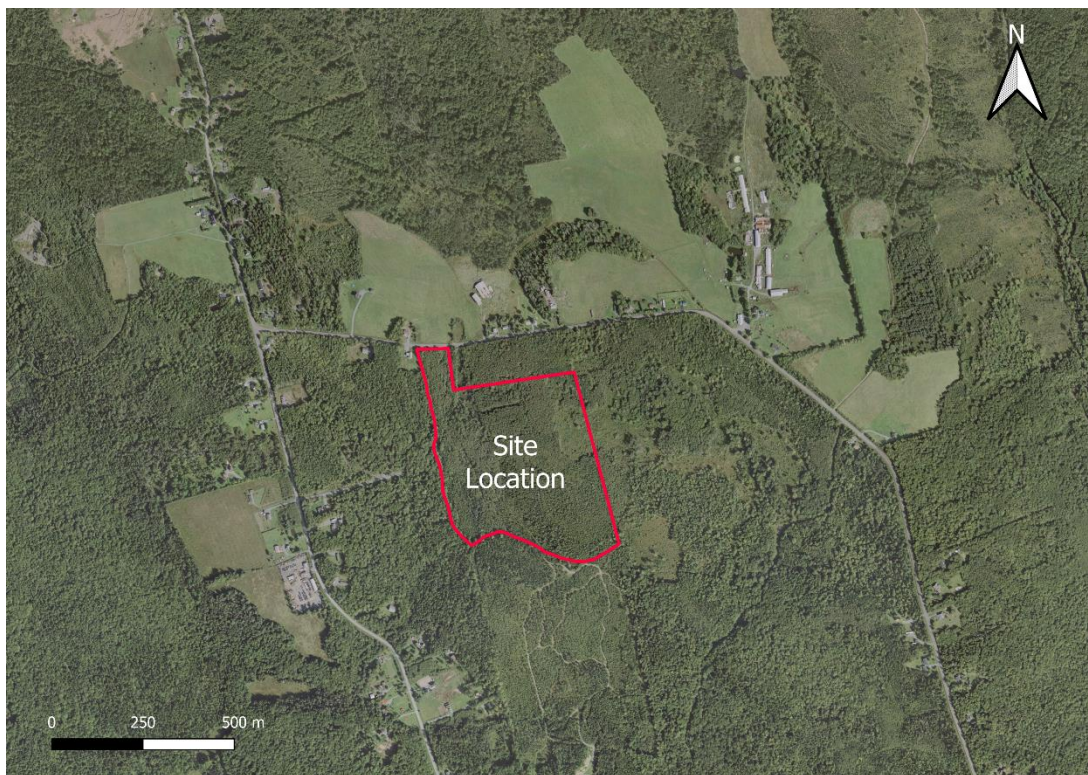


Figure 1 Site Map.

Site Pictures:





Site Description

The soil survey indicates that this is an Elmsdale soil series, and the drainage class is different approximately halfway through the property (Figure 2); however, this location was reclassified as a Wolfville soil series in the more recent soil survey data.

Two blocks were evaluated separately based on the different soil types and vegetation. Block 1 is the area seen in green and identified as El-PH/2.B4 or NS WFV5~~~~A; Block 2 is seen in yellow and identified as El-P/2.B5 or NS WFV4~~~~A (Figure 2).

Each block was described using the soil survey information, vegetation, soil pit classification using the Canadian Soil Classification System (Table 1), and other site features. Soil pit classification was verified through auger sampling at random locations throughout the site. Surface stoniness was determined by sampling four 10 m by 10 m plots and evaluating the number, distribution, and size of stones. Soil samples were collected and analyzed at the Nova Scotia Department of Agriculture Analytical Lab. Additional features were assessed using available maps. These features were then compared to the parameters identified by OMAFRA as hindering agricultural production. Results are presented here.

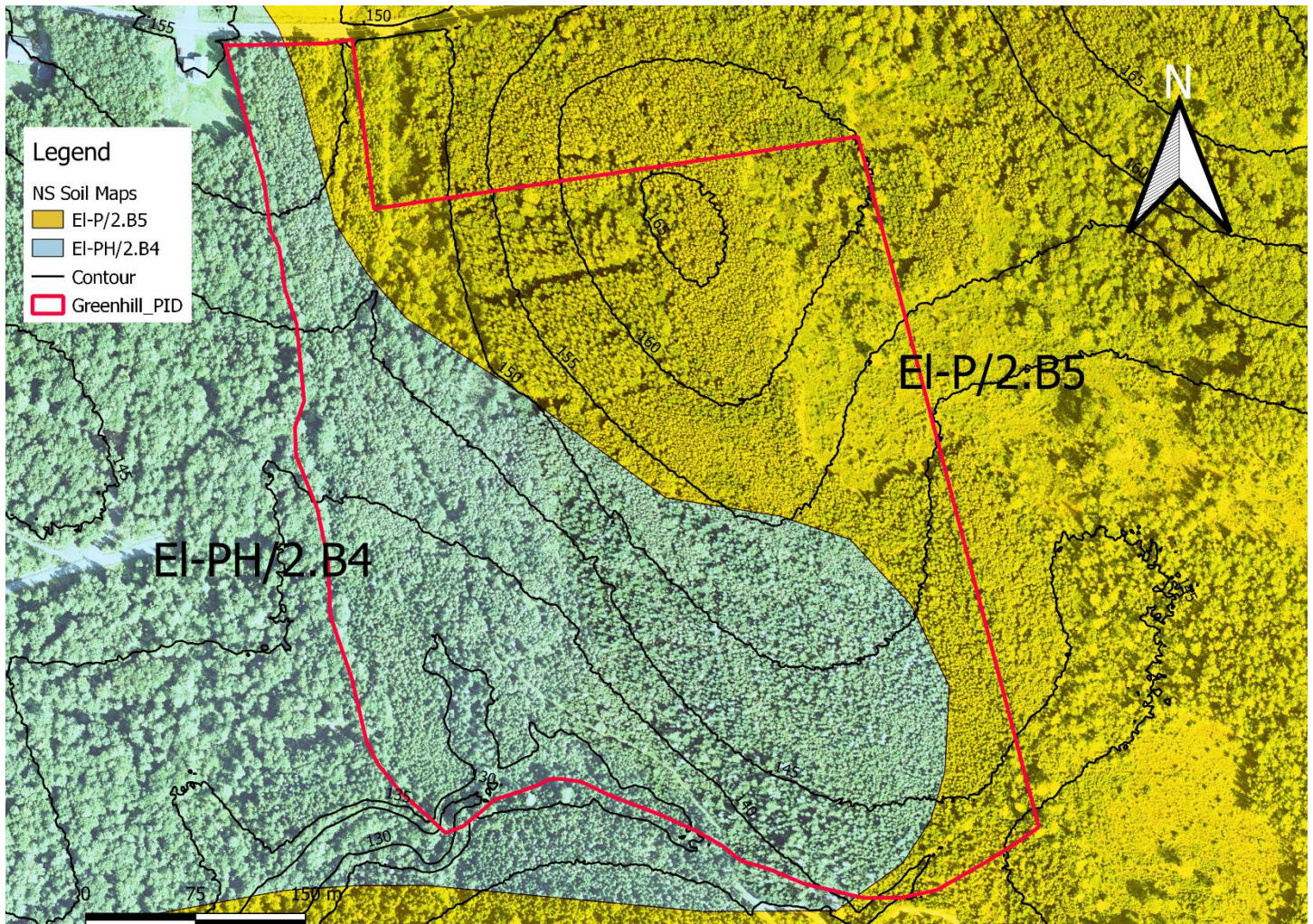


Table 1. Lower case suffixes associated with each soil horizon.

b	A buried horizon
c	An irreversible cemented horizon
ca	Carbonate enrichment, horizon > 10 cm thick
cc	Cemented pedogenic concretions
e	Eluvial horizon
f	Al and Fe enrichment
g	Gleyed horizon mottles
h	Organic matter enrichment
j	Indicates failure to meet limits of suffix it modifies
k	Presence of calcium carbonate
m	Modified, slightly altered horizon
p	Ploughed horizon
s	Horizon with salts including gypsum, crystals or veins can be seen
sa	Secondary salt enrichment horizon thickness >10 cm thick
ss	Slickenslides
t	Illuvial silicate clay present
u	Horizon disrupted by physical or faunal processes
x	Fragipan horizon

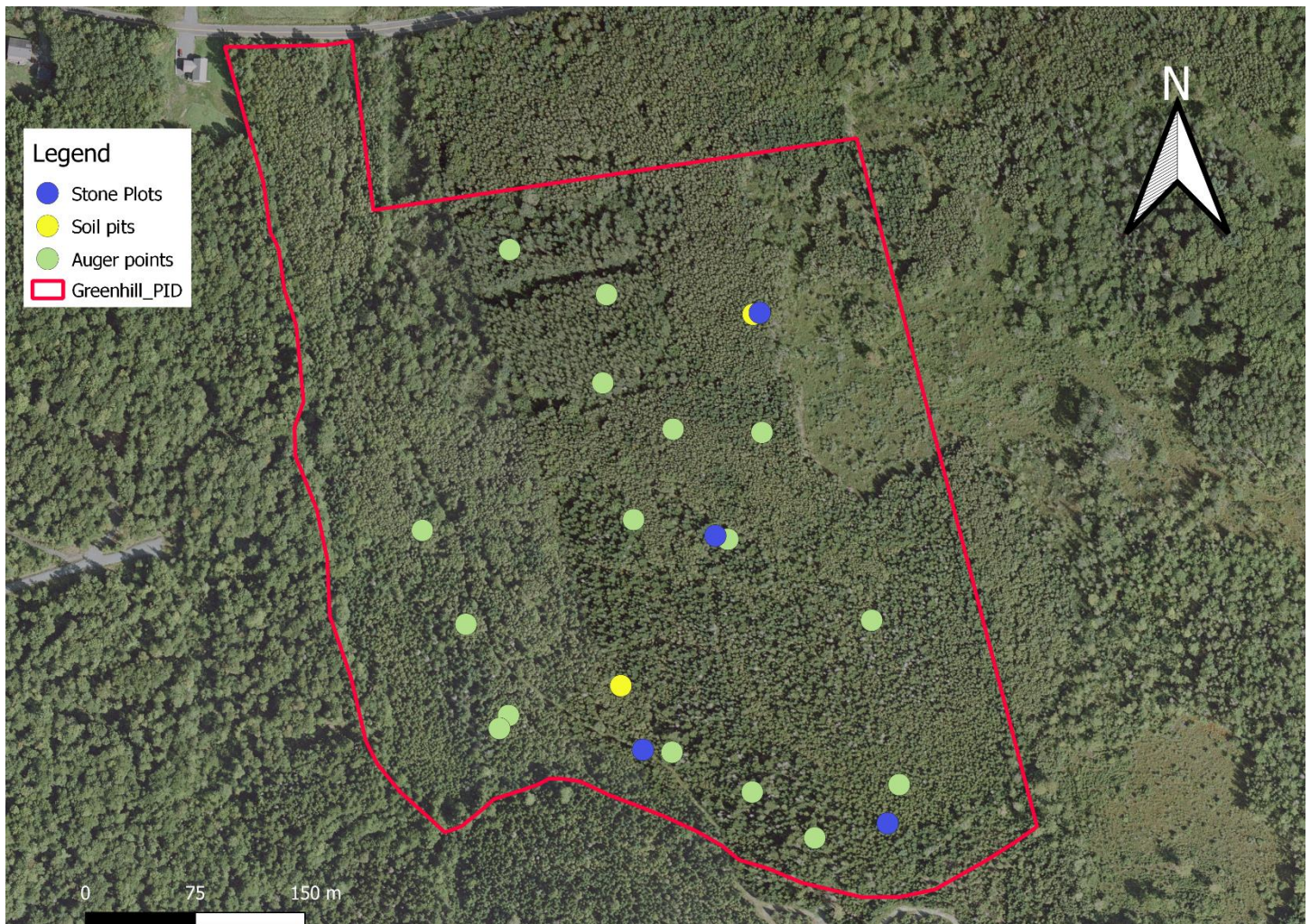


Figure 3. Soil pit, stoniness plot, and auger locations at the Greenhill site.

Soil Test Report Data

Lab #	2204123-001		2204123-002	
Sample ID	GREENHILL 1		GREENHILL 2	
Crop to be Grown	Unknown		Unknown	
Parameter	Analysis	Rating	Analysis	Rating
pH (pH Units)	4.54		4.49	
Buffer pH (pH Units)	7.32		7.34	
Organic Matter (%)	4.1		4.1	
P2O5 (kg/ha)	8		12	
K2O (kg/ha)	61		61	
Calcium (kg/ha)	42		44	
Magnesium (kg/ha)	22		24	
Sodium (kg/ha)	19		17	
Sulfur (kg/ha)	65		83	
Aluminum (ppm)	1427		1458	
Boron (ppm)	< 0.50		< 0.50	
Copper (ppm)	0.70		0.89	
Iron (ppm)	388		313	
Manganese (ppm)	48		54	
Zinc (ppm)	0.52		0.98	
CEC (meq/100 g)	5.7		5.6	
Base sat. K (%)	1.1		1.2	
Base sat. Ca (%)	1.8		2.0	
Base sat. Mg (%)	1.6		1.8	
Base sat. Na (%)	0.7		0.7	
Base sat. H (%)	94.7		94.4	
LR CaCO3 (t/ha to pH 6.5)	10		10	

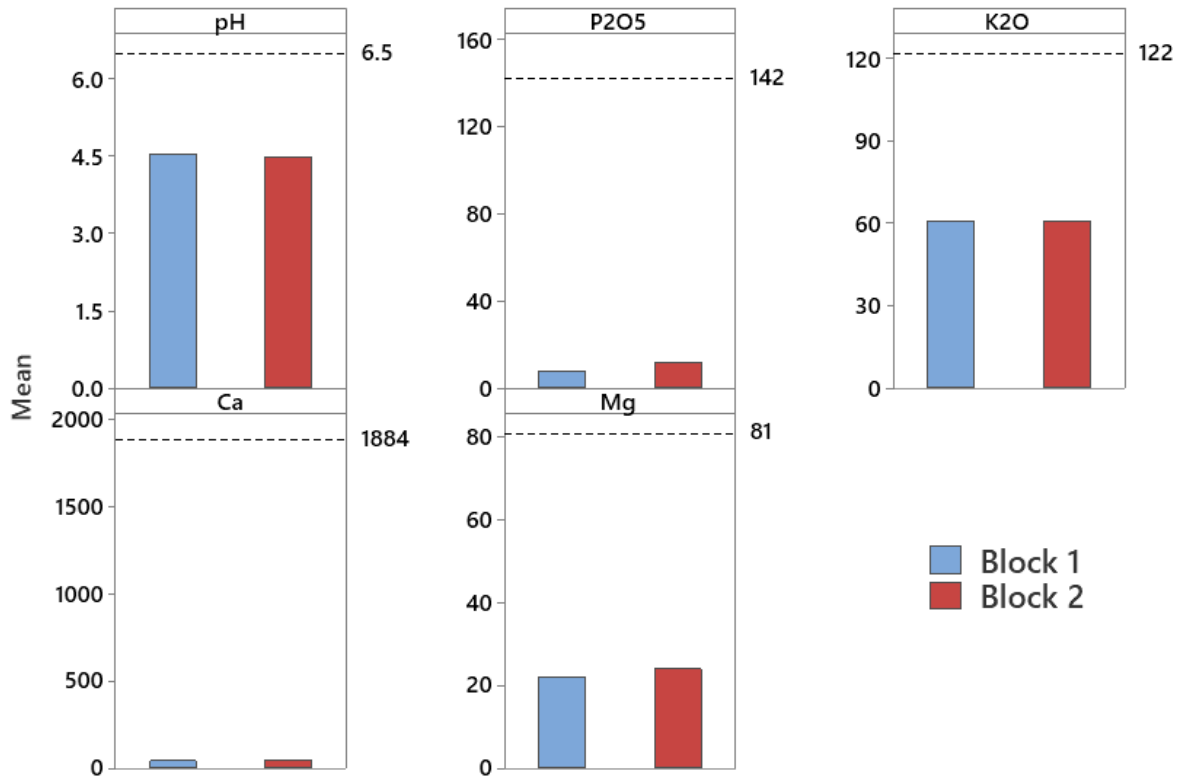


Figure 4. Soil test report data for pH and macronutrients (kg/ha) with threshold values for the minimum required to achieve a medium score on the soil test report for grain crops and forages.

Block 1

Table 2. Soil description based on the Nova Scotia soil surveys (Cann et al. 1954; Government of Canada, 2019).

Category	Characteristic	Description
Classification	Gleyed Humo-Ferric Podzol	Movement of humified organic matter, aluminum and iron to lower horizons. Evidence of mottles which indicate water being held in the soil within 1m of the surface.
Water Table	Always Present	The water table is present throughout all seasons.
Root Restrictions	Third Layer	Plant root growth is restricted by the soil's third layer.
Drainage	Imperfectly Drained	Water is removed from soil sufficiently slowly in relation to supply. Excess water moves slowly downward.
Stoniness	Moderately Stony	Enough stone to interfere with cultivation unless removed.
Topography	Moderately Sloping Complex Slopes	6-9% Slopes with an irregular or rough surface.
Deposition	Till (Morainal)	Soil was deposited by glacial ice.
Texture	Medium	Loam to Sandy Clay Loam
Chemical Properties	Extremely/Strongly Acidic	pH <5.6 (may be different due to historic practices).
Typical Soil Horizons	Ap	A – Mineral horizon near-the surface (0-15 cm deep). p – Plow layer, disturbed by human activity.
	Bfgj	B – Mineral horizon characterized by enrichment of organic matter, change of colour, or development of soil structure (15-50 cm deep). f – A horizon enriched with amorphous material, mainly aluminum, iron, and organic matter. g – A horizon characterized by gray colours and/or prominent mottling. j – A modifier, used to indicate an expression of but failure to meet all requirements for other suffixes.
	Cg	C – Mineral horizon relatively unaffected by soil-forming processes (50cm+) g – As above

Field Characterization

In block 1, the forest stand consisted mainly of black spruce and balsam fir trees with some red maple, gray birch, and white birch. In cut areas, grey birch sprouts were dominant. The ground vegetation often consisted of sphagnum moss and grass species which are indicators of a wet site. Additionally, lambkill and wild blueberry were found throughout the site, indicating acidic soil.

Stand Pictures:





Sphagnum
Moss

Soil pit 1 was dug approximately one-third up the slope (Figure 4) in a site deemed representative of the NS WFV5~~~~A soil series. Soils were classified using the Canadian System of Soil Classification, 3rd edition and as outlined in “Soils Illustrated: Field Descriptions, 1st edition (Watson, 2014). Horizons (A, B, C) were classified based on different soil properties such as colour, structure, texture, consistence, chemical, biological, and mineral composition. These horizons are further described using a lower-case suffix to represent the dominant soil property in that horizon.



Horizon	Description	Pit 1
L	Leaf litter.	Moss
Fm	Dark brown, semi-decomposed, fibrous layer.	5-1
Hh	Black, mostly decomposed layer often greasy.	1-0
Ahe	Light grey, elluviated horizon with some humus (7.5YR 4/1).	0-5
Bg	Gleyed matrix (5YR 5/1 with 5YR 5/8), sandy loam or loam, enriched.	5-32
Cg	Yellowish-brown (10YR 3/6 or 10YR 3/4), sandy loam or loam.	32+

Interpretation

Site features that can be considered a hindrance to agriculture production include undesirable soil structure and/or low permeability, risk of erosion, low natural fertility, inundation by streams or lakes, moisture deficiency, high stoniness, shallow depth to bedrock, adverse topography, excess water, and adverse climate. Based on the above site characterization, each potential agricultural hindrance was assessed for the site.

Undesirable soil structure and/or low permeability:

The texture of the B horizon was a silty clay with approximately 40-60% clay. Therefore, a clayey horizon (>35% clay) >15cm thick was present within the first 40 cm of the soil surface. High levels of clay in the upper mineral soil would likely slow water infiltration and water penetration through the soils. Soils with greater clay content are often susceptible to compaction from farm machinery. Depending on the crop, extensive soil preparation, such as subsoiling, tillage, drainage, or raised beds, may be required to increase the infiltration and pore space of the soil before cultivation.

Risk of erosion:

The slope of these soils ranges from 5-20%, and the erosion hazard has the potential to be high. However, no visible signs of topsoil loss were observed as the site was still heavily vegetated. The area with the steepest slope had a small gully with visible signs of organic matter loss. There will likely be a high risk of erosion after land clearing, and erosion mitigating techniques will likely be required. There was a potential loss of topsoil, and mixing of soil horizons was evident in some cut areas. Ruts were observed from machinery in some of the cut areas.



Low natural fertility:

The inherent fertility of the soil is low, as shown by the podzolization of the A horizon, acidic indicator species, and the soil test report. Liming and fertilization would be required after clearing for several years to increase soil fertility.

The soil test report indicated highly acidic soils with a pH of 4.54. the organic matter content is adequate. Phosphorous, potassium, calcium, and magnesium are all well below the suitable range for crop growth (Figure 5). Particularly, phosphorous and calcium would require large amount of inputs to increase to suitable ranges for crop production. In addition, aluminum concentrations are high which can be potentially damaging to crop roots.

Inundation by streams or lakes:

No flooding is likely in this block, and it does not reside on a floodplain. A small stream is located near the edge of the southern and western boundary of the property.

Moisture deficiency:

These soils are classed as loamy or finer and likely do not have low moisture-holding capacity.

Stoniness:

Two sites of 10m by 10m were sampled for surface stoniness. No evidence of surface stoniness was observed within the soil pit. The average diameter of surface stones was approximately 15cm. Stones of this size were located approximately every 1-5m. Less than 1% of the block was occupied by stones >15cm, and approximately 25% of the block was occupied by stones (or gravel) <15cm. Only one boulder (>60cm) was present at the site. There is no evidence that the stoniness would impact machinery use if their site were cleared; however, some stones may have to be removed for improved crop growth. The high amounts of gravel in the soil may impact crop growth and crop type.

Depth to bedrock:

The presence of bedrock extended below 100cm and therefore does not restrict agriculture.

Topography:

The slopes at this site range from 5-20%. Slopes greater than 9% may impact agricultural practices, and considerations for erosion and improving water-holding capacity may have to be made.

Excess water:

These soils showed reduction/oxidation (redox) features dominant within the top 30 cm of mineral soil. Water pooled at a depth of approximately 35 cm, and there was evidence of water indicator species throughout the site, such as sphagnum moss. There is clayey textured soil near the surface of the mineral soil, extending over 40 cm. Installing drainage is not feasible unless the land is cleared and stumped.

Some organic matter leaching was observed in the A horizon but not enough to give it an h designation; the horizon was too thin to sample. The OM content of the B horizon was 4.1%.

Based on the evidence of dominant redox features within the top 30cm of soil, the presence of wet indicator species, and water present within the pit, this soil can be classified as poorly drained.

Climate:

Corn crop heat units were available for Nova Scotia and show a value of greater than 2300; therefore, the climate would likely not inhibit agriculture production in this area.



Redox
Features

Block 2

Category	Characteristic	Description
Classification	Orthic Humo-Ferric Podzol	Podzolic B horizon at least 10cm thick and but not a Bh horizon, no evidence of a gleied horizon within the top 1 m of the surface.
Water Table	Always Present	The water table is present throughout all seasons.
Root Restrictions	Third Layer	Plant root growth is restricted by the soil's third layer.
Drainage	Moderately Well Drained	Water is removed from the soil somewhat slowly in relation to supply. Excess water moves somewhat slowly downward.
Stoniness	Moderately Stony	Enough stone to interfere with cultivation unless removed.
Topography	Steeply Sloping Complex Slopes	10-15% slopes with an irregular or rough surface.
Deposition	Till (Morainal)	Soil was deposited by glacial ice.
Texture	Medium	Loam to Sandy Clay Loam
Chemical Properties	Extremely/Strongly Acidic	pH <5.6 (may be different due to historic practices).
Typical Soil Horizons	Ap	A – Mineral horizon near-surface (0-15 cm deep). p – Plow layer, disturbed by human activity.
	Bf	B – Mineral horizon characterized by enrichment of organic matter, change of colour, or development of soil structure (15-50 cm deep). f – A horizon enriched with amorphous material, mainly aluminum, iron, and organic matter.
	C	C – Mineral horizon relatively unaffected by soil-forming processes (50cm+).

Field Characterization

In block 2, the forest stand was slightly different and consisted of more hardwood species such as red maple and white birch, in addition to balsam fir. The ground vegetation consisted of bunchberry, lily of the valley, aster, starflower, and raspberry. However, this block was more variable throughout, with some wet areas more similar to block 1. Approximately half of this area was cut, and the vegetation differed slightly in those locations. Moving southward, softwoods dominated the forest stand, mainly balsam fir and black spruce. Acid indicator species such as lambkill and wild blueberry were found throughout the site, but not where the pit was dug.





Soil pit 2 was dug approximately at two-thirds of the slope (Figure 3) in a site deemed representative of the NS WFV4~~~~A soil series. Soils were classified using the Canadian System of Soil Classification, 3rd edition and as outlined in “Soils Illustrated: Field Descriptions, 1st edition (Watson, 2014). Horizons (A, B, C) were classified based on different soil properties such as colour, structure, texture, consistence, chemical, biological, and mineral composition. These horizons are further described using a lower-case suffix to represent the dominant soil property in that horizon. The lowercase suffixes are defined in Table 1.



Horizon	Description	Pit 2
L	Leaf litter.	Moss
Fm	Dark brown, semi-decomposed, fibrous layer.	5-0
Hh	Black, mostly decomposed layer often greasy.	Trace
Ahe	Light grey, elluviated horizon with some humus (7.5YR 4/1).	0-3
Bfh	B horizon with some Al or Fe enrichment (7.5 YR 4/3)	3-28
Bfgj	B horizon with some Al or Fe enrichment and non-dominant redox features (7.5 YR 4/4)	28-46
Cg	Yellowish-brown (10YR 3/6 or 10YR 3/4), sandy loam or loam.	46+

Interpretation

Undesirable soil structure and/or low permeability:

The texture of the upper 40 cm of soil is a silt loam and the clay content of the soil increased with depth. Therefore, a clayey horizon (>35% clay) >15cm thick was not present within the first 40cm of the soil surface.

Risk of Erosion:

The slope of this section ranged from 6-17%, and the erosion hazard has the potential to be high. However, no visible signs of topsoil loss were observed at the site as the site was still heavily vegetated. There were no visible signs of soil organic matter loss; however, the potential for forest floor loss is often high in these soil types. There was a potential loss of topsoil in some of the clearcut areas, and mixing of soil horizons occurred in some cut areas. Ruts were observed from machinery in some of the cut areas.

Low natural fertility:

The inherent fertility of the soil is low, as shown by the podzolization of the A horizon, acidic indicator species, and the soil test report. Liming and fertilization would be required after clearing for several years to increase soil fertility.

The soil test report indicated highly acidic soils with a pH of 4.49. the organic matter content is adequate. Phosphorous, potassium, calcium, and magnesium are all well below the suitable range for crop growth (Figure 5). Particularly, phosphorous and calcium would require large amounts of inputs to increase to suitable ranges for crop production. In addition, aluminum concentrations are high which can be potentially damaging to crop roots.

Inundation by streams or lakes:

No flooding is likely in this block; it does not reside on a floodplain and is located upslope.

Moisture deficiency:

These soils are classed as loamy or finer and likely do not have low moisture-holding capacity.

Stoniness:

No evidence of surface stoniness was observed within the soil pit. No evidence of stones was observed within the site, and there is no that rocks would impact machinery use or crop yield if the site were used for agriculture.

Depth to bedrock:

The presence of bedrock extended below 100cm and therefore does not restrict agriculture.

Topography:

The slopes at this site range from 6-17%. Slopes greater than 9% may greatly impact agricultural practices, and considerations for erosion and improving water-holding capacity may have to be made.

Excess water:

These soils showed non-dominant redox features within the top 30 cm of mineral soil. Water pooled at a depth of approximately 45 cm. There was no evidence of wet indicator species at the pit location; however, there was some evidence on the site walkthrough. Redox features were present at approximately 25 cm deep, indicating water saturation for prolonged periods.

The texture of the B horizon was a silty loam to silty clay loam. Some organic matter leaching was observed in the A horizon but not enough to give it an h designation; the horizon was too thin to sample. The organic matter content of the B horizon was 4.1%. Based on the evidence of some redox features within the top 30cm of soil, no presence of wet indicator species, and water present within the pit, this soil can be classified as moderately well to imperfectly drained.

Climate:

Corn crop heat units were available for Nova Scotia and show a value greater than 2300; therefore, the climate would likely not inhibit agriculture production in this area.

Summary and Conclusion

The Nova Scotia soil survey identified this 52-acre plot as having two soil types with different drainage classes. This was confirmed by the field characterization, and the assessment was conducted using the boundary for these two soil types, dividing the site into two blocks. Block 1 (southwest) was poorly drained. Extensive soil manipulation, including site preparation and drainage, would likely be required for crops to grow. In addition, the drainage is poor and may be restricted to shallow-rooted crops or crops with a high tolerance for water. The site had a moderate to severe slope which may be prone to erosion when cleared. The site had inherently low fertility, and extensive use of lime and fertilizer would be required to support agricultural production. Block 2 (northeast) was located further upslope and was moderately well to imperfectly drained. The site varied more throughout, and drainage may be required in some locations. The site had a moderate to severe slope which may be prone to erosion when cleared. The site had inherently low fertility, and extensive use of lime and fertilizer would be required to support agricultural production.

This land is rated as CLI Class 3 but has constraints that may limit the use of the land for agriculture. These constraints include but are not limited to the drainage, the slope, and the low inherent fertility. There was no indication that the site had been previously used or was going to be used for agricultural purposes. The amount of effort to convert this property into highly productive agricultural land is not feasible, and extensive maintenance on the land would likely be required to maintain agricultural production. Practices that would be required to improve the land for high agriculture production include but are not limited to:

- Land clearing
- Land grubbing and stumping
- Soil preparation such as subsoiling, tillage, raised beds, etc.
- Fertilization
- Liming
- Drain tile or other water management techniques
- Erosion management such as terracing
- Soil organic matter amendments such as compost or manure
- Use of short-rooted crops in clay-rich areas

Overall, to be considered for agricultural production, this land would require extensive preparation and maintenance and would likely still be restricted in the types of crops which would thrive.

References

- Cann, D. B., Hilchey, J. D., & Smith, G. R. (1954). *Soil Survey of Hants County Nova Scotia*. Truro, NS: Nova Scotia Department of Agriculture.
- Government of Canada. (2019, 09 24). *Soils of Nova Scotia*. Retrieved from Canada.ca: <https://sis.agr.gc.ca/cansis/soils/ns/soils.html>
- Neily, P., Basquill, S., Quigley, E., Stewart, B., and Keys, K. 2011. *Forest Ecosystem Classification for Nova Scotia*. Truro, NS: Nova Scotia Department of Natural Resources.
- Soil Classification Working Group. (1998). *The Canadian System of Soil Classification* (3rd ed.). (A. a.-F. Canada, Ed.) Ottawa, ON, CA: NRC Research Press.
- Watson, K. (2007). *Soils Illustrated Field Descriptions* (1st ed.). Kamloops, BC, CA: International Remote Sensing Surveys Ltd.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

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

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-10-25

Subject: Hantsport MPS and LUB Amendments: Detached Secondary Suites; File #22-12 B

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-12 dated October 13, 2022.

BACKGROUND

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

A completed application was received on July 4, 2022, from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

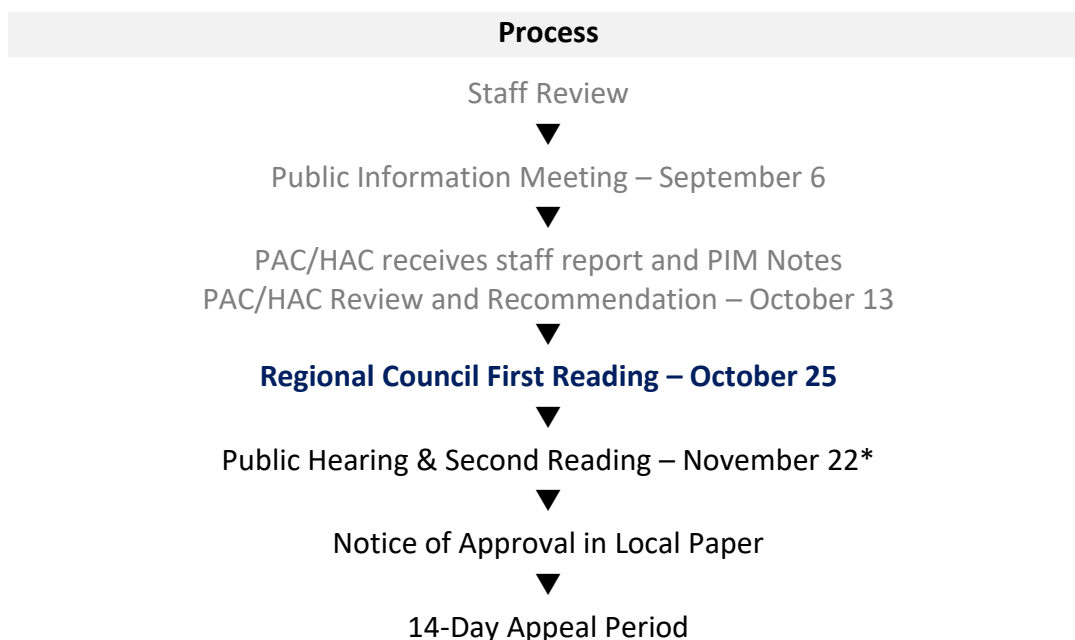
DISCUSSION

A Public Information Meeting was held on September 6, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). There was significant discussion at PAC/HAC on whether these detached secondary suites would be putting an additional burden on the current water supply in rural areas of the Municipality and on the potential for increased stormwater runoff on smaller lots due to increasing the lot coverage with a detached secondary suite. PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council;

- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2022-10-13 Staff Report: Hantsport MPS and LUB Amendments: Detached
Secondary Suites; File #22-12

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation as it helps to provide additional housing opportunities need in
the region.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, CAO



Appendix A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: Hantsport MPS and LUB Amendments: Detached Secondary Suites; File #22-12

LEGISLATIVE AUTHORITY

Section 205 of the *Municipal Government Act*.

RECOMMENDATION

To allow detached secondary suites in the community of Hantsport, 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 Hantsport Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-12 dated October 13, 2022.

BACKGROUND

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

On January 26, 2021, the Family Resource Centre, a member of the West Hants Housing Coalition, applied for amendments to all planning documents in West Hants Regional Municipality to permit secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. These amendments were approved by Council on July 27, 2021.

On July 4, 2022, the Family Resource Centre applied for an amendment to all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

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.

DISCUSSION

A detached secondary suite may also be known elsewhere as a backyard suite, garage suite or garden suite. A detached secondary suite is accessory to the main dwelling and located in an accessory building which may include an existing garage, a converted outbuilding, or construction of a new building on site (Figure 1).

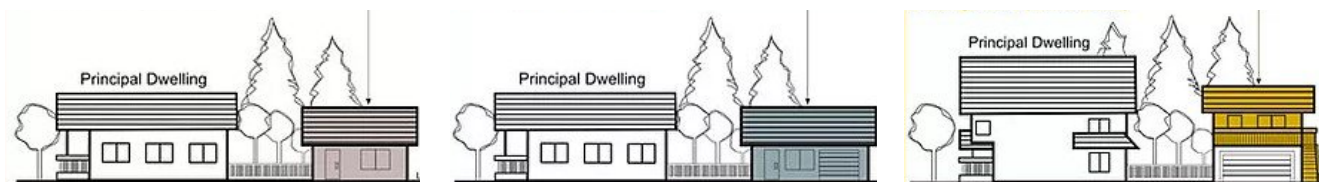


Figure 1: Examples of detached secondary suites

Markham.ca (2018)

In West Hants Regional Municipality, we need to ensure there are housing options for all residents, regardless of socio-economic status, age, or physical or mental ability. Detached secondary suites can provide rental opportunities in areas where there is typically little to no rental supply. This is particularly important in areas that primarily consist of single unit dwellings, as these areas leave renters with the option of either renting an entire house, which may not be affordable, or renting a room in a house, which they may not feel comfortable with. Detached secondary suites are also a good option for residents wishing to downsize and age-in-place, or those looking to enter the housing market and rent for the first time.

Detached secondary suites enable population density in established neighbourhoods with minimal effect on the overall appearance of the area and ensures efficient use of existing services in areas where municipal services are provided.

Provincial

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interests which are regulations made under 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. Part 4.11 of the WHMPS addresses the general policies for housing. Detached secondary suites help achieve this Provincial interest by providing an affordable housing option and rental accommodation that does not appear to increase density in low density neighbourhoods as the suites are located in a building accessory to a main dwelling unit.

Affordable Housing Commission Report

The Province currently reports that “11.4%, or 45,100, of Nova Scotian households are in core housing need” (Nova Scotia Municipal Affairs and Housing, January 2022). The Nova Scotia Affordable Housing Commission was formed in 2020 to develop recommendations to improve access to affordable housing in the Province. The report entitled “*Charting a New Course for Affordable Housing in Nova Scotia*” was released in May 2021 with 17 recommendations for the Province. Although not entirely related to detached secondary suites, recommendation 15 of that report was to “address the specific needs of rural and non-urban communities”. The issue facing rural and non-urban communities was described as the following: “Many non-urban and rural communities in Nova Scotia face shortages of affordable rental housing, a problem exacerbated by low incomes, diversifying and changing populations, conversion of permanent rental housing to short-term rental accommodations to support tourism, and lack of municipal infrastructure to attract investment and support real estate development.” One of the solutions discussed in the report is that “The Province must work with municipalities and other partners to offer more housing options in rural and non-urban communities.” Although the authors of the report are referring to Provincially provided affordable housing, the Municipality can enable more housing options, such as detached short term rentals, through its planning documents.

Municipal Supporting Documentation

Hantsport Municipal Planning Strategy

Section 3.2.6 of the Hantsport Municipal Planning Strategy (HMPS) discusses the general housing policies. These proposed amendments to allow detached secondary suites align with Council’s intent to provide diverse housing types to satisfy the housing needs of all residents in the Region.

Council Strategic Plan 2021-22

Theme 4, objective 3B of Council's 2021-22 Strategic Plan, as presented to Committee of the Whole on September 14, 2021, is to support affordable housing initiatives including creating or amending documents to support affordable housing. These proposed amendments directly align with this objective by creating more affordable home ownership and more affordable rental opportunities. Renting out a detached secondary suite can provide an additional source of income to the owner of the main dwelling unit. Allowing detached secondary suites can also increase rental opportunities in established neighbourhoods.

RAD Consulting Community Engagement Report

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting Community Engagement report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary and backyard suites. Permitting detached secondary suites would accomplish this recommendation.

Detached Secondary Suites in Other Municipalities and Towns

Halifax Regional Municipality (HRM)	On September 1, 2020 Halifax Regional Council approved amendments to the Regional Municipal Planning Strategy and all land use by-laws, with the exception of the Regional Centre Land Use By-law, to allow detached secondary suites accessory to single unit, two-unit or townhouse dwellings. Detached secondary suites in HRM must abide by the following: • be located on the same lot as the main dwelling; • be limited to one per lot; • have a maximum floor area of 90 sq. m. (968.75 sq. ft.) or the maximum floor area of an accessory building in that zone, whichever is less; and • meet the accessory buildings requirements. HRM did not include any parking requirements and did not require a minimum lot size for detached secondary suites. Where the main dwelling unit does not have a side yard on both sides, a detached secondary suite is still permitted to be constructed but must have unobstructed access to a public street.
East Hants	East Hants "encourages context sensitive density intensification and infill residential development" by allowing one accessory dwelling unit as an accessory use to a single unit dwelling or bed and breakfast accommodation. East Hants defines an attached secondary suite as "a self-contained accessory dwelling unit fully contained within and subordinate to a single unit dwelling or bed and breakfast." A detached secondary suite is defined as a "garden" or "garage" suite. On lots with an area of 600-650 sq. m., East Hants permits the maximum gross floor area of a detached secondary suite to be 80% of the gross floor area of the main dwelling up to 46 sq. m. (495.14 sq. ft.) gross floor area, whichever is less. For a lot area greater than 650 sq. m. (6996.54 sq. ft.) the maximum gross floor area for a detached secondary suite is permitted to be 80% of the gross

	floor area of the main dwelling up to up to 80 sq. m. (861 sq. ft.) gross floor area, whichever is less. Detached secondary suites in East Hants must follow design requirements including matching the main dwelling in building material type, cladding colour, roof type and pitch.
Kings County	Kings County only permits attached secondary suites in the Residential One Unit (R1) zone.
Town of Wolfville	The Town of Wolfville allows detached secondary suites accessory to a main dwelling in any zone, except the Low Density Residential - Restricted (R-1) zone. The floor area of a detached secondary suite must not exceed 40% of the dwelling floor area of the main dwelling and must not contain more than two (2) bedrooms. The detached secondary suites require parking and must meet other relevant zone standards (hard surface coverage, side yards, rear yards, etc.).

Draft Amendments

The amendments to the planning documents approved on July 27, 2021 were to allow secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. Those original amendments provide the foundation for the Planning and Heritage Advisory Committee and Council to now consider the proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings. The draft amendments are located in Attachment B. The purple text shows the proposed amendments recommended by staff to allow detached secondary suites.

The National Building Code (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.” As noted in the definition the NBC requires a detached secondary suite to form a single real estate entity with the main dwelling unit it is accessory to, therefore the detached secondary suite must be located on the same lot as the main dwelling. 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 sq. ft. (80 sq. m.), 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 requirements of accessory buildings will apply to detached secondary suites. This includes the requirement that the accessory building be a minimum of 2 m. (6.56 ft.) from the main building, a minimum of 1 m. (3.28 ft.) from the side and rear yards and be limited to a maximum of 5 m. (16.4 ft.) in height.

One secondary suite, whether attached or detached, will be permitted per dwelling unit of a single or two-unit dwelling. The other requirements for secondary suites, as outlined in Section 5.2.3 of the HLUB, would apply to detached secondary suites. This includes the requirement for

one parking spot per secondary suite. Staff would recommend not requiring the parking space for a secondary suite as individual property owners will determine if parking is needed for a specific unit and the requirement of a parking space may limit the opportunity to develop a secondary suite. However, PAC/HAC discussed the parking requirements in detail during the review of the original amendments in 2021 and determined that one parking space per secondary suite should be required. This should be reviewed again in the future.

Other amendments that are shown in dark blue in Attachment B are updates to the current documents based on Plan Review material accepted by PAC/HAC regarding accessory uses and structures. Staff determined it was appropriate to consider the interaction between the proposed amendments to allow detached secondary suites and the accepted material on accessory uses and buildings to mitigate any conflict. There was one conflict found between the PAC/HAC accepted WMPS Policy GP-2 and WLUB Section 5.1 (c) in relation to the PAC/HAC accepted definition for “accessory use”. At the time, PAC/HAC discussed the opportunity to allow accessory uses on a separate lot than the main use. For example, this may be required in agricultural areas where the main farm operation is on a separate lot from the dwelling. The accepted definition required the accessory use to be located on the same lot, therefore this part of the definition was removed.

WMPS General Criteria

The proposed amendments meet the general criteria for amendment set out in HMPS Policy 3.2.6. These criteria are examined in detail in Attachment A. In summary:

- the amendments are not premature or inappropriate;
- there are no concerns in relation to the pattern of development these amendments might create; and
- the Development Officer, Manager of Building and Fire Inspection Services and Municipal Project Engineer have no concerns.

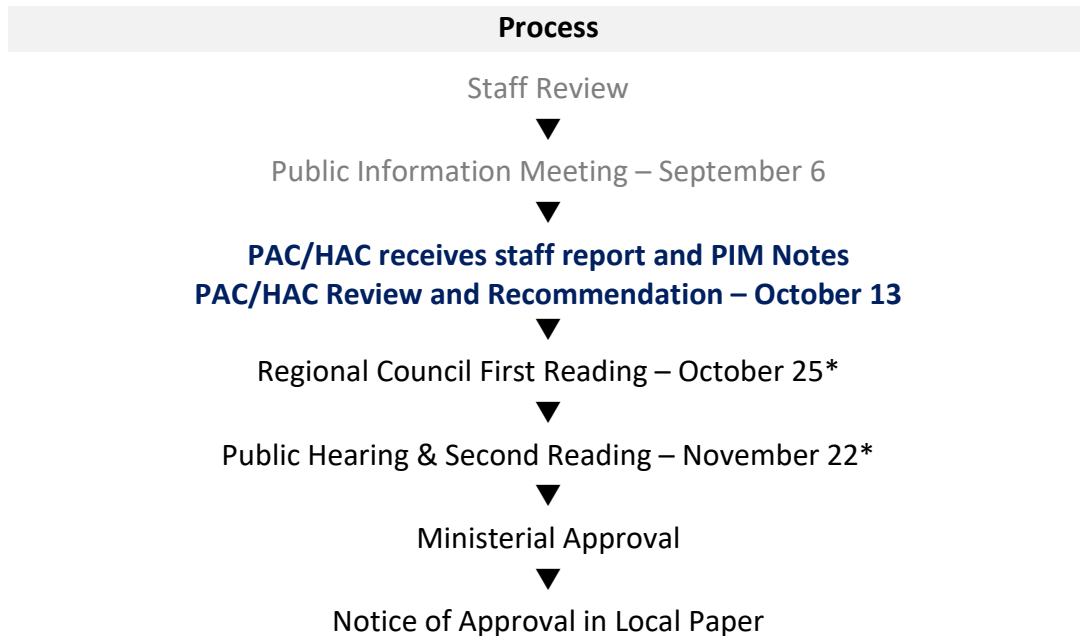
MUNICIPAL CLIMATE CHANGE ACTION PLAN

As these amendments are not related to a specific property the Municipal Climate Change Action Plan (MCCAP) for West Hants was not reviewed in detail in relation to this application. It is the responsibility of a property owner to ensure their site is suitable for any proposed uses.

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 amendments to permit detached secondary suites accessory to single and two-unit dwellings reflect 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.



*anticipated dates; final dates set by Council

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.

ALTERNATIVES

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

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

ATTACHMENTS

Attachment A General Criteria for Amendments

Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Attachment A
General Criteria for Amendments

Policy 11.3.1 In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

CRITERIA	COMMENT
(a) whether the proposal is considered appropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer stated that the proposed amendments are not premature or inappropriate in terms of the adequacy of sewer and water services within serviced areas of the Municipality.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services has stated that they have no issues with the proposed amendments as they will now align with the National Building Code. They added that “the required side yard setbacks should be adequate for firefighting.”
(iv) the impact on adjacent uses;	Detached secondary suites are expected to have a minimal impact on adjacent uses, as they are limited by size. The secondary suite requires one (1) parking space which will mean slightly more traffic to a residential area.
(v) the adequacy of road networks adjacent to, or leading to the development; and	No comment was solicited from the Municipal or Provincial Traffic Authority in relation to these amendments as they are not specific to an individual property and a detached secondary suite accessory to a single or two-unit dwelling is not anticipated to increase traffic significantly.
(vi) the financial capacity of the Town to absorb any costs relating to the development.	The Family Resource Centre of West Hants is a registered non-profit society therefore no application fees were required for this planning applications as per the Regional Fees Policy. The advertising costs related to this application will be absorbed in the Planning and Development Department budget.

	There are no costs to the Municipality if this amendment were approved, as individual property owners would be required to pay the fees associated with developing a detached secondary suite on their lot.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Not applicable as these proposed amendments do not apply to any particular lot.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	Not applicable. Individual lots will have to meet the proposed regulations to be permitted to develop a detached secondary suite. The Development Officer confirms the dimensions of the lot for the intended use at the development permit stage.
(d) the pattern of development which the proposal might create;	The Development Officer for the Municipality responded that “as Development Officer I have no concern regarding the pattern of development or any other development related comments with respect to the proposal to allow detached secondary suites.”
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;	Not applicable as these proposed amendments do not apply to any particular lot.
(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	All Municipal, Provincial and Federal regulations will have to be met.
(g) the impact of not only the use being proposed but all uses permitted in the zone;	There is not anticipated to be a negative impact associated with allowing a detached secondary suite on a lot that already has a single or two-unit dwelling.
(h) the site meets all of the zone requirements of the zone sought; and	This is not a rezoning application. The Development Officer will confirm the dimensions

	of the lot for the intended use at the development permit stage.
(i) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment B Draft Amendments

Note: coloured text indicates a change from the present HMPS or HLUB and is provided only for the convenience of PAC/HAC and Council. The purple text is proposed amendments recommended by staff; the dark blue amendments are updates to the current documents based on plan review material accepted by PAC/HAC regarding accessory uses and structures.

Text amendments to the Hantsport Municipal Planning Strategy and Land Use By-law to allow detached secondary suites accessory to single and two-unit dwellings.

Hantsport Municipal Planning Strategy

- 1. Amend parts of Section 3.2.6, *Housing*, in the Hantsport Municipal Planning Strategy to reference and provide opportunity for detached secondary suites so that Section 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 suites 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 **they have minimal effect on the overall built form that the buildings retain the look of the original dwellings** and are compatible with the neighbourhood.

Policy

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 **within and accessory to** 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. Create Section 3.2.7, *Accessory Uses and Buildings*, in the Hantsport Municipal Planning Strategy using the background and policies as accepted by PAC/HAC during plan review discussions so that Section 3.2.7 reads as follows:

3.2.7 Accessory Uses and Buildings

Accessory uses and buildings will be regulated to reduce the impact they may have on surrounding properties due to their size, number, location and when a building may be constructed, or a use initiated.

Council will permit construction of an accessory building before the main building since experience has shown that this is sometimes needed.

Policy

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

GP-15 regulate accessory uses and buildings by:

- (a) regulating the number, size, location and height of accessory buildings; and
- (b) regulating the types, location, and size of accessory uses.

GP-16 permit accessory uses to be located on a lot held in the same ownership and:

- (a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and
- (b) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.

GP-17 permit an accessory building to be constructed prior to construction of a main building only if development and building permits have been issued for the main building.

Hantsport Land Use By-law

3. Amend the definition of *Accessory Use* and *Secondary Suite* in Part 2, *Definitions*, of the Hantsport Land Use By-law so that the definitions read as follows:

ACCESSORY USE means a use subordinate **in impact** and naturally, customarily and normally incidental ~~and exclusively devoted~~ to a main use of land or building ~~and located on the same lot.~~

SECONDARY SUITE means a dwelling unit **either** within a dwelling unit or **within an accessory building on the same lot as the main dwelling unit and** limited to a maximum of (1) 80% of the total floor area of the dwelling unit if 80% is less than 862 sq. ft. (80 sq. m.) or (2) 862 sq. ft. (80 sq. m.) or (3) greater as established in the National Building Code.

4. Amend Section 5.1, *Accessory Buildings*, of the Hantsport Land Use By-law to include regulations that correspond to the material accepted by PAC/HAC during plan review discussions for accessory uses and buildings and to provide exemptions for detached secondary suites, so that Section 5.1 reads as follows:

5.0 General Provisions for all Zones

5.1 Accessory **Uses and Buildings**

(a) A detached accessory building may be permitted in any zone **and may be used only as an accessory use to the main building or use**, but shall not:

- (i) be used as a dwelling **unit except where a dwelling unit is a permitted accessory use**;
- (ii) be located within the front yard, in any Residential Zone;
- (iii) be permitted within the flanking yard on a corner lot;
- (iv) exceed 5 m in height; except in the Industrial (M) Zone;
- (v) be built within 2 m of the main structure;
- (vi) be considered an accessory building if attached to the main building by a common wall greater than 3 m in length;
- (vii) be built within 1 m of a lot line;
- (viii) exceed 90 m² in total ground floor area or 5% of the area of the lot, whichever is greater; and

(ix) be constructed prior to construction of a main building, unless development and building permits have been issued for the main building.

(b) Accessory buildings located in the Highway Commercial (C-2) Zone shall have a minimum required yard of 1.2 m and no maximum floor area.

(c) Accessory uses shall be located on a lot held in the same ownership and:

- (i) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and**
- (ii) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.**

(d) The requirements for secondary suites located in an accessory building shall be the same as the requirements for accessory uses and buildings except 5.1 (a)(viii) and 5.1 (c); the detached secondary suite shall only be limited by size in accordance with the definition and shall be located on the same lot as the main dwelling.

5. Amend the *Secondary Suites* section, in Part 5, *General Provisions for All Zones*, of the Hantsport Land Use By-law to provide regulations for detached secondary suites so that Section 5.23 reads as follows:

Secondary Suites

- (a) Secondary Suites are permitted **within or accessory to** 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~~ a secondary suite shall be contained within, attached to **or accessory to** the 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;
 - (iv)** no new entrances shall be created on the front façade of the **main** 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.

Attachment C
Public Information Meeting Notes
September 6 - 23, 2022
File 22-13
Detached Secondary Suites

Meeting date and time	A Public Information Meeting was held on September 6, 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Poirier • Director LeMay • Meeting Secretary Lake • CAO Mark Phillips The following members of the public requested invited to attend the PIM via Zoom: • Carol Bradley • Traci Curry • Virginia Douglas
Applicant Family Resource Centre Property N/A	Planner Poirier outlined the amendment application to permit detached secondary suites in West Hants Regional Municipality. The applicant did not make a formal presentation.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 6 – 23, 2022. 1 member of the public spoke at the Public Information Meeting and 3 letters of support were received via email. The questions and comments from the public are summarized below. The email responses are attached. The following comments and questions were made at the Public Information Meeting. Staff responses are included in purple text. • Will the detached secondary suite need its own septic tank/service and Nova Scotia Power meter?

	Sara commented that Public Works has confirmed that in serviced areas they will allow a second service to the detached secondary suite subject to specific requirements. In areas without municipal services the Building Official requires confirmation that the existing septic system can handle the increased demand. Sara added that she would check the Nova Scotia Power requirements for detached secondary suites. • What are the setback requirements? Sara responded that the setback requirements would be the same as an accessory building.
Adjournment	The meeting was adjourned at 6:11 p.m.



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

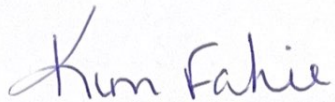
To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites (separate, free-standing buildings) to increase housing opportunities within the municipality. The addition of secondary suites was one step in providing additional and varied housing opportunities in our region and the requested amendment will further increase the housing opportunities available.

We are all well aware that the housing stock throughout the province and through our region is insufficient to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suite will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Detached Secondary Suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

A handwritten signature in blue ink that reads "Kim Fahie". The signature is written in a cursive, flowing style.

Kim Fahie
Executive Director
Family Resource Centre of West Hants

June 23, 2022

West Hants Regional Municipality
Planning Department & Council
76 Morison Drive
Windsor, NS

RE: Amending Planning Documents to Allow Detached Secondary Suites

I am writing in support of the application from Kayla Todd/Family Resource Centre to amend all applicable planning documents to permit detached secondary suites in the West Hants Regional Municipality.

As a member of the West Hants Housing Coalition and a concerned citizen, I am worried about the lack of available affordable housing in our region and the number of people and families who are experiencing homelessness or at risk of homelessness. While there are housing projects underway or in the application stage in our region, we don't know how many (if any) of these units will be truly affordable (tied to a percent of income rather than market rates).

The addition of secondary suites was a welcome first step in providing flexibility for homeowners who wish to provide housing within their dwelling. However, the options for internal secondary suites can be limited depending on home construction. Allowing detached secondary suites will provide greater flexibility for residents of the region who have space on their property to add a free-standing suite.

As a member of the Planning Advisory Committee, I welcome the application and opportunity to increase the housing options available in our region.

Sincerely,
Jennifer Nicholls
Cheverie

To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites to increase housing opportunities within the West Hants Regional Municipality.

We are all aware that the housing stock throughout the province and through our region is not enough to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suites will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Backyard suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

Amanda Dodsworth

Co-ordinator / Youth Outreach, Peer Outreach Support Services & Education



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

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

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-10-25

Subject: West Hants MPS and LUB Amendments: Detached Secondary Suites; File #22-13 B

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the West Hants Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-13 dated October 13, 2022.

BACKGROUND

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

A completed application was received on July 4, 2022, from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

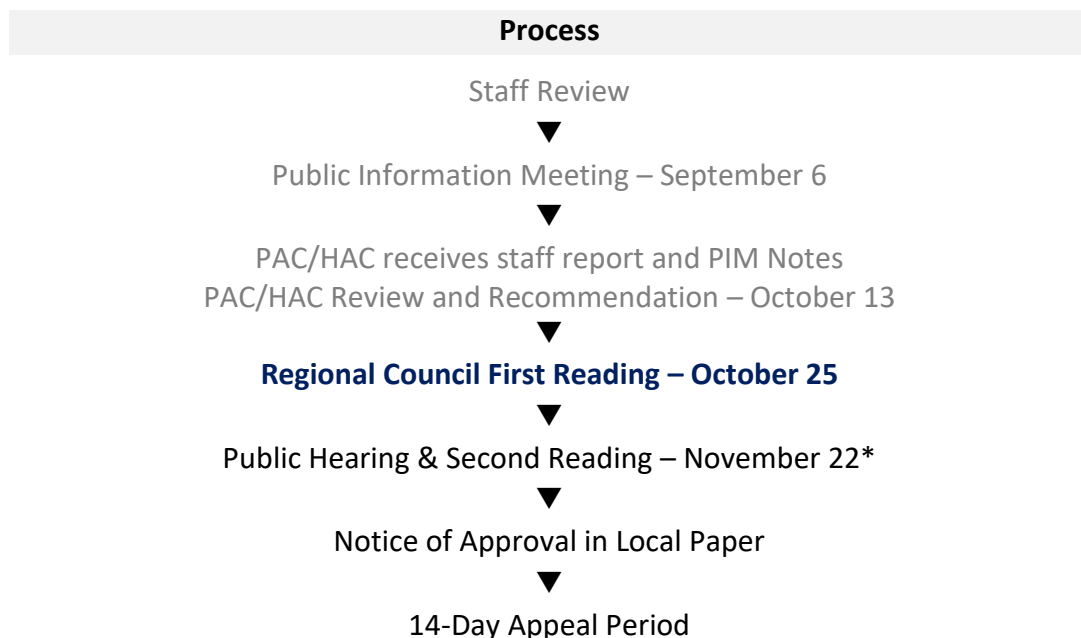
DISCUSSION

A Public Information Meeting was held on September 6, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). There was significant discussion at PAC/HAC on whether these detached secondary suites would be putting an additional burden on the current water supply in rural areas of the Municipality and on the potential for increased stormwater runoff on smaller lots due to increasing the lot coverage with a detached secondary suite. PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council;

- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2022-10-13 Staff Report: West Hants MPS and LUB Amendments: Detached
Secondary Suites; File #22-13

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation. As a single consideration among others the recommendation and permanent single detached suites provide support for the development of additional housing within existing developed areas.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, CAO

Appendix A



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: West Hants MPS and LUB Amendments: Detached Secondary Suites; File #22-13

LEGISLATIVE AUTHORITY

Section 205 of the *Municipal Government Act*.

RECOMMENDATION

To allow detached secondary suites in West Hants Regional Municipality, 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 West Hants Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-13 dated October 13, 2022.

BACKGROUND

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

On January 26, 2021, the Family Resource Centre, a member of the West Hants Housing Coalition, applied for amendments to all planning documents in West Hants Regional Municipality to permit secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. These amendments were approved by Council on July 27, 2021.

On July 4, 2022, the Family Resource Centre applied for an amendment to all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

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.

DISCUSSION

A detached secondary suite may also be known elsewhere as a backyard suite, garage suite or garden suite. A detached secondary suite is accessory to the main dwelling and located in an accessory building which may include an existing garage, a converted outbuilding, or construction of a new building on site (Figure 1).

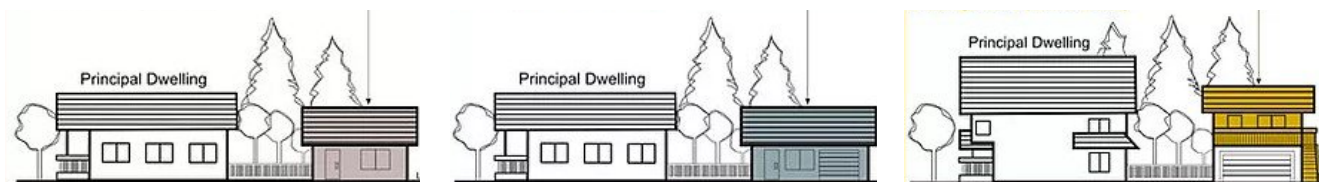


Figure 1: Examples of detached secondary suites

Markham.ca (2018)

In West Hants Regional Municipality, we need to ensure there are housing options for all residents, regardless of socio-economic status, age, or physical or mental ability. Detached secondary suites can provide rental opportunities in areas where there is typically little to no rental supply. This is particularly important in areas that primarily consist of single unit dwellings, as these areas leave renters with the option of either renting an entire house, which may not be affordable, or renting a room in a house, which they may not feel comfortable with. Detached secondary suites are also a good option for residents wishing to downsize and age-in-place, or those looking to enter the housing market and rent for the first time.

Detached secondary suites enable population density in established neighbourhoods with minimal effect on the overall appearance of the area and ensures efficient use of existing services in areas where municipal services are provided.

Provincial

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interests which are regulations made under 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. Part 4.11 of the WHMPS addresses the general policies for housing. Detached secondary suites help achieve this Provincial interest by providing an affordable housing option and rental accommodation that does not appear to increase density in low density neighbourhoods as the suites are located in a building accessory to a main dwelling unit.

Affordable Housing Commission Report

The Province currently reports that “11.4%, or 45,100, of Nova Scotian households are in core housing need” (Nova Scotia Municipal Affairs and Housing, January 2022). The Nova Scotia Affordable Housing Commission was formed in 2020 to develop recommendations to improve access to affordable housing in the Province. The report entitled “*Charting a New Course for Affordable Housing in Nova Scotia*” was released in May 2021 with 17 recommendations for the Province. Although not entirely related to detached secondary suites, recommendation 15 of that report was to “address the specific needs of rural and non-urban communities”. The issue facing rural and non-urban communities was described as the following: “Many non-urban and rural communities in Nova Scotia face shortages of affordable rental housing, a problem exacerbated by low incomes, diversifying and changing populations, conversion of permanent rental housing to short-term rental accommodations to support tourism, and lack of municipal infrastructure to attract investment and support real estate development.” One of the solutions discussed in the report is that “The Province must work with municipalities and other partners to offer more housing options in rural and non-urban communities.” Although the authors of the report are referring to Provincially provided affordable housing, the Municipality can enable more housing options, such as detached short term rentals, through its planning documents.

Municipal Supporting Documentation

West Hants Municipal Planning Strategy

Section 4.11 of the West Hants Municipal Planning Strategy (WHMPS) discusses the general housing policies. These proposed amendments to allow detached secondary suites align with Council’s intent to provide diverse housing types to satisfy the housing needs of all residents in the Region.

Council Strategic Plan 2021-22

Theme 4, objective 3B of Council's 2021-22 Strategic Plan, as presented to Committee of the Whole on September 14, 2021, is to support affordable housing initiatives including creating or amending documents to support affordable housing. These proposed amendments directly align with this objective by creating more affordable home ownership and more affordable rental opportunities. Renting out a detached secondary suite can provide an additional source of income to the owner of the main dwelling unit. Allowing detached secondary suites can also increase rental opportunities in established neighbourhoods.

RAD Consulting Community Engagement Report

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting Community Engagement report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary and backyard suites. Permitting detached secondary suites would accomplish this recommendation.

Detached Secondary Suites in Other Municipalities and Towns

Halifax Regional Municipality (HRM)	On September 1, 2020 Halifax Regional Council approved amendments to the Regional Municipal Planning Strategy and all land use by-laws, with the exception of the Regional Centre Land Use By-law, to allow detached secondary suites accessory to single unit, two-unit or townhouse dwellings. Detached secondary suites in HRM must abide by the following: • be located on the same lot as the main dwelling; • be limited to one per lot; • have a maximum floor area of 90 sq. m. (968.75 sq. ft.) or the maximum floor area of an accessory building in that zone, whichever is less; and • meet the accessory buildings requirements. HRM did not include any parking requirements and did not require a minimum lot size for detached secondary suites. Where the main dwelling unit does not have a side yard on both sides, a detached secondary suite is still permitted to be constructed but must have unobstructed access to a public street.
East Hants	East Hants "encourages context sensitive density intensification and infill residential development" by allowing one accessory dwelling unit as an accessory use to a single unit dwelling or bed and breakfast accommodation. East Hants defines an attached secondary suite as "a self-contained accessory dwelling unit fully contained within and subordinate to a single unit dwelling or bed and breakfast." A detached secondary suite is defined as a "garden" or "garage" suite. On lots with an area of 600-650 sq. m., East Hants permits the maximum gross floor area of a detached secondary suite to be 80% of the gross floor area of the main dwelling up to 46 sq. m. (495.14 sq. ft.) gross floor area, whichever is less. For a lot area greater than 650 sq. m. (6996.54 sq. ft.) the maximum gross floor area for a detached secondary suite is permitted to be 80% of the gross

	floor area of the main dwelling up to up to 80 sq. m. (861 sq. ft.) gross floor area, whichever is less. Detached secondary suites in East Hants must follow design requirements including matching the main dwelling in building material type, cladding colour, roof type and pitch.
Kings County	Kings County only permits attached secondary suites in the Residential One Unit (R1) zone.
Town of Wolfville	The Town of Wolfville allows detached secondary suites accessory to a main dwelling in any zone, except the Low Density Residential - Restricted (R-1) zone. The floor area of a detached secondary suite must not exceed 40% of the dwelling floor area of the main dwelling and must not contain more than two (2) bedrooms. The detached secondary suites require parking and must meet other relevant zone standards (hard surface coverage, side yards, rear yards, etc.).

Draft Amendments

The amendments to the planning documents approved on July 27, 2021 were to allow secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. Those original amendments provide the foundation for the Planning and Heritage Advisory Committee and Council to now consider the proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings. The draft amendments are located in Attachment B. The purple text shows the proposed amendments recommended by staff to allow detached secondary suites.

The National Building Code (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.” As noted in the definition the NBC requires a detached secondary suite to form a single real estate entity with the main dwelling unit it is accessory to, therefore the detached secondary suite must be located on the same lot as the main dwelling. 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 sq. ft. (80 sq. m.), 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 requirements of accessory buildings will apply to detached secondary suites. This includes the requirement that the accessory building be a minimum of 6 ft. (1.83 m.) from the main building, a minimum of 4 ft. (1.22 m.) from the side and rear yards and be limited to a maximum of 20 ft. (6.10 m.) in height.

One secondary suite, whether attached or detached, will be permitted per dwelling unit of a single or two-unit dwelling. The other requirements for secondary suites, as outlined in Section 5.57 and 5.58 of the WHLUB, would apply to detached secondary suites. This includes the

requirement for one parking spot per secondary suite. Staff would recommend not requiring the parking space for a secondary suite as individual property owners will determine if parking is needed for a specific unit and the requirement of a parking space may limit the opportunity to develop a secondary suite. However, PAC/HAC discussed the parking requirements in detail during the review of the original amendments in 2021 and determined that one parking space per secondary suite should be required. This should be reviewed again in the future.

Other amendments that are shown in dark blue in Attachment B are updates to the current documents based on Plan Review material accepted by PAC/HAC regarding accessory uses and structures. Staff determined it was appropriate to consider the interaction between the proposed amendments to allow detached secondary suites and the accepted material on accessory uses and buildings to mitigate any conflict. There was one conflict found between the PAC/HAC accepted WHMPS Policy GP-2 and WHLUB Section 5.1 (g) in relation to the PAC/HAC accepted definition for “accessory use”. At the time, PAC/HAC discussed the opportunity to allow accessory uses on a separate lot than the main use. For example, this may be required in agricultural areas where the main farm operation is on a separate lot from the dwelling. The accepted definition required the accessory use to be located on the same lot, therefore this part of the definition was removed.

WHMPS General Criteria

The proposed amendments meet the general criteria for amendment set out in WHMPS Policy 16.3.1. These criteria are examined in detail in Attachment A. In summary:

- the amendments are not premature or inappropriate;
- detached secondary suites are capable of being serviced by on-site water and sewer in unserviced areas and Municipal water and sewer in serviced areas;
- there are no concerns in relation to the pattern of development these amendments might create; and
- the Development Officer, Manager of Building and Fire Inspection Services and Municipal Project Engineer have no concerns.

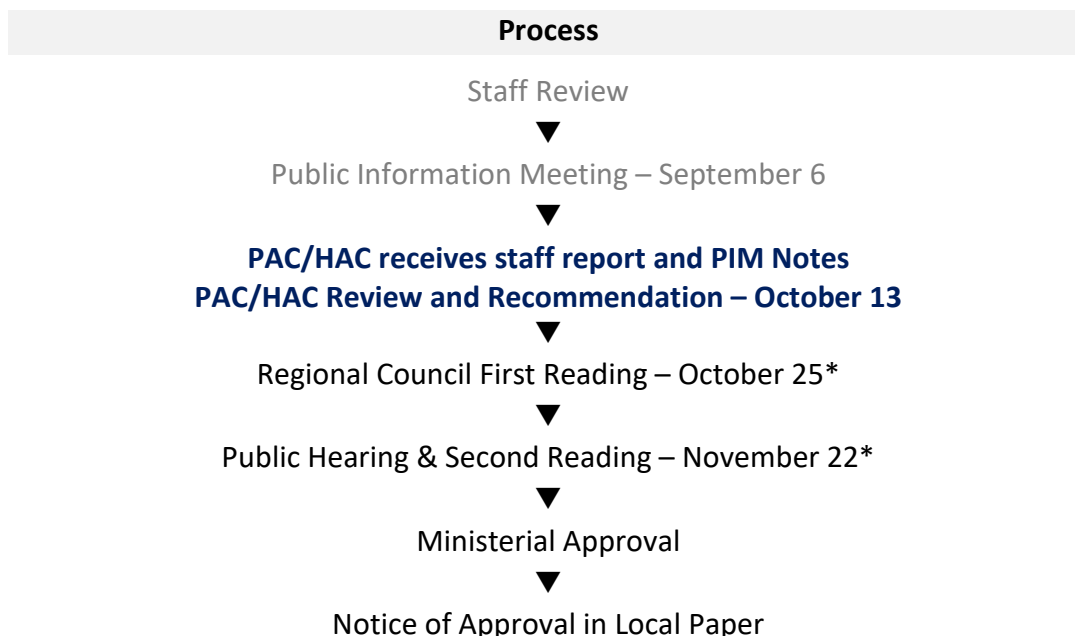
MUNICIPAL CLIMATE CHANGE ACTION PLAN

As these amendments are not related to a specific property the Municipal Climate Change Action Plan (MCCAP) for West Hants was not reviewed in detail in relation to this application. It is the responsibility of a property owner to ensure their site is suitable for any proposed uses.

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 amendments to permit detached secondary suites accessory to single

and two-unit dwellings reflect the intent of the existing policies of the West Hants Municipal Planning Strategy. As a result, staff recommends proceeding with the approval process for the proposed amendments.



*anticipated dates; final dates set by Council

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.

ALTERNATIVES

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

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

ATTACHMENTS

Attachment A	General Criteria for Amendments
Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Attachment A
General Criteria for Amendments

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 Municipal Project Engineer stated that the proposed amendments are not premature or inappropriate in terms of the adequacy of sewer and water services within serviced areas of the Municipality.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	The Manager of Building and Fire Inspection Services has stated that they have no issues with the proposed amendments as they will now align with the National Building Code. They added that “the required side yard setbacks should be adequate for firefighting.”
(iv) the adequacy of road networks adjacent to, or leading to the development; and	No comment was solicited from the Municipal or Provincial Traffic Authority in relation to these amendments as they are not specific to an individual property and a detached secondary suite accessory to a single or two-unit dwelling is not anticipated to increase traffic significantly.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	The Family Resource Centre of West Hants is a registered non-profit society therefore no application fees were required for this planning applications as per the Regional Fees Policy. The advertising costs related to this application will be absorbed in the Planning and Development Department budget. There are no costs to the Municipality if this amendment were approved, as individual property owners would be required to pay the fees associated with developing a detached secondary suite on their lot.

(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;	In areas where Municipal sewer and water services are available, the Municipal Project Engineer responded that “residents would be allowed additional service laterals to a secondary suite (i.e., garage, shed, etc.) on a property.” He added that Public Works would support either an extension of an existing lateral or installation of a separate lateral to the secondary suite subject to the following: “(i) if connecting to existing water lateral, the new connection to the secondary suite must be made on the private (homeowner) side of the water meter; (ii) sanitary connections longer than 30.0m must be installed with a wye-type cleanout in a location approved by the Municipal Engineer, per Section 6.2.1.11(d) of our new specs; (iii) if installing a new water and/or sewer lateral, the new service lateral must not be within 1000mm of an adjacent service or pipe joint on the main. This is per Section 33 11 00 (Part 3.10.2) of the Standard Specifications for Municipal Services (Blue Book).” On properties without Municipal sewer and water services Nova Scotia Environment allows two dwellings located on the same lot to use the same septic system. The Building Official would require confirmation from a professional that a new septic system or existing system is capable of handling the extra demand.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Not applicable as these proposed amendments do not apply to any particular lot.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	Not applicable. Individual lots will have to meet the proposed regulations to be permitted to develop a detached secondary suite. The Development Officer confirms the dimensions of

	the lot for the intended use at the development permit stage.
(e) the pattern of development which the proposal might create;	The Development Officer for the Municipality responded that “as Development Officer I have no concern regarding the pattern of development or any other development related comments with respect to the proposal to allow detached secondary suites.”
(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;	Not applicable as these proposed amendments do not apply to any particular lot.
(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.	There are no other relevant policies of this Strategy.

Attachment B Draft Amendments

Note: coloured text indicates a change from the present WHMPS or WHLUB and is provided only for the convenience of PAC/HAC and Council. The purple text is proposed amendments recommended by staff; the dark blue amendments are updates to the current documents based on plan review material accepted by PAC/HAC regarding accessory uses and structures.

Text amendments to the West Hants Municipal Planning Strategy and Land Use By-law to allow detached secondary suites accessory to single and two-unit dwellings.

West Hants Municipal Planning Strategy

1. Replace Section 4.1, *Accessory Uses, Buildings and Structures*, in the West Hants Municipal Planning Strategy with the *Accessory Uses and Buildings* background and policies as accepted by PAC/HAC during plan review discussions so that Section 4.1 reads as follows:

4.0 GENERAL LAND USE POLICIES

~~4.1 Accessory Uses, Building and Structures~~

~~Where the Land Use By law provides that any land, building or structure may be used for a purpose, the purpose includes any accessory use unless specifically prohibited.~~

~~**Policy 4.1.1** It shall be the policy of Council to regulate accessory uses in the Land Use By law.~~

~~**Policy 4.1.2** It shall be the policy of Council to prohibit the use of an accessory building for human habitation unless a dwelling is permitted as an accessory use.~~

~~**Policy 4.1.3** It shall be the policy of Council that accessory buildings or structures will not be considered as accessory if attached to the main building or located completely underground.~~

~~**Policy 4.1.4** It shall be the policy of Council that accessory uses and buildings must be located on the same lot as the main use unless specifically permitted by the Land Use By law.~~

4.1 Accessory Uses and Buildings

Accessory uses and buildings will be regulated to reduce the impact they may have on surrounding properties due to their size, number, location and when a building may be constructed, or a use initiated.

Council will permit construction of an accessory building before the main building since experience has shown that this is sometimes needed.

Policy

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

GP-1 regulate accessory uses and buildings by:

- (a) regulating the number, size, location and height of accessory buildings; and
- (b) regulating the type, location, and size of accessory uses.

GP-2 permit accessory uses to be located on a lot held in the same ownership and:

- (a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and**
- (b) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.**

GP-3 permit an accessory building to be constructed prior to construction of a main building only if development and building permits have been issued for the main building.

- 2. Amend parts of Section 4.11, *Housing*, in the West Hants Municipal Planning Strategy to reference and provide opportunity for detached secondary suites so that Section 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 enable 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 suites 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 ~~they have minimal effect on the overall built form that the buildings retain the look of the original dwellings~~ and are compatible with the neighbourhood.

Policy

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 **within and accessory to** 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.

3. Amend the background information on *Servicing Policies* in Section 15.1, *Water and Sewer*, in the West Hants Municipal Planning Strategy so that it reads as follows:

Servicing Policies

Municipal sewer and water infrastructure is costly to install and maintain. 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 **within and accessory to** single and two-unit dwellings. Policies for grouped dwellings encourage more compact cluster developments that use less land and are more economical to service.

West Hants Land Use By-law

4. Amend Section 5.1, *Accessory Buildings and Structures*, of the West Hants Land Use By-law to include regulations that correspond to the material accepted by PAC/HAC during plan review discussions for accessory uses and buildings and to provide exemptions for detached secondary suites, so that Section 5.1 reads as follows:

5.0 GENERAL PROVISIONS FOR ALL ZONES

Accessory **Uses and Buildings and Structures**

5.1

(a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:

- (i) be used as a dwelling unit except where a dwelling **unit** is a permitted accessory use;
- (ii) be built within 6 ft. (1.83 m.) of the main building;
- (iii) be built closer to the street than the main building on the lot except in the Prime Agriculture (P/Ag) zone;
- (iv) be built closer to any lot line than the minimum setback required in the zone for the main building, except that:
 - Common garages for semi-detached dwellings may be centred on a mutual side lot line;
 - Garages, **and** storage sheds **and detached secondary suites** may be built a minimum of 4 ft. (1.22 m.) from the side and rear lot lines;

- Boat houses and docks may be built to the lot line where the lot line corresponds to the water's edge.

(b) Notwithstanding clauses (iii) and (iv) of Section 5.1(a), an accessory building or structure may be located in the front yard or a lot but in no case shall be less than 60 ft. (18.29 m.) from the front lot line.

(c) Notwithstanding anything else in this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, memorials and fences shall be exempt from any requirement under subsection (a).

(d) No accessory building or structure shall be constructed:

(i) ~~prior to the time of construction of the main building to which it is accessory~~ **prior to construction of a main building, unless development and building permits have been issued for the main building**, except that a boat house, dock or storage shed may be built prior to construction of a seasonal dwelling only on a lot located in the General Resource (GR) zone; or

(ii) prior to the establishment of the main use of the land where no main building is to be built.

(e) The maximum height of an accessory building shall not exceed 20 ft. (6.10 m.) except:

(i) where a specific zone expressly permits a greater height; or

(ii) where a main building is 2.5 storeys in height or higher, the maximum height of an accessory building shall not exceed two-thirds (2/3) the height of the main building or 30 ft. (9.14 m.), whichever is less.

(f) Accessory buildings which are erected and regularly used as part of a main agricultural activity on lots used for agricultural purposes may be used for other purposes which support the agriculture use, including but not limited to commercial indoor storage of recreational vehicles, boats, and cars in accordance with Section 5.19.

(g) Accessory uses shall be located on a lot held in the same ownership and:

(i) **within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and**

(ii) **on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.**

(h) The requirements for accessory uses and buildings shall apply to detached secondary suites with the exception of 5.1(g): detached secondary suites shall be located on the same lot as the main dwelling.

5. Amend the *Secondary Suites* section, in Part 5, *General Provisions for All Zones*, of the West Hants Land Use By-law to provide regulations for detached secondary suites so that Section 5.57 and 5.58 reads as follows:

Secondary Suites

- 5.57 Secondary Suites are permitted **within or accessory to** 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 a~~ secondary suite shall be contained within, attached to or **accessory** 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) 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.

6. Amend the definition of *Accessory Use* and *Secondary Suite* in Part 35, *Definitions*, of the West Hants Land Use By-law so that the definitions read as follows:

Accessory Use means a use subordinate **in impact** and naturally, customarily and normally incidental ~~to and exclusively devoted~~ to a main use of land or building ~~and located on the same lot.~~

Secondary Suite means a dwelling unit **either** within a dwelling unit or **within an accessory building on the same lot as the main dwelling unit and** limited to a maximum of (1) 80% of the total floor area of the dwelling unit if 80% is less than 862 sq. ft. (80 sq. m.) or (2) 862 sq. ft. (80 sq. m.) or (3) greater as established in the National Building Code.

Attachment C
Public Information Meeting Notes
September 6 - 23, 2022
File 22-13
Detached Secondary Suites

Meeting date and time	A Public Information Meeting was held on September 6, 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Poirier • Director LeMay • Meeting Secretary Lake • CAO Mark Phillips The following members of the public requested invited to attend the PIM via Zoom: • Carol Bradley • Traci Curry • Virginia Douglas
Applicant Family Resource Centre Property N/A	Planner Poirier outlined the amendment application to permit detached secondary suites in West Hants Regional Municipality. The applicant did not make a formal presentation.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 6 – 23, 2022. 1 member of the public spoke at the Public Information Meeting and 3 letters of support were received via email. The questions and comments from the public are summarized below. The email responses are attached. The following comments and questions were made at the Public Information Meeting. Staff responses are included in purple text. • Will the detached secondary suite need its own septic tank/service and Nova Scotia Power meter?

	Sara commented that Public Works has confirmed that in serviced areas they will allow a second service to the detached secondary suite subject to specific requirements. In areas without municipal services the Building Official requires confirmation that the existing septic system can handle the increased demand. Sara added that she would check the Nova Scotia Power requirements for detached secondary suites. • What are the setback requirements? Sara responded that the setback requirements would be the same as an accessory building.
Adjournment	The meeting was adjourned at 6:11 p.m.



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

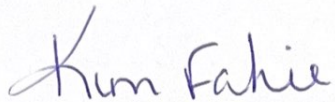
To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites (separate, free-standing buildings) to increase housing opportunities within the municipality. The addition of secondary suites was one step in providing additional and varied housing opportunities in our region and the requested amendment will further increase the housing opportunities available.

We are all well aware that the housing stock throughout the province and through our region is insufficient to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suite will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Detached Secondary Suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

A handwritten signature in blue ink that reads "Kim Fahie". The signature is written in a cursive, flowing style.

Kim Fahie
Executive Director
Family Resource Centre of West Hants

June 23, 2022

West Hants Regional Municipality
Planning Department & Council
76 Morison Drive
Windsor, NS

RE: Amending Planning Documents to Allow Detached Secondary Suites

I am writing in support of the application from Kayla Todd/Family Resource Centre to amend all applicable planning documents to permit detached secondary suites in the West Hants Regional Municipality.

As a member of the West Hants Housing Coalition and a concerned citizen, I am worried about the lack of available affordable housing in our region and the number of people and families who are experiencing homelessness or at risk of homelessness. While there are housing projects underway or in the application stage in our region, we don't know how many (if any) of these units will be truly affordable (tied to a percent of income rather than market rates).

The addition of secondary suites was a welcome first step in providing flexibility for homeowners who wish to provide housing within their dwelling. However, the options for internal secondary suites can be limited depending on home construction. Allowing detached secondary suites will provide greater flexibility for residents of the region who have space on their property to add a free-standing suite.

As a member of the Planning Advisory Committee, I welcome the application and opportunity to increase the housing options available in our region.

Sincerely,
Jennifer Nicholls
Cheverie

To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites to increase housing opportunities within the West Hants Regional Municipality.

We are all aware that the housing stock throughout the province and through our region is not enough to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suites will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Backyard suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

Amanda Dodsworth

Co-ordinator / Youth Outreach, Peer Outreach Support Services & Education



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

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

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-10-25

Subject: Windsor MPS and LUB Amendments: Detached Secondary Suites; File #22-14 B

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-14 dated October 13, 2022.

BACKGROUND

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

A completed application was received on July 4, 2022, from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

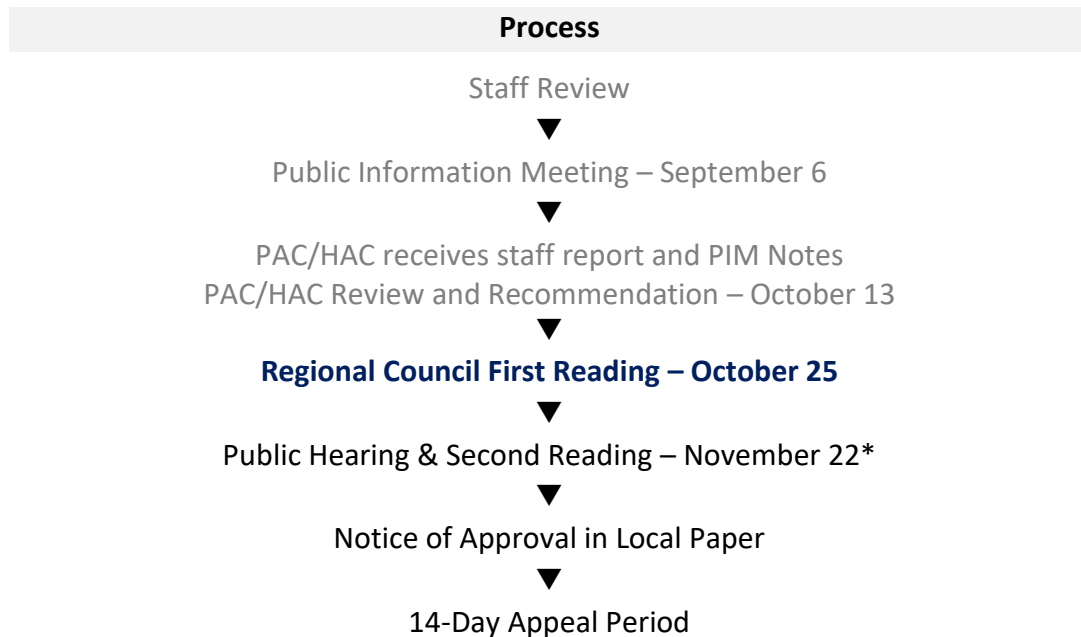
DISCUSSION

A Public Information Meeting was held on September 6, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). There was significant discussion at PAC/HAC on whether these detached secondary suites would be putting an additional burden on the current water supply in rural areas of the Municipality and on the potential for increased stormwater runoff on smaller lots due to increasing the lot coverage with a detached secondary suite. PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A 2022-10-13 Staff Report: Windsor MPS and LUB Amendments: Detached Secondary Suites; File #22-14

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation. As a single consideration, among others, the recommendation and permanent detached secondary suites provide support for the development of additional housing within existing developed areas.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, CAO

Appendix A



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: Windsor MPS and LUB Amendments: Detached Secondary Suites; File #22-14

LEGISLATIVE AUTHORITY

Section 205 of the *Municipal Government Act*.

RECOMMENDATION

To allow detached secondary suites in the community of Windsor, 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 Windsor Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-14 dated October 13, 2022.

BACKGROUND

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

On January 26, 2021, the Family Resource Centre, a member of the West Hants Housing Coalition, applied for amendments to all planning documents in West Hants Regional Municipality to permit secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. These amendments were approved by Council on July 27, 2021.

On July 4, 2022, the Family Resource Centre applied for an amendment to all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

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.

DISCUSSION

A detached secondary suite may also be known elsewhere as a backyard suite, garage suite or garden suite. A detached secondary suite is accessory to the main dwelling and located in an accessory building which may include an existing garage, a converted outbuilding, or construction of a new building on site (Figure 1).

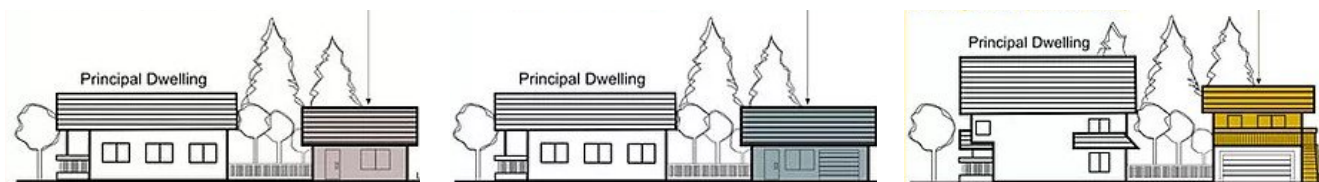


Figure 1: Examples of detached secondary suites

Markham.ca (2018)

In West Hants Regional Municipality, we need to ensure there are housing options for all residents, regardless of socio-economic status, age, or physical or mental ability. Detached secondary suites can provide rental opportunities in areas where there is typically little to no rental supply. This is particularly important in areas that primarily consist of single unit dwellings, as these areas leave renters with the option of either renting an entire house, which may not be affordable, or renting a room in a house, which they may not feel comfortable with. Detached secondary suites are also a good option for residents wishing to downsize and age-in-place, or those looking to enter the housing market and rent for the first time.

Detached secondary suites enable population density in established neighbourhoods with minimal effect on the overall appearance of the area and ensures efficient use of existing services in areas where municipal services are provided.

Provincial

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interests which are regulations made under 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. Part 4.11 of the WHMPS addresses the general policies for housing. Detached secondary suites help achieve this Provincial interest by providing an affordable housing option and rental accommodation that does not appear to increase density in low density neighbourhoods as the suites are located in a building accessory to a main dwelling unit.

Affordable Housing Commission Report

The Province currently reports that “11.4%, or 45,100, of Nova Scotian households are in core housing need” (Nova Scotia Municipal Affairs and Housing, January 2022). The Nova Scotia Affordable Housing Commission was formed in 2020 to develop recommendations to improve access to affordable housing in the Province. The report entitled “*Charting a New Course for Affordable Housing in Nova Scotia*” was released in May 2021 with 17 recommendations for the Province. Although not entirely related to detached secondary suites, recommendation 15 of that report was to “address the specific needs of rural and non-urban communities”. The issue facing rural and non-urban communities was described as the following: “Many non-urban and rural communities in Nova Scotia face shortages of affordable rental housing, a problem exacerbated by low incomes, diversifying and changing populations, conversion of permanent rental housing to short-term rental accommodations to support tourism, and lack of municipal infrastructure to attract investment and support real estate development.” One of the solutions discussed in the report is that “The Province must work with municipalities and other partners to offer more housing options in rural and non-urban communities.” Although the authors of the report are referring to Provincially provided affordable housing, the Municipality can enable more housing options, such as detached short term rentals, through its planning documents.

Municipal Supporting Documentation

Windsor Municipal Planning Strategy

Section 4.18 of the Windsor Municipal Planning Strategy (WMPS) discusses the general housing policies. These proposed amendments to allow detached secondary suites align with Council’s intent to provide diverse housing types to satisfy the housing needs of all residents in the Region.

Council Strategic Plan 2021-22

Theme 4, objective 3B of Council's 2021-22 Strategic Plan, as presented to Committee of the Whole on September 14, 2021, is to support affordable housing initiatives including creating or amending documents to support affordable housing. These proposed amendments directly align with this objective by creating more affordable home ownership and more affordable rental opportunities. Renting out a detached secondary suite can provide an additional source of income to the owner of the main dwelling unit. Allowing detached secondary suites can also increase rental opportunities in established neighbourhoods.

RAD Consulting Community Engagement Report

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting Community Engagement report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary and backyard suites. Permitting detached secondary suites would accomplish this recommendation.

Detached Secondary Suites in Other Municipalities and Towns

Halifax Regional Municipality (HRM)	On September 1, 2020 Halifax Regional Council approved amendments to the Regional Municipal Planning Strategy and all land use by-laws, with the exception of the Regional Centre Land Use By-law, to allow detached secondary suites accessory to single unit, two-unit or townhouse dwellings. Detached secondary suites in HRM must abide by the following: • be located on the same lot as the main dwelling; • be limited to one per lot; • have a maximum floor area of 90 sq. m. (968.75 sq. ft.) or the maximum floor area of an accessory building in that zone, whichever is less; and • meet the accessory buildings requirements. HRM did not include any parking requirements and did not require a minimum lot size for detached secondary suites. Where the main dwelling unit does not have a side yard on both sides, a detached secondary suite is still permitted to be constructed but must have unobstructed access to a public street.
East Hants	East Hants "encourages context sensitive density intensification and infill residential development" by allowing one accessory dwelling unit as an accessory use to a single unit dwelling or bed and breakfast accommodation. East Hants defines an attached secondary suite as "a self-contained accessory dwelling unit fully contained within and subordinate to a single unit dwelling or bed and breakfast." A detached secondary suite is defined as a "garden" or "garage" suite. On lots with an area of 600-650 sq. m., East Hants permits the maximum gross floor area of a detached secondary suite to be 80% of the gross floor area of the main dwelling up to 46 sq. m. (495.14 sq. ft.) gross floor area, whichever is less. For a lot area greater than 650 sq. m. (6996.54 sq. ft.) the maximum gross floor area for a detached secondary suite is permitted to be 80% of the gross

	floor area of the main dwelling up to up to 80 sq. m. (861 sq. ft.) gross floor area, whichever is less. Detached secondary suites in East Hants must follow design requirements including matching the main dwelling in building material type, cladding colour, roof type and pitch.
Kings County	Kings County only permits attached secondary suites in the Residential One Unit (R1) zone.
Town of Wolfville	The Town of Wolfville allows detached secondary suites accessory to a main dwelling in any zone, except the Low Density Residential - Restricted (R-1) zone. The floor area of a detached secondary suite must not exceed 40% of the dwelling floor area of the main dwelling and must not contain more than two (2) bedrooms. The detached secondary suites require parking and must meet other relevant zone standards (hard surface coverage, side yards, rear yards, etc.).

Draft Amendments

The amendments to the planning documents approved on July 27, 2021 were to allow secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. Those original amendments provide the foundation for the Planning and Heritage Advisory Committee and Council to now consider the proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings. The draft amendments are located in Attachment B. The purple text shows the proposed amendments recommended by staff to allow detached secondary suites.

The National Building Code (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.” As noted in the definition the NBC requires a detached secondary suite to form a single real estate entity with the main dwelling unit it is accessory to, therefore the detached secondary suite must be located on the same lot as the main dwelling. 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 sq. ft. (80 sq. m.), 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 requirements of accessory buildings will apply to detached secondary suites. This includes the requirement that the accessory building be a minimum of 6 ft. (1.83 m.) from the main building, a minimum of 4 ft. (1.22 m.) from the side and rear yards and be limited to a maximum of 20 ft. (6.10 m.) in height.

One secondary suite, whether attached or detached, will be permitted per dwelling unit of a single or two-unit dwelling. The other requirements for secondary suites, as outlined in Section 5.45 and 5.46 of the WLUB, would apply to detached secondary suites. This includes the

requirement for one parking spot per secondary suite. Staff would recommend not requiring the parking space for a secondary suite as individual property owners will determine if parking is needed for a specific unit and the requirement of a parking space may limit the opportunity to develop a secondary suite. However, PAC/HAC discussed the parking requirements in detail during the review of the original amendments in 2021 and determined that one parking space per secondary suite should be required. This should be reviewed again in the future.

Other amendments that are shown in dark blue in Attachment B are updates to the current documents based on Plan Review material accepted by PAC/HAC regarding accessory uses and structures. Staff determined it was appropriate to consider the interaction between the proposed amendments to allow detached secondary suites and the accepted material on accessory uses and buildings to mitigate any conflict. There was one conflict found between the PAC/HAC accepted WMPS Policy GP-2 and WLUB Section 5.1 (d) in relation to the PAC/HAC accepted definition for “accessory use”. At the time, PAC/HAC discussed the opportunity to allow accessory uses on a separate lot than the main use. For example, this may be required in agricultural areas where the main farm operation is on a separate lot from the dwelling. The accepted definition required the accessory use to be located on the same lot, therefore this part of the definition was removed.

WMPS General Criteria

The proposed amendments meet the general criteria for amendment set out in WMPS Policy 16.3.1. These criteria are examined in detail in Attachment A. In summary:

- the amendments are not premature or inappropriate;
- there are no concerns in relation to the pattern of development these amendments might create; and
- the Development Officer, Manager of Building and Fire Inspection Services and Municipal Project Engineer have no concerns.

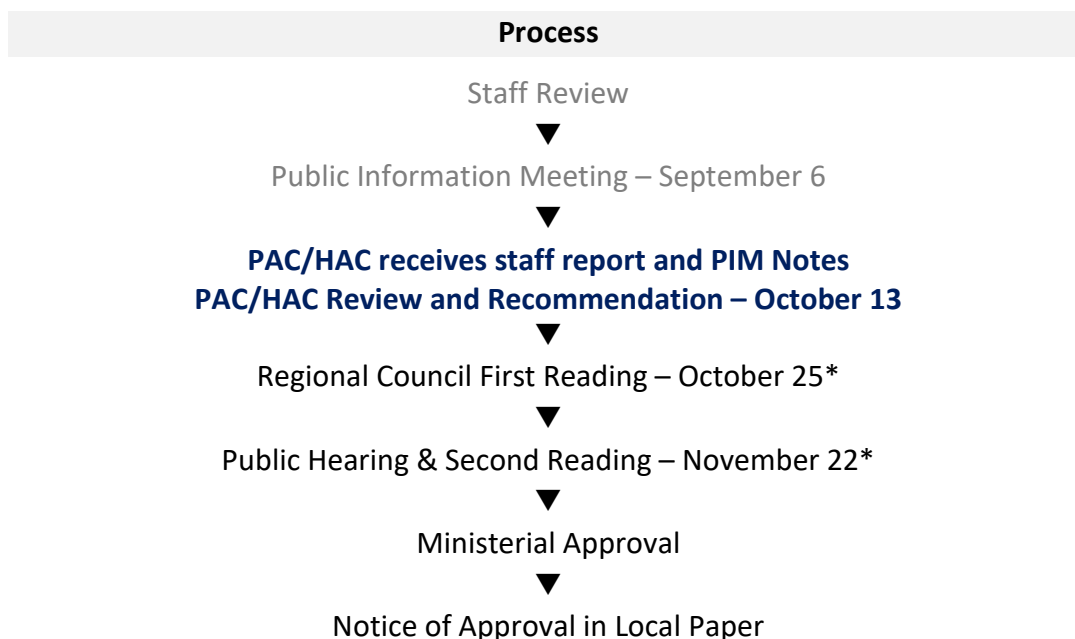
MUNICIPAL CLIMATE CHANGE ACTION PLAN

As these amendments are not related to a specific property the Municipal Climate Change Action Plan (MCCAP) for Windsor was not reviewed in detail in relation to this application. It is the responsibility of a property owner to ensure their site is suitable for any proposed uses.

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 amendments to permit detached secondary suites accessory to single and two-unit dwellings reflect 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.



*anticipated dates; final dates set by Council

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.

ALTERNATIVES

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

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

ATTACHMENTS

Attachment A General Criteria for Amendments

Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Attachment A
General Criteria for Amendments

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

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer stated that the proposed amendments are not premature or inappropriate in terms of the adequacy of sewer and water services within serviced areas of the Municipality.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services has stated that they have no issues with the proposed amendments as they will now align with the National Building Code. They added that “the required side yard setbacks should be adequate for firefighting.”
(iv) the adequacy of road networks adjacent to, or leading to the development; and	No comment was solicited from the Municipal or Provincial Traffic Authority in relation to these amendments as they are not specific to an individual property and a detached secondary suite accessory to a single or two-unit dwelling is not anticipated to increase traffic significantly.
(v) the financial capacity of the Town to absorb any costs relating to the development.	The Family Resource Centre of West Hants is a registered non-profit society therefore no application fees were required for this planning applications as per the Regional Fees Policy. The advertising costs related to this application will be absorbed in the Planning and Development Department budget. There are no costs to the Municipality if this amendment were approved, as individual property owners would be required to pay the fees associated with developing a detached secondary suite on their lot.

(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Not applicable as these proposed amendments do not apply to any particular lot.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	Not applicable. Individual lots will have to meet the proposed regulations to be permitted to develop a detached secondary suite. The Development Officer confirms the dimensions of the lot for the intended use at the development permit stage.
(d) the pattern of development which the proposal might create;	The Development Officer for the Municipality responded that “as Development Officer I have no concern regarding the pattern of development or any other development related comments with respect to the proposal to allow detached secondary suites.”
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;	Not applicable as these proposed amendments do not apply to any particular lot.
(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	All Municipal, Provincial and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment B Draft Amendments

Note: coloured text indicates a change from the present WMPS or WLUB and is provided only for the convenience of PAC/HAC and Council. The purple text is proposed amendments recommended by staff; the dark blue amendments are updates to the current documents based on plan review material accepted by PAC/HAC regarding accessory uses and structures.

Text amendments to the Windsor Municipal Planning Strategy and Land Use By-law to allow detached secondary suites accessory to single and two-unit dwellings.

Windsor Municipal Planning Strategy

1. **Replace Section 4.1, *Accessory Uses*, in the Windsor Municipal Planning Strategy with the *Accessory Uses and Buildings* background and policies as accepted by PAC/HAC during plan review discussions so that Section 4.1 reads as follows:**

4.0 GENERAL LAND USE POLICIES

4.1 Accessory Uses

~~Whenever a use is permitted pursuant to provisions of a land use zone it is intended that uses, buildings or structures normally incidental, accessory or essential to the primary permitted use may also be permitted, unless the Land Use By law expressly states otherwise.~~

~~**Policy 4.1.1** It shall be the policy of Council to regulate accessory uses in the Land Use By law.~~

~~**Policy 4.1.2** It shall be the policy of Council to prohibit the use of an accessory building for human habitation unless a dwelling unit is permitted as an accessory use.~~

~~**Policy 4.1.3** It shall be the policy of Council that accessory buildings or structures will not be considered as accessory if attached to the main building or located completely underground.~~

~~**Policy 4.1.4** It shall be the policy of Council that accessory uses and buildings must be located on the same lot as the main use unless specifically permitted by the Land Use By law.~~

4.1 Accessory Uses and Buildings

Accessory uses and buildings will be regulated to reduce the impact they may have on surrounding properties due to their size, number, location and when a building may be constructed, or a use initiated.

Council will permit construction of an accessory building before the main building since experience has shown that this is sometimes needed.

Policy

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

GP-1 regulate accessory uses and buildings by:

- (a) regulating the number, size, location and height of accessory buildings; and**
- (b) regulating the type, location, and size of accessory uses.**

GP-2 permit accessory uses to be located on a lot held in the same ownership and:

- (a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and**
- (b) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.**

GP-3 permit an accessory building to be constructed prior to construction of a main building only if development and building permits have been issued for the main building.

- 2. Amend parts of Section 4.18, *Housing*, in the Windsor Municipal Planning Strategy to reference and provide opportunity for detached secondary suites so that Section 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 suites ~~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 ~~they have minimal effect on the overall built form that the buildings retain the look of the original dwellings~~ and are compatible with the neighbourhood.**

Policy

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 **Municipal Planning Strategy and** Land Use By-law.
- Policy 4.18.4** permit secondary suites **within and accessory to** 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.

Windsor Land Use By-law

- 3. Amend Section 5.1, *Accessory Buildings and Structures*, of the Windsor Land Use By-law to include regulations that correspond to the material accepted by PAC/HAC during plan review discussions for accessory uses and buildings and to provide exemptions for detached secondary suites, so that Section 5.1 reads as follows:**

5.0 GENERAL PROVISIONS FOR ALL ZONES

Accessory ~~Uses and Buildings~~ ~~and Structures~~

5.1

(a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:

- (i) be used as a dwelling unit except where a dwelling **unit** is a permitted accessory use;
- (ii) be built in the front yard of any lot;
- (iii) be built within 6 ft (1.83 m) of the main building;
- (iv) be built closer to the front and side lot lines than the setback required in the zone for the main building;
- (v) be built closer than 4 ft (1.22 m) to any lot line, except:
 - in the Agriculture (AG) zone where accessory buildings shall be a minimum of 10 ft (3.05 m) from any lot line;
 - common garages for semi-detached dwellings which may be centred on a mutual side lot line;
 - boat houses and docks which may be built to the lot line where the lot line corresponds to the water's edge;
- (vi) when built on a corner lot, be located in the rear or side yard which is adjacent to the street.

(b) Notwithstanding anything else in this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, ramps, and fences shall be exempt from any requirement under subsection (a).

(c) No accessory building or structure shall be constructed:

- (i) prior to ~~the time of construction of the main building to which it is accessory~~ prior to **construction of a main building, unless development and building permits have been issued for the main building;** or
- (ii) prior to the establishment of the main use of the land where no main building is to be built.

(d) Accessory uses shall be located on a lot held in the same ownership and:

- (i) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and
 - (ii) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.
- (e) Detached secondary suites shall follow the requirements for accessory uses and buildings except 5.1 (d); the detached secondary suite shall be located on the same lot as the main dwelling.

4. Amend the *Secondary Suites* section, in Part 5, *General Provisions for All Zones*, of the Windsor Land Use By-law to provide regulations for detached secondary suites so that Section 5.45 and 5.46 reads as follows:

Secondary Suites

- 5.45 Secondary Suites are permitted **within or accessory to** 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) ~~the a~~ secondary suite shall be contained within, attached to or **accessory** 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) 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.

5. Amend the definition of *Accessory Use* and *Secondary Suite* in Part 31, *Definitions*, of the Windsor Land Use By-law so that the definitions read as follows:

Accessory Use means ~~the a use of land or a building or portion thereof customarily incidental and subordinate in impact and naturally, customarily and normally incidental to a main the principal use of the land or building and located on the same lot~~

Secondary Suite means a dwelling unit **either** within a dwelling unit or **within an accessory building on the same lot as the main dwelling unit and** limited to a maximum of (1) 80% of the

total floor area of the dwelling unit if 80% is less than 862 sq. ft. (80 sq. m.) or (2) 862 sq. ft. (80 sq. m.) or (3) greater as established in the National Building Code.

Attachment C
Public Information Meeting Notes
September 6 - 23, 2022
File 22-13
Detached Secondary Suites

Meeting date and time	A Public Information Meeting was held on September 6, 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Poirier • Director LeMay • Meeting Secretary Lake • CAO Mark Phillips The following members of the public requested invited to attend the PIM via Zoom: • Carol Bradley • Traci Curry • Virginia Douglas
Applicant Family Resource Centre Property N/A	Planner Poirier outlined the amendment application to permit detached secondary suites in West Hants Regional Municipality. The applicant did not make a formal presentation.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 6 – 23, 2022. 1 member of the public spoke at the Public Information Meeting and 3 letters of support were received via email. The questions and comments from the public are summarized below. The email responses are attached. The following comments and questions were made at the Public Information Meeting. Staff responses are included in purple text. • Will the detached secondary suite need its own septic tank/service and Nova Scotia Power meter?

	Sara commented that Public Works has confirmed that in serviced areas they will allow a second service to the detached secondary suite subject to specific requirements. In areas without municipal services the Building Official requires confirmation that the existing septic system can handle the increased demand. Sara added that she would check the Nova Scotia Power requirements for detached secondary suites. • What are the setback requirements? Sara responded that the setback requirements would be the same as an accessory building.
Adjournment	The meeting was adjourned at 6:11 p.m.



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

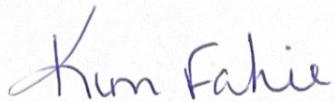
To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites (separate, free-standing buildings) to increase housing opportunities within the municipality. The addition of secondary suites was one step in providing additional and varied housing opportunities in our region and the requested amendment will further increase the housing opportunities available.

We are all well aware that the housing stock throughout the province and through our region is insufficient to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suite will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Detached Secondary Suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

A handwritten signature in blue ink that reads "Kim Fahie". The signature is written in a cursive, flowing style.

Kim Fahie
Executive Director
Family Resource Centre of West Hants

June 23, 2022

West Hants Regional Municipality
Planning Department & Council
76 Morison Drive
Windsor, NS

RE: Amending Planning Documents to Allow Detached Secondary Suites

I am writing in support of the application from Kayla Todd/Family Resource Centre to amend all applicable planning documents to permit detached secondary suites in the West Hants Regional Municipality.

As a member of the West Hants Housing Coalition and a concerned citizen, I am worried about the lack of available affordable housing in our region and the number of people and families who are experiencing homelessness or at risk of homelessness. While there are housing projects underway or in the application stage in our region, we don't know how many (if any) of these units will be truly affordable (tied to a percent of income rather than market rates).

The addition of secondary suites was a welcome first step in providing flexibility for homeowners who wish to provide housing within their dwelling. However, the options for internal secondary suites can be limited depending on home construction. Allowing detached secondary suites will provide greater flexibility for residents of the region who have space on their property to add a free-standing suite.

As a member of the Planning Advisory Committee, I welcome the application and opportunity to increase the housing options available in our region.

Sincerely,
Jennifer Nicholls
Cheverie

To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites to increase housing opportunities within the West Hants Regional Municipality.

We are all aware that the housing stock throughout the province and through our region is not enough to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suites will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Backyard suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

Amanda Dodsworth

Co-ordinator / Youth Outreach, Peer Outreach Support Services & Education



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

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

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-10-25

Subject: West Hants Land Use By-law Amendments: Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive, Garlands Crossing; File #22-17 B

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the zoning map of the West Hants Land Use By-law to rezone a portion of the lot located at PID 45190386, Wentworth Road, Garlands Crossing from the Agricultural Priority Three (AR-3) Zone to the Multiple Residential (R-3) Zone and rezone a portion of the lot located at PID 45366457, Cole Drive, Garlands Crossing from the Joint Industrial Type Three (LI-3) zone to the Multiple Residential (R-3) zone, as shown on Figure 3, and amend the text of the West Hants Land Use By-law to reduce the minimum lot specification requirements for PID 45190386 and 45366457 owned by J. D. Irving Limited on Wentworth Road and Cole Drive, in a manner substantively the same as the draft set out in Attachment A of the report File #22-17 to the Planning and Heritage Advisory Committee dated October 13, 2022.

BACKGROUND

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

A completed application was received on August 10, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of Mitch Brison of Brison Developments with authorization from Nick Valcour on behalf of the property owner J. D. Irving Limited. The application is to consider amending the map of the West Hants Land Use By-law (WHLUB) to rezone a portion of PID 45190386 and a portion of PID 45366457 to permit residential development and amend the text of the WHLUB to allow reduced minimum lot specifications to conform with the Crossing development agreement (2019).

PID 45366457 is currently designated Joint Industrial Park. A MPS designation change for the lot will be considered through “File 22-05 Windsor/West Hants MPS and LUB Amendments - Cole Drive, Windsor/Garlands Crossing”.

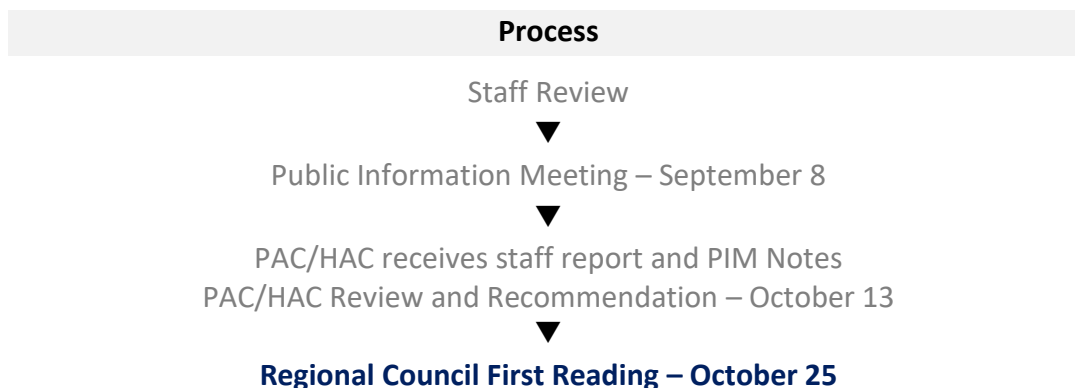
DISCUSSION

A Public Information Meeting was held on September 8, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). There was significant discussion at PAC/HAC on the reduced lot specifications proposed in this application, specifically reduced lot area and reduced side yards, due to the aesthetic appearance of the community, concerns of increased fire spread potential and the decrease of permeable surfaces in the area. PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

NEXT STEPS

The process for this application is as follows:



▼
Public Hearing & Second Reading – November 22*

▼
Notice of Approval in Local Paper

▼
14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A 2022-10-13 Staff Report: West Hants Land Use By-law Amendments: Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive, Garlands Crossing; File #22-17

CHIEF ADMINISTRATIVE OFFICER REVIEW

The proposed rezoning within the recommendation have been thoroughly reviewed by PAC /HAC and are before Council for their consideration. The recommendation and impacts on the noted PIDs are in keeping with the surrounding developments and housing stock.

I support the recommendation.

Report Prepared by: _____
Sara Poirier, Senior Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: 

Mark Phillips, CAO



Appendix A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: West Hants Land Use By-law Amendments: Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive, Garlands Crossing; File #22-17

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 zoning map of the West Hants Land Use By-law to rezone a portion of the lot located at PID 45190386, Wentworth Road, Garlands Crossing from the Agricultural Priority Three (AR-3) Zone to the Multiple Residential (R-3) Zone and rezone a portion of the lot located at PID 45366457, Cole Drive, Garlands Crossing from the Joint Industrial Type Three (LI-3) zone to the Multiple Residential (R-3) zone, as shown on Figure 3, and amend the text of the West Hants Land Use By-law to reduce the minimum lot specification requirements for PID 45190386 and 45366457 owned by J. D. Irving Limited on Wentworth Road and Cole Drive, in a manner substantively the same as the draft set out in Attachment A of the report File #22-17 to the Planning and Heritage Advisory Committee dated October 13, 2022.

BACKGROUND

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

A completed application was received on August 10, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of Mitch Brison of Brison Developments with authorization from Nick Valcour on behalf of the property owner J. D. Irving Limited. The application is to consider amending the map of the West Hants Land Use By-law (WHLUB) to rezone a portion of PID 45190386 and a portion of PID 45366457 to permit residential development and amend the text of the WHLUB to allow reduced minimum lot specifications to conform with the Crossing development agreement (2019).

PID 45366457 is currently designated Joint Industrial Park. A MPS designation change for the lot will be considered through “File 22-05 Windsor/West Hants MPS and LUB Amendments - Cole Drive, Windsor/Garlands Crossing”.

DISCUSSION

Portion of PID 45190386

PID 45190386 is approximately 69.2 acres (280,042 sq. m.) and is partially within the jurisdiction of the Windsor Municipal Planning Strategy (WMPS) and partially within the jurisdiction of the West Hants Municipal Planning Strategy (WHMPS). This application is a request to rezone an approximately 56-acre (226,624 sq. m.) portion of the lot that is entirely within the jurisdiction of the West Hants planning documents.

The approximately 56-acre (226,624 sq. m.) portion of the lot is designated Residential on the Generalized Future Land Use Map of the WHMPS (Figure 1) and is within the Three Mile Plains Growth Centre. Part 5.3 of the WHMPS contains the overall intention for properties designated Residential in the Three Mile Plains Growth Centre.

This portion of the lot is zoned Agricultural Priority Three (AR-3) on the Zoning Map of the WHLUB (Figure 2). Single and two-unit residential development on lots less than 40,000 sq. ft. (3,716 sq. m.) is not permitted as-of-right in the Agricultural Priority Three (AR-3) zone.

This portion of the lot abuts properties within the Three Mile Plains Growth Centre designated Residential and Commercial Core and zoned Two Unit Residential (R-2) and Highway Commercial (HC). It also abuts lots on Cole Drive designated Joint Industrial Park and zoned Joint Industrial Type 3 (LI-3).

Portion of PID 45366457

PID 45366457 is approximately 1.76-acres (7,122.47 sq. m.) and is partially within the jurisdiction of the WMPS and partially within the jurisdiction of the WHMPS. This application is a request to rezone an approximately 1.5-acre (6,070.28 sq. m.) portion of the lot that is entirely within the jurisdiction of the West Hants planning documents.

The approximately 1.5-acre (6,070.28 sq. m.) portion of the lot is designated Joint Industrial Park on the Generalized Future Land Use Map of the WHMPS (Figure 1). Part 11.0 of the WHMPS contains the overall intention for properties within the Joint Industrial Park.

This portion of the lot is zoned Joint Industrial Type 3 (LI-3) on the Zoning Map of the WHLUB (Figure 2). Residential uses are not permitted as-of-right in the Joint Industrial Type 3 (LI-3) zone.

This portion of the lot abuts properties designated Residential and Joint Industrial Park and zoned Agricultural Priority Three (AR-3) and Joint Industrial Type 3 (LI-3).

Current Use

These portions of PID 45190386 and 45366457 are currently vacant. The Development Officer noted that to their knowledge PID 45190386 has been used for agricultural purposes such as pasturing cattle for the past 25 years. There is a watercourse and some existing drainage ditches crossing this portion of the lot. The Agricultural Priority Three (AR-3) zoning of PID 45190386 was likely in place to allow the existing agricultural use to continue without creating a non-conforming use. The lot has been designated Residential since at least 2008 which shows Council's long term intent for residential uses to develop here.

Proposed Uses

The application is to consider amending the map of the WHLUB to rezone a portion of PID 45190386 and a portion of PID 45366457 to permit residential development and amend the text of the WHLUB to allow reduced minimum lot specifications to conform with the Crossing development agreement (2019). The site plan for the proposal shows a combination of single- and two-unit dwellings with a total of 232 dwelling units upon full build out. The site plan also shows an area for parkland and stormwater management ponds, and identifies an area for future multi-residential development.

Dwellings with more than two units are permitted in the Multiple Residential (R-3) as-of-right, subject to specific requirements including a maximum of 20 units per building and a maximum height of 3 storeys. Council can consider multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement in accordance with the criteria in Policy 5.3.8. This would require a separate application to be considered by Council. The developer has not applied for multi-unit development as part of this application.

The site plan proposes a new public street to connect Edward Drive to Cole Drive, along with a few other streets for circulation within the proposed development. The developer has submitted a traffic impact study with the application which has been deemed satisfactory by the Municipal Traffic Authority.

The Crossing

The Crossing development in Garlands Crossing was permitted by development agreement originally approved by the former West Hants Council in 2008. Since then, the agreement has been amended three times at the request of the owner, in 2014, 2017 and 2019. The development agreement permits the development of a manufactured home park and grouped dwellings within a land lease community and a mixed residential area. The minimum lot specifications for single- and two-unit dwellings in the mixed residential area as specified in The Crossing development agreement (2019) are shown in Table 2.

Table 1: The Crossing Development Lot Specifications

Type of Unit	Minimum Frontage	Minimum Area	Minimum Side Yard	Minimum Front Yard	Minimum Rear Yard
Single Unit Dwelling	40 ft. (12.19 m.)	4,000 sq. ft. (371.60 sq. m.)	4 ft. (1.22 m.)	15 ft. (4.57m.)	25 ft. (7.62 m.)
Two Unit Dwelling	20 ft. (6.1 m.) / unit	2,000 sq. ft. (185.80 sq. m.)	4 ft. (1.22 m.)	15 ft. (4.57 m.)	25 ft. (7.62m.)

The developer is proposing to develop single- and two-unit dwellings on the majority of the subject lots which would be permitted as-of-right if the rezoning to the Multiple Residential (R-3) zone is approved. The applicant is also proposing that this residential development would connect to the Crossing via a new public street. Therefore, the applicant is requesting Council consider amending the WHLUB to permit the same minimum lot specifications for single- and two-unit dwellings as is permitted in the mixed residential area of the Crossing (Attachment A).

West Hants Municipal Planning Strategy

Portion of PID 45190386

Section 5.9 of the WHMPS contains the policies for agriculturally zoned lots within the Growth Centres. Policy 5.9.2 states that the provisions of Policy 8.10.3 shall apply to any application for non-agricultural development on land with agriculture zoning within the Growth Centres. Policy 8.10.3 states that land zoned Agricultural Priority Three (AR-3) in a Growth Centre may be considered for non-agricultural development subject to the relevant Growth Centre policies, provided that no rezoning shall be approved where the development will adversely affect

adjacent existing agricultural operations. There are no existing agricultural uses abutting the subject lots that would be adversely affected by the rezoning application.

The portion of the lot being discussed for rezoning as part of this application is designated Residential which shows that Council's long term intent for the lot is residential uses. Section 5.3 of the WHMPS contains the policies for residential development within the Three Mile Plains Growth Centre. Policy 5.7.3 establishes Council's intention to rezone "land within the Three Mile Plains Growth Centre to R-3". The Multiple Residential (R-3) zone allows uses permitted in the Single Unit Residential (R-1) zone, Two Unit Residential (R-2) zone and dwellings with more than two units as-of-right.

Portion of PID 45366457

Policy 16.1.3 allows Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied. This allows Council to consider rezoning the portion of PID 45366457 that is currently zoned Joint Industrial Type Three (LI-3) to the Multiple Residential (R-3) zone because PID 45366457 abuts the Residential designation where the Multiple Residential (R-3) zone is permitted.

Industrial uses would most likely not be possible to be developed on PID 45366457 due to the size and dimensions of the lot. The lot is 55 ft. (16.7 m.) at its narrowest and 97 ft. (29.6 m.) at its widest. The Joint Industrial Type Three (LI-3) zone requires a minimum of 25 ft. (7.62 m.) front and rear yard making it difficult to construct a building on this lot alone.

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interest which are regulations made under 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 goal of the Statement of Provincial Interest regarding agricultural land is to "protect agricultural land for the development of a viable and sustainable agriculture and food industry". It is noted that this statement applies to all active agricultural land and land with agricultural potential in the Province. PID 45190386 is zoned Agricultural Priority Three (AR-3) in the West Hants Land Use By-law, however, is designated as Residential in the West Hants Municipal Planning Strategy. The Statement outlines that "Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when agricultural land is located within an urban area. In these cases, planning documents must address the reasons why agriculture lands cannot be protected for agricultural use." PID 45190386 is within a Growth Centre where water and sewer infrastructure are

available for the proposed development, it is surrounded by existing residential and commercial type development, and there are policies allowing Council to consider the rezoning provided that the development will not adversely affect adjacent existing agricultural operations.

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 the planning documents for the Region have housing policies and discuss residential development in specific communities. The Statement also notes that “Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.” In the Three Mile Plains Growth Centre the residential policies allow Council to consider rezoning land in the Growth Centre to Multiple Residential (R-3) which would enable a range of housing types. The application also requests reduced minimum lot specifications which aligns with the Statement to include measures to allow smaller lot sizes and reduced yard requirements.

The goal of the Statement of Provincial Interest regarding infrastructure is to “make efficient use of municipal water supply and municipal wastewater disposal systems.” It states that “unplanned and uncoordinated development increases the demand for costly conventional infrastructure.” This proposed development encourages the efficient use of municipal sewer and water services that are available and already provided to properties on either side of the subject lots.

West Hants Land Use By-law

An amendment to the Zoning Map of the WHLUB is being requested for a portion of PID 45190386 and 45366457 to the Multiple Residential (R-3) zone (Figure 3). Additionally, to permit the requested reduced minimum lot specifications in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones, an amendment to the text of the WHLUB would be required (Attachment A).

WHMPS Specific Criteria

Policy 5.3.7 outlines the specific criteria to be considered by Council, which are examined in detail in Attachment B.

In summary, the criteria are met since the development:

- will have frontage on a collector street as identified on the Future Streets Map of the West Hants Subdivision By-law;
- will be serviced with Municipal water and sewer;

- is compatible with the character of the area; and
- will provide adequate on-site parkland and parking.

WHMPS General Criteria

The proposed development meets the general criteria for amendments set out in the WHMPS Policy 16.3.1. These criteria are examined in detail in Attachment C. In summary:

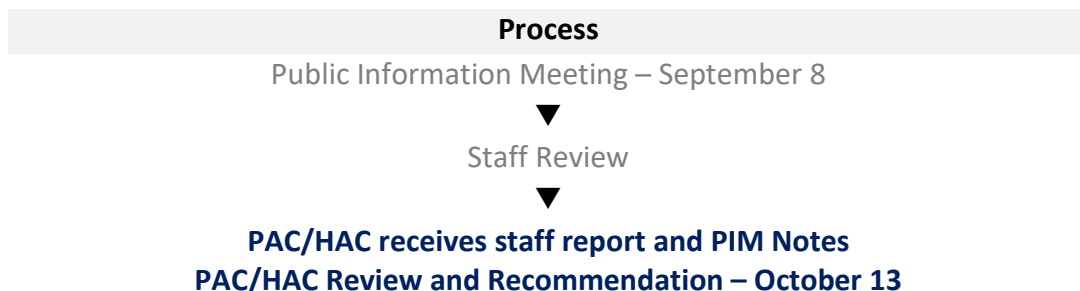
- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Manager of Public Works Operations have no concerns.

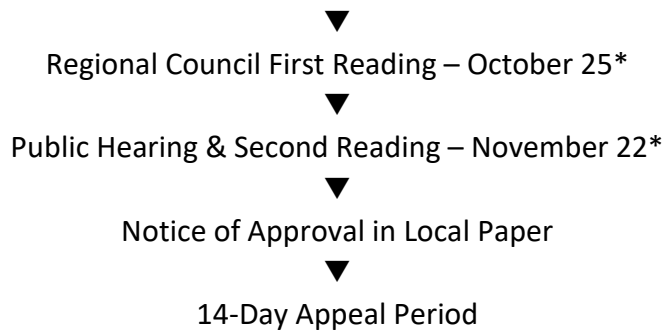
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding. The subject lots are not expected to be impacted by flooding however access to these lots may be. Additionally, map 2B “Sea level modeling – sea level rise” in the West Hants MCCAP (2013) does not show any impact to these properties. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

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, policies and criteria of the WHMPS. As a result, it is reasonable to consider permitting rezoning of an approximate 56-acre (226,624 sq. m.) portion of a PID 45190386 on Wentworth Road and a 1.5-acre (6,070.28 sq. m.) portion of 45366457 on Cole Drive to allow residential development and to consider reducing the minimum lot specifications in the Single Unit Residential (R-1) and Two Unit Residential (R-2) for these lots.





*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Current Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Proposed WHLUB Amendments
Attachment B	Specific Criteria for Amendments
Attachment C	General Criteria for Amendments
Attachment D	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Figure 1
GFLUM Extract

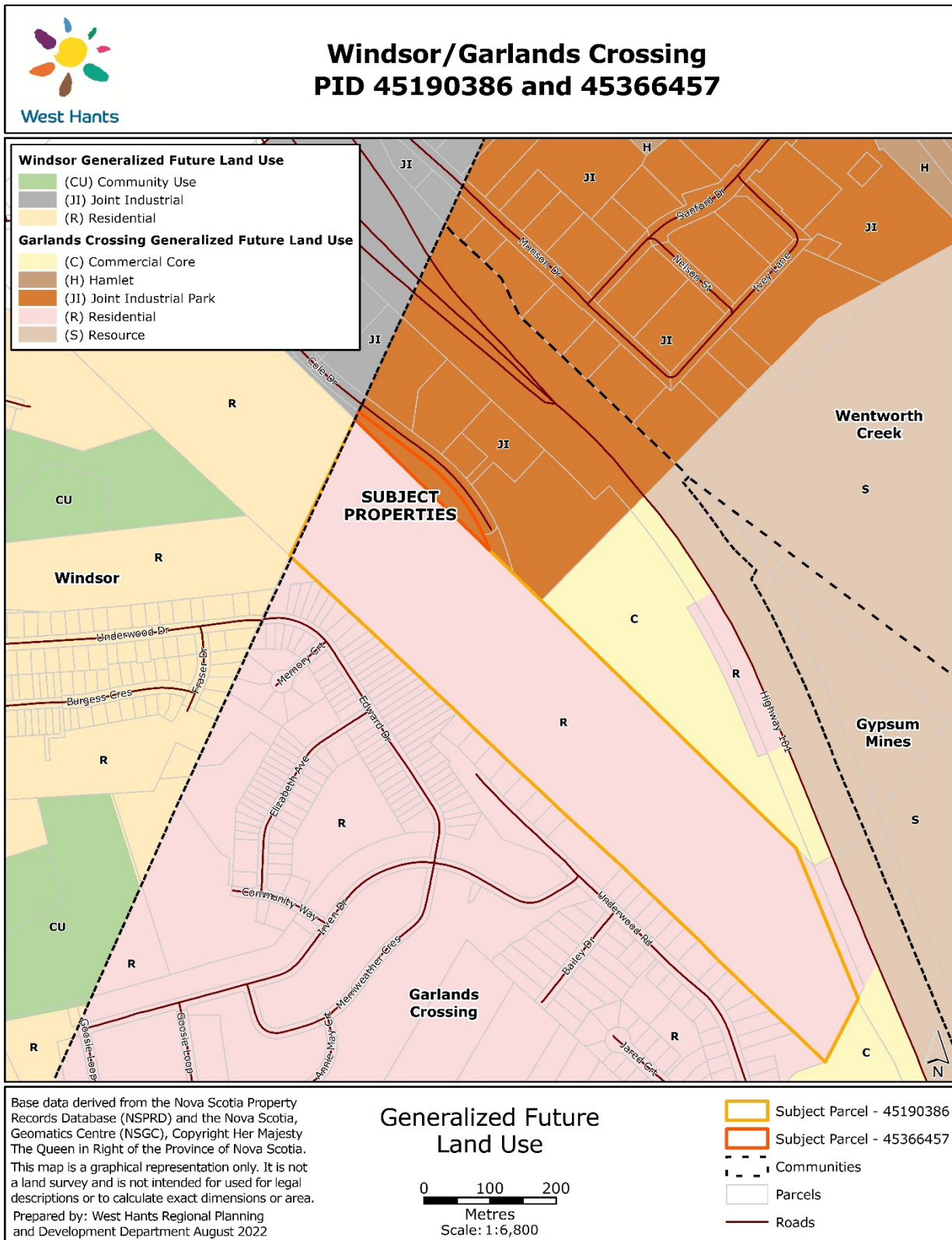


Figure 2
Current Zoning Map Extract

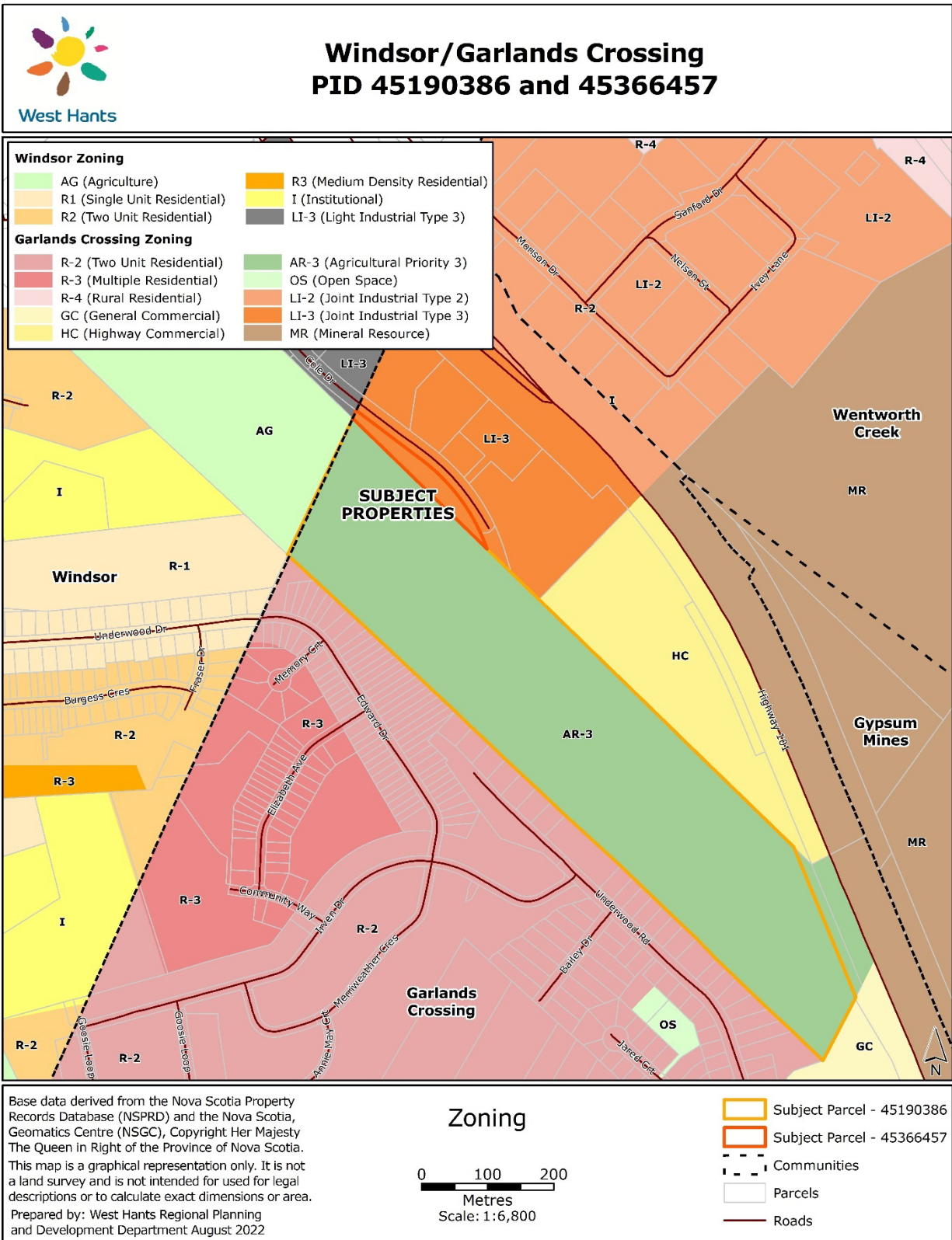
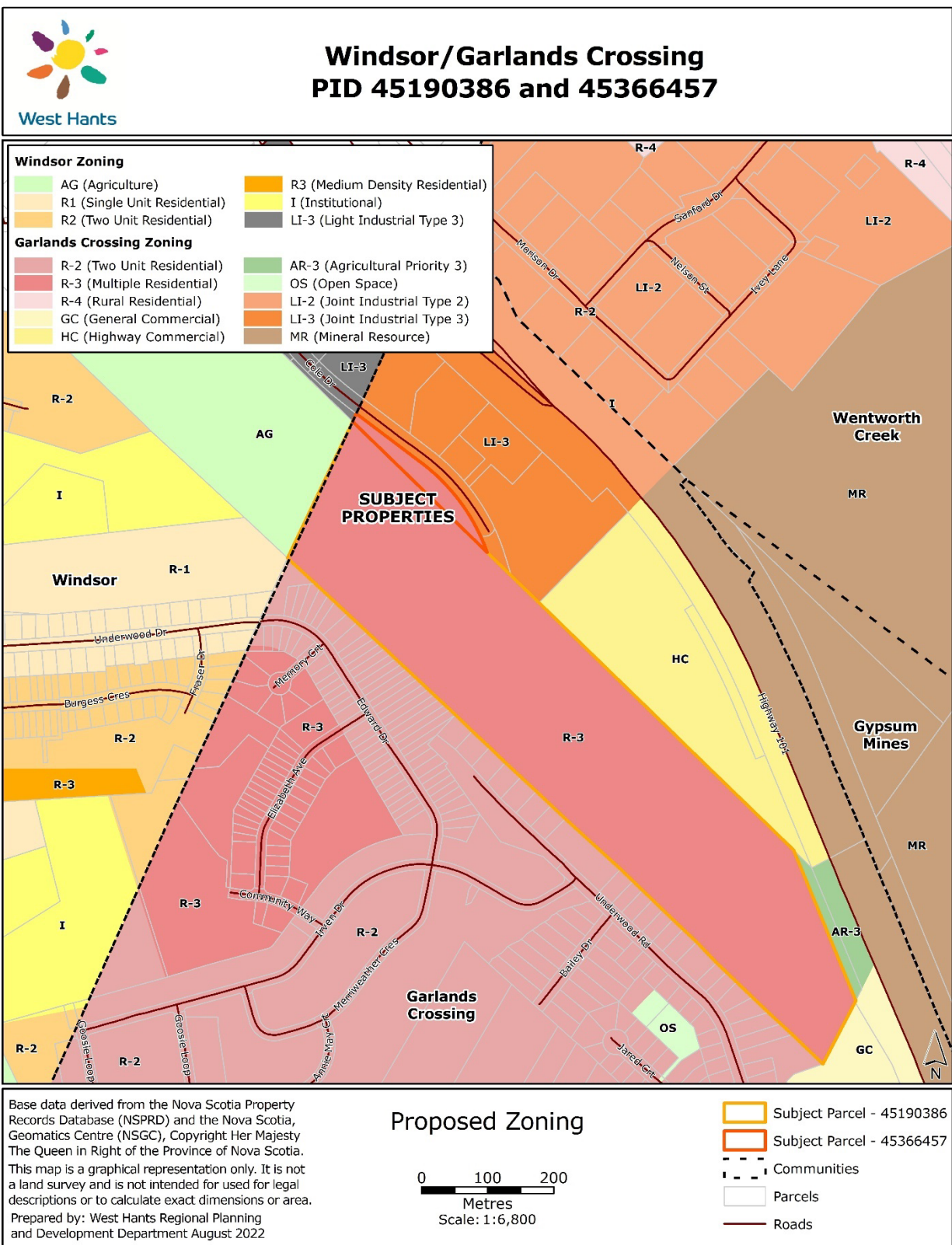


Figure 3
Proposed Zoning Map Extract



Attachment A Proposed West Hants Land Use By-law Amendments

Text amendments to the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones of the West Hants Land Use By-law to reduce the minimum lot specification requirements for portions of specific PIDs 45190386 and 45366457 owned by J. D. Irving Limited. Note: Amendments in blue.

1. Amend Part 8.2, *R-1 Zone General Requirements*, in Part 8.0 of the West Hants Land Use By-law, *Single Unit Residential (R-1)*, to include an exception of reduced minimum lot specifications for PID 45190386 and 45366457, so that it reads as follows:

8.0 SINGLE UNIT RESIDENTIAL (R-1)

Permitted Uses

8.1 The following uses shall be permitted in the Single Unit Residential (R-1) zone:

- Single unit dwellings
- ~~Accessory apartments (removed by amendment 20-27 effective September 14, 2021)~~
- Existing manufactured homes

R-1 Zone General Requirements

8.2 (a) In the R-1 zone, no development permit shall be issued except in conformity with the following:

		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)
Minimum lot frontage		60 ft (18.29 m)	100 ft (30.48 m)
Minimum front yard		25 ft (7.62 m)	
Minimum rear yard		25 ft (7.62 m)	
Minimum side yard	one side	6 ft (1.83 m)	
	other side	10 ft (3.05 m)	
Maximum height of main building		35 ft (10.67 m)	

Accessory Apartments – Special Requirements (removed by amendment File #20-27 effective September 14, 2021)

(b) **Exception for PID 45190386 and 45366457**– Notwithstanding Section 8.2 (a), the lot specifications for PID 45190386 and 45366457 (owned by J.D.Irving Limited in 2022) shall be:

Minimum lot area	4,000 ft ² (371.60 m ²) 5,000 ft ² (464.5 m ²) for corner lots
Minimum lot frontage	40 ft (12.19 m)

Minimum front yard	15 ft (4.57 m)
Minimum flankage yard	15 ft (4.57 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	4 ft (1.22 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)

2. Amend Part 9.2, *R-2 Zone General Requirements*, in Part 9.0 of the West Hants Land Use By-law, *Two Unit Residential (R-2)*, to include an exception of reduced minimum lot specifications for PID 45190386 and 45366457, 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 (**Amendment 20-28 Effective June 15, 2021**)

R-2 Zone General Requirements

9.2 (a) 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 20-28 Effective June 15, 2021) (Amendment GC2LUB 17-01 Effective March 7, 2018)

(b) **Exception for PID 45190386 and 45366457** – Notwithstanding Section 9.2 (a), the lot

specifications for PID 45190386 and 45366457 (owned by J.D.Irving Limited in 2022) shall be:

Minimum lot area	2,000 ft ² (185.80 m ²) / unit 3,000 ft ² (278.7 m ²) / unit for corner lots
Minimum lot frontage	20 ft (6.1 m) / unit
Minimum front yard	15 ft (4.57 m)
Minimum flankage yard	15 ft (4.57 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	4 ft (1.22 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)

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
Specific Criteria for Amendments

West Hants Municipal Planning Strategy

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

Policy 8.10.3 Land zoned AR-3 in the Growth Centre, Village and Hamlet designations may be considered for non-agricultural development subject to the relevant Growth Centre, Village or Hamlet policies, provided that no development agreement or rezoning shall be approved where the development will adversely affect adjacent existing agricultural operations.

COMMENT
PID 45190386 is the only lot zoned Agriculture (AG) / Agricultural Priority Three (AR-3) in this area. There are no existing agricultural uses abutting the subject lots that would be adversely affected by the rezoning application.

Policy 5.3.7 It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-3 subject to the following:

CRITERIA	COMMENT
(a) the development has frontage on an arterial or collector street designated on the Transportation Map (Map 2) if it consists of 12 or more units;	Cole Drive is shown as a local road on the Transportation Map (Map 2) of the West Hants Municipal Planning Strategy. Even though Cole Drive is within an area designated Joint Industrial Park and was constructed with a sidewalk on one side of the street, it is most likely classified as a local road due to it being a dead-end street with no current connections elsewhere. Edward Drive is not on the Transportation Map as it was created after the map was approved. As part of this application, there is a new street being proposed to connect Edward Drive and Cole Drive. The Future Streets Map attached to the West Hants Subdivision By-law shows Cole Drive as a collector street with a

	“proposed collector street” in the location of this new road into the Crossing from Cole Drive. The West Hants Land Use By-law defines a collector street or road as a “means a street designed to move vehicular traffic from residential neighbourhoods to commercial and institutional areas and to arterial streets”. As this new street will connect local roads in the Crossing to Cole Drive which is identified as a collector street on the Future Streets Map this criterion is met. Updates to the Transportation Map (Map 2) will be conducted as an amendment to the WHMPS in the future, once these new road connections have been approved and constructed.
(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer;	The Municipal Project Engineer stated that the lots are “not currently served with municipal sewer and water, however, would be capable of being served. Municipal water and sewer mains currently exist at locations adjacent to these properties.”
(c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;	The Manager of Operations commented that they have no concerns with the adequacy of road networks adjacent to or leading to the development. A Traffic Impact Study was provided to the Municipality from the developer as part of the rezoning application. The Manager of Public Works Operations has stated this traffic study is satisfactory to the Municipality. Additionally, the Municipality recently completed a Windsor Intersection Infrastructure Needs Assessment which included the intersection of Payzant Drive and Wentworth Road. The intersection study (2021) recommended that plans be prepared to upgrade the Wentworth Road at Payzant Drive intersection to a roundabout. A staff

	report was presented to Committee of the Whole on October 12, 2021 recommending DesignPoint be awarded the contract to design the roundabout for this intersection. The Director of Public Works has confirmed that the design of the traffic circle is 95% complete. They noted that “pending approval of Council to proceed with construction we would like to be in a position to have construction started this construction season (2023) at the earliest. However, no approval other than design work has been granted at this time.” Windsor has a population density of 522 people per sq. km. (Statistics Canada Census for 2022). The Crossing development as currently constructed has a population density of almost double this and this area of Burgess Crescent, Underwood Drive and Fraser Drive has a population density almost three and a half times the population density of Windsor. The footing permit has been issued for a 6-storey 83-unit apartment building in the Crossing (Building A) which will also increase the population density in this area and a development agreement for 176 apartment buildings (Buildings B and C) on Community Way was approved by Council on September 27, 2022. The development proposed as part of this rezoning application would be consistent with the current and future development plans and population for the area.
(d) 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	In response to an inquiry the Manager of Public Works Operations stated that existing and proposed streets are adequate to support the development and existing streets will not require any improvements in relation

study may be required in accordance with Section 14.6 of this Strategy;	to this development. A Traffic Impact Study was provided to the Municipality from the developer as part of the rezoning application. The Manager of Public Works Operations has stated this traffic study is satisfactory to the Municipality.
(e) adequate open space or recreational space is provided;	A 56-acre portion of PID 45190386 and a 1.5-acre portion of PID 45366457 are included in this application. If the rezoning application is approved, during the subdivision process the Development Officer will calculate the required 5% of parkland required for the proposed 138 lots. The Development Officer commented that “the area shown on the concept plan as proposed parkland appears to be low lying with a stream or brook running through it. As well, it appears to have a drainage ditch and culvert within the proposed parkland. This area will need to be inspected in order to determine if it meets the definition of useable land and is acceptable for parkland purposes.” It is expected that adequate open space or recreational space will be able to be provided on-site.
(f) adequate on-site parking is provided;	The West Hants Land Use By-law requires one (1) parking space per dwelling unit for any dwelling containing fewer than three (3) dwelling units. Adequate on-site parking would be able to be accommodated on these properties.
(g) any other matter which may be addressed in a Land Use By-law; and; and	All other matters are addressed elsewhere in this report.
(h) Policy 16.3.1.	Please see Attachment B for further details.

Policy 16.1.3 It shall be the intention of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the

Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.

Attachment C
General Criteria for Amendments

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;	As noted in 5.3.7 (b), the Municipal Project Engineer has stated that the lots are “not currently served with municipal sewer and water, however, would be capable of being served. Municipal water and sewer mains currently exist at locations adjacent to these properties.” They added that the proposed uses are not considered premature or inappropriate in terms of the adequacy of sewer and water services in the area.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	The Manager of Building and Fire Inspection Services and the local Fire Chief did not identify any issues with the adequacy of fire protection and other emergency services. The Fire Chief added that “as long as they are meeting the requirements of location of hydrants and access for large apparatus such as aerial, I don’t have any immediate concerns.”
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The developer plans to connect Cole Drive to Edward Drive through a new street during the development of these properties. The Development Officer commented that the “proposed street layout appears to meet the requirements of the Subdivision By-law for future streets conceptual plan.” As noted in 5.7.6 (d), the Manager of Operations has confirmed the road networks leading to the proposed development are adequate and

	that no improvements will be needed on existing roadways.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(i) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;	As noted in 16.3.1 (a) (i), the property is capable of being serviced by municipal water and sewer.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Manager of Operations has stated they have no concerns with regard to the adequacy of road networks adjacent to, or leading to the development, or the impact of the development on traffic generation or traffic safety. The new Regional Municipal Specifications Manual that was approved by Council on September 27, 2022 requires a sidewalk on one side of any new public street within Growth Centres. This will mean that all new public streets within this development will be required to include a sidewalk on one side of the street as PID 45190386 is within the Growth Centre of Three Mile Plains. There is no active rail transportation in the vicinity.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	As noted in 5.3.7 (e), a 56-acre portion of PID 45190386 and a 1.5-acre portion of PID 45366457 are included in this application. The lots are adequate in shape and dimension for the intended uses.
(e) the pattern of development which the proposal might create;	The Crossing development agreement (2019) permits a variety of housing types including manufactured homes, mini homes, modular homes, single unit, two-unit, triplex, townhouse and multiple unit dwellings. There are a variety of housing types already

	built in the Crossing and Payzant Drive area including mini homes, modular homes, single unit, two unit, and multiple unit dwellings and footing permits have been issued for a 6-storey apartment building in this area. This proposal is not anticipated to create a different pattern of development than is already permitted through The Crossing development agreement and being constructed in the area.
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;	The portion of the lots outlined in this application are sloped downward towards the area identified on the site plan as parkland and stormwater management ponds. There is a watercourse located on the lot and drainage ditches in this lower lying area. If the rezoning is approved a stormwater management plan will be required from the developer during the subdivision process to show that pre- and post-construction flows are balanced and that there will be no negative impact on downstream properties. The maps in the Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) and West Hants (2013) do not show the subject lots to be susceptible to flooding in the future, however access to these lots may be. Property owners are responsible for ensuring that their lot is suitable 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	All Municipal, Provincial and Federal regulations will have to be met. A few additional comments were received in relation to this development and future requirements that will need to be met. The Municipal Project Engineer stated that a “complete stormwater management study

	from a qualified engineer will be required to ensure pre/post development flows are met.” The Manager of Public Works Operations added that “a sewer pumping station will be required for part of the development and rerouting of an existing sewer would be required. The developer is aware of both of these.” The developer’s engineering firm has responded that “We understand there is some concern regarding the existing sewage pumping station on Irven Drive. Our plan is to redirect the flow from Community Way that currently flows east on Irven to the pump station such that it flows west on Irven to the trunk sewer on HWY #1. This can be done by re-configuring the existing manhole at the intersection of Irven and Community Way. This manhole is at a high point on Irven and the flow at this manhole can be directed east or west, currently it is directed to the east. By redirecting the flow form (sic) Community Way we will significantly reduce the load on the existing pumping station thus freeing up capacity for the Kent lands. Our overall servicing plan will detail this approach with specific flows.” The specific servicing plans will be reviewed by the Municipal Public Works Department during the subdivision process. The Manager of Building and Fire Inspection Services noted that “I can work with the 4’ side yard setbacks, but it has been causing issues with the builder. Once they get closer than 2m (6’ 6 3/4”) we are required to cut the permitted openings in half of what is permitted. This reduces the windows considerably. There are several on Elizabeth
--	---

	that have had this done. Like I said, no difference to me, but the owner should be aware of this (I know his builder is) and if the side yard setback was 2m, would fix a lot of issues at permit approval time.” The developer has been made aware of this and will consider the size of lots and proposed side yard setbacks when developing a detailed subdivision plan.
(h) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment D
Public Information Meeting Notes
September 8 - 23, 2022
File 22-17

Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive; Windsor

Meeting date and time	A Public Information Meeting was held on September 8, 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Poirier • Planner Dunphy • Director LeMay • Meeting Secretary Lake Applicant: • Mitch Brison, Applicant • Darren Shupe, Brighter Community Planning (Applicants Planner) The following members of the public requested invited to attend the PIM via Zoom: • Bruce Roald • Harvey Conrad • Paul Todd • Dorothy Blakely • Adam Donaldson • Alex and Kim Janssen • Elizabeth McCarthy • Glenn Robinson • Mike and Sheila Porter • Mike and Jayne Welling • Paul Brown • Dean Dyck • Lindsay and Bradley Gregg • Dave Hackett • Claude O'Hara • Dan Shiers • Conor Rooney

Applicant Mitch Brison, Brison Developments Property Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive, Windsor	Planner Poirier outlined the amendment application to rezone an approximately 56-acre (226,624 sq. m.) portion of a PID 45190386 on Wentworth Road and an approximately 1.5-acre (6,070.28 sq. m.) portion of 45366457 on Cole Drive to allow residential uses. A formal presentation was made by Darren Shupe of Brighter Community Planning on behalf of the applicant. Mr. Brison responded to questions from the public.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 8 – 23, 2022. 7 members of the public spoke at the Public Information Meeting, 2 phone calls were received and 7 written comments were received via email. The questions and comments from the public are summarized below. The email responses are attached. The following comments and questions were made at the Public Information Meeting. Staff and applicant responses are included in purple text. • Active transportation infrastructure is needed as there are currently no sidewalks in the existing development which is a safety concern for dog walkers, children and seniors, especially during construction. There should be an active transportation plan for the development prior to the public information meeting. Mr. Brison responded that he has been in discussions with the Community Development Department regarding active transportation connections in the area. Sara noted that an active transportation plan is not a requirement as part of the rezoning process and that sidewalks would be considered during the subdivision process. • How will this development be connected to other areas? The current road infrastructure is inferior and dangerous. Mr. Brison responded that safety is always a concern and the proposal includes a road connection from Edward Dr. to Cole Dr. to help with a secondary entrance/exit to the Crossing.

	• A secondary access is a great plan, but it might make Underwood Dr. busier • The current housing crisis is also an affordable housing crisis. The developer should consider the pricing of the units to be more affordable to local residents. • An expansion of mini homes is not desired in this area. Mr. Brison responded that the proposal is currently for single and two-unit dwellings, not for mini homes. • Has there been any review of ambulance service in relation to the increase of senior population proposed? Currently our ambulances are sent to Truro. Sara noted that healthcare is a Province wide issue and may not be specific to this individual application. She added that she would reach out to our Community Health Board representative to see if they could comment. • Why is the emergency access road to King Street from the Crossing not maintained? Mr. Brison responded that it is an emergency access as required by the Crossing development agreement. It is not for public use, and he does not fix the road up because he does not want to encourage its use. • Is the Crossing designated a 55+ community? Mr. Brison responded that the Crossing is designed for empty nesters without kids. • We've had concerns since last fall regarding an alternative access. There's no sidewalks which is a concern due to the narrow streets. It is of vital importance to have sidewalks and streetlights for Edward Dr. • An Underwood Road resident asked the procedure for dirt removal from the bank behind their house. Mr. Brison commented that it should not be substantial and that they are not cutting into that bank. • How long between the start of construction to completion? Mr. Brison responded that the heavy dirt moving should be completed this year, and the building should be completed within 3-5 years, but it will be market driven. • What are the hours of operations for construction? Sara commented that there are no Municipal by-laws
--	---

	that would restrict hours of construction and the hours of construction cannot be restricted through the rezoning process. Two phone calls were received during the PIM comment period: • Lyndell Myers was concerned that the developer has machines on the subject lots already even though the rezoning has not been approved yet. Sara commented that the Municipality advises applicants that the application follows a public process and that it is not guaranteed for approval, the final decision is made by Council. Developers are allowed to prepare their land for development however the developer assumes the risk/cost of the application not being approved. Lyndell expressed that she is not opposed to development, as they knew there would be development when they purchased the lot, however that it would be nice if there was communication regarding when trucks weren't working, and dust wouldn't be blowing so they could hang out laundry or open their windows. • Alexander Janssen requested information on whether Mr. Brison had excavation permits for the work he's doing on these properties. Sara noted that there is no such thing as an excavation permit and that property owners are permitted to excavate their land to prepare for development. Alexander stated that he is concerned about safety on his street and wanted to know who he could call to make it safer. He said he already spoke to Troy Burgess who said it wasn't his jurisdiction. Sara noted that the RCMP should be called regarding speeding, the Provincial Department of Public Works could be contacted regarding the request for sidewalks and stop signs on Provincial roads (Underwood Road), and that Alex could write a letter or present to Council if he is not satisfied with the process or the responses he is getting from Municipal staff.
Adjournment	The meeting was adjourned at 6:55 p.m.

Public Email Responses Submitted for the Application PIM

September 1, 2022

From: Adam Donaldson

To: Sara Poirier

Good afternoon,

I am writing to express my general support for the proposed rezoning, subject to concerns regarding the eventual development and potential impacts this may have on traffic on Underwood Rd.

With the increased development in Garlands crossing, continued use of a single access route to the Underwood/Bailey Dr/Garlands crossing community is already a challenging situation given the large population of families and significant wear and tear construction traffic has on these roads.

I would ask that as part of the development, road access linking the garlands crossing/underwood drive communities to Cole Drive would be a requirement for approval of development to create 2 fully serviced exit routes from the community. The continued blockade of edward drive to underwood dr is already an access issue for the community, and I'd like to ensure that additional development in the area is accompanied by appropriate improved access and exit routes for these communities through Cole Dr.

Thank you,

Adam Donaldson

September 8, 2022

From: Bill Preston

To: Sara Poirier

Hi Sara. I meant to ask you regarding Cole Drive if a agrologist report had been completed by Dept, of Agriculture on that property.

Meeting tonight was busy but well presented thank you.

Bill

September 9, 2022

From: Sara Poirier

To: Bill Preston

Good morning, Bill,

An agrologist report is not required for the Wentworth Road property as it is within the growth centre of Three Mile Plains and is designated Residential. The West Hants MPS policies require an agrologist report when a property owner requests rezoning or a development agreement for a property designated Agriculture and zoned Agricultural Priority Two (AR-2) or Agricultural Priority Three (AR-3).

All the best,
Sara

September 8, 2022

From: Sara Poirier

To: Alexander Janssen

Hello Alexander,

I just saw your message in the Zoom chat and wanted to reply this evening. Any comments/questions from tonight's PIM have been noted and I will look into the specifics for my staff report which is anticipated to go to PAC/HAC on October 13. I specifically noted safety, active transportation infrastructure, construction traffic and health board info re: senior residents from your comments. You can also send me individual comments/questions to look into further by September 23.

All the best,

Sara

September 9, 2022

From: Alexander Janssen

To: Sara Poirier

Hi Sara,

Thanks for the follow up.

From the way that meeting went it seems like Mr brissol doesn't care one bit about the concerns of residents and there is nothing the municipality can do, as per your own statements. I sure hope a child isn't killed by one of his trucks speeding down the road.

Where can we send pictures/videos of his trucks running after the hours he stated, or is it best to go straight to the media on this?

Thank you for your time.

Alex

September 12, 2022

From: Sara Poirier

To: Alexander Janssen

Good morning Alex,

Thank you for your email.

WHRM does not currently have any regulations that would restrict the hours of construction. I spoke to our local Traffic Authority, Troy Burgess, regarding the construction traffic concerns. Vehicles are able to travel on the roads to get to construction sites. The vehicles need to be registered through the Department of Motor Vehicles to travel the public roads. If there are concerns regarding the speed of the vehicles the local RCMP office should be contacted. If there are concerns regarding the compliance of the vehicles the Provincial vehicle compliance office should be contacted.

All the best,

Sara

September 12, 2022

From: Alexander Janssen

To: Sara Poirier

Thanks Sara, that clears up what our options are. I will not bother you with future concerns.

Alex

September 12, 2022

From: Alexander Janssen

To: Sara Poirier

Mr Burgess also let me know that the municipality has no jurisdiction over Underwood road as it is provincially mandated, so again there is no ability for the municipality to enforce anything. Very dissatisfied by the response.

September 9, 2022

From: Sara Poirier

To: All members of the public that requested a Zoom invite to the PIM

Hello all,

Thank you for attending the Public Information Meeting (PIM) regarding the amendment application for the portions of PID 45190386 and 45366457 on Wentworth Road and Cole Drive in Windsor.

I have attached a copy of my presentation and Darren Shupe's presentation. The meeting can be viewed on our Municipal Facebook page
<https://www.facebook.com/RMWindsorWestHants/>

Comments or questions on the application will be accepted until noon on September 23 via phone, email or mail through the following methods:

Phone	902-798-8391 ext. 117
Email	spoirier@westhants.ca
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional office at 76 Morison Drive

All relevant comments will be passed along to the developer and the Planning and Heritage Advisory Committee (PAC/HAC) when they are considering these amendments.

All the best,

Sara

September 9, 2022

From: Adam Donaldson

To: Sara Poirier

Thank you Sara,

I had a chance to catch the recording and review the documents... A few additional concerns that I would ask be passed along to the planning committee (some are more technical and would require additional consideration)...

1) There is considerable concern around traffic on underwood... while opening up access to Cole drive will likely significantly reduce traffic on underwood from the crossings development, it may add some traffic from three mile plains who are cutting through. I'd love to see a transportation management strategy to address this (traffic calming on roads, clear information on where stop signs will be introduced (e.g. 4-way stop on the corner of bailey and underwood or underwood/jared?)... and would encourage consideration of whether there are sections of the new development which would benefit from a dedicated bike lane or sidewalk (perhaps on the direct travel-through routes where traffic may be more likely to go). Sidewalks obviously create difficulties from a maintenance perspective, but with the increased population density and this being an active community, it may be worth considering putting some in.

2) I am a bit concerned about water management... at the moment, the stormwater runoff system on the south side of underwood drains into a ditch behind our house that drains over into the watershed by the existing garlands crossing community... it does not accommodate run-off from the field where this development is planned... we've had several large storms in the last few years that has had the water level in that ditch up by 6 to 7 ft from it's normal level... I would be concerned if the development plan intended to further increase stormwater run-off through through this area, and would expect the stormwater management plan to divert water more towards the highway... i note this because the conceptual map almost appears to have the culvert and water path coming down to underwood where it might be tied into the existing water system for the crossings?

September 9, 2022

From: Adam Donaldson

To: Sara Poirier

sorry... one other request.

is it possible to require the traffic for the development to enter from cole drive, rather than through underwood? it seems more appropriate to have that traffic come up through the

commercial/industrial district rather than on residential streets that were not designed for those loads and traffic levels for a development of this degree.

September 14, 2022

From: Sara Poirier

To: Adam Donaldson

Hello Adam,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

I have provided responses to your comments/questions below:

1. A traffic impact report has been provided by the developer in relation to this development and is sufficient to the Manager of Public Works Operations. There is no opportunity to restrict traffic for the proposed development to only use Cole Drive. The developer is in regular discussions with Community Development, Planning and Development and Public Works staff regarding active transportation infrastructure in the proposed development which may include a sidewalk on at least one side of the street and other community connections. These plans would be submitted as part of the subdivision process, if the rezoning application is approved by Council. Underwood Road is a Provincial roadway therefore any requests to upgrade that particular road would need to be addressed to the Provincial Department of Public Works (<https://novascotia.ca/tran/contact/contact.asp>).
2. As per the Municipal Specifications Manual, through the subdivision process a stormwater management plan will be required by the developer to show that pre- and post-construction flows are balanced and that there will be no negative impact on downstream properties.

Please let me know if you have any other questions or comments.

All the best,

Sara

September 14, 2022

From: Adam Donaldson

To: Sara Poirier

Thank you.

One clarification point... I thought Underwood road was transitioned to the municipality after it was resurfaced last year? is it still a provincial road? If yes, I can certainly follow up there.

September 14, 2022

From: Sara Poirier

To: Adam Donaldson

Hi Adam,

I confirmed with our Manager of Public Works Operations that Underwood Road is a Provincial road however the Municipality does plow it as part of Public Works winter maintenance trade off with the Province.

All the best,

Sara

September 12, 2022

From: Dean Dyck

To: Sara Poirier

Hi Sara:

Thank you for the opportunity to attend the meeting. It was quite informative although I thought some of the questions were outside the context of the meeting.

I have a few comments to pass on to the Planning and Heritage Committee:

1. I am concerned with the minimum side yard specifications of 4 feet on either side of a dwelling. This seems particularly small and poses potential fire spread hazard between buildings. However, if this matches the current specifications of the 2019 Crossing agreement, then it would make sense to keep it consistent. Also, if it falls within National Building Codes, then it also makes sense. I present it more as a concern.
 2. I would like to see the inclusion of sidewalks within the new development, at the minimum on one side of the street. The concerns at the meeting about safety of residents walking on the roads within the current Crossing development are valid and having the opportunity to include sidewalks in the new development would be advantageous.
 3. I suggest requiring street lighting for safety and security purposes within the new development. This is lacking in the current Crossing development. If this falls outside the scope of the PAC/HAC, please pass the comments to the appropriate department.
- Thanks for letting me voice my comments. Have a great day.

Sincerely,
Dean Dyck
Garlands Crossing, NS

September 14, 2022

From: Sara Poirier

To: Dean Dyck

Hello Dean,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

I have provided responses to your comments/questions below:

1. The developer is in regular discussions with Community Development, Planning and Development and Public Works staff regarding active transportation infrastructure in the proposed development which may include a sidewalk on at least one side of the street and other community connections. These plans would be submitted as part of the subdivision process, if the rezoning application is approved by Council.
2. I don't believe street lights are required as per the Municipal Specifications Manual but I will double check with the Municipal Public Works Department and mention it to the developer.

Please let me know if you have any other questions or comments.

All the best,

Sara

September 19, 2022

From: Melissa Heffernan

To: Sara Poirier

Dear Sarah Poirier,

Thank you for the letter about the virtual meeting concerning this property, and thank you for your service to our municipality.

I was a bit disappointed that the letter was dated Aug. 30th, and the meeting was only about a week later. Considering the fact that since it was mailed, we received it a few days after Aug. 30th, that does not give us much notice to be able to attend.

Therefore, I would appreciate it next time there is a meeting about a property near us, that we be notified with more notice please.

I do have a few questions, which I would appreciate hearing from you about.

1. What is the environmental impact that this development would have on the surrounding homes? (Ie. runoff, etc.)
2. Are there going to be designated green spaces as a part of this development? (I hope so, since I know that there are deer that like to frequent those fields, and nature is so important to the holistic health of people as well)
3. Why is there already construction occurring on this site, before the meeting even happened? It causes me to feel unease, that if the voices and opinions of the citizenry were really desired, wouldn't the meeting be given before any development moved forward?

Thank you very much for your time,

Melissa Heffernan

Garlands Crossing

September 21, 2022

From: Sara Poirier

To: Melissa Heffernan

Good morning, Melissa,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

I have provided responses to your comments/questions below:

1. As per the Municipal Specifications Manual, through the subdivision process a stormwater management plan will be required by the developer to show that pre- and post-construction flows are balanced and that there will be no negative impact on downstream properties.
2. I have attached the developers proposed site plan. Part of the subdivision requirements is to provide 5% parkland allocation for the development. Currently the developer shows an area of parkland with stormwater management ponds in the lower lying area of the property. The adequacy of this land will be determined during the subdivision process.
3. Developers can prepare their land for construction prior to approval however the developer assumes the risk/cost of this as the application is not guaranteed to be

approved. We do advise any applicant that the application follows a public process with the final decision being made by Council.

Please let me know if you have any other questions or comments.

All the best,

Sara

September 21, 2022

From: Harvey Conrad

To: Sara Poirier

At this time I would like to thank Hants West Municipality for the opportunity to express my concerns and comments in relation to the re zoning of PI 45190386 and 45366457. After attending the Zoom meeting and listening to the comments, questions and answers during this meeting, I have several concerns about this project which need to be addressed. The first and one of the most important subjects is infer structure supporting this project, or lack of it. Mr Bryson the contractor for this project stated that it will take between 3 and 5 maybe 6 years to complete this phase of his sub division.. He also said there is about 220 building sights that will be constructed over that time with the opportunity to build two multi-unite structures, one at the south end and one at the north of this property. There were no figures or details about these two or more unites released at this time. IE height , number of apt. etc. There will be another apt complex built on the current Crossing property at the same time. This could add up to over a thousand people moving into a very small are within 5 or six years maybe less. The last population figures I found stated the population of Windsor and area was around 4000 persons. That means in a very short time the town will grow by at least 25%. Lets look at some of the problems that could effect the area due to this very large population growth. As we are all aware there is a shortage of doctors and nurses in Nova Scotia at this time. Our hospital is finding it difficult to cope with these shortages at the present population. People are being forced to use the ER's to get medical attention that should be provide by family doctors. As a result the ER'S are closing on more and more occasions. With the increase of possibly 25% more residents to the area this situation can only get worse. I know that health care is a provincial responsibility but is the municipality doing anything to work with the province to have a plan assisting our hospital or will it be just closed more often. Ambulance service is in the same boat. Instead of waiting two hours for transport to the hospital will the wait be three or four because the number of calls will get larger, especially with an aging population, Are there plans to cover this problem. This is an important issue. Its great to have housing for our citizens but can we take care of the health needs for that many people in such a short time frame. Lets now visit the subject of traffic flow and conditions. Traffic will increase on Underwood, adjacent streets, the Crossing and the Windsor area in general. This will not only include car traffic but during the 5 to 6 year building span large dump trucks, heavy machinery and industrial size delivery trucks. Ask the residence of Underwood about the growth in traffic over the last few years. This traffic

is traveling over roads built when their main use was for mom dad and the kids to harness up the old grey mare and come into Windsor on Sat to go to market or Church on Sunday. Times have changed motor vehicles travel a lot faster then equine power. The roads are narrow with no sidewalks they often turn into bottle necks and are a danger to children and adults trying to walk along these roads. As the matter of fact there is no area designed for pedestrians Speeding is also a problem with vehicles traveling at speeds above the limit for safe passage. Have any thought been put into improving traffic flow, enforcement, and safety. Emergency services will be put to the test in maintaining the current level of service. With the population growth will they have need of additional personal, and the same can be said for the fire service. Has anyone asked them. The RCMP do the best they can but as everyone knows the larger an area gets, the more criminal activity there is. This can be prevented with some future planning by law enforcement in combination with the governing body. There is one other point I would like to make, that is the amount of disruption that this will cause the current residents of the area The noise, the dust , the traffic, etc. At times the construction crews have been working from 6:45 AM to after 5:30 PM, Saturday and Sundays sometime included. Work was done on Natal Day and Labour Day two holidays. When employees from the municipality were contacted I was informed that the municipality can do nothing to help in the matter. I was surprised as that is what I thought ordinances and by laws were meant to cover in most other places. Is there nothing council can do or do they not want to assist the citizen in maintaining a somewhat normal living experience while this work is taking place. Do not get me wrong I know we need more housing, Windsor is not the quiet little rural town anymore, like the ones written about by Stephen Leacock. Time moves on and Windsor is growing up. I just feel that it is better to make sure development is done right, its hard to repair the damage after we discover we made a mistake. Urban sprawl is not what we are looking for or poorly conceived plans that do not take the whole picture into consideration .I fail to see where this development will provide help with the ongoing need for affordable housing. Respectfully submitted, Harvey Conrad,

September 22, 2022

From: Sara Poirier

To: Harvey Conrad

Good morning, Harvey,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

All the best,

Sara

September 23, 2022

From: Paul Brown

To: Sara Poirier

Hi, I wanted to send this email to once again to give my thoughts on the extension of the crossing.

I am more concerned about the safety than I am about a sub division behind my home.

There are current safety issues that aren't addressed yet with the current development, those concerns must be dealt with before adding to the existing safety problems. Yes, adding new streets to connect the crossing to the new roads may be part of the solution but we must think about the amount of traffic that will come through underwood road to get to Windsor. People from three mile plains and Ellershouse will not drive their same path as now, they will all be coming through underwood road to get to superstore/liquor store and many other businesses. Underwood road can hardly handle the traffic it currently gets let alone the amount of traffic it will get once the roads open up here.

Underwood road is not a thoroughfare, it's not even up to par for the traffic we get now. Weather it's sidewalks, lights, etc.... Something has to change, and it SHOULD NOT be the taxpayers to cover these costs, it should fall on the developers who want to make these changes.

On another note, I'm concerned as well as others in the area, about the possibility of more mini homes on this land. I took part in the online meeting and know the developer said that wasn't currently the plan but didn't exclude the possibility either.

I think the municipality really needs to do some research and thinking before allowing this to happen as it's done in the past.

Thank you,

Paul Brown

September 26, 2022

From: Sara Poirier

To: Paul Brown

Good morning, Paul,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

All the best,

Sara



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

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

Submitted by: _____

Sara Poirier, Senior Planner

Date: 2022-10-25

Subject: Development Agreement: 4701 Highway 1, Three Mile Plains PID 45005733;
File #22-10 B

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to allow an automotive repair shop at 4701 Highway 1, Three Mile Plains (PID 45005733) which is substantively the same as the draft set out in Attachment C of the report File #22-10 to the Planning and Heritage Advisory Committee dated October 13, 2022.

...that Council requires that the development agreement with Phil Marryatt for 4701 Highway 1, Three Mile Plains PID 45005733 be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

A completed application was received on June 21, 2022, from Phil Marryatt to consider permitting an automotive repair shop at 4701 Highway 1 (PID 45005733) in Three Mile Plains. The property is owned by Phil and Roberta Marryatt. Mr. Marryatt would like to convert the existing detached garage on the property to a commercial automotive repair shop to perform vehicle service-related repairs such as tire changes, oil changes, brake changes and fluids/coolant changes.

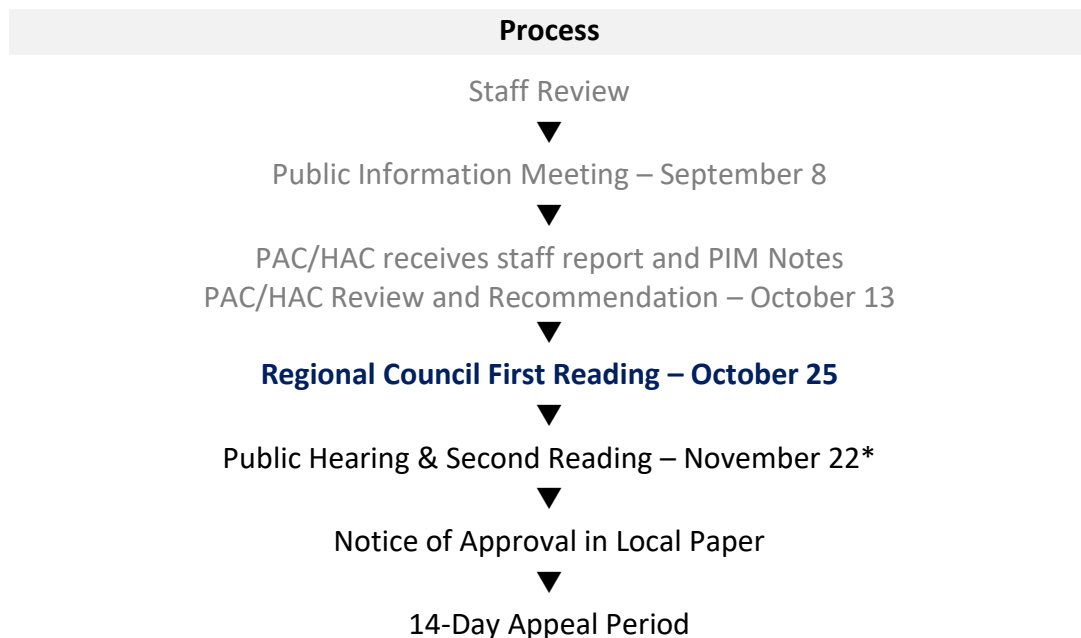
DISCUSSION

A Public Information Meeting was held on September 8, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). PAC/HAC recommended in favour of the development agreement on October 13, 2022.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A 2022-10-13 Staff Report: Development Agreement: 4701 Highway 1, Three Mile Plains PID 45005733; File #22-10

CHIEF ADMINISTRATIVE OFFICER REVIEW

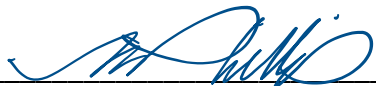
I encourage Council to reflect on the details of the Development Agreement to ensure the terms and conditions proposed within the DA represent Council's point of view and wishes. From my observations the DA reflect the appropriate conditions for operating a repair shop that jointly support the applicant and protect surrounding property owners.

Further, it is noted in the supporting documents that there were no comments from the public regarding this DA to date as collected through the Public Information process conducted between September 8 to 23, 2022.

Further comments from the public should be considered throughout the remaining public engagement opportunities as noted above.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, CAO



Appendix A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: Development Agreement: 4701 Highway 1, Three Mile Plains PID 45005733;
File #22-10

LEGISLATIVE AUTHORITY

Section 230 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 entering into a development agreement to allow an automotive repair shop at 4701 Highway 1, Three Mile Plains (PID 45005733) which is substantively the same as the draft set out in Attachment C of the report File #22-10 to the Planning and Heritage Advisory Committee dated October 13, 2022.

...that PAC/HAC recommends that Council require that the development agreement with Phil Marryatt for 4701 Highway 1, Three Mile Plains PID 45005733 be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

A completed application was received on June 21, 2022, from Phil Marryatt to consider permitting an automotive repair shop at 4701 Highway 1 (PID 45005733) in Three Mile Plains. The property is owned by Phil and Roberta Marryatt. Mr. Marryatt would like to convert the existing detached garage on the property to a commercial automotive repair shop to perform vehicle service-related repairs such as tire changes, oil changes, brake changes and fluids/coolant changes.

DISCUSSION

The approximately 30,537 sq. ft. (2,836.98 sq. m.) lot is designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1) and is within the Three Mile Plains Growth Centre. Part 5.3 of the WHMPS contains the overall intention for properties designated Residential in the Three Mile Plains Growth Centre.

The lot is zoned Two-Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). An automotive repair shop is not permitted as-of-right in the Two-Unit Residential (R-2) zone.

The subject lot directly abuts properties zoned Two Unit Residential (R-2) and designated Residential. These properties are all within the Three Mile Plains Growth Centre.

Development Agreement

A development agreement is a contract between an owner of land and the Municipality to allow Council to consider a use that is not a listed permitted use within a zone on a specific lot. The ability for Council to consider a development agreement must be stated in the Land Use By-law and the Municipal Planning Strategy must identify the kinds of uses Council may consider in each area. Uses which Council may consider are those which Council has determined may have sufficient impact on an area that a negotiated process is required to ensure the potential impact is minimized. In the Municipal Planning Strategy Council usually identifies both specific and general criteria which must be considered when making decisions regarding a development agreement.

A proposal being considered must be measured against only the specific and general criteria for the proposal in the Municipal Planning Strategy and not any other criteria.

West Hants Land Use By-law

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:

- (j) Local Industrial (LI) uses in the Growth Centres in accordance with Policy 5.7.6 of the Municipal Planning Strategy;

Although there is no specific definition for a Local Industrial (LI) use, the best basis for determining what is considered a Local Industrial (LI) use is the list of permitted uses in the Local Industrial (LI) zone in the WHLUB. Auto repair and auto body shops in conjunction with a single unit dwelling is a listed permitted use in the Local Industrial (LI) zone.

Proposed Development Agreement

The property owner would like to convert the existing detached garage on the property to a commercial automotive repair shop to perform vehicle service-related repairs such as tire changes, oil changes, brake changes and fluids/coolant changes. The draft development agreement defines an “automotive repair shop” as a commercial establishment for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton).

The main access for the automotive repair shop will be from Highway 1. The Nova Scotia Department of Public Works found the existing access to be suitable for the proposed use. The property owner does have an access easement to Old Halifax Road West across the abutting property. The property owner would have to check the access easement to determine if the access to Old Halifax Road West could be used for the automotive repair shop.

Staff discussed parking requirements with the applicant and determined that four (4) parking spaces for the automotive repair shop would be sufficient. In terms of signage, the number of signs permitted in the WHLUB is adequate for the applicant.

Policy 5.7.6 (f) requires that open storage be limited to the rear yard. Clause 2.5, Storage, of the development agreement prohibits open storage in the front or side yard and limits open storage to a 100 sq. ft. (9.29 sq. m.) area of the lot that is to be screened from adjacent residential properties. It also permits accessory buildings for the automotive repair shop in accordance with Section 5.1 of the WHLUB.

The Municipal Project Engineer stated that the lot is capable of being serviced by municipal water and sewer. They have stated that “disposal of special waste products and special collection would be required if the property/development does not meet requirements for standard curbside collection (including exceeding curbside quantities and special material disposal requirements, i.e., waste oil, oily rags, filters, cleaners, solvents, etc.).” The applicant has been informed and intends to dispose of these products through the provincial recycling programs. Clause 2.7 of the draft development agreement addresses these concerns and

ensures the property owner is responsible for the safe storage and disposal of these products including that these substances do not enter the Three Mile Plains sewer system.

For the hours of operation, the applicant has stated they intend to operate the business full-time, during daytime hours. The development agreement permits the automotive repair shop to operate only between the hours of 7:00 a.m. and 7:00 p.m. Monday to Saturday.

West Hants Municipal Planning Strategy

Part 5.0 of the WHMPS contains the overall intention for Growth Centres in West Hants; Section 5.7 indicates the intention of Council to allow certain industrial development in the Growth Centres. Policy 5.7.6 establishes Council's intention to consider "new Local Industrial uses in the Growth Centres by development agreement".

WHMPS Specific Criteria

Policy 5.7.6 outlines the specific criteria to be considered by Council, which are examined in detail in Attachment A.

In summary, the criteria are met since:

- the use is permitted in the Local Industrial (LI) zone;
- the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions as it will be contained within an existing building;
- safe and efficient roadway access is provided from Highway 1; and
- adequate on-site parking is provided.

WHMPS General Criteria

The proposed development meets the general criteria for development agreements set out in the 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; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Provincial Department of Public Works have no concerns which have not been addressed in the development agreement.

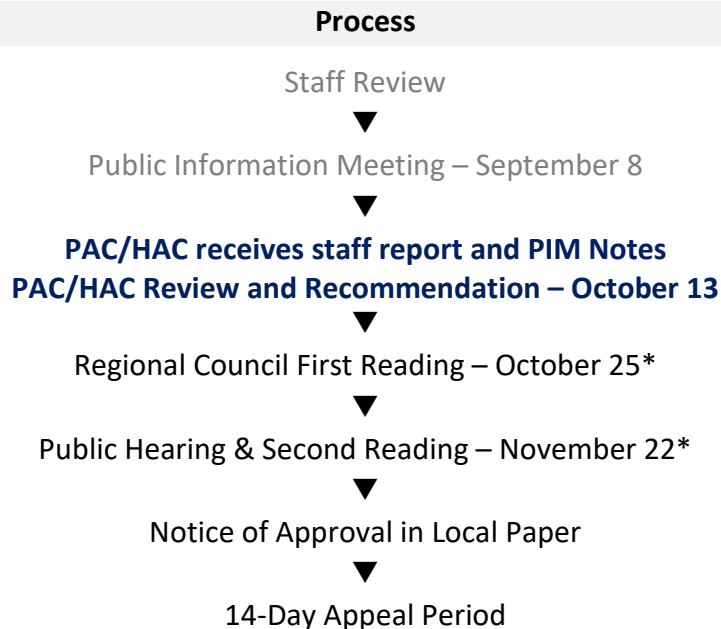
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property. The Three Mile Plains Flood Risk Assessment Study shows that there may be some flooding expected at the Lebreau Creek Brook road crossing at Panuke Road in the future. This may interrupt access to the property during extreme weather events due to the proximity of the property to the

intersection of Panuke Road and Highway 1. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the draft development agreement has been considered within the context of the general policies of the WHMPS, and is consistent with the intent, objectives, policies and criteria of the WHMPS. As a result, it is reasonable to consider permitting an automotive repair shop at 4701 Highway 1 in Three Mile Plains by development agreement.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, PAC/HAC 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/HAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Zoning Map Extract
Attachment A	Specific Criteria for Development Agreement
Attachment B	General Criteria for Development Agreement
Attachment C	Draft Development Agreement
Attachment D	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Figure 1
GFLUM Extract

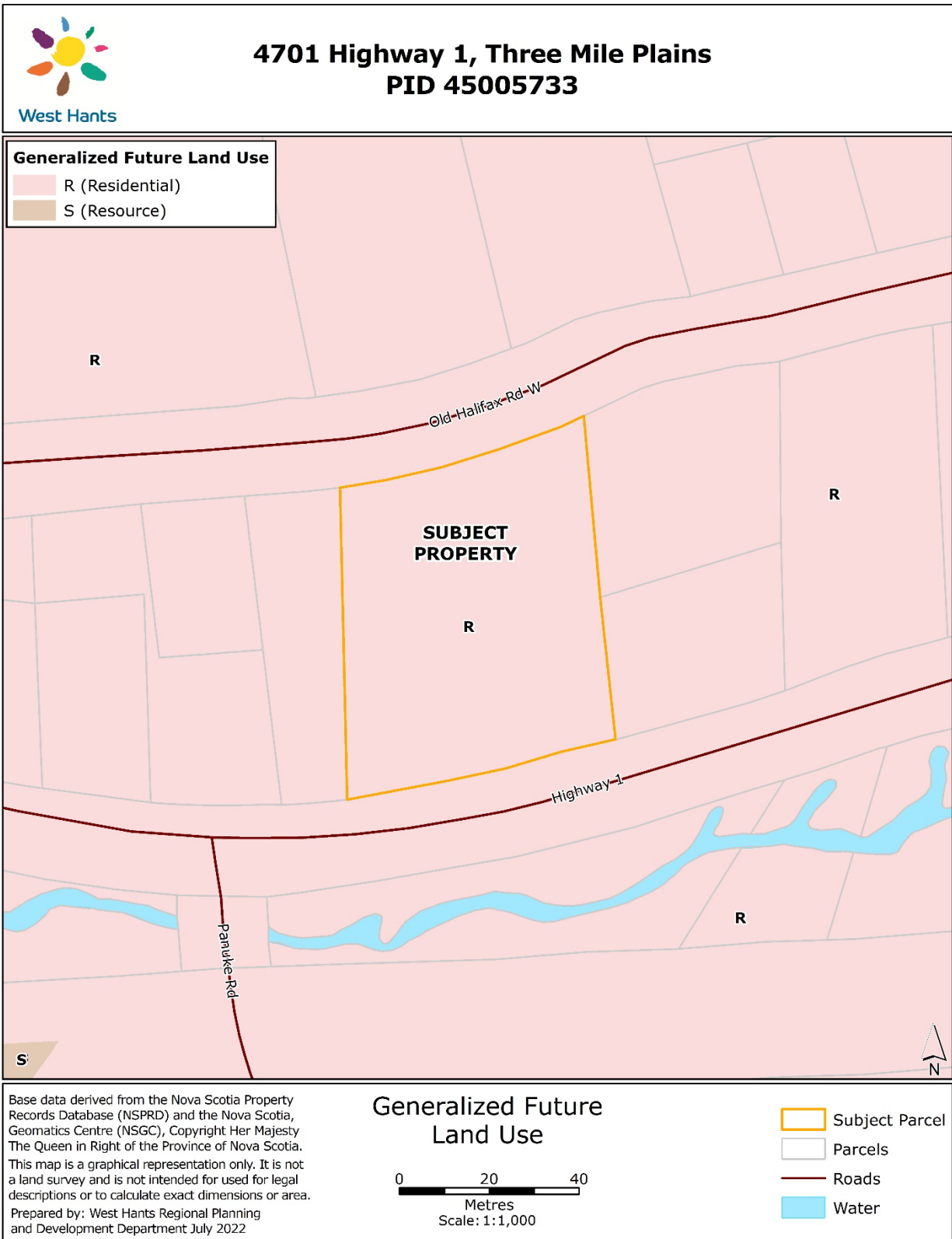
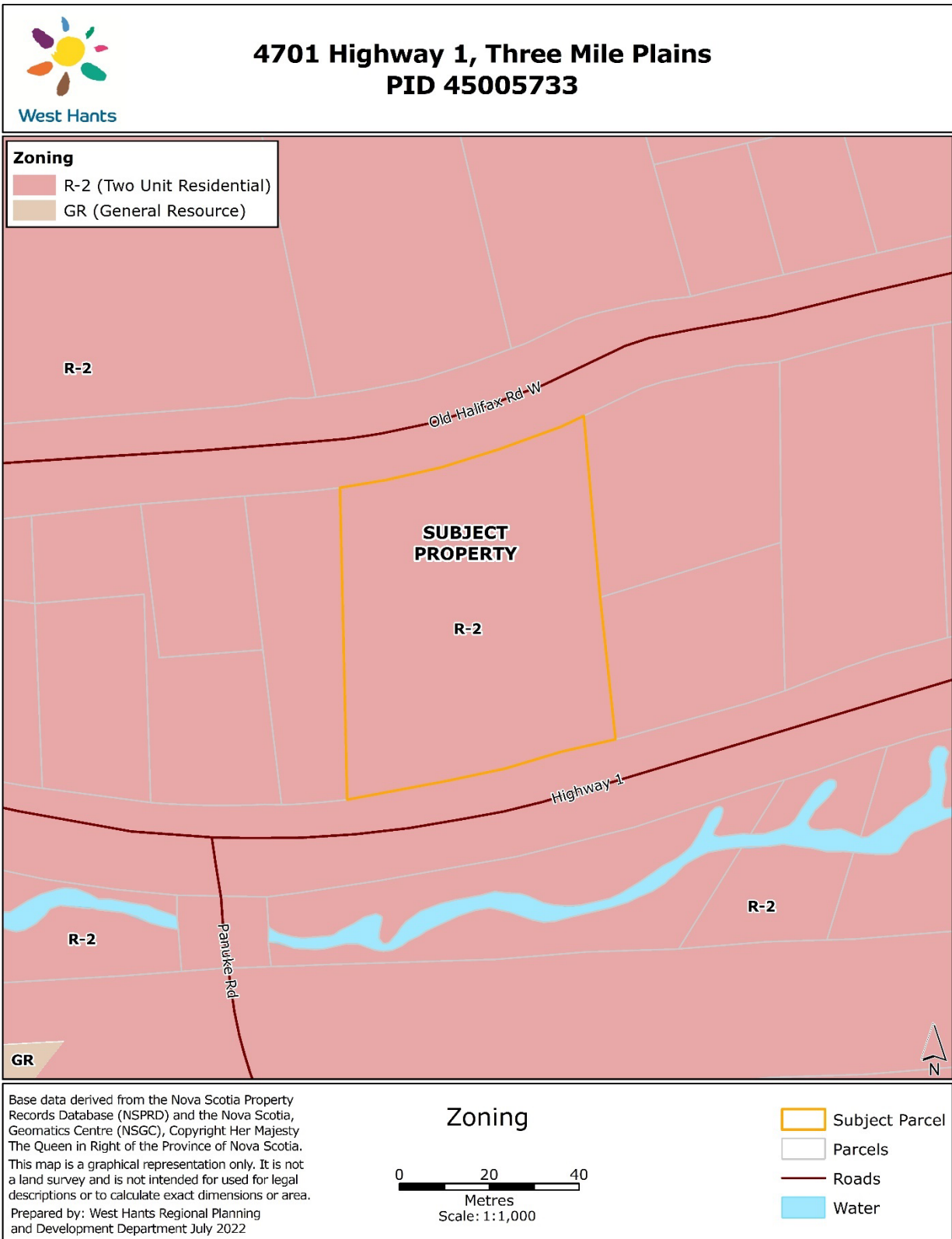


Figure 2
Zoning Map Extract



Attachment A
Specific Criteria for Development Agreement

West Hants Municipal Planning Strategy

Policy 5.7.6 It shall be the policy of Council to consider new Local Industrial uses in the Growth Centres by development agreement subject to the following:

CRITERIA	COMMENT
(a) the use is permitted in the Local Industrial (LI) zone;	“Auto repair and auto body shops in conjunction with a single unit dwelling” is a listed permitted use in the Local Industrial (LI) zone. The draft development agreement defines the proposed use as an “automotive repair shop” which means <i>“means a commercial establishment for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton)”</i> .
(b) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;	The automotive repair shop will be contained within an existing building on site therefore the use is not anticipated to be considered obnoxious by virtue of odours, dust, fumes or other emissions.
(c) safe and efficient roadway access is provided;	The Nova Scotia Department of Public Works has stated that “the Department does not have any concerns about the impact of the proposed use on traffic generation and traffic safety” and that “safe and efficient roadway access can be provided for the proposed use.”
(d) adequate on-site parking is provided;	The municipal Land Use By-law’s specify the minimum number of parking spaces for a use. However, in the draft development agreement staff have stated that a maximum of four (4) parking spaces are permitted for the automotive repair shop to ensure the automotive repair shop remains compatible with the residential use on the property and the residential uses in the surrounding area.
(e) the development will not adversely affect the adjacent residential area with respect to:	

(i) traffic generation and traffic safety;	The automotive repair shop is proposed to be operated from a 20 ft. x 20 ft. garage with one bay door which means that only one vehicle can be worked on at a time. The draft development agreement allows parking for up to four (4) vehicles which means there may be a total of five (5) extra vehicles on the lot at one time. As noted in 5.7.6 (c) the Nova Scotia Department of Public Works has stated that “the Department does not have any concerns about the impact of the proposed use on traffic generation and traffic safety”.
(ii) hours of operation;	The hours of operation are regulated in Section 2.8 of the draft development agreement as 7 a.m. – 7 p.m. Monday to Saturday.
(iii) noise;	Please see 5.7.6 (b) for further details.
(iv) size and design of building(s); and	The existing garage is 20 ft. x 20 ft. in size with one bay door. The applicant has stated they would like to perform vehicle service-related repairs such as tire changes, oil changes, break changes and fluids/coolant changes. This building would be adequate in size and design for this proposed use.
(v) pedestrian circulation and safety;	Highway 1 and Old Halifax Road West do not have sidewalks. However, based on the proposed uses it is unlikely that anyone will walk to or from the subject lot in relation to the automotive repair shop.
(f) adequate buffering or screening, setbacks and yards are provided, and open storage areas are adequately fenced or screened and limited to the rear yard where there is potential for conflict with adjacent uses;	The Development Officer noted that “the existing garage exceeds minimum setback requirements for both personal storage building and a commercial use.” Should the property owner decide that they wish to construct a new garage for the automotive repair shop in the future, the new building would have to meet the setback

	requirements outlined in Section 2.2 of the draft development. Clause 2.5, Storage, of the draft development agreement prohibits open storage in the front or side yard and limits open storage to a 100 sq. ft. (9.29 sq. m.) area of the lot that is to be screened from adjacent residential properties. It also permits accessory buildings for the automotive repair shop in accordance with Section 5.1 of the WLUB. Section 2.6, Signs and Lighting, of the draft development agreement states that exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street. All of these items should reduce the potential for conflict with adjacent uses.
(g) maintenance of the local industrial use will be satisfactory;	Maintenance of the proposed use is outlined in Section 2.9 of the draft development agreement and will ensure that the Owner is responsible for keeping the property, buildings and driveway in good repair.
(h) any other matter which may be addressed in a development agreement; and	All other matters are addressed elsewhere in this report.
(i) Policy 16.3.1.	Please see Attachment B for further details.

Attachment B
General Criteria for Development Agreement

Policy 16.3.1

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

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer stated that the lot is capable of being serviced by municipal water and sewer. They have stated that “disposal of special waste products and special collection would be required if the property/development does not meet requirements for standard curbside collection (including exceeding curbside quantities and special material disposal requirements, i.e., waste oil, oily rags, filters, cleaners, solvents, etc.).” The applicant has been informed and intends to dispose of these products through the provincial recycling programs. Clause 2.7 of the draft development agreement addresses these concerns and ensures the property owner is responsible for the safe storage and disposal of these products.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	The Manager of Building and Fire Inspection Services and the local Fire Chief have stated that they have no concerns at this time.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	As noted in 5.7.6 (c), the Nova Scotia Department of Public Works has stated that “the Department does not have any concerns about the impact of the proposed use on traffic generation and traffic safety” and that “safe and efficient roadway access can be provided for the proposed use.”

(v) the financial capacity of the Municipality to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;	As noted in 16.3.1 (a) (i), the property is capable of being serviced by municipal water and sewer.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	As stated in 5.7.6 (c), the Nova Scotia Department of Public Works has stated that “the Department does not have any concerns about the impact of the proposed use on traffic generation and traffic safety” and that “safe and efficient roadway access can be provided for the proposed use.” There is no active rail line in the area. Highway 1 and Old Halifax Road West do not have sidewalks. However, based on the proposed uses it is unlikely that anyone will walk to or from the subject lot in relation to the automotive repair shop.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	The property is approximately 30,537 sq. ft. (2,836.98 sq. m.) and is rectangular in shape. There is an existing 20 ft. x. 20 ft. garage on the lot for the proposed automotive repair shop and space for parking. This lot would be adequate in dimension and shape for this proposed use.
(e) the pattern of development which the proposal might create;	The automotive repair shop is proposed within an existing building on a property where the applicant and his family reside. Although the surrounding area is designated Residential and zoned Two Unit Residential (R-2) it is not anticipated that this proposed automotive repair shop will interfere with this pattern of development.
(f) the suitability of the area in terms of steepness of grade, soil and geological	The lot slopes upward from Highway 101 towards Old Halifax Road West. The lot

conditions, location of water courses or wetlands, and susceptibility of flooding;	flattens off behind the house where the garage and parking area are proposed for the automotive repair shop. There is a watercourse on the south side of Highway 1. Section 5.50 requires that no structure be located closer than 50 ft. (15.24 m.) from a watercourse. The buildings on the lot at 4701 Hwy 1 are located over 100 ft. from the watercourse. Clause 2.7 of the draft development agreement ensures that the property owner is responsible for the safe storage and disposal of any waste products from the automotive repair shop, therefore there should be no contamination of the watercourse in relation to this proposed development. The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property. The property owner is responsible for ensuring that the lot is suitable 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	All Municipal, Provincial and Federal regulations will have to be met.
(h) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment C



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2022.

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 -

Phillip and Roberta Marryatt, of 4701 Highway 1, Three Mile Plains, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Owners”)

OF THE SECOND PART

WHEREAS the Owners are the registered owners of a parcel of land located at 4701 Highway 1 (PID 45005733) hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (June 26, 2008) (the “Municipal Planning Strategy”) and

zoned Two-Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law (June 26, 2008) (the “Land Use By-law”) and is in Three Mile Plains Growth Centre; and

WHEREAS the Owners have requested that the Municipality enter into a development agreement to permit an Automotive Repair Shop on the Property (the “Development”) and Section 6.1 (j) of the Land Use By-law enables Council to consider a development agreement for auto repair and auto body shops in conjunction with a single unit dwelling as it is a listed permitted use in the Local Industrial (LI) zone; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day, 2022**, approved this request;

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:

- (a) “Automotive Repair Shop” means a commercial establishment for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton).

1.2 Schedules

The following attached schedules shall form part of this agreement:

Schedule A - Legal Description

Schedule B - Site Layout

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

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

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

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

- (a) those uses permitted by the underlying zoning in the Land Use By-law;
- (b) an Automotive Repair Shop; and
- (c) uses and structures accessory to the uses specified in clause 2.1 (a) and (b), including, but not limited to, storage sheds.

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 Automotive Repair Shop shall be located entirely within a 20 ft. by 20 ft. accessory building located at 4701 Highway 1 identified as “Shop” on the Site Layout, Schedule B. If the existing building is ever to be replaced the new building for the Automotive Repair Shop shall meet the following requirements:

Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	15 ft (4.57 m)
Maximum height of main building	35 ft (10.67 m)

2.3 Access and Egress

The main access/egress to the lot shall be directly from Highway 1. Any other access/egress shall be secondary and only used for emergency purposes. The vehicular entrance and exit shall be clearly demarcated and maintained to a level adequate to allow for access by emergency service vehicles.

2.4 Parking

A maximum of four (4) parking spaces may be used as part of the Automotive Repair Shop. The parking shall be located approximately as shown on Schedule B.

2.5 Storage

No open storage or display areas shall be permitted in the front yard along Highway 1 or the side yards. Open storage shall be limited to a 10 ft. (3.05 m.) x 10 ft. (3.05 m.) space and shall be screened from adjacent residential properties by a continuous row of trees, a hedge, a fence, or a combination of the foregoing arranged to form a dense or opaque screen. Accessory buildings for the Automotive Repair Shop shall be permitted in accordance with Section 5.1 of the Land Use By-law.

2.6 Signs and Lighting

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

2.7 Water and Sewer Services

The Property is capable of being serviced by municipal water and sewer. Oil and petroleum products must be stored and disposed of entirely at the Owners' responsibility and expense in a manner that ensures these products do not enter the Three Mile Plains Sewer System.

2.8 Hours of Operation

The hours of operation for the Automotive Repair Shop shall be limited to between 7:00 a.m. and 7:00 p.m. daily, Monday to Saturday, inclusive.

2.9 Maintenance

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

PART 3 CHANGES and DISCHARGE

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

3.2 Any matters in this agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this agreement.

3.3 The following matters are substantive matters:

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

- (b) the location of the shop, parking, and driveway shown on Schedule B of this agreement.
- 3.4** Notwithstanding the foregoing, discharge of this agreement is not a substantive matter and this agreement may be discharged by Council without a public hearing.
- 3.5** Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owners following a resolution of Council to give such Notice:
 - (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
 - (b) at the discretion of the Municipality, with or without the concurrence of the Owners, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
 - (c) at any time upon the written request of the Owners, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.
- 3.6** Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

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

Owners is excused for the period of the delay and the time period for the Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Owners shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within ten days of completion of any work which requires the engineered design.
- (b) The Owners shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other Bylaws and Regulations

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

5.2 Severability of Provisions

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

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the neutral gender shall include the masculine and feminine.
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

5.4 Municipal Responsibility

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

5.5 Breach of Terms or Conditions

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

5.6 Costs

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

5.7 Development Agreement Bound to Land

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

5.8 Assignment of Agreement

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

5.9 Written Notice

- (a) The Municipality may serve notice on the Owners personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Phillip and Roberta Marryatt, 4701 Highway 1, Three Mile Plains, NS, B0N 2T0 or at any other address provided by the Owners.
- (b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner.

5.10 Full Agreement

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

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

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

Witness

Witness

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

Per: _____

) Abraham Zebian, Mayor

)

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

)

Per: _____

) Phillip Marryatt

)

)

Per: _____

) Roberta Marryatt

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, 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 presence.

A Commissioner of the Supreme Court of Nova Scotia

ON THIS day of , A.D. 2022, 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 presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, 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, **Phillip Marryatt**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, 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, **Roberta Marryatt**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

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

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

I certify that on this _____, 2022
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

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

Deanna Snair, Clerk

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

We, Phillip and Roberta Marryatt, the “Deponents”, make oath and swear that:

1. We acknowledge that we executed the foregoing instrument on the date of this affidavit; this acknowledgement is made for the purpose of registering such instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392 or s.79(1)(a) of the *Land Registration Act* as the case may be.
2. We are nineteen years of age or older and are residents of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit “spouse” means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to section 55(1) of the Act.
4. We are the spouses of each other. Neither of us has any other spouse nor, with respect to the within property, any former domestic partner with the rights contemplated by Section 55 of the *Vital Statistics Act*, or any former spouse with rights under the *Matrimonial Property Act*. We consent to this disposition.

I certify that on this _____, 2022
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Phillip Marryatt

Roberta Marryatt

Schedule A
Legal Description – PID 45005733

ALL that certain lot of land situate at Three Mile Plains in the County of Hants and Province of Nova Scotia more particularly bounded and described as follows:

BEGINNING at a stake on the northerly side of the Windsor-Halifax Highway;

THENCE north sixteen degrees east two hundred and forty five feet to the Old Windsor-Halifax Road;

THENCE easterly along the old Windsor-Halifax Road a distance of two hundred and thirty six feet;

THENCE south seventeen degrees west two hundred fifty three feet to the Windsor-Halifax highway;

THENCE westerly along the Windsor-Halifax highway two hundred thirty two feet to a stake being the place of beginning.

SAVING and EXCEPTING Lot P-1 as shown on registered Plan No. 89234489 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 89234489.

The MGA compliance statement has been applied by SNSMR during the processing of Land Registration Plan 89234489.

Schedule B
Site Layout



Attachment D
Public Information Meeting Notes
September 8 – 23, 2022
File 22-10

4701 Highway 1, Three Mile Plains; PID 45005733

Meeting date and time	A Public Information Meeting was held on September 8, 2022 beginning at 7 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Poirier • Planner Dunphy • Director LeMay • Meeting Secretary Lake
Applicant Phil and Roberta Marryatt Property 4701 Highway 1, Three Mile Plains PID 45005733	Planner Poirier outlined the development agreement application to permit an automotive repair shop at 4701 Highway 1 (PID 45005733) in Three Mile Plains. The applicant did not make a formal presentation.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 8 – 23, 2022. No members of the public spoke at the Public Information Meeting. No comments or questions were received via mail, email or phone.
Adjournment	The meeting was adjourned at 7:09 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

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

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: October 25, 2022

Subject: West Hants Land Use By-law Amendment: Housekeeping # 22-16B

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the text of the West Hants Land Use By-law to correct errors in the metric equivalent of front yard requirements in the Two-Unit Residential (R-2) Zone and the Multiple Residential (R-3) Zone and correct the reference to the West Hants Municipal Planning Strategy policy for uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, all as shown in Appendix D of the October 13, 2022, report #22-16, West Hants Land Use By-law Housekeeping Amendments.

BACKGROUND

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

As Planning and Development staff review planning documents in order to respond to people inquiring about development potential, errors in the planning documents are occasionally found. Two were recently found in the West Hants Land Use By-law (WHLUB).

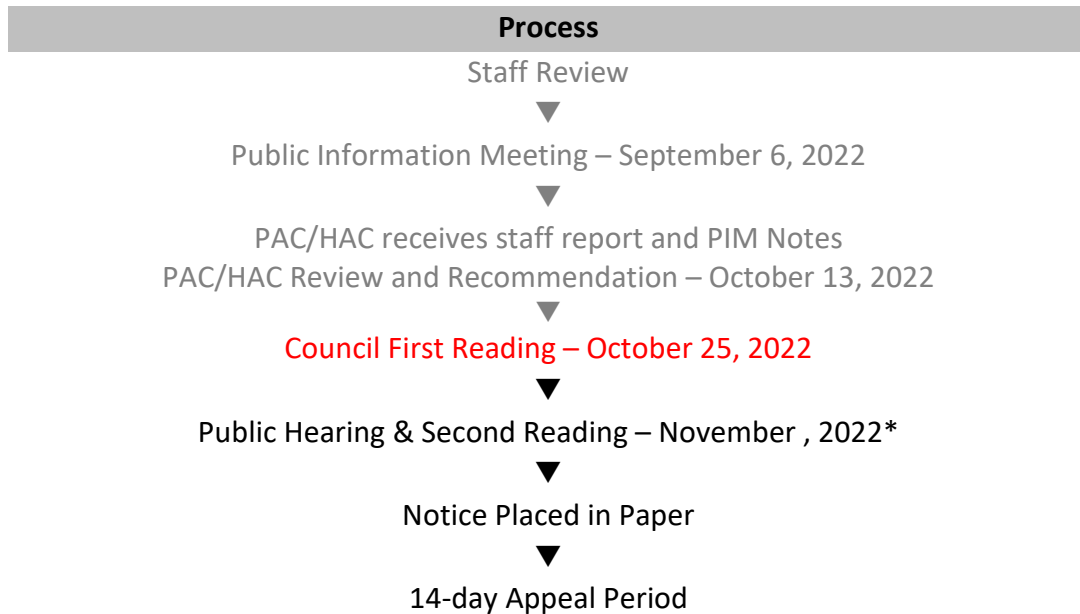
DISCUSSION

A Public Information Meeting was held on September 6, 2022.

PAC/HAC recommended in favour of the proposed amendments on September 8, 2022.

NEXT STEPS

The process for these proposed amendments is as follows:



*anticipated date; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality related to the proposed amendments.

ALTERNATIVES

In response to the application, Council may decide to:

- not hold a public hearing regarding the proposed amendments; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A West Hants Land Use By-law; Housekeeping Amendments File # 22-16

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Planning and Heritage Advisory Committee

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: October 13, 2022

Subject: West Hants Land Use By-law; Housekeeping Amendments File # 22-16

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act, Part 8

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 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 correct errors in the metric equivalent of front yard requirements in the Two-Unit Residential (R-2) Zone and the Multiple Residential (R-3) Zone, add a general clause to the West Hants Land Use By-law regarding the required standard of measurement, and correct the reference to the West Hants Municipal Planning Strategy policy for uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, all as shown in Appendix D of the October 13, 2022, report #22-16, West Hants Land Use By-law Housekeeping Amendments.

3.0 BACKGROUND

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

As Planning and Development staff review planning documents in order to respond to people inquiring about development potential, errors in the planning documents are occasionally found. Two have recently been found in the West Hants Land Use By-law (WHLUB): the first is related to the metric equivalent for imperial measurements and the second is related to the criteria for development agreements in the Hamlet and Resource designations.

4.0 DISCUSSION

4.1 Imperial/Metric Equivalent

The Two Unit Residential (R-2) Zone of the WHLUB contains a front yard setback of “15 ft. (7.62 m)”. The actual metric equivalent of 15 ft. is 4.57 metres.

In reviewing the document I found the same error in the Multiple Residential (R-3) Zone requirements. 4.57 m is correctly used as the equivalent for 15’ in nine (9) other locations in the WHLUB (Appendix A).

The WHLUB also does not contain the following usual statement regarding measurements *“The imperial system of measurement is used throughout this By-law and in all cases represents the required standard. Metric measurements are approximate and for convenience only.”*

In order to ensure that all measurements within the document are clear and not open to interpretation, the front yard setback in both the Two Unit Residential (R-2) Zone and the Multiple Residential (R-3) Zone should be corrected, and the statement regarding the standard of measurement should be added to Section 4.7, “Units of Measurement” as shown in Appendix D.

4.2 Part 6.0, Development Agreements

Clause (q) of Section 6.1 of the WHLUB reads: *“(q) Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, in accordance with Policy 4.5.1 of the Municipal Planning Strategy;”*(Appendix B).

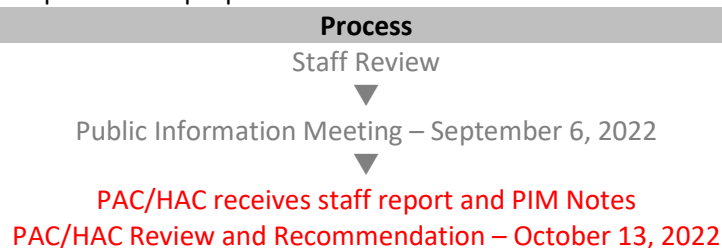
Policy 4.5.1 of the West Hants Municipal Planning Strategy (WHMPS) is related to development on municipally-owned land in any zone rather than to uses in existing non-residential buildings in the Hamlet and Resource designations. Policy 4.6.1 of the WHMPS, however, clearly refers to and establishes the criteria for *“existing non-residential buildings exceeding the commercial floor area limit in the Hamlet and Resource designations”* (Appendix C).

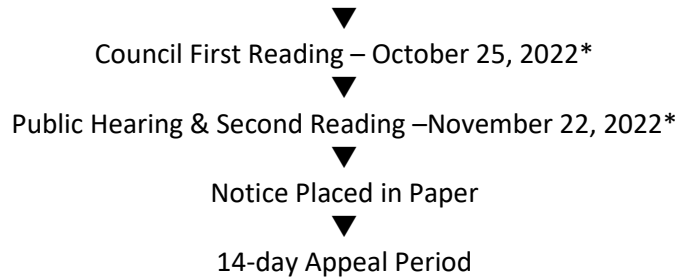
Planning and Development staff have had one serious inquiry this summer about development using clause 6.1 (q) which brought the error to light. Although no application for a development agreement followed, the error should be removed so that clause 6.1 (q) can be used should a developer wish to. The error is contained in the original document approved by Council May 13, 2008.

5.0 NEXT STEPS

The Public Information Meeting was held on September 6, 2022, and comments could be submitted until noon September 23. No comments were received. (Appendix E).

The process to complete these proposed amendments is as follows:





*anticipated date; final dates set by Council

6.0 FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality related to the proposed amendments.

7.0 ALTERNATIVES

In response to the application, Council may decide to:

- not hold a public hearing regarding the proposed amendments; or
- provide alternative direction such as requesting further information on a specific topic.

8.0 APPENDICES

Appendix A	WHLUB Two Unit Residential (R-2) and Multiple Residential (R-3) Zone
Appendix B	WHLUB 6.1 (q)
Appendix C	WHMPS Policy 4.5.1 and Policy 4.6.1
Appendix D	Draft Amendments
Appendix E	Public Information Meeting Notes

Report Prepared by: _____

Madelyn LeMay, Director, Planning and Development

APPENDIX A

Taken from the West Hants Land Use By-law September 12, 2022

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 (Amendment 20-28 Effective June 15, 2021)
- 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 20-28 Effective June 15, 2021) (Amendment GC2LUB 17-01 Effective March 7, 2018)

10.0 MULTIPLE RESIDENTIAL (R-3)

Permitted Uses

10.1 The following uses shall be permitted in the Multiple Residential (R-3) zone:

- Dwellings with more than two units in accordance with Sections 10.2 and 10.7 below;
- Boarding or rooming houses in accordance with Sections 10.2 and 10.7 below;
(Amendment WHLUB 14-01 Effective January 22, 2015)
- Residential care facilities providing care for five or fewer persons in accordance with Sections 10.2 and 10.7 below;
- Uses permitted in the R-1 zone subject to the R-1 zone requirements, with side yard requirements in accordance with Sections 10.2 and 10.7 below;
- Uses permitted in the R-2 zone subject to the R-2 zone requirements with side yard requirements in accordance with Sections 10.2 and 10.7 below.
(Amendment GC2LUB 17-01 Effective March 7, 2018)

R-3 Zone General Requirements

10.2 In the R-3 zone, no development permit shall be issued except in conformity with the following:

		Townhouse and triplex dwellings	Apartment buildings, residential care facilities
Minimum lot area		3,000 ft ² (278.70 m ²)/unit	10,000 ft ² (929.00 m ²) for the first 4 units; plus 1,500 ft ² (139.35 m ²) for each additional unit
Minimum lot frontage		30 ft (9.14 m)/unit	100 ft (30.48 m)
Minimum front yard		15 ft (7.62 m)	15 ft (7.62 m)
Minimum rear yard		25 ft (7.62 m)	35 ft (10.67 m)
Minimum side yard	one side	6 ft (1.83 m)	
	other side	5 ft (1.52 m)	
Maximum height of main building		35 ft (10.67 m)	3 storeys*
Maximum number of units per building		8	20

APPENDIX B

Taken from the West Hants Land Use By-law September 12, 2022

6.0 DEVELOPMENT AGREEMENTS

Developments to be considered by Development Agreement

- 6.1 The following developments may be considered only by development agreement in accordance with the *Municipal Government Act* and the Municipal Planning Strategy:

...

Hamlets, Agriculture and Resource

...

- (q) Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, in accordance with Policy 4.5.1 of the Municipal Planning Strategy;

APPENDIX C

Taken from the West Hants Municipal Planning Strategy September 12, 2022

4.5 Development on Municipally-owned land

Institutional, community use and public works development on municipally-owned lands shall be permitted in any zone. For major developments, however, such as a sewage treatment plant, or other public or institutional building or facility, Council feels it is important to consider the impact on the surrounding neighbourhood as well as to provide an opportunity for public input. For this reason, where such developments, if undertaken on privately-owned land, would be subject to a development agreement or rezoning process, Council will take into consideration the relevant policies of the Municipal Planning Strategy prior to commencing construction.

- Policy 4.5.1** It shall be the policy of Council to allow institutional, community use or public works development on municipally owned land in any zone; however, where such development involves the construction of a new main building with a gross floor area greater than 2,000 ft² (185.80 square meters) and would require a development agreement or rezoning if undertaken on privately-owned land, it shall be the intention of Council, prior to commencing such development, to consider its potential impact on the community and seek public input by:
- (a) requesting a staff report reviewing the relevant policies of the Municipal Planning Strategy including Policy 16.3.1; and
 - (b) holding a public meeting and publishing a notice of the public meeting.

4.6 Existing Buildings Exceeding Floor Area Limited in Hamlet and Resource Designations

Within the Hamlet and Resource designations, permitted floor area is limited for certain commercial uses. The purpose of this restriction is to ensure that larger scale, non-resource commercial and industrial development is directed to the Growth Centres, while Hamlets and resource areas provide small-scale, local services. There are, however, several existing non-residential buildings in the Hamlet and Resource designations which are far in excess of the floor area limit. This means that, in some cases, large sections of these existing buildings cannot be used. Council does not wish to prevent the re-development of these existing buildings, but wants to have some control over their development and the impact on neighbouring properties and land uses. For this reason, Council will consider permitting development of these existing large buildings by development agreement. To allow for a wide variety of uses, uses permitted in the Local Commercial (LC), Hamlet Industrial (M-2) and Rural Commercial (RC) zones will be considered.

Policy 4.6.1

It shall be the intention of Council that existing non-residential buildings exceeding the commercial floor area limit in the Hamlet and Resource designations may be permitted to use the full extent of their floor area for commercial or industrial use by entering into a development agreement, subject to the following:

- (a) the proposed use or uses are permitted in the Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) zones;*
- (b) safe and efficient roadway access is provided;*
- (c) adequate on-site parking is provided;*
- (d) the proposed use or uses are not considered obnoxious by reason of noise, odours, dust, fumes, or other emissions;*
- (e) adequate landscaping and screening, especially of open storage and parking, is provided;*
- (f) the use or uses are compatible with adjacent land uses with respect to traffic generation, hours of operation and other matters;*
- (g) any other matter which may be addressed by development agreement; and*
- (h) Policy 16.3.1.*

APPENDIX D

PROPOSED AMENDMENTS: WEST HANTS LAND USE BY-LAW

Purpose: to correct errors and omissions regarding metric equivalents and to correct a policy reference in the West Hants Land Use By-law

1. In Section 4.7, *Units of Measurement*, add the following Subsection: *The metric system of measurement is used throughout this By-law and in all cases represents the required standard. Imperial measurements are approximate and for convenience only.*, so that the Section appears as follows:

Units of Measurement

- 4.7 (a) Units of measurement used in this by-law are abbreviated as follows: feet - ft; meters – m; square feet – ft²; and square meters – m².
- (b) The imperial system of measurement is used throughout this By-law and in all cases represents the required standard. Metric measurements are approximate and for convenience only.

2. In Part 9, within the chart in Subsection 9.2, replace the minimum front yard requirement of *15 ft (7.62 m)* with a minimum front yard requirement of 15 ft. (4.57 m) so that the chart appears as follows:

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 (4.57 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)			

3. In Part 10, within the chart in Subsection 10.2, replace the minimum front yard requirement of *15 ft (7.62 m)* with a minimum front yard requirement of 15 ft. (4.57 m) so that the chart appears as follows:

10.2 In the R-3 zone, no development permit shall be issued except in conformity with the following:

		Townhouse and triplex dwellings	Apartment buildings, residential care facilities
Minimum lot area		3,000 ft ² (278.70 m ²)/unit	10,000 ft ² (929.00 m ²) for the first 4 units; plus 1,500 ft ² (139.35 m ²) for each additional unit
Minimum lot frontage		30 ft (9.14 m)/unit	100 ft (30.48 m)
Minimum front yard		15 ft. (4.57 m)	15 ft. (4.57 m)
Minimum rear yard		25 ft (7.62 m)	35 ft (10.67 m)
Minimum side yard	one side	6 ft (1.83 m)	
	other side	5 ft (1.52 m)	
Maximum height of main building		35 ft (10.67 m)	3 storeys*
Maximum number of units per building		8	20

4. In Part 6, clause (q), delete the number 4.5.1 and replace it with the number 4.6.1, so that the clause reads as follows:

6.0 DEVELOPMENT AGREEMENTS

Developments to be considered by Development Agreement

- 6.1 The following developments may be considered only by development agreement in accordance with the *Municipal Government Act* and the Municipal Planning Strategy:

Hamlets, Agriculture and Resource

...

- (q) Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, in accordance with Policy 4.6.1 of the Municipal Planning Strategy;

APPENDIX E
Public Information Meeting Notes
September 6, 2022 (via Zoom) – September 23, 2022
File# 22-16A

West Hants Land Use By-law Amendments: Housekeeping

Meeting date and time	A public information meeting was held on September 6, 2022 beginning at 6:30 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-06 A
Attending	Councillor Jim Ivey, PIM Chair Madelyn LeMay, Director, Planning and Development Mark Phillips, CAO PAC/HAC Members: Resident Bill Preston Resident Jennifer Nichols Councillor Debbie Francis Councillor John Smith Two members of the public were in attendance via Zoom.
Applicant none	Ms. LeMay outlined the proposed amendments which are intended to correct errors in the Land Use By-law related to the metric equivalent of front yard requirements in the Two-Unit Residential (R-2) Zone and the Multiple Residential (R-3) Zone and the reference to the West Hants Municipal Planning Strategy policy for uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations.
Adjournment	The presentation portion of the PIM ended at approximately 6:37 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. LeMay until noon, September 23, 2022.
PIM Submissions	No questions or comments were received during the Zoom meeting. No verbal or written submissions were received.

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
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)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
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)	Miniau (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)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
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

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
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

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Olena	Kharytonova	2021-05-15	2021-05-25 Council
Pat	Porter	2021-05-12	2021-05-25 Council
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
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darren	Porter (forwarded email from/to another source)	2021-05-27	2021-06-08 COTW
Dawn	Allen	2021-05-25	2021-06-08 COTW
John	Monette	2021-05-25	2021-06-08 COTW
Richard	Dunham	2021-05-25	2021-06-08 COTW
Carrilee	Eddy	2021-06-06	2021-06-22 Council
Darlene	Taylor	2021-06-09	2021-06-22 Council
Darren	Porter	2021-06-06	2021-06-22 Council
Lisa	Bland	2021-06-08	2021-06-22 Council
Krista & Scott	Lloy	2021-06-07	2021-06-22 Council
Nancy	Sheehy	2021-06-06	2021-06-22 Council
Karen	Beazley	2021-07-06	2021-07-13 COTW

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

[illegible]

Correspondence Received

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Katherine	Mcleod, P.Eng, Dept. Environment and climate change	2021-10-28 (Received)	2022-01-11 COTW
Hants County Legion		2021-11-25	2021-12-07 COTW
Hon. Melissa	Sheehy-Richard	2021-11-30	2021-12-07 COTW
Hon. John	Lohr	2021-11-30	2021-12-07 COTW
Hon. Kim	Masland	2021-12-01	2021-12-16 Council
NSUARB		2021-12-10	2021-12-16 Council
Bennet	Mary Lou	2021-12-13	2021-12-16 Council
Hon. Kim	Masland	2021-12-17	2022-01-11 COTW
Bland	Lisa	2021-01-17	2022-01-11-COTW
Wilson	John	2021-12-21	2022-01-11 COTW
Pineo	Shirley	2021-12-17	2022-01-11 COTW
Nelson	Gary	2022-01-11	2022-01-25 Council
Hon. Kody	Blois	2022-01-13	2022-01-25 Council
Denise	Forrand	2022-01-19	2022-01-25 Council
Dawn	Allen	2022-01-18	2022-01-25 Council
Sarah	Brothers	2022-01-19	2022-01-25 Council
Roland	Newcombe	2022-01-20	2022-01-25 Council
Valerie	Newcombe	2022-01-20	2022-01-25 Council
Andrea	Moore	2022-01-21	2022-01-25 Council
Gary	Nelson	2022-01-26	2022-02-08 COTW
Hon. Minister	Johns	2022-01-27	2022-02-08 COTW
Hon. John	Lohr	2022-02-01	2022-02-08 COTW
Hon. Joyce	Murray	2022-02-02	2022-02-08 COTW
Kim	MacQuarrie	2022-02-06	2022-02-22 Council
Sheldon	Hope	2022-02-08	2022-02-22 Council
Brad	Carrigan	2022-01-24	2022-03-08 COTW
Dr. Gordon	Haliburton	2022-02-14	2022-03-08 COTW
Hon. Kim	Masland	2022-03-01	2022-03-08 COTW
East Hants		2022-03-01	2022-03-08 COTW
Hon. John	Lohr	2022-03-22	2022-04-12 COTW
Andrea	Parker	2022-03-28	2022-04-12 COTW
Bulk Water Haulers		2022-03-30	2022-04-12 COTW
Mark	Wainman	2022-04-04	2022-04-12 COTW
Jeff	Houser	2022-03-23	2022-04-12 COTW
Kathrin	Winkler	2022-04-05	2022-04-12 COTW
Joseph, PVSC	Feeney	2022-04-14	2022-04-26 Council

Correspondence Received

Darren	Porter	2022-04-21	2022-04-26 Council
Daphnee	de Lamirande	2022-04-29	2022-05-10 COTW
Hon. John	Lohr	2022-05-02	2022-05-10 COTW
Ann- Marie	Mathieu, Annapolis Valley Regional Library	2022-05-05	2022-05-10 COTW
2022-05-11 Yves	Arsenault re Information session for Hosting of 44th annual Final des Jeux de l'Acadie for 2025	2022-05-11	2022-05-26 Council
Anna	Allen	2022-05-22	2022-06-14 COTW
Seamus	Marriott, Community Petition re Zwicker lake	2022-05-31	2022-06-14 COTW
Scott	Carson (Presenting letter in person to Council)	2022-06-03	2022-06-14 COTW
Hon. John	Lohr (DMA)	2022-06-10	2022-06-14 COTW
Nancy	Sherwood	2022-06-14	2022-06-28 Council
Bobby	Best	2022-06-16	2022-06-28 Council
Hon. Kim	Masland	2022-06-21	2022-06-28 Council
Sherri	Bulger	2022-06-28	2022-06-28 Council
Hon. John	Lohr	2022-06-30	2022-07-12 COTW
Domenic	Padula	2022-07-07	2022-07-12 COTW
Hon. Joyce	Murray	2022-07-12	2022-07-26 Council
Diana	Gibson re: RCMP & Fort Edward Information	2022-06-29	2022-07-26 Council
Acute Care	Tanya Penney	2022-07-19	2022-07-26 Council
Darren	Porter	2022-07-27	2022-09-13 COTW
PVSC		2022-08-02	2022-09-13 COTW
DMA		2022-08-04	2022-09-13 COTW
Breaking Barriers Together		2022-08-17	2022-09-13 COTW
Bill	Preston	2022-08-18	2022-09-13 COTW
Alix	Munro (POSSE)	2022-09-01	2022-09-13 COTW
County of Annapolis	Letter to Premier Tim Houston and Hon. Tim Halman re Moratorium on Aerial Herbicide Spraying	2022-09-14	2022-09-27 Council
Darren	Porter	2022-09-14	2022-09-27 Council
Darren	Porter	2022-09-16	2022-09-27 Council

Correspondence Received

Philip Hyam	Hyam	2022-09-17	2022-09-27 Council
Mash Up Lab re: Opportunity for Aspiring Entrepreneurs in West Hants		2022-10-17	2022-10-25 Council
Minister Masland	Re: Potential Mi'kmaq Burial site	2022-10-19	2022-10-25 Council

From: [Chrystal Remme](#)
To: [PublicOnlyCouncilEmail](#)
Subject: Opportunity for Aspiring Entrepreneurs in West Hants
Date: Monday, October 17, 2022 10:57:04 AM
Attachments: [F4E7634507E243ACBEC36A5E00F2428D.png](#)

Caution [External Email]

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

Good morning Councillors,

I am the newest part of the team at [Mashup Lab](#), a for-more-than-profit company based here in Nova Scotia. I am reaching out in hopes that you will help us inspire prospective entrepreneurs in West Hants about an amazing opportunity called the [Dream Business Program](#).

Small businesses are the heart and soul of our communities and are rooted in the landscape that they grow. How wonderful would it be to be able to provide them access to a program that will help turn their business idea into a reality?

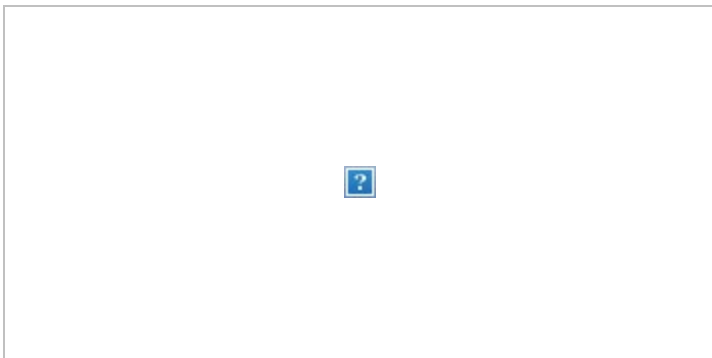
The Dream Business Program focuses on making the idea of entrepreneurship more approachable. It provides participants with valuable tools and resources to help them figure out the business model around their idea. Participants will receive 1:1 coaching opportunities and access to new connections with other entrepreneurs and become part of the Mashup Community, which provides continued support after completion of the Program. Thanks to the support of the Provincial Government, the Program is free to rural residents in Nova Scotia.

The sessions begin in November and run once a week for six weeks. Participants will receive 1:1 coaching opportunities, new connections with other entrepreneurs and access to the Mashup Community, which provides continued support after completion of the Program. Your residents can register for the Program at <https://mashuplab.ca/nova-scotia/>.

You can find us on [Facebook](#) and [LinkedIn](#) to learn more about us and to easily share posts we have on this or another program we deliver. If you'd like to learn more about Mashup Lab, the founder, Andrew Button, describes what we are all about in this short video – [Unleash Rural Potential](#).

If you have any questions or if I can be of any assistance in helping reach your residents, please don't hesitate to contact me either through email or at 902-

Thank you for helping us unleash rural potential by turning dreams into realities,





**Public Works
Office of the Minister**

PO Box 186, Halifax, Nova Scotia, Canada B3J 2N2

OCT 12 2022

His Worship Abraham Zebian
Mayor, West Hants Regional Municipality
PO Box 3000
76 Morrison Drive
Windsor, NS B0N 2T0

Dear Mayor Zebian:

Thank you for your letter dated August 22, 2022, concerning the potential Mi'kmaq Burial site in the vicinity of Exit 6 on Highway 101 in the Windsor area.

The Department of Public Works (DPW) recognizes the vital role the Community Liaison Committee (CLC) plays in large highway projects such as the Highway 101 Twinning project.

The twinning project has had previous environmental and archaeology assessments conducted and these reports have identified the area encompassing Exit 6 as having low potential for archaeological resources, due to the surrounding soils lacking evidence of archaeological features. Additionally, the previous assessments indicated that this area has been heavily disturbed by development over the past century.

As a result of the recent concerns raised by the CLC, DPW has commissioned consultants to investigate the potential for a burial site in the vicinity of Exit 6. As the results of these investigations are presented to DPW, in addition to the information provided in the Municipality's Phase 1 Archaeological Resource Impact Assessment (ARIA) and previous studies done for the twinning project, the department will review and decide on next steps.

If you have any further concerns, please contact Bonnie Miles-Dunn, Director, Highway Engineering and Capital Programs by phone at 902-424-3541 or email at Bonnie.Miles-Dunn@NovaScotia.ca.

Yours sincerely,

Kim D. Masland
Minister

c: Melissa Sheehy-Richard, MLA Hants West
West Hants Regional Municipality Council
Mark Phillips, Chief Administrative Officer, West Hants Regional Municipality
Bonnie Miles-Dunn, Director, Highway Engineering and Capital Programs

Fort Edward Lands Correspondence

First Name	Last Name	Correspondence	Meeting/Logged
Theresa	Newcombe	11/23/2021	2022-03-22 Council
Gary	Nelson	12/17/2021	2022-01-11 COTW
Lisa	Bland	12/17/2021	2022-01-11 COTW
John	Wilson	12/21/2021	2022-01-11 COTW
Gary	Nelson	1/11/2022	2022-01-25 Council
Andrea	Moore	1/21/2022	2022-01-25 Council
Valerie	Newcombe	1/21/2022	2022-03-22 Council
Gary	Nelson	1/26/2022	2022-02-08 COTW
Sara	Brothers	1/19/2022	2022-01-25 Council
Dawn	Allen	1/17/2022	2022-01-25 Council
Marty	Fougarty	2/5/2022	2022-03-22 Council
Dr. Gordon	Haliburton	2/14/2022	2022-03-08 COTW
Theresa	Newcombe	3/11/2022	2022-03-22 Council
Marie	Claude-Roiux	3/9/2022	2022-03-22 Council
Barbara	Gallagher	No Date	2022-03-22 Council
Roland	Newcombe	1/20/2022	2022-01-25 Council
Liz	Galbraith	12/16/2021	2021-12-16 COTW
Mary Lou	Bennet	12/13/2021	2021-12-16 COTW
Jean	Scotney	2/25/2022	2022-03-22 Council
Denise	Forand	3/16/2022	2022-03-22 Council
Jonathan Fowler	Fowler	3/13/2022	2022-03-22 Council
Heather	Pick	3/17/2022	2022-03-22 Council
Wanda	Donelle	2/22/2022	2022-04-12 COTW
Teresa	Newcombe	3/22/2022	2022-04-12 COTW
Patti	Quinn	3/22/2022	2022-4-12 COTW
Martin	Theberge	4/6/2022	2022-04-12 COTW
Rene	Cormier	4/12/2022	2022-04-26 Council
Daphnee	de Lamirande	4/29/2022	2022-05-12 COTW
Carol	Bradley	6/23/2022	2022-06-28 Council
Ruth	Angevine	6/24/2022	2022-06-28 Council
Denise	Forand	6/28/2022	2022-06-26 Council
Marie	Claude-Roiux	6/28/2022	2022-07-12 COTW
Colleen	Rogers	7/24/2022	2022-09-13 COTW
Shirley	Pineo	8/9/2022	2022-09-13 COTW
Pamela	Spence	8/19/2022	2022-09-13 COTW
Councillor Gail	Tupper	8/22/2022	2022-09-13 COTW
Camilla	Noiles	9/3/2022	2022-09-13 COTW
Sandra Barss	Heritage Trust of Nova Scotia	10/18/2022	2022-10-25 Council



HERITAGE TRUST OF NOVA SCOTIA

PRESERVING NOVA SCOTIA'S BUILT HERITAGE

October 18, 2022

VIA FACSIMILE: 902-798-8553

West Hants Regional Council
West Hants Regional Municipality
76 Morison Drive
P.O. Box 3000
Windsor, NS B0N 2T0

Dear Members of Council:

RE: FORT EDWARD NATIONAL HISTORIC SITE

The Heritage Trust of Nova Scotia is dedicated to the preservation and promotion of historic sites and buildings in our province.

We write to express our concern regarding the proposed sale, re-zoning and development of land adjacent to Fort Edward National Historic Site. This site is a highly significant heritage resource, boasting the oldest military blockhouse in North America.

The existing structure was built on the site of an earlier, pre-deportation Acadian church. Fort Edward played a key role as Acadian prison and deportation centre. In 1760, the truck house (trading post) established on the slope beside Fort Edward became one of six official trading posts licenced to trade with the Mi'kmaq. In 1765, the site also became the location of Canada's oldest agricultural fair.

Historical sites like Fort Edward help define a community and its sense of place. Situated on a hill, overlooking the Avon River, the site has "extraordinary views and vantage points that are critical to the military function of the site" (Parks Canada Management Plan for National Historic Sites, Southwest Nova Scotia, 2016; p.64). People visit Fort Edward not only to see the blockhouse but also to walk the grounds where other buildings once stood and to experience the view, which reflects the site's importance.

The Parks Canada Commemorative Integrity Statement (1998) for the Fort Edward National Historic Site classifies the Historic Place **view-planes** as a **Level 1** Cultural Resource that "Symbolize or Represent Fort Edward's National Significance" (p.7). In the 2016 Management Plan, a key objective is defined as "Visitor opportunities to experience the Fort Edward view-planes and grounds as offered" (p.35). Another objective highlights "Shared

stewardship and a community gathering place at Fort Edward” and recognizes the need for “communication with the town and potential developers regarding the heritage value of the site.” (p.59). These statements reflect the importance of the historic view-planes associated with Fort Edward which would be threatened by certain types of building construction.

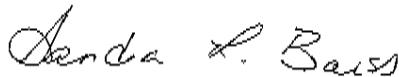
Dr. Jonathan Fowler of Northeast Historical Archaeological Research conducted a Phase 1 exploration of potential archaeological resources on the Fort Edward site and adjacent lands. His March 8, 2022 presentation to the West Hants Regional Council ably demonstrated the richness of potential material on nearby land but also expressed concern towards some of the future development that has been proposed to date.

The adjacent land presents an opportunity to incorporate much needed washrooms and possibly a small interpretive structure. We propose that it is this sort of development that will enhance the site rather than detract from it, and which will acknowledge the importance of this national historic site to Windsor, and to Nova Scotia.

Fort Edward and its surrounding area has a rich, diverse history with beautiful views expressing its historic strategic importance. The Heritage Trust of Nova Scotia and its members across the province ask the members of West Hants Regional Council to proceed with caution. We ask that Council reconsider the re-zoning and sale of the lands surrounding Fort Edward National Historic Site, bearing in mind that they might compromise the site’s historical integrity and future heritage interpretation opportunities.

We thank you for your consideration. Should you have any questions, please feel free to contact the Trust at 902-423-4807.

Respectfully submitted,
HERITAGE TRUST OF NOVA SCOTIA



SANDRA L. BARSS
President

SLB/jm
c Board of Directors, HTNS

Combined Overflow System Correspondence

First Name	Last Name	Date Received	Meeting/Logged
Katherine	MacLeod	10/27/2021	2022-01-11 COTW
Katherine	MacLeod	10/28/2021	2022-01-11 COTW
Carrilee	Eddy	3/13/2022	2022-03-22 Council
Anna	DeNicola	3/12/2022	2022-03-22 Council
Darren	Porter	3/13/2022	2022-03-22 Council
Ellen	Hart	3/13/2022	2022-03-22 Council
Jennifer	Davidson	3/13/2022	2022-03-22 Council
Felicia	McNeil	3/14/2022	2022-03-22 Council
Darren	Porter	3/15/2022	2022-03-22 Council
Susie	Smith	3/15/2022	2022-03-22 Council
Carol	Bradley	3/17/2022	2022-03-22 Council
Felicia	McNeil	3/21/2022	2022-04-12 COTW
Felicia	McNeil	4/11/2022	2022-04-26 Council

Correspondence Sent

[illegible]



October 19, 2022

Dear Honourable Joyce Murray,
Federal Minister of Fisheries, Oceans and the Canadian Coast Guard

Minister of Fisheries, Oceans and the Canadian Coast Guard Minister's Office
200 Kent Street, Station 15N100
Ottawa, ON K1A 0A6

Sent electronically to: min@dfo-mpo.gc.ca

Dear Honourable Minister Murray,

Re: Cancellation of the 2022 Windsor Pumpkin Regatta due to the lack of lake water in Lake Pisiquid,
Windsor, Nova Scotia

Please accept the following letter on behalf of the West Hants Regional Municipal Council regarding the cancellation of the 2022 Windsor Pumpkin Regatta due to the lack of water in Lake Pisiquid as a result of the Ministerial Order on the Avon River Aboiteau gates.

The Windsor Pumpkin Regatta is a well-known community event in West Hants and the former Town of Windsor dating back to 1999. For over 20 years individuals have traveled from far and wide to observe paddlers brave their way across Lake Pisiquid in a Howard Dill pumpkin. The economic spinoffs generated from the Annual Pumpkin Regatta, which attracted upwards of 15,000 spectators, benefited many local businesses and extended well outside the Windsor area and into our smaller communities.

A recently published article from Salt Wire (September 9th, 2022), identified three necessary ingredients to host a successful pumpkin regatta:

1. Water
2. Giant Pumpkins
3. "A person to paddle"

Due to the ongoing lack of water in Lake Pisiquid and the waterfront area, it is important for Council to explore the potential that special consideration be granted from the Federal Minister of Fisheries, Oceans and Canadian Coast Guard for any type of sustained water to host this annual Fall event. To formally express the current position of the Council who met on September 27th, 2022, to discuss

this matter, the following motion was ratified.

“Council direct staff to write a letter to the Federal Minister of Fisheries, Oceans and the Canadian Coast Guard, the Honourable Joyce Murray, requesting if special consideration may be had for a temporary lifting of the Ministerial Order (while in effect) allowing for water to refill Lake Pisiquid for a duration deemed appropriate every October to allow for the continuation of the annual Windsor Pumpkin Regatta.”

West Hants Regional Municipality thanks you for your attention to this matter and we look forward to hearing from you.

Respectfully,



Abraham Zebian, Mayor

az/ds

CC:

The Right Honourable Justin Trudeau, Prime Minister of Canada
Honourable Tim Houston, Premier of Nova Scotia
Honourable Steve Craig, Nova Scotia Minister of Fisheries and Aquaculture
Honourable Greg Morrow, Nova Scotia Minister of Agriculture
Nova Scotia Assembly of First Nations
Kody Blois, Member of Parliament for Kings-Hants
Melissa Sheehy-Richard, MLA Hants West
WHRM Council and Mark Philips, Chief Administrative Officer



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Members of West Hants Regional Council

Submitted by: _____
Abraham Zebian, Mayor

Date: October 25, 2022

Subject: Committee of the Whole Meetings

LEGISLATIVE AUTHORITY

Municipal Government Act, Sections 23 – Council May Make Policies

Municipal Government Act, Section 24 – Standing, Special, and Advisory Committees

Municipal Government Act, Section 48 - Policies

RECOMMENDATION or DECISION REQUEST

This report would be considered the minimum seven-day notice required for policy change, and that at the November Council meeting...

Council direct staff to amend the West Hants Regional Municipality Meetings and Committee Procedural Policy RCOGE-003.00 section 3.2 to read as follows:

“Unless otherwise specified pursuant to Section 3.5 of this Policy a regular meeting of the Committee of the Whole will be held:

- a) At the location set by Committee of the Whole
- b) On the second Tuesday of each month, except for August,
- c) **Commencing at 9:00 a.m. unless otherwise directed by Council.**

BACKGROUND

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

The West Hants Meeting and Committee Procedural Policy RCOGE-003.00 was adopted by Council in April 2020 and has been amended since then by Council direction. Within the Policy, it is stated that Committee of the Whole and Council will meet the second and fourth Tuesday of the month, respectfully, at 6pm.

DISCUSSION

Some Council members expressed concern that the length of meetings has caused issues with making informed, clear decisions on important topics and expenditures. With a Council composition of 12 individuals, this is to be expected with Councillors being fully engaged and all wishing to debate their points of view. It's wonderful having the detailed debates.

The last COTW meeting concluded with Council deciding to adjourn the meeting at 10:00 pm (as per section 10.16 of Policy RCOGE-003.00) due to mental fatigue. I respect Council's decision but feel it is important to present options to avoid the fatigue. Good decisions arise from solid information, debate, and a fresh mind. I believe with COTW being the primary meeting where Council debates in detail, topics being presented, the COTW meeting should begin at 9:00 a.m. in order for all Council members to be fresh and ready. I believe this start time will also be well-received by staff who could also experience mental fatigue from a very long workday and not be as fresh and prepared to answer important questions presented by Council. I feel when individuals are fatigued, they may make mistakes with wording or misquote responses.

I understand with making this recommendation, it may disrupt some Council members' work schedules; however, confident Council's remuneration will balance out any disruptions. Again, this is just a recommendation on attempting to help address the mental fatigue experienced during long meetings in the evening.

NEXT STEPS

November 2022 Council Meeting - If Council approves the recommendation, staff will amend the policy to reflect Council's decision.

If Council rejects the recommendation, no changes will be made.

If Council decides on an alternative, staff will carry out the direction of Council.

FINANCIAL IMPLICATIONS

There are no financial implications with the requested report but there is a requirement of staff time.

ALTERNATIVES

1. If Council does not wish to have COTW meet at 9:00 a.m. to help address mental fatigue, an alternative could be:

*If Council wishes to end the COTW meeting at 10:00pm as per section 10.16 of Policy RCOGE-03.00, that Council convenes the meeting the next business day at 6:00 p.m. to conclude the business from the previous day in order to avoid creating a backlog for future meetings. This could be done by the following motion:

Council moves to direct staff to amend section 10.16 of the Meeting and Committee Procedural Policy RCOGE-003.00 to read: "A meeting of Council or Committee of Council will adjourn at 10:00 pm unless otherwise determined by a majority vote of the members present. If the meeting agenda is not complete as of 10:00 p.m., the meeting will resume the next business day at 6:00pm to complete the work from the previous day's approved agenda.

2. Council can continue with status quo and push unfinished business to the next meeting of Council.

3. Any other suggested alternatives from Council.

ATTACHMENTS

- Meeting and Committee Procedural Policy RCOGE-003.00

CHIEF ADMINISTRATIVE OFFICER REVIEW

As indicated in the Mayor's report Council has had lengthy COTW and Council meetings and have been challenged to review all agenda items in a time frame traditionally followed by the former Windsor and West Hants Units. This is largely due to the debate associated with what are now broader more diverse discussion topics encompassing a Regional Municipality (Urban + Rural Matters) and what were past discussions of two units now under the umbrella of one (1+1 =2).

Allocating the appropriate time to deal with the business of Council on a regular basis is important for Council to review. The Mayor has made a recommendation for which he feels will address the current challenge at the COTW.

In addition to my comments below I share the following examples of meeting frequency of other municipal units posted on their respective websites for comparison's sake:

Cape Breton Regional Municipality

Council *usually* holds two regular meetings per month: the second Tuesday (at 6:00 pm) and the fourth Tuesday (at 9:30 am).

Kings County

Council meetings are held on the first Tuesday of the month starting at 6:00 p.m. Committee of the Whole meets on the third Tuesday of the month starting at 9:00 a.m. (Committee of the Whole meetings are held on the second Thursday of the month starting at 6:00 p.m. as required.)

New Glasgow

All Council Meetings take place at 6:00 pm.

All Committee of the Whole Meetings take place at 5:30 pm.

Except in July & August- they begin at 5:15 pm.

The Municipality of the County of Antigonish

Regular Meetings of Council

Regular Meetings of Council are held on the second Tuesday of each month, from September to June. These meetings are held at 7:30 pm in the Council Chambers

Committee of the Whole Meetings

Committee of the Whole Meetings are held on the second and fourth Tuesday of each month, from September to June. These meetings are held at 5:30 pm on the second Tuesday, and 6:30pm on the fourth Tuesday of the month in the Council Chambers

Municipality of the District of Yarmouth

Meetings are held twice a month. On the second Thursday of the month Council meets at 2:30 pm in the Council Chambers of the Municipal Building in Hebron. On the fourth Wednesday of the month the meeting convenes at 6:00 pm in the Council Chambers of the Municipal Building in Hebron.

Cumberland County

Committee of the Whole is held on the third Wednesday of each month starting at 4pm

Council is held on the fourth Wednesday of the month starting at 4pm

Municipality of East Hants

Executive Committee meetings start at 9 a.m. and Council meetings commence at 7 p.m. (unless otherwise indicated).

As observed by the provided examples, meeting frequency and time can be customized to accommodate the sitting Council. What has continued to become apparent is that COTW and Council meetings have trended towards lengthy meetings pushing adjournment late into the evening and causing fatigue and frustration. Staff and Council have tried to improve meeting efficiency by being more direct with presenters and ensuring the allotted presentation time is respected and improving the agenda process by discouraging late additions while respecting Council's right to add late items if Council so chooses. These factors among others can continue to be reviewed.

The following points are made in relation to the recommendation:

- Financial Implications – There will likely be cost savings as it relates to staff overtime associated with meeting attendance by non-exempt employees. Added food costs may have to be considered if day time meetings are approved.
- Public Attendance – Having meetings throughout the business day may impact citizen's availability to watch the meetings or attend. With the current use of technology and other factors it is difficult to determine if this will have a positive or negative impact on the public. Having day meetings will overlap with the traditional workday.
- Staffing Impacts – A change in meeting scheduling will certainly be more convenient to staff as the meeting will be incorporated into their working day, but it will impact what has been the normal "working day capacity" of those participating (particularly Department Heads) depending on the length of the meeting.
- Length of Meetings – COTW meetings are trending consistently towards a 4hr or 5hr duration. Meetings starting at 9am as proposed will provide the allotted time required vs being added onto a normal working day for Council and staff.

I look forward to the discussion regarding this matter and staff will respond to direction of Council. Staff are also prepared to perform more research if requested.

Report Prepared by: _____
Abraham Zebian, Mayor

Report Reviewed by: _____
Shelleena Thornton, Municipal Operations Supervisor

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

MEETING AND COMMITTEE PROCEDURAL POLICY

Table of Contents

1.	General.....	2
2.	Mandate of Council and Committee of the Whole	3
3.	Time, Place, Date and Notice of Meetings	4
4.	Communications	6
5.	Meeting Attendance and Quorum.....	7
6.	Election Process for Deputy Mayor, Chair or Vice-Chair	8
7.	Meeting Agendas and Packages	9
8.	Council and Committee Chair Duties.....	12
10.	Meeting Decorum and Rules of Debate	14
11.	Conflict of Interest	16
12.	Motions and Voting	17
13.	Points of Order (also refer to Code of Conduct Policy)	21
14.	In-Camera Meetings.....	22
15.	Setting Direction	23
16.	Receiving Public Input.....	25
17.	Committees.....	25
19.	Repeal	28
20.	Related Legislation, Policies, Procedures	29
APPENDIX A Report Form.....		30
APPENDIX B Rules of Common Motions		32
APPENDIX C Decision Making by Council and Committee of Council.....		33
APPENDIX D Accessibility Advisory Committee		34
APPENDIX E Audit Committee.....		37
APPENDIX F Davidson Lake Watershed Advisory Committee.....		38
APPENDIX G French Mill Brook Watershed Advisory Committee		41
APPENDIX H Fences Arbitration Committee		43
APPENDIX I Repealed		45
APPENDIX J Mill Lakes Watershed Advisory Committee		46
APPENDIX K Planning Advisory/Heritage Advisory Committee		48
APPENDIX L Municipal Climate Change Action Plan Committee		50
APPENDIX M Diverse and Inclusive Communities Committee.....		51

MEETING AND COMMITTEE PROCEDURAL POLICY

1. General

1.1. This Policy will be known and cited as the “Meeting and Committee Procedural Policy”.

1.2. The purpose of this Procedural Policy is to:

- a) provide direction to Council and Staff members on conducting Council and Committees of Council meetings. This Policy does not apply to boards, commissions and committees of which the Municipality may be a member, but which was not established solely by the Municipality;
- b) establish the Committee of the Whole as a Committee of Council; and
- c) establish various other Committees of Council.

1.3. In this Policy:

- a) “Act” means the Municipal Government Act, Stats. N.S. 1998, C. 18
- b) “Business day(s)” means a day which the administrative offices of the Municipality are open for business;
- c) “Chair” means the presiding officer of Council or a Committee of Council;
- d) “Chief Administrative Officer” or “CAO” means the Chief Administrative Officer of the Municipality;
- e) “Clerk” means the Clerk of the Municipality;
- f) “Closed Meeting” means a meeting which is not open to the public and may be known as in-camera.
- g) “Committee of Council” means a committee formed pursuant to a resolution or policy of Council;
- h) “Council” means all Council members of the Municipality;
- i) “Councillor” means a Council member and includes the Mayor and Deputy Mayor unless the context indicates otherwise;
- j) “Majority” means more than one-half of those present
- k) “Meeting Package” means the package prepared for a meeting consisting of the agenda and associated agenda item material;
- l) “Motion” means the formal mode in which a Council member submits a proposed measure or resolve for the consideration and action of Council or Committee of Council;
- m) “Municipal or Municipality” means the West Hants Regional Municipality;
- n) “Pecuniary interest” means a situation where there is a reasonable likelihood or expectation of appreciable financial loss or gain to the person, or to other persons;
- o) “Planning document” means a Municipal Planning Strategy, Land Use By-law, or Subdivision By-law;
- p) “Question” means the subject matter of a motion; when the question is called, the motion is put to a vote without further debate;
- q) “Quorum” means the majority of members required to hold a meeting.

MEETING AND COMMITTEE PROCEDURAL POLICY

- r) “Resolution” means a formal expression of the opinion or the will of the Council or a Committee of Council adopted by vote, and is a result of an approved motion;
- s) “Staff” means a person employed by the Municipality;
- t) “Two-thirds vote” means a vote where at least two-thirds of the members present and entitled to vote at the meeting vote in favor of the motion.

2. Mandate of Council and Committee of the Whole

2.1. The mandate of Council is:

- a) to exercise the powers of the Municipality as set out in the *Act* through the approval of motions, policies and by-laws;
- b) to provide strategic planning for the Municipality with the goals:
 - i. to provide good government;
 - ii. to provide services, facilities and other things that in the opinion of Council are necessary or desirable for all parts of the Municipality;
 - iii. to develop and maintain safe and viable communities;
 - iv. to work with other municipal units for the best interests of the Municipality within the province;
 - v. to provide active programs of training and upgrading of staff and Council; and
 - vi. such other goals as from time to time are determined;
- c) to conduct the official business of the Municipality;
- d) to carry out any statutory public hearings as required by the *Act* and other legislation;
- e) to provide strategic direction to the CAO through resolutions, policies and by-laws.

2.2. The mandate of the Committee of the Whole is:

- a) to discuss, consider, advise and make recommendation to Council for approval concerning the affairs of the Municipality in advance of Council making decisions or taking actions on such matters, except where Council has determined that consideration by Committee of the Whole is unnecessary or inadvisable, and except that the following matters will normally be dealt with by Council without having to be forwarded to the Committee of the Whole for its recommendations:
 - i. first and second readings of a by-law enactment, amendment or repeal; and
 - ii. matters which are the subject of statutory hearing of Council;
- b) to carry out the duties and responsibilities of Council set forth in Part XV Dangerous and Unsightly Premises of the *Act*;
- c) to carry out the duties of the Regional Emergency Management Advisory Committee as set forth the Regional Emergency Management By-law of the Municipality;
- d) to take such steps not inconsistent with this Policy that the Committee of the Whole reasonably deems necessary to carry out this mandate;

MEETING AND COMMITTEE PROCEDURAL POLICY

- e) except for an Order under the Act for Dangerous and Unsightly Premises and specific tasks or matters assigned by Council from time to time to the Committee, all resolutions of the Committee of the Whole will be recommendations to Council for Council's approval.

3. Time, Place, Date and Notice of Meetings

- 3.1. All meetings of Council and Committees of Council will be public meetings, except as provided for under Sections 22 (2) and 203(1) of the Act and Section 14 of this Policy.
- 3.2. Unless otherwise specified pursuant to Section 3.5 of this Policy a regular meeting of the Committee of the Whole will be held:
 - a) at the location set by the Committee of the Whole,
 - b) on the second Tuesday of each month, except for August,
 - c) commencing at 6:00 p.m. unless otherwise directed by Council.
- 3.3. Unless otherwise specified pursuant to Section 3.5 of this Policy, a regular meeting of Council will be held:
 - a) at the location set by Council,
 - b) on the fourth Tuesday of each month except for August,
 - c) commencing at 6:00 p.m. unless otherwise directed by Council.
- 3.4. Unless otherwise specified pursuant to Section 3.5 of this Policy, regular meetings of other Committees of Council will be determined in the Administrative Terms of Reference for the Committee.
- 3.5. Meetings may be rescheduled, relocated or cancelled:
 - a) by resolution or consensus, including a contingent resolution or consensus of Council or a Committee of Council at a previous meeting three (3) or more business days in advance of the meeting;
 - b) at the request of majority of the members of Council or Committee of Council;
 - c) by the CAO or designate on behalf of the Mayor, Deputy Mayor or Chair, due to inclement weather or unforeseen circumstances provided the Mayor, Deputy Mayor, or Chair believes the majority of members would support such a step.
- 3.6. Additional or special meetings of Council or a Committee of Council may be convened:
 - a) by resolution or consensus, including contingent resolution or consensus of Council or Committee of Council at a meeting three (3) or more business days in advance of the additional or special meeting;
 - b) at the request of the Chair;
 - c) at the request of the majority of members;

MEETING AND COMMITTEE PROCEDURAL POLICY

- d) by the CAO or designate on behalf of the Mayor, Deputy Mayor or Chair, due to unforeseen circumstances, provided the Mayor, Deputy Mayor or Chair believes that the majority of members would support such a step; or
- e) where the Mayor determines there is an emergency, Council may meet without notice or with such notice as is possible in the circumstances.

3.7. Notice to Councillors and the Public of meetings:

- a) subject to any statutory relaxation of the notice requirements, at least three (3) business days' notice to Councillors will be provided for additional or special meetings by telephone, the email address provided by the Municipality or other email address, fax number or messaging service;
- b) subject to any statutory relaxation of the notice requirements, at least two (2) business days' notice to the public will be provided for additional or special meetings by posting a notice of the meeting on the Municipal website and social media pages;
- c) Councillors and the public will be deemed to have received any notice within one (1) day of being notified pursuant to this section;
- d) meeting notice need not be provided of:
 - i. regular meetings held pursuant to Sections 3.2 and 3.3 of this Policy;
 - ii. regular meetings of a Committee of Council whose regular meeting date is contained in a policy or by-law of Council or posted on the Municipal website; or
 - iii. meetings held pursuant to Sections 3.5 (a) and Section 3.6 (a) of this Policy;
- e) notice of meeting cancellations will be provided to Council and the public as soon as possible in the same manner;

3.8. In accordance with Section 19 (7)(a)(b) of the Act no meeting of Council or Committee of Council is illegal or invalid by failure to give notice or by meeting elsewhere than provided in this Policy or the notice of meeting.

3.9. Within thirty (30) days following the first meeting of Council after an election or by-election each Councillor will provide the Clerk the following:

- a) a telephone number with answering machine/voicemail which the Councillor has and will maintain and will check at least once per day;
- b) the unique email address provided by the Municipality, where all municipal notices and correspondence will be forwarded and which the Councillor will check at least once per day;
- c) any other email address, fax number, or messaging service which the Councillor has and will maintain and will check at least once per day.



4. Communications

- 4.1. The Mayor is the official spokesperson of Council and the CAO is the official spokesperson of staff.
- 4.2. Council communication to the public is:
- a) through the Mayor, as the official spokesperson for the Municipality regarding decisions approved by Council unless another Councillor is designated;
 - b) through Councillors as chief spokespersons for explaining policies, priorities and decisions; and
 - c) through Committee Chairs as chief spokesperson for matters dealt with under the authority of their committee, unless another Councillor is designated;
 - d) media interview requests will be referred to the Mayor or the CAO to determine who is the most appropriate spokesperson for the interview.
- 4.3. Council communication to staff is:
- a) through a resolution of Council or Committee of Council for advice, information or recommendations on matters which require thoughtful research and review. Staff will normally provide their response through a written information or recommendation report like that in Appendix A;
 - b) through resolutions from Council to the CAO.
- 4.4. Committees will communicate to Council:
- a) through a written information or recommendation report by Chairs to Committee of the Whole like that found in Appendix A.
 - b) where all Councillors are members; may communicate using excerpts sheets of the motions being recommended to go straight to Council with the previous committee report (referred to in the excerpt), attached as a supporting document.
- 4.5. All Councillors are expected to provide a monthly report to Council stating the Municipal business they were involved in over the previous month, using the report form in Appendix A.
- 4.6. The CAO or designate may, on behalf of Council or Committee of Council, receive correspondence from the public and deliver a copy of the correspondence to all Councillors within a reasonable time provided:
- a) the correspondence is directed to a Councillor or Committee of Council member;
 - b) is in writing and received by mail or email;
 - c) is legible;
 - d) is not libelous, irrelevant, offensive or improper; and
 - e) is signed by the writer's name.

MEETING AND COMMITTEE PROCEDURAL POLICY

5. Meeting Attendance and Quorum

- 5.1. Councillors are expected to attend all meetings of Council and Committees of Council to which they are appointed.
- 5.2. Subject to changes of the Act Section 17 (4), Councillors who without leave of Council are absent from three (3) consecutive regular meetings of Council ceases to be qualified to serve as a Councillor.
- 5.3. Councillors who without leave of a Committee of Council and are absent from three (3) consecutive regular meetings of a Committee of Council to which they are appointed, may be removed from the Committee. This also applies to resident members appointed to a Committee of Council.
- 5.4. Council or a Committee of Council will not refuse the leave of a Councillor if such leave is due to employment issues, illness, other Municipal business, or an unforeseen event needing immediate attention.
- 5.5. Sections 5.1, 5.2 and 5.3 do not apply to Councillors on a parental accommodation leave of absence in accordance with Section 17 (4A) of the Act.
- 5.6. Quorum for meetings of Council and Committee of the Whole will be the majority of elected Councillors, or seven (7) Councillors.
- 5.7. Quorum of other Committees of Council will be the majority of the voting members unless otherwise stated in a policy or by-law of Council or administrative terms of reference.
- 5.8. Councillors or resident members of Committees of Council may participate in meetings by electronic means such as teleconference or video conference and will be considered present for purposes of quorum and voting, provided:
 - a) the Councillor or resident members physically present at the meeting location are at minimum one less than quorum;
 - b) a maximum of two Councillors, resident members or combination may use electronic means during a meeting at one time;
 - c) the Chair will be physically present at the meeting location;
 - d) the Councillor or resident member notifies the Chair and appropriate staff at least 24-hours in advance of their intent to use electronic means, to ensure provision of the electronic means at the meeting location;
 - e) it is the responsibility of the Councillor or resident member to ensure provision of electronic means at their location;

MEETING AND COMMITTEE PROCEDURAL POLICY

- f) if used during a closed meeting, the member will ensure confidentiality is maintained at all times;
- g) no Councillor or resident member will participate by electronic means in more than four (4) meetings of any kind per year;
- h) the Councillor or resident member does not interfere and/or disrupt the meeting, and if such occurs the Chair has the right to end the electronic participation;
- i) the Chair will ensure those participating by electronic means have an opportunity to verbally declare any conflicts of interest;
- j) the Councillor or resident member will notify the Chair of their intended departure (either temporary or permanent) from the meeting before leaving the meeting;
- k) the Councillor or resident member will be marked as absent if electronic connection is not made or if it is lost and is unable to be reconnected.

5.9. All Councillors or resident members of Committees of Council may participate by electronic means as described in 5.8 during a local and/or world-wide crisis. This would not count towards the four (4) electronic meetings per year as identified in 5.8(g).

5.10. If a quorum is not present fifteen (15) minutes following the scheduled start time of a meeting and it is not reasonable that quorum will be present within a reasonable time, the meeting will be deemed cancelled and a record of the cancellation along with the names of the members present will be recorded in the minutes.

5.11. Where there is a permanent vacancy on Council or a Committee of Council, Councillors may make a decision if a quorum is present at the meeting.

5.12. If the number of Council members is reduced to below the number required for a quorum due to vacancies in Council, Council may not pass a by-law or policy, borrow money, set a tax rate, acquire or sell property, for make any other decision that has an effect after or for a term extending beyond the date of the election to fill a vacancy on Council

6. Election Process for Deputy Mayor, Chair or Vice-Chair

- 6.1. At the first meeting of Council after an ordinary election, all Councillors will be sworn in and the Deputy Mayor will be elected as follows:
- a) the Mayor will call the meeting to order and call for nominations for the position of Deputy Mayor three times;
 - b) Councillors may nominate a fellow Councillor for the position of Deputy Mayor, but may not nominate themselves; nominations do not have to be seconded;
 - c) after the third and final call for nominations, the Mayor will declare nominations closed;
 - d) the Mayor will ask each nominee if they accept the nomination for Deputy Mayor;

MEETING AND COMMITTEE PROCEDURAL POLICY

-
- e) if only one Councillor was nominated and accepted the nomination, that Councillor is declared the Deputy Mayor;
 - f) if there is more than one nominee, the Mayor will provide each of the nominees an opportunity to speak and Councillors will elect the Deputy Mayor by secret ballot;
 - g) two volunteers are asked to be scrutineers, one of which must be a staff member. Ballots are distributed to Councillors, votes will be cast, then the scrutineers will collect and count the ballots;
 - h) the scrutineers announce the overall result of the election (not the number of votes for each Councillor). The Deputy Mayor is determined by majority of the number of Councillors present;
 - i) if there is not a winner by majority and there are three (3) or more nominees, another vote will occur by dropping the nominee with the lowest votes and voting again until only two (2) nominees remain. If there is not a winner by majority and there are only two (2) nominees, the Deputy Mayor will be determined by a draw by the Clerk or designated staff member.
 - j) once the Deputy Mayor has been declared elected, a motion will be made to destroy the ballots.
- 6.2. The term of office for the Deputy Mayor will be two (2) years; the very first term being April 1, 2020 - October 31, 2022 and the nomination process be held again for a term of November 2022 – October 2024, at which time it will re-align with municipal elections in Nova Scotia
- 6.3. The election of a Chair for a Committee of Council will be completed in a similar manner to the election of the Deputy Mayor except that a staff member will perform the duties of the Chair until the Chair of the Committee of Council is elected. Nominees for Chair will be given an opportunity to speak to the members of the Committee of Council before the vote is held.
- 6.4. Once a Chair of a Committee of Council is elected, they may perform the election in the same manner for a Vice-Chair.
- 6.5. The term of office for a Chair or Vice Chair will be two years unless otherwise stated in a policy of Council or administrative terms of reference.

7. Meeting Agendas and Packages

- 7.1. At Council meetings, unless a majority consents to a different order for that meeting, business will be conducted in the following order:
- a) Call to Order
 - b) Attendance
 - c) Approval of Agenda, including additions or deletions

MEETING AND COMMITTEE PROCEDURAL POLICY

- d) Declaration(s) of Conflict of Interest
- e) Announcements
- f) Approval of previous meeting's minutes
- g) Public Hearings
- h) Unfinished Business/Postponed Motions
- i) Mayor's Report
- j) Committees of Council Recommendations
- k) Councillor Municipal Business Reports
- l) Correspondence
- m) New Business
- n) In-Camera
- o) Next Meeting Date / Adjournment

7.2. At Committee of the Whole, unless a majority consents to a different order for that meeting, business will be conducted in the following order:

- a) Call to Order
- b) Attendance
- c) Approval of Agenda, including additions and deletions
- d) Declaration(s) of Conflict of Interest
- e) Announcements
- f) Approval of the Minutes
- g) Presentations
- h) Unfinished Business/Postponed Motions
- i) Reports
- j) Correspondence
- k) New Business
- l) Public Participation Period
- m) In-Camera
- n) Next Meeting Date / Adjournment

7.3. Agendas of other Committees of Council and Public Hearings will be determined as needed or detailed in the Committee's Administrative terms of reference.

7.4. All topics and supporting material for an agenda will be submitted to the staff member preparing the agenda by 12:00 noon three (3) business days before a regular scheduled meeting. Councillors will be required to submit a "Report Form" (Appendix A) to be included in the agenda package.

7.5. All agendas will be approved by the Mayor or Chair of the Committee of Council and the CAO or designate.

MEETING AND COMMITTEE PROCEDURAL POLICY

-
- 7.6. All agenda items should have an associated report, excerpt sheet, and/or other material outlining the purpose and background of the agenda item put together in one PDF document.
 - 7.7. Meeting packages will be provided to Councillors and resident members of Committees of Council by 12:00 noon at least three (3) business days before the meeting by internal communication systems or email.
 - 7.8. Meeting packages will be provided to the public by 4:00 pm two (2) business days before a meeting by posting the meeting package to the Municipal website.
 - 7.9. Meeting packages for a special meeting of Council or a Committee of Council will be provided to Councillors, resident members and the public in accordance with Sections 7.7 and 7.8 should time permit, or by 12:00 noon one (1) business day before the special meeting.
 - 7.10. If an agenda item's associated material is not distributed in the meeting package it will be distributed electronically or by hard copy during or after the meeting.
 - 7.11. Late additions to the agenda will be accepted for consideration until 12:00 noon two (2) business days before the meeting. No late additions will be accepted for special meetings.
 - 7.12. Agenda items may also be added at the meeting if it is time sensitive or concerning a matter where life, property or the environment is at immediate risk and cannot be dealt with at a later meeting. All meeting package material for these items will be distributed electronically or by hard copy during or after the meeting.
 - 7.13. For instances when a requested agenda item may be outside the jurisdiction of the Municipality, require more research, or should be dealt with in a different forum or meeting, the Mayor or Chair will have the authority to delete, defer, or refer the agenda item. The Mayor or Chair will advise the person requesting the agenda item of the action taken.
 - 7.14. All material in a meeting package which is posted on the Municipal website will be deemed received at the time of agenda approval during the meeting. All material not publicly posted that is read or visually presented during the meeting will be deemed received and amended to the posted meeting package posted on the Municipal website
 - 7.15. Once an agenda item has been dealt with it should not be put on the agenda again for at least six (6) months unless there is a follow up report on actions taken, or a proper motion is made to reconsider, rescind or amend something previously adopted.

MEETING AND COMMITTEE PROCEDURAL POLICY

8. Council and Committee Chair Duties

- 8.1. The Chair of Council will be the Mayor and the Chair of Committee of the Whole will be the Deputy Mayor except:
- a) in the absence of the Mayor, the Deputy Mayor will be the Chair
 - b) in the temporary absence of both the Mayor and Deputy Mayor, a Chair will be appointed from the Councillors present at the meeting.
- 8.2. The Chair of a Committee of Council will be the Councillor or resident member elected and, in their absence, the Vice-Chair elected.
- 8.3. It will be the duty of the Chair to:
- a) open the meeting by taking the chair and calling the members to order and announcing the business before Council or the Committee of Council;
 - b) ask members to declare any Conflicts of Interest;
 - c) receive and put to a vote all motions presented and announce the results;
 - d) decline to put to a vote a motion which infringes upon rules of procedure established by this Policy;
 - e) restrain Councillors when engaged in debate, within the rules of conduct established by this Policy or Robert's Rules of Order;
 - f) protect the rights of those attending the meeting and enforce the rules of order; preserve order, and decide on point of order;
 - g) call by name any Councillor or resident member persisting in a breach of this Policy, and thereby ordering them to vacate the meeting room;
 - h) permit the CAO to speak on any point upon request;
 - i) permit staff and invited guests to speak when appropriate on the agenda and at the request of Councillors and/or CAO;
 - j) permit proper questions to be asked through the Chair of any Councillor, CAO, staff member, or invited guest in attendance relevant to the issue under discussion in order to provide information to assist debate;
 - k) declare a meeting dissolved if no quorum has been achieved;
 - l) adjourn to another place and/or time without ending the meeting with the consent of Council;
 - m) adjourn the meeting when the business is concluded and a motion to adjourn has been approved by the majority vote; or
 - i. adjourn the meeting when an adjournment time has been set and approved by majority vote or consensus, when the time has been reached except when it is extended by unanimous consent; or
 - ii. adjourn the meeting at the Chair's sole discretion due to inclement weather conditions to a time and date set by the Chair.

9. Minutes and Recordings

MEETING AND COMMITTEE PROCEDURAL POLICY

- 9.1. Written minutes of Council and all Committee of Council meetings, including in-camera meetings, will be kept providing a permanent and historical record of the Municipality's business. When required, these minutes may be recognized in court as evidence of decisions made and actions taken.
- 9.2. Written minutes kept will:
- a) record the names of the members or participants and the time when any member joins or leaves a meeting which is in progress;
 - b) contain all motions and decisions by consensus and will record the outcome of each vote;
 - c) record the names of all Councillors or resident members who voted "Nay" to a motion put to a vote;
 - d) summarize key points of a discussion and mention reports, petitions, correspondence, presentations and other papers submitted only by their respective title, or a brief description of the content;
 - e) be clear, accurate, concise, and formatted to be readable;
 - f) be written in past-tense;
 - g) flow logically in accordance with the agenda, even if the meeting itself had been fragmented and confusing.
 - h) Record the time that the discussion occurred. The minutes will be timestamped to reflect where the report/discussion of Council can be found in the recorded meeting".
- 9.3. To assist with accurate composition of draft minutes, public meetings of Council or Committees of Council will be recorded using audio recording equipment. Once minutes are approved, the audio recording will be kept for at least seven (7) years after which it may be destroyed in accordance with the Records Management Policy of the Municipality.
- 9.4. Draft minutes of Council and Committee of the Whole will be reviewed by the Clerk and CAO.
- 9.5. Draft minutes of other Committees of Council will be reviewed in accordance with the Committee of Council's Administrative Terms of Reference.
- 9.6. Minutes of all meetings will be posted in draft electronic form on the Municipality's website for the public and to the internal communication system for Councillors and staff for information.
- 9.7. The minutes of the last preceding regular meeting and subsequent special meetings will be reviewed at the next meeting of Council or Committee of Council and after all

MEETING AND COMMITTEE PROCEDURAL POLICY

necessary corrections and amendments have been noted, be approved and signed by the Mayor or Chair.

- 9.8. To correct the minutes at the time of approval, the word or words will be crossed out and the corrections written in and initialed before being signed by the Chair. The digital form of the minutes posted to the Municipality's website and internal communication system will be changed accordingly in red font and a footnote of the changes will be added to the electronic minutes stating "Amended".
- 9.9. The press will be allowed to only use audio recording equipment during public meetings.
- 9.10. A request for copies of the audio recordings of public meetings may be submitted in writing or electronic mail to the Clerk of the Municipality and will be provided, if available, for a prescribed fee.
- 9.11. Council and Committees of Council may choose to live-stream video on the internet of any or all meetings, with no obligation to live-stream video of a meeting. There will be no audience participation using the live-streamed video, but residents may leave messages; however, staff will be unable to address said messages.
- 9.12. Except for Section 9.3, 9.9 and 9.11 of this Policy, audio and video recordings and the taking of photos by any device will not be allowed during meetings except by permission of the Chair.

10. Meeting Decorum and Rules of Debate

- 10.1. Robert's Rules of Order will govern the proceedings of Council and Committees of Council in all cases not provided for in this Policy or an Administrative Terms of Reference.
- 10.2. Members of the public present in the meeting room will maintain order and quiet and will not address the Council or Committee of Council except with permission of the Chair.
- 10.3. All cellular phones and electronic devices which emits a sound will be set to silent or turned off during a meeting, with the exception of equipment required for specific use related to the matter (i.e. issued tablets that would contain the agenda and related documents).
- 10.4. No one may bring any sign, poster, placard, banner or other like device into a meeting place without the prior permission of the Chair, subject to an objection by a majority of the members of Council or Committee of Council present.

MEETING AND COMMITTEE PROCEDURAL POLICY

- 10.5. All Councillors, resident members, or other persons presenting to Council or a Committee of Council will not:
 - a) speak disrespectfully of any person;
 - b) use offensive language
 - c) speak on any subject other than the subject for which they received approval to speak;
 - d) disobey any decision of the Chair;
 - e) enter a cross debate with another member; or
 - f) willfully distract the member speaking, unless it is regarding a point of order or to raise a question of privilege.
- 10.6. A Council or a Committee of Council member or other persons may speak to a subject or motion at a meeting only if that member first addresses the Chair.
- 10.7. The Chair may ask questions and speak on a matter in the same manner as all Council or Committee of Council members without leaving the seat of the Chair.
- 10.8. Every Council or Committee of Council member or other person, prior to speaking on any question or motion, will signal their desire to speak by raising their hand or other acceptable manner and wait to be recognized by the Chair. When two or more members signal to speak, the Chair will designate who has the floor based on the opinion of the Chair as to who signaled first.
- 10.9. No Council or Committee of Council member or other person will speak more than twice (and the second time only to raise new information), for a maximum of five (5) minutes each time, without permission of Council on any motion except to explain misconception of his remarks. When a member wishes to explain a misconception, the member will signal to the Chair and ask permission of the Chair, without further comment, and if permitted by the Chair, will explain only an actual misunderstanding of language.
- 10.10. A Council or Committee of Council member may request the motion under consideration be read at any time during debate but may not interrupt while another member is speaking.
- 10.11. The mover of a motion will have the right to reply and sum up in closing the debate.
- 10.12. The Chair, after having called attention of Council or Committee of Council to the conduct of a member who persists in irrelevant or repetition of an argument during debate, may direct a member to discontinue speaking.
- 10.13. A Council or Committee of Council member, member of the public or other person willfully disregarding the meeting decorum or rules of debate or obstructing the business of the Council or Committee of Council meeting, may be ordered by majority vote of the

MEETING AND COMMITTEE PROCEDURAL POLICY

members present, to leave the meeting, which for clarity means leaving the property of the meeting location.

- 10.14. Formal presentations will be made at any meeting of Council or Committee of Council meeting, with no individual presentation exceeding fifteen (15) minutes plus a period for questions. For purposes of efficiency and time management it will be the goal when setting an agenda to limit a maximum of three (3) formal presentations at any one meeting.
- 10.15. When a report, by-law, petition or other document is read or received, including those deemed received upon approval of the agenda, the Clerk or appropriate staff member will endorse upon it:
- a) a note of the reading;
 - b) the date;
 - c) the way it was dealt with.
- 10.16. A meeting of Council or a Committee of Council will adjourn at 10:00 pm unless otherwise determined by a majority vote of the members present. If the meeting agenda is not completed as of 10:00 pm, the members may vote to adjourn to another date and time to complete the meeting.

11. Conflict of Interest

- 11.1. In accordance with the Municipal Conflict of Interest Act each Councillor and resident member must self-identify and disclose any pecuniary interest in any item before Council, Committee of Council or external committee or board.
- 11.2. Where a Councillor or resident member, either on their own behalf or while acting for, by or with and/or through, another person has any pecuniary interest, direct or indirect on a subject they will:
- a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - b) leave their seat and sit in the gallery or exit the meeting room for the duration of the discussions pertaining to the matter;
 - c) not take part in the discussion of or vote on any question with respect to the matter;
 - d) not in any way before, during and/or after the meeting influence the voting on any question pertaining to the matter.
- 11.3. If the meeting is a closed meeting, in addition to complying with the requirements in Section 11.2, the Councillor or resident member will leave the meeting place for the part of the meeting during which the matter is under consideration.

MEETING AND COMMITTEE PROCEDURAL POLICY

- 11.4. Where the interest of a member has not been disclosed by reason of their absence from the particular meeting, the member will disclose the interest and otherwise comply at the next meeting they attend of Council, Committee of Council or external committee or board where the matter was discussed.
- 11.5. The Clerk or responsible staff member will record the name of the member, the meeting, the time they left their seat and returned, and the nature of the conflict of interest in the minutes of the meeting and a central registry of disclosure.

12. Motions and Voting

- 12.1. The types of motions which may be made at a Council or Committee of Council meeting are:
 - a) Main motions – reflects the proposed decision or action to be taken regarding a subject;
 - b) Subsidiary motions – facilitates or modifies the main motion;
 - c) Incidental motions – relates to a question of procedure regarding a main motion;
 - d) Privileged Motions – a motion which does not relate to the main motion but takes immediate priority.
- 12.2. The following are common but not all Subsidiary motions:
 - a) Postpone indefinitely – if approved this motion stops the main motion without a vote;
 - b) Amend – changes something within the main motion;
 - c) Postpone definitely – sets the main motion aside until a specified time;
 - d) Refer – sends the main motion to a specific committee or staff for further investigation and report back;
 - e) Limit or extend debate – shortens or lengthens the time for debate;
 - f) Previous Question – closes debate and brings the main motion to a vote;
 - g) Lay on the Table – puts the main motion aside temporarily for more urgent business and is taken up after the urgent business is dealt with.
- 12.3. The following are common but not all incidental motions:
 - a) Point of Order – asked the Chair to enforce the rules; more details in Section 13;
 - b) Appeal – takes the decision of the Chair away and gives it to members of Council or Committee of Council;
 - c) Suspend the rules – allow Council or Committee of Council to do something it normally cannot do without breaking the rules;
 - d) Objection to consideration of the question – avoids the main motion if Council or Committee of Council thinks the motion should never have been made or is outside its mandate;
 - e) Division of a question – separate parts of a main motion into separate motions that can stand on their own for consideration.

MEETING AND COMMITTEE PROCEDURAL POLICY

- 12.4. The following are common but not all privilege motions:
 - a) Raising a question of privilege – is an emergency motion which deals with the rights and privileges of members;
 - b) Recess – provides a short break in the meeting;
 - c) Fix the time to adjourn – sets a time to adjourn the meeting;
 - d) Adjourn – closes the meeting.
- 12.5. All business before Council or Committee of Council for consideration will be made in the form of main motions which proposes specific action be taken.
- 12.6. All main motions will be provided to the Chair or Clerk in writing before being debated.
- 12.7. A motion must be seconded, and when requested read by the Chair or Clerk, before it is debated; except a motion raising a question of privilege or point of order.
- 12.8. Council or a Committee of Council may have informal discussions on a subject prior to making a main motion for consideration.
- 12.9. A motion may at any time after it is seconded and before the Council or Committee of Council has voted on it, be withdrawn or modified by the mover with consent of Council or Committee of Council.
- 12.10. When any main motion is being considered, the only motions in order will be:
 - a) to amend;
 - b) to refer;
 - c) to postpone either definitely or indefinitely; or
 - d) to limit or extend debate;
 - e) the previous question.
- 12.11. Amendments will be put in the reverse order of which they are made. Only one amendment will be allowed at a time and one sub-amendment will be allowed to an amendment. Every amendment submitted will be decided on or withdrawn before the main question is put to a vote.
- 12.12. A motion to adjourn will always be in order except in the following cases:
 - a) when a Council or Committee of Council member is in possession of the floor;
 - b) when the “yeas” and “nays” are being called;
 - c) while the Council or Committee of Council members are voting; or
 - d) when the motion to adjourn was the last preceding motion.
- 12.13. The following motions will be decided without debate:
 - a) a motion to reconsider;

MEETING AND COMMITTEE PROCEDURAL POLICY

- b) all motions as to priority of business or as the suspension of the order of the day;
 - c) applications to speak more than the prescribed number of times;
 - d) a motion to allow any person other than a Council member to address the Council;
 - e) a motion to postpone definitely;
 - f) a motion to lay on the table when claiming a privilege over another person; and
 - g) a motion to adjourn.
- 12.14. Before putting the motion to a vote, the Chair will ask “Are you ready for the question” and if no member offers to speak on the motion or they make a motion for the Previous Question, the Chair will put the question, after which no member will be permitted to speak upon it.
- 12.15. The usual form of voting on any motion will be by the Chair calling for “yeas” and “nays”, and members indicating their choice by show of hands or, if provided, by electronic means; but any Council or Committee of Council member, before or after the vote can call for, a recorded vote with each members vote entered into the minutes.
- 12.16. No motion committing the Municipality to the expenditure of funds will be accepted by the Chair for the consideration of Council, unless there is unanimous consent of Council members present, except for matters arising from correspondence, Committee of Council or other reports, agenda items, notices of motions or other material circulated to Council members on or before the day before the meeting, and except for matters arising from a closed meeting.
- 12.17. A majority vote of those present will determine all questions arising in Council and a Committee of Council, except motions to approve a planning document and those requiring a two-thirds (2/3) vote.
- 12.18. The adoption of planning documents or amendment thereof by Council at Second Reading requires a majority vote of number of Council members elected, regardless of number present to achieve quorum. And only those members present during a public hearing are permitted to vote on the matter at which a public hearing was held.
- 12.19. The following motions require a two-thirds vote:
- a) to suspend the rules;
 - b) to limit or extend debate;
 - c) to amend or rescind something previously adopted;
 - d) to object to the consideration of the question; or
 - e) to close nominations.
- 12.20. Subject to the *Municipal Conflict of Interest Act*, all Council or Committee of Council members present including the Chair will vote on a motion and may not abstain.

- 12.21. A member of Council or Committee of Council who fails or refuses to vote on a motion is deemed to have voted in the positive.
- 12.22. In the event of a tie in a vote on a motion, the motion is determined in the negative.
- 12.23. Any notice of motion given by a Council or Committee of Council member for a subsequent meeting may, in the absence of the member giving such notice, be taken up by another member.
- 12.24. The following motions may bring a motion for consideration again:
- a) Take from the table – takes up the motion previously laid on the table;
 - b) Rescind – takes back a motion or policy; for a by-law this is called a repeal, a notice to rescind must be given at a previous meeting;
 - c) Amend something previously adopted – modifies a motion previously presented and adopted;
 - d) Discharge a committee – takes a matter sent to a committee back before a report has been presented;
 - e) Reconsider – allows reconsideration due to new information or situation so the true will of the members is acted on.
- 12.25. No motion can be reconsidered if the actions cannot be undone.
- 12.26. After any main motion has been decided, any Council or Committee of Council member who voted on the winning side may, after the decision has been announced from the Chair, but before adjournment of the meeting may give notice of an intention to move reconsideration at the next meeting. The giving of such a notice operates as a stay or suspension of the decision.
- 12.27. In the event that Council or a Committee of Council member fails to give notice of reconsideration at the same meeting, the member will give notice in writing to the Clerk least 14 days prior to the next meeting but not thereafter, of Notice of Motion to reconsider the motion of a previous meeting, stating the reasons therefore, and if the motion for reconsideration is seconded, the same will be put to a vote after debate (unless it is an undebatable motion) and if carried, the question for reconsideration will then be read and disposed of.
- 12.28. No discussion of the main question will be allowed during the motion for reconsideration.
- 12.29. The following matters are not eligible for reconsideration:
- a) a motion approving the first or second reading of a by-law enactment, amendment or repeal;

MEETING AND COMMITTEE PROCEDURAL POLICY

- b) a motion to decide on a matter which was the subject of a statutory hearing by Council;
 - c) a motion which is or was considered by the Committee of the Whole or the Planning Advisory Committee in substantially the same form in which it is being or will be considered by Council, irrespective of whether Council has adopted or rejected or may adopt or reject, the recommendation;
 - d) a matter which has already been reconsidered once;
 - e) a vote to reconsider; and
 - f) a motion to reconsider or rescind a motion approving the annual budget of the Municipality or a motion authorizing any legal proceedings.
- 12.30. Any rule concerning motions and voting may be suspended for a specific matter with a motion, passed by two-thirds (2/3) vote of Council or Committee of Council members present, stating the specific rule to suspend and the matter for which it is suspended.
- 12.31. A summary of the rules for common motions can be found in Appendix B.

13. Points of Order (also refer to Code of Conduct Policy)

- 13.1. A point of order asks the Chair to rule on or enforce the rules if a Council or Committee of Council member thinks the rules of this Policy have been broken.
- 13.2. A point of order does not need to be seconded but must specify which rule is being broken and must be decided upon before the subject under consideration is proceeded with.
- 13.3. When a Council or Committee of Council member is called to order, the member will be seated and remain silent until the point is determined or until called upon by the Chair to be heard on the point of order.
- 13.4. A point of order is not debatable amongst other Council or Committee of Council members, unless the Chair invites discussion to assist in making a ruling. Where the Chair permits discussion on a point of order, no member will speak more than once.
- 13.5. Decisions of the Chair on points of order or procedure, including an order expelling and excluding a person from the meeting room pursuant to Sections 13.6 and 13.8, are not debatable but are appealable to Council or Committee of Council by any member. When an appeal is made of the decision of the Chair, the Chair will simply put the question, "Will the decision of the Chair be sustained?"
- 13.6. If a Council or Committee of Council member resists:
- a) the rules contained in this Policy;
 - b) willfully obstructs the business of Council or the Committee of Council;

MEETING AND COMMITTEE PROCEDURAL POLICY

- c) disobeys the decision of the Chair, or of Council or Committee of Council on appeal, on any question of order or practice or upon the interpretation of the rules after being called to order by the Chair; or otherwise disrupts the meeting proceedings;
the member may be ordered by the Chair to leave their seat.
- 13.7. If the Council or Committee of Council member refuses to leave the Council members seat, the Chair may, after majority vote is made to support the expulsion, order the member to be expelled and removed from the meeting room.
- 13.8. Such Council or Committee of Council member may, by vote of the members, later in the meeting or at a subsequent meeting be permitted to re-enter the meeting room and to resume participation in Council or Committee of Council business with or without conditions.
- 13.9. Persons who are not Council or Committee of Council members, staff, or invited guests of the Municipality will observe silence and order in the meeting room, unless given permission to speak. Any such persons disturbing the proceedings of Council or Committee of Council will be called to order by the Chair and, if they fail to comply, will be expelled and excluded from the meeting room by the Chair, provided that a majority vote will be required to sustain the expulsion.
- 13.10. Such members of the public, by vote of the members, later in the meeting or at a subsequent meeting, may be permitted to re-enter the Council Chambers with or without conditions.
- 13.11. An order of the Chair to expel a person from the meeting room pursuant to Sections 13.6 and 13.8 of this Policy constitutes a direction from the Municipality to leave the premises for the purpose of the Protection of Property Act and other applicable laws.

14. In-Camera Meetings

- 14.1. Notwithstanding Section 3.1, Council or a Committee of Council may meet in-camera as per Section 22(2) of the Act, for the following reasons:
 - a) acquisitions, sale, lease and security of municipal property;
 - b) setting minimum price to be accepted by the municipality at a tax sale;
 - c) personnel matters;
 - d) labour relations;
 - e) contract negotiations;
 - f) litigation or potential litigation;
 - g) legal advice eligible for solicitor-client privilege;
 - h) public security.

MEETING AND COMMITTEE PROCEDURAL POLICY

- 14.2. No decision will be made while in-camera except decisions on matters of procedure or to give direction to the CAO or Solicitor. All other decisions will be made during a public meeting.
- 14.3. The meeting decorum and rules of debate of Section 10 apply during an in-camera meeting.
- 14.4. A record which is open to the public will be made, noting the fact that Council or Committee of Council had met in-camera, the type of matter as set out in Section 22(2) of the Act, and the date, but no other information.
- 14.5. Discussions held by those in attendance of an in-camera meeting are confidential unless required for Municipal, legal purposes pursuant to other regulatory requirements or released by motion of Council or the Committee of Council.
- 14.6. An agenda and documentation for the in-camera meeting will be provided to Council or Committee of Council members only, in a manner similar to Section 7 of this Policy or may be handed out during the in-camera meeting. Such material will be deleted from the internal communication system or collected after the meeting.
- 14.7. Minutes of the in-camera meeting will be taken by the Clerk, or other responsible staff member, and approved at the next in-camera meeting of Council or Committee of Council. Such minutes and meeting packages will be securely kept and will not be subject to mandatory public disclosure unless required for Municipal, legal purposes pursuant to other regulatory requirements, or released by motion of Council or the Committee of Council.
- 14.8. The Mayor, Deputy Mayor, Chair, Solicitor, CAO or designate, or Clerk will have authority to brief one another or any member of Council or Committee of Council who is absent from the closed session.

15. Setting Direction

- 15.1. To practice good governance and ensure that decisions are made in the best interest of the Municipality, businesses and residents; decisions should be assessed through the lenses of property, environment, economics, social and public opinion before recommending an action or making a decision. Appendix C has further details on the decision-making lenses.
- 15.2. Council may set direction and make decisions through resolutions, policies and by-laws. Committees of Council may make motions recommending a direction, policy, or by-law to Council.

MEETING AND COMMITTEE PROCEDURAL POLICY

-
- 15.3. The process to approve a resolution at a Council meeting does not require notice or public consultation. A motion becomes a resolution upon approval.
- 15.4. Approval of Policies:
- a) The process for Council to approve a policy requires seven (7) days notice to all Council members but does not require public consultation. Notice may be given in one of the following manners:
 - i. Through a notice of motion regarding the policy at a Council meeting for approval at the next Council meeting, provided there are at least seven (7) days between meetings;
 - ii. Through a recommendation from Committee of the Whole to Council, provided there is at least seven (7) days between the meetings;
 - iii. Through a recommendation from Planning Advisory /Heritage Advisory Committee to Council, where such notice will be emailed to Councillors at least seven (7) days before the meeting.
- 15.5. Approval of By-laws and Planning Documents:
- a) The process for Council to approve a by-law, other than a planning document, requires a First Reading at a Council meeting, a Public Hearing and a Second Reading at a subsequent Council meeting. A notice regarding the Public Hearing must be published in accordance with Section 168 (2) of the Act.
 - b) The process for Council to approve a planning document or amendment thereof, after the requirements of the public participation program for planning documents have been met, requires a First Reading at a Council meeting, a Public Hearing and a Second Reading at a subsequent Council meeting. A notice regarding the Public Hearing must be published in accordance with Section 206 of the Act.
 - c) Council will receive no new information regarding the by-law or planning matter once a public hearing is complete.
 - d) Only the Council members present at the Public Hearing may vote on the Second Reading of the by-law and planning document.
- 15.6. Public Hearings are separate meetings which are held immediately before the Council meeting at which the Second Reading of the by-law or planning document is held. The agenda for the Public Hearing will be similar to the following:
- a) Overview of by-law or planning document to be approved – by staff
 - b) Owner or Developer Presentations (if applicable)
 - c) Written Submissions in Favour or Against
 - d) Questions or Comments from the Public in Favour or Against
 - e) Concluding Remarks

MEETING AND COMMITTEE PROCEDURAL POLICY

- 15.7. Council may reverse a resolution or policy through a motion to rescind or repeal in the same manner it was created. The process to reverse a by-law is to create a new by-law stating the repeal.
- 15.8. The resolution, policy or by-law to be rescinded or repealed:
- a) will have been approved at a previous Council meeting, and
 - b) will not have been carried out to the extent that it is too late to undo for the future.

16. Receiving Public Input

- 16.1. Council and Committees of Council members may obtain public input and opinions from residents in the following manner:
- a) speaking with a resident directly;
 - b) at public consultation and information meetings;
 - c) during Public Hearings;
 - d) through formal presentation during meetings, requests which have been received by staff may be placed on the meeting agenda and approved by the Chair, prior to the meeting;
 - e) during the allotted twenty (20) minutes of Public Participation on the Committee of the Whole Agenda. A member of the public may speak for a maximum of five (5) minutes each during this period;
 - f) through formal petitions and written applications to Council.
- 16.2. Petitions and applications to Council will be:
- a) legibly written or printed on paper;
 - b) will have endorsed upon it the name, address and signature of one or more petitioners, applicants or required persons, and the substance of the matter contained in it.
 - c) be presented by a Council member or staff member who will inform Council of the contents and ask permission of Council for it to be read on behalf of petitioners;
 - d) Council may decide to hear a summary of a petition or written application in lieu of hearing the reading of the entire petition or written application.

17. Committees

- 17.1. The Council of the Municipality may establish Committees of Council for various matters.
- 17.2. Committees of Council are advisory in purpose and may only make recommendations to Council for final approval and action; unless otherwise enabled under this Policy or by Provincial Legislation.

MEETING AND COMMITTEE PROCEDURAL POLICY

- 17.3. In addition to the Committee of the Whole, the following Committees of Council are here by established and details of the establishment can be found in the respective appendix to this Policy:
- a) Accessibility Advisory Committee – Appendix D
 - b) Audit Committee – Appendix E
 - c) Davidson Lake Watershed Committee - F
 - d) French Mill Brook Watershed Advisory Committee – Appendix G
 - e) Fences Arbitration Committee – Appendix H
 - f) Repealed
 - g) Repealed
 - h) Mill Lakes Watershed Advisory Committee – Appendix J
 - i) Planning Advisory/Heritage Advisory Committee – Appendix K
 - j) Municipal Climate Change Action Plan Committee – Appendix L
 - k) Diversity and Inclusion Committee – Appendix M
- 17.4. Council may also form Committees of Council as required under a by-law or agreement approved by Council.
- 17.5. Council may agree to participate in external boards and committees which are established by the Province, legal agreement or is of significant interest to the Municipality.
- 17.6. Council will not be bound by the by-laws or articles of incorporation adopted by an external committee or board providing for the appointment of a member to the committee or board.
- 17.7. Council agrees to participate in the following external boards and committees:
- a) Annapolis Valley Regional Library Board
 - b) Hants County Residence for Senior Citizens Board
 - c) Landfill Liaison Committee
 - d) Region 6 Solid Waste Management Board
 - e) Valley Communication Fibre Network
 - f) Valley Regional Enterprise Network
- 17.8. Councillors are elected to various committees and boards every two (2) years, or as required by other legislation, policies or agreement, at the November Council meeting. For clarification, the first appointment after April 1, 2020 will be in November 2022. The number of Councillors to be elected:
- a) for Committees of Council one (1) or more Councillors may be elected in accordance with the Committee structure set by Council;
 - b) for external boards and committees, one (1) Councillor and one (1) alternate Councillor may be elected.

MEETING AND COMMITTEE PROCEDURAL POLICY

-
- 17.9. The election of Councillors to various committees and boards will be conducted in similar manner as the election of Deputy Mayor in Section 6.
- 17.10. Councillors not elected to a Committee of Council or external committee or board will not be permitted to participate in the committee debate or the vote; but are authorized to make comments, presentations, and participate in the committee meeting, to the extent authorized by the Chair.
- 17.11. A Councillor ceases to be a member of a Committee of Council or external committee or board when they cease to be a Councillor or as per poor conduct as per the Code of Conduct Policy.
- 17.12. Council may appoint residents to serve on Committees of Council or to represent the Municipality on external board and committees.
- 17.13. All resident appointments will be advertised publicly with a request for those interested to submit a letter of interest and application for a committee. The letter of interest will be reviewed by the CAO or designate and staff who will then submit a recommendation to Council for appointment.
- 17.14. Committees of Council will be governed in accordance with this Policy, unless this Policy states that an alternate arrangement may be provided in the Administrative Terms of Reference of the Committee of Council.
- 17.15. Each member of a Committee of Council is to receive a copy of this Policy and the Committee of Council's Administrative Terms of Reference at the first duly called meeting of the Committee of Council after the regular election or appointment of members.
- 17.16. The Clerk will keep a record of all Councillor and resident appointments to Committees of Council and external committees and boards.
- 17.17. Councillors and resident members who sit on an external committee and board that has not been a result of an appointment by Council, will disclose the name of the external committee or board to the Clerk. The Clerk will keep a public record and will update the information in November of each year.
- 17.18. Council may by majority vote remove any Councillor or resident member of a Committee of Council or external committee or board who was elected or appointed by Council.
- 17.19. Council will fill any vacancy on a Committee of Council or external committee or board as soon as practicable after the vacancy occurs.

MEETING AND COMMITTEE PROCEDURAL POLICY

18. Conferences and Training

- 18.1. Up to six (6) Council members plus Mayor (and their spouses), and the CAO (or delegate) may attend the Spring conference held by the Nova Scotia Federation of Municipalities (NSFM). And, up to six (6) Council members plus Mayor (and their spouses), and the CAO (or delegate) may attend the Fall conference held by the NSFM; however, will be based on opportunity. The schedule of attendance will be revisited annually to promote fairness.
- 18.2. Annually, Council will approve participation in a conference held by the Federation of Canadian Municipalities (FCM), including the number of Council and staff members to participate through the provision of funding during budget deliberations.
- 18.3. Councillors may attend and be reimbursed for other related training opportunities with prior approval of Council.
- 18.4. Remuneration for conferences and training will be in accordance with the Remuneration Policy.
- 18.5. There will be an annual budgeted amount for Committees of Council members to attend conferences relevant to the committee in which they are appointed. This may include up to one resident member per Committee of Council.
- 18.6. The CAO will be responsible for promoting conference and professional development opportunities and for devising a system ensuring overall fairness for the opportunity to attend.

19. Repeal

- 19.1. The following policies of the former Municipality of the District of West Hants are hereby repealed effective April 1, 2020:
 - a) The Council Procedural Policy, COGE-003.00, dated February 14, 2017 as amended to September 10, 2019;
 - b) Audit Committee Policy, COFN-007.00, dated May 8, 2018;
 - c) Policy Establishing Davidson Lake Watershed Advisory Committee, COPW-003.00, dated December 8, 2015 as amended to June 12, 2018;
 - d) Establishment of the Falmouth Watershed Advisory Committee Policy COPW-002.00, dated February 13, 2018 as amended to June 12, 2018;
 - e) Policy to Establish the Fences Arbitration Committee, COGE-008.00, dated June 12, 2018;
 - f) Policy Establishing West Hants Planning Advisory Committee, COPL-006.00, dated December 11, 2018; and
 - g) Policy Establishing the Hantsport Area Advisory Committee, COPL-005.00.

- 19.2. The following policies of the former Town of Windsor are hereby repealed effective April 1, 2020:
- a) Meeting Attendance via Video/Virtual Policy dated September 26, 2017;
 - b) Appointment of Deputy Mayor Policy dated November 25, 2014; and
 - c) Audit Committee Policy dated November 28, 2017.

20. Related Legislation, Policies, Procedures

- 20.1. The following is a list of related legislation, policies and procedures:
- a) Municipal Government Act
 - b) Municipal Conflict of Interest Act
 - c) Freedom of Information and Protection of Privacy Act
 - d) Protection of Property Act
 - e) Robert's Rules of Order

APPENDIX A

Report Form

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
--------------------------------------	---	---	--

To: (Name of Committee)

Submitted by: _____
 (Name and Title)

Date: (Date)

Subject: (Title or Subject of Report)

LEGISLATIVE AUTHORITY

(State where authority for consideration comes from if applicable)

RECOMMENDATION or DECISION REQUEST

(State the recommendation or decision request in the form of a motion, if not applicable because it is an Information Report or Councillor Activity Report, state so)

BACKGROUND

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

(Provide the Who, What, When, Where and Why. If a Councillor Activity Report check "Councillor Activity" and provide your update/info below in the "Discussion" section.)

DISCUSSION

(Provide new information about the subject, Councillor activity, strategic implications, desired outcome.)

NEXT STEPS

(State what will be done next if anything.)

FINANCIAL IMPLICATIONS

(Inform of any financial implications it may have on current or future budgets of the Municipality, or to residents, if anything.)

ALTERNATIVES

(State any option to the recommendation and implication of the options, if anything)

ATTACHMENTS

(List any attachment to the report, if anything.)

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: _____
(Name and Title)

Report Reviewed by: _____
(Name and Title)

Report Approved by: _____
(Name and Title)

APPENDIX B
Rules of Common Motions

Privilege and Subsidiary motions are listed in the order of their precedence, with the highest ranking at the top. After the Chair states a motion, higher ranking motions are in order but not lower ranking motions, except to Amend and Previous Question can be applied to amendable and debateable motions of higher rank than themselves. Incidental Motions have no ranking order. These are the general rules relating to motions, special rules may apply in accordance with Roberts Rules of Order.

Type Of Motion	Motion in Order of Precedence	Seconded Needed?	Amendable?	Debatable?	Decided by?	Reconsider?	Interrupt?
Incidental Motions	Point of Order	No	No	No (unless Chair Permits)	Chair	No	Yes
	Appeal	Yes	No	Yes	Majority (Nays)	Yes	Yes (at time of ruling)
	Suspend the Rules	Yes	No	No	2/3	No	No
	Objection to the Consideration of the Question	No	No	No	2/3 (Nays)	Yes (Nays Only)	Yes (unless debate has begun)
	Division of the Question	Yes	Yes	No	Majority	No	No
Privilege Motions	Fixing the Time to Adjourn	Yes	Yes	No	Majority	Yes	No
	Adjourn	Yes	No	No	Majority	No	No
	Recess	Yes	Yes	No	Majority	No	No
	Raise a question of Privilege	No	No	No	Chair	No	Yes

MEETING AND COMMITTEE PROCEDURAL POLICY

Subsidiary Motion	Lay on the Table	Yes	No	No	Majority	No	No
	Previous Question	Yes	No	No	2/3	Yes	No
	Limit or Extend Debate	Yes	Yes	No	2/3	Yes	No
	Postpone to a Definite Time	Yes	Yes	Yes	Majority	Yes	No
	Refer	Yes	Yes	Yes	Majority	Yes	No
	Amend	Yes	Yes	Yes	Majority	Yes	No
	Postpone Indefinitely	Yes	No	Yes	Majority	Yes	No
Main	Original Motion	Yes	Yes	Yes	Majority	Yes	No

APPENDIX C

Decision Making by Council and Committee of Council

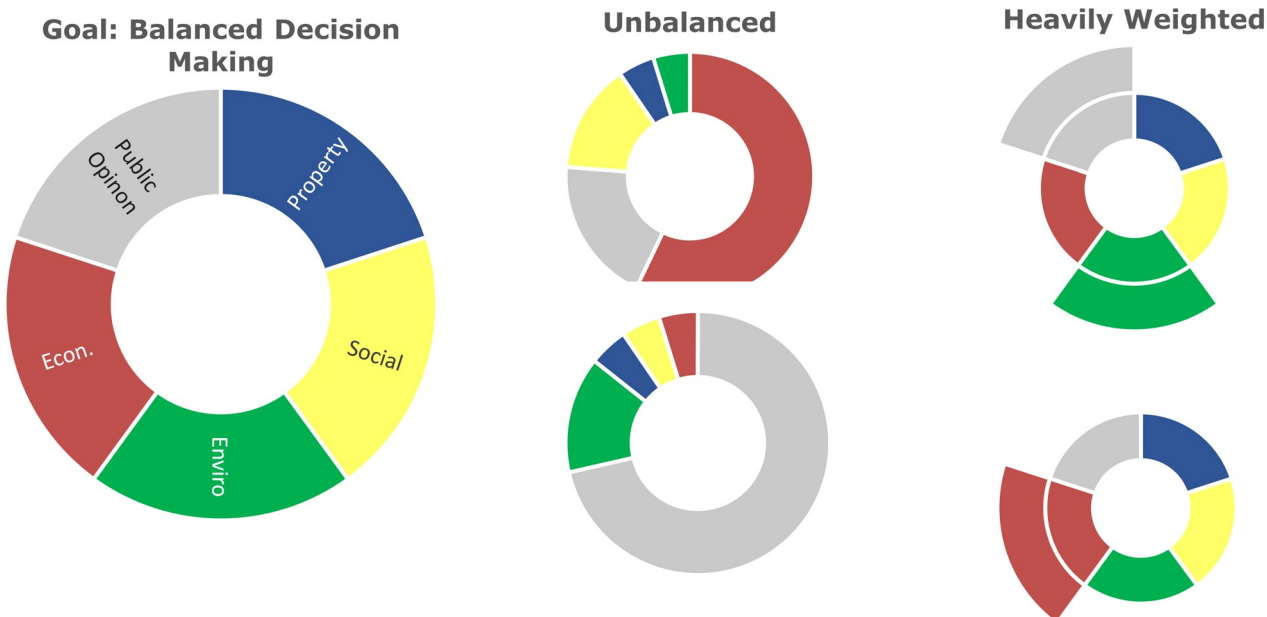
Council and resident members should assess every issue presented through the lenses of property, environment, economics, social, and public opinion before making a decision or recommendation for action. Council and residents have the responsibility to research all lenses in order to make a balanced and respectful decision. Information on an issue can become heavily weighted around a single lens, leaving out other factors that will influence the community as a whole. Council and resident members strive to make recommendations that are balanced and unbiased, without emotion, which reflect all lenses, to protect the best interests of the Municipality and the people it serves.

- **Property:** "something at the disposal of a person, a group of persons, or the community or public". Examples: single use, shared use, noise, beautification, traffic, zoning, regulations
- **Environment:** "the air, water, minerals, organisms, and all other external factors surrounding and affecting a given organism at any time". Examples include regulatory requirements and land use.
- **Economic:** "pertaining to the production, distribution, and use of income, wealth, and commodities". Examples: cost savings or expense with decision, property taxation, spending in community, tourism, assessments, market impacts
- **Social:** "of or relating to human society". Examples: Acceptance, limited available or benefit, values
- **Public Opinion:** "the collective opinion of many people on some issue, problem, etc., especially as a guide to action, decision, or the like". Examples: feedback,

MEETING AND COMMITTEE PROCEDURAL POLICY

communication, media, other municipal units

- **Other:** In some cases, other lenses may be required to fully understand an issue. Examples: chance of success, innovation.



APPENDIX D

Accessibility Advisory Committee

1. PURPOSE

- 1.1. The Accessibility Advisory Committee provides advice to Council on identifying, preventing and eliminating barriers to people with disabilities in municipal programs, services, initiatives and facilities. The Committee plays a pivotal role in helping the West Regional Hants Municipality become a barrier-free community and ensuring obligations under “An Act Respecting Accessibility in Nova Scotia (2017)” are met.

2. SCOPE

- 2.1. This Policy is applicable to all members appointed to the Municipality’s Accessibility Advisory Committee.

3. DEFINITIONS

- 3.1. In Appendix D,
 - a) “AAC” means the Accessibility Advisory Committee of the Municipality;
 - b) “Act” means the *Accessibility Act*;
 - c) “Barrier” means anything that hinders or challenges the full and effective participation in society of persons with disabilities including a physical barrier, an architectural barrier, an information or communication barrier, an attitudinal barrier, a technological barrier, a policy or a practice;
 - d) “Council” means the Council for the Municipality;

MEETING AND COMMITTEE PROCEDURAL POLICY

- e) “Disability” includes a physical, mental, intellectual, learning or sensory impairment, including an episodic disability; that, in interaction with a barrier, hinders an individual’s full and effective participation in society;
- f) “Municipality” means the West Hants Regional Municipality.

4. COMMITTEE COMPOSITION

- 4.1. The AAC will consist of seven (7) members as follows:
 - To a two-year term – One (1) members of Council
 - To a two-year term – four (4) Resident members
 - To a three-year term – two (2) Resident members.
- 4.2. Resident members will not be members of Council or employees of the Municipality.
- 4.3. At least one half of the members of the AAC must be persons with disabilities or representatives from organizations representing persons with disabilities.
- 4.4. If a member vacates AAC for any reason at any time before that member’s term would normally expire, Council will promptly appoint a new member to the Committee to hold office for the unexpired term.
- 4.5. The Chair and Vice-Chair will be appointed annually by the members of AAC.

5. MANDATE AND RESPONSIBILITIES

- 5.1. AAC has the following responsibilities:
 - a) Advise Council in the preparation, implementation and effectiveness of its accessibility plan. In accordance with the Act, the plan must include:
 - A report on measures the Municipality has taken and intends to take to identify, remove and prevent barriers;
 - Information on procedures the Municipality has in place to assess the following for their effect on accessibility for persons with disabilities:
 - i. Any of its proposed policies, programs, practices and services, and
 - ii. Any proposed enactments or bylaws it will be administering; and
 - Any other prescribed information.
 - b) Advise Council on the impact of the Municipality’s policies, programs and services on persons with disabilities;
 - c) Review and monitor existing and proposed Municipal by-laws to promote full participation of persons with disabilities, in accordance with the Act;
 - d) Identify and advise on the accessibility of existing and proposed municipal services and facilities;
 - e) Advise and make recommendations about strategies designed to achieve the objectives of the Municipality’s Accessibility Plan;
 - f) Receive and review information directed to it by Council and its committees, and to make

- recommendations as requested;
- g) Monitor Federal and Provincial government directives and regulations; and,
- h) Host community consultations related to accessibility in the Municipality.

6. ADMINISTRATION

- 6.1. AAC will meet no less than six times per year, or otherwise as required to fulfill the duties as outlined.
- 6.2. A quorum for AAC will be a majority, four (4) members.
- 6.3. The AAC may receive presentations from the public upon approval of the Chair.
- 6.4. The AAC may establish Working Groups to explore specific issues related to the accessibility plan and/or to other responsibilities. Members of the Working Group may consist of additional members of the community. A member of the AAC shall chair the Working Group.

APPENDIX E
Audit Committee

1. PURPOSE

- 1.1. The primary purpose of the Audit Committee (the “Committee”) is to provide advice to Council on all matters relating to audit and finance. The objective of the Committee is to:
- a) fulfil the requirements outlined in Section 44 of the *Municipal Government Act*; and
 - b) assist Council in meeting its oversight responsibilities by ensuring the adequacy and effectiveness of financial report, risk management and internal controls.

2. SCOPE

- 2.1. This Policy is applicable to all serving members Audit Committee.

3. DEFINITIONS

- 3.1. In Appendix E,
- a) “Auditor” means the External Auditor conducting the audit of the Municipality;
 - b) “CAO” means the Chief Administrative Officer for the Municipality;
 - c) “Director of Finance” means the Director of Financial Services for the Municipality;
 - d) “Municipality” means the West Hants Regional Municipality.

4. COMMITTEE COMPOSITION

- 4.1. Council will annually appoint members to an Audit Committee.
- 4.2. The Audit Committee will consist of five (5) members: the Mayor, two Council members, and two resident members who are not members of Council or Municipal Staff.
- a) Resident members should be sufficiently versed in financial matters to understand the Municipality’s account practices and policies and the major judgements involved in preparing the financial statements.
 - b) Where an audit committee does not include any resident members, the audit committee will continue to meet and perform its duties and may exercise its powers. The Municipality will advertise to recruit resident members at least once every six months until the requirement is met.
 - c) The Mayor will chair the Audit Committee meetings, and in their absence, another appointed Council member will chair.
 - d) The CAO and/or Director of Financial Services will provide staff support to the Committee. They are not voting members of the Committee.
 - e) The Council Remuneration Policy will be followed regarding any remuneration for the two resident members.

MEETING AND COMMITTEE PROCEDURAL POLICY

- f) All members must abide by the Administrative Terms of Reference set out by the Committee and reviewed the by CAO.

5. DUTIES AND RESPONSIBILITIES

5.1. Audit:

- a) Review the qualifications, independence, quality of service, performance, and fees of the auditors and recommend the appointment of an auditor to Council.
- b) Carry out the responsibilities of the Audit Committee contained in Section 44 of the *Municipal Government Act*, in consultation with Management.

5.2. Finance and Risk Management

- a) Review with Management the quarterly financial updates and recommend to Council to be received.
- b) Management will give a presentation on all financial policies used in the preparation of the external financial statements; at the first annually meeting of the year.
- c) Review with Management the adequacy of internal controls.
- d) Review with Management annually risk management practices including insurance coverage.

6. ADMINISTRATION

- 6.1. Meetings of the Audit Committee will be held at least quarterly. Additional meetings may be necessary to review items relating to the audit and will be called by the Chair.

APPENDIX F

Davidson Lake Watershed Advisory Committee

1. PREAMBLE

- 1.1. The Davidson Lake Watershed Advisory Committee was established in 2007 in response to the requirement of Nova Scotia Environment (NSE) to develop and prescribe regulations for the Protected Water Area, as well as a Source Water Protection Plan (SWPP). The SWPP was adopted by the former Hantsport Town Council on July 4, 2013. The draft Regulations were submitted to Nova Scotia Environment and at this time awaits Provincial review and approval.

MEETING AND COMMITTEE PROCEDURAL POLICY

2. DEFINITIONS

- 2.1. In Appendix F,
- a) “Committee” means the Davidson Lake Watershed Advisory Committee;
 - b) “Councillor” means an elected member of the Council of the Municipality;
 - c) “Municipality” means the West Hants Regional Municipality.

3. PURPOSE

- 3.1. The primary objective of the Davidson Lake Watershed Advisory Committee is to provide a forum for the Landowners, the Municipality and other stakeholders to work cooperatively to maintain the water quality and quantity in the Davidson Lake Watershed. The Committee acts to protect source water as the first step to clean, safe drinking water.
- 3.2. The mandate of the Davidson Lake Watershed Advisory Committee is to advise and make recommendations to Council concerning issues of the management and protection of the Davidson Lake Watershed.

4. ROLE OF THE DAVIDSON WATERSHED ADVISORY COMMITTEE

- 4.1. The Committee advises the Municipality and Director of Public Works on issues pertaining to the Davidson Lake Watershed.
- 4.2. In addition, the Committee will:
- a) assist in the development and implementation of a Source Water Protection Plan, which will be reviewed periodically;
 - b) assist with revisions of the regulations for the Protected Water Area as required;
 - c) review the details of the establishment of the Committee and make recommendation of changes to the Council of the Municipality;
 - d) provide a forum for the involvement of landowners and exchange of information in matters regarding the watershed and water resources;
 - e) provide a forum to deal with issues and concerns in the watershed and address problems and solutions on matters of concern, as they arise;
 - f) advise on forest matters and other land use issues;
 - g) develop Best Management Practices (BMP) for activities in the Davidson Watershed. These Best Management Practices will also be used to guide any approval processes for activities;
 - h) review and make recommendations on activities affecting the Protected Water Area, as requested by the Municipality;
 - i) provide and develop information and education about the Protected Water Area for residents, landowners, and users of the Davidson Watershed;
 - j) liaise with government agencies and other resources not represented on the committee on matters affecting the Protected Water Area, such as the

MEETING AND COMMITTEE PROCEDURAL POLICY

- Provincial Department of Agriculture and Fisheries (DAF) and the Federal Department of Fisheries and Oceans (DFO).
- k) provide information on the Committee's activities to landowners in the Protected Water Area.

5. COMMITTEE COMPOSITION

- 5.1. The Committee members will be comprised of:
- One (1) Landowner Representative
 - One (1) Councillor and one alternate
 - One (1) Nova Scotia Department of Lands and Forestry Representative
 - One (1) Water Utility Representative
 - One (1) Planning and Development Department Representative
 - One (1) Nova Scotia Environment Representative
- 5.2. The Landowner Representative must own land in the Davidson Lake Watershed and will not include the Municipality.

6. ADMINISTRATION

- 6.1. A quorum for the Committee will be four (4) members; of which one (1) must be a Councillor.
- 6.2. The Chair of the Committee will be elected by and from the Committee. The Chair will be responsible for reporting the activities of the Davidson Lake Watershed Advisory Committee to Committee of the Whole.
- 6.3. The Committee will meet semi-annually. The Chair may call additional meetings as required.
- 6.4. Administrative services for the Committee will be provided by the Municipality.
- 6.5. All members must abide by the Administrative Terms of Reference set out by the Committee and reviewed the by Chief Administrative Officer.

APPENDIX G

French Mill Brook Watershed Advisory Committee

1. PREAMBLE

- 1.1. In 1983, the area surrounding French Mill Brook, Hants County was designated as a Protected Water Area at the request of the former Municipality of the District of West Hants. Regulations were also enacted for the designated area to protect the water supply. The French Mill Brook Watershed Protected Area supplies potable water to the community of Falmouth and covers approximately 2814 acres of land (1139 hectares), according to the plan prepared in 1974.
- 1.2. The former Falmouth Watershed Advisory Committee was established in 1992 to manage the French Mill Brook Watershed through the involvement of all stakeholders, including landowners, municipal staff and government representatives.

2. DEFINITIONS

- 2.1. In Appendix G,
 - a) “Committee” means the Falmouth Watershed Advisory Committee;
 - b) “Councillor” means an elected member of the Council of the Municipality;
 - c) “Municipality” means the West Hants Regional Municipality.

3. PURPOSE

- 3.1. The primary objective of the French Mill Brook Watershed Committee is to provide a forum for the Landowners, the Municipality, and other stakeholders to work cooperatively to maintain the water quality and quantity in the French Mill Brook Watershed. The Committee acts to protect source water as the first step to clean, safe drinking water.
- 3.2. The mandate of the Committee is to advise and make recommendations to Council concerning issues of the management and protection of the French Mill Brook Watershed.

4. ROLE OF THE FRENCH MILL BROOK WATERSHED ADVISORY COMMITTEE

- 4.1. The Committee advises the Municipality and Director of Public Works on issues pertaining to the French Mill Brook Watershed.
- 4.2. In addition, the Committee will:
 - a) assist in the development and implementation of a Source Water Protection Plan, which will be reviewed periodically;
 - b) assist with revisions of the regulations for the Protected Water Area as required;

MEETING AND COMMITTEE PROCEDURAL POLICY

- c) review the details of the establishment of the Committee and make recommendation of changes to the Council of the Municipality;
- d) provide a forum for the involvement of landowners and exchange of information in matters regarding the watershed and water resources;
- e) provide a forum to deal with issues and concerns in the watershed and address problems and solutions on matters of concern, as they arise;
- f) advise on forest matters and other land use issues;
- g) develop Best Management Practices (BMP) for activities in the French Mill Brook Watershed. These Best Management Practices will also be used to guide any approval processes for activities;
- h) review and make recommendations on activities affecting the Protected Water Area, as requested by the Municipality;
- i) provide and develop information and education about the Protected Water Area for residents, landowners, and users of the French Mill Brook Watershed;
- j) liaise with government agencies and other resources not represented on the committee on matters affecting the Protected Water Area, such as the Provincial Department of Agriculture and Fisheries (DAF) and the Federal Department of Fisheries and Oceans (DFO).
- k) provide information on the Committee's activities to landowners in the Protected Water Area.

5. COMMITTEE COMPOSITION

- 5.1. The Committee members will be comprised of:
 - Three (3) Landowners Representatives
 - One (1) Councillor and one (1) alternate
 - One (1) Water Utility Representative
 - One (1) Planning and Development Department Representative
 - One (1) Nova Scotia Department of Lands and Forestry Representative
 - One (1) Nova Scotia Transportation and Infrastructure Renewal Representative
 - One (1) Nova Scotia Environment Representative
- 5.2. The Landowner Representatives must own land in the French Mill Brook Watershed and will not include the Municipality.

6. ADMINISTRATION

- 6.1. A quorum for the Committee will be six (6) members; of which one (1) must be Councillor and two (2) Landowner Representatives.
- 6.2. The Chair of the Committee will be elected by and from the Committee. The Chair will be responsible for reporting the activities of the Falmouth Watershed Advisory Committee to the Committee of the Whole.

MEETING AND COMMITTEE PROCEDURAL POLICY

-
- 6.3. The Committee will meet semi-annually. The Chair may call for additional meetings as required.
 - 6.4. Administrative services for the Committee will be provided by the Municipality.
 - 6.5. All members must abide by the Administrative Terms of Reference, set out by the Committee and reviewed the by Chief Administrative Officer.

APPENDIX H

Fences Arbitration Committee

1. PURPOSE

- 1.1. The purpose is to establish the Fences Arbitration Committee in accordance with the Fences and Detention of Stray Livestock Act.

2. DEFINITIONS

- 2.1. In Appendix H,
 - a) "Act" means the Fences and Detention of Stray Livestock Act, as amended from time to time;
 - b) "Clerk" means the Municipal Clerk of the Municipality;
 - c) "Committee" means the Fences Arbitration Committee of the Municipality;
 - d) "Council" means the Council of the Municipality;
 - e) "Livestock" means cattle, sheep, swine, goats, horses, ponies, mules, ratites, farmed deer and game farm animals and other livestock designated by the Minister;
 - f) "Minister" means the Minister of Agriculture;
 - g) "Municipality" means the West Hants Regional Municipality;
 - h) "Non-livestock farm" means land upon which no livestock is maintained.
 - i) "Owner" includes

MEETING AND COMMITTEE PROCEDURAL POLICY

- i. With respect to livestock, any person who has lawful custody of the livestock
- ii. With respect to a farm, the person occupying or operating a farm.

3. FORMATION OF THE FENCES ARBITRATION COMMITTEE

- 3.1. The Committee will consist of two (2) members, of which one member is appointed by Council and one member of the Municipality appointed by the Nova Scotia Federation of Agriculture.
- 3.2. The member appointed by Council will be the Chair of the Committee and may be an employee of the Municipality.
- 3.3. Alternate members of the Committee may be appointed at the request of the member appointed by the Municipality or the Nova Scotia Federation of Agriculture.
- 3.4. All members or alternates will be residents of the Municipality.
- 3.5. Non-Council members will be paid remuneration in accordance with the Council Remuneration Policy.
- 3.6. The Committee will meet on an as needed basis.
- 3.7. Two (2) members of the Committee will form a quorum.
- 3.8. All members must abide by the Administrative Terms of Reference, set out by the Committee and reviewed the by Chief Administrative Officer.

4. DUTIES

- 4.1. The Committee will perform the duties as required by and in accordance with the Act, which include but not limited to:
 - a) Hearing fencing disputes between the owners of a livestock farm(s) or between the owner of a livestock farm and a non-livestock farm; who have notified the Clerk in writing and paid the accompanied fee. With respect to the matter referred to the Committee, the Committee may, by written order,
 - i. Determine the location, height and material of construction of any fence;
 - ii. Determine the manner of maintenance of a fence;
 - iii. Direct the owner of a farm to construct or maintain any fence in accordance with the Act;
 - iv. Determine the proportion of costs of building and maintaining any fences and common boundaries to be borne by each of the adjoining livestock farm owners pursuant to the Act;

MEETING AND COMMITTEE PROCEDURAL POLICY

- v. Take any immediate action necessary including, but not limited to, the removal and boarding of livestock if it is determined there is a risk to the public, the livestock or property.
 - b) Directing a sale or other disposition of stray livestock, provided subsections (2), (3), and (4) of Section 9 of the Act have been complied with.
 - c) Disposing of stray livestock in such a manner as it deems fit, should no offer or reasonable offer be made at sale.
 - d) Distributing the proceeds of the sale or disposal of stray livestock in accordance with the Act.
 - e) Settling disputes regarding ownership and expenses of stray livestock that arise between the owner of the livestock, the person detaining it or the Municipality.
5. CONFLICT
- 5.1. Where there is a conflict between this Policy and the Act, the Act will prevail.

APPENDIX I

Repealed

APPENDIX J

Mill Lakes Watershed Advisory Committee

1. PREAMBLE

- 1.1. The Mill Lakes Watershed supplies the reservoir from which the Windsor Water Utility, operated by the Municipality, withdraws water. The Windsor Water Utility currently supplies water to the community of Windsor and the Three Mill Plains Water Utility. The Three Mile Plains Water Utility services communities of Three Mile Plains, Currys Corner, Garlands Crossing, and Wentworth Creek.

In 1964, the area surrounding Mill Lakes, Hants County, was designated a Protected Water Area. Regulations were also enacted for the designated area to protect the water supply. The regulations were updated in 1986 under the Water Act. The Mill Lakes Watershed Protected Water Area contains four thousand three hundred ninety-four and a half (4394.5) acres of land (1778.4ha).

The Mill Lakes Watershed Committee was first established in 2005 by the former Town of Windsor in response to the need to develop a Source Water Protection Plan.

2. DEFINITIONS

- 2.1. In Appendix J,
- a) “Committee” means the Mills Lakes Watershed Advisory Committee;
 - b) “Councillor” means an elected member the Council of the Municipality;
 - c) “Municipality” means the West Hants Regional Municipality;
 - d) “Staff” means a person employed by the Municipality.

3. PURPOSE

- 3.1. The primary objective of the Mill Lakes Watershed Advisory Committee is to provide a forum for the Landowners, the Municipality and other Stakeholders to work cooperatively to maintain the water quality and quantity in the Mill Lakes Watershed. The Committee recognizes that the protection of source water is the first step in the multi-barrier approach to clean, safe drinking water.

4. ROLE OF THE MILL LAKES WATERSHED ADVISORY COMMITTEE

- 4.1. The Committee advises the Municipality and Director of Public Works on issues pertaining to the Mill Lakes Watershed.
- 4.2. In addition, the Committee will:
- a) assist in the development and implementation of a Source Water Protection Plan, which will be reviewed periodically;

MEETING AND COMMITTEE PROCEDURAL POLICY

- b) assist with revisions of the regulations for the Protected Water Area as required;
- c) review the details of the establishment of the Committee and make recommendation of changes to the Council of the Municipality;
- d) provide a forum for the involvement of landowners and exchange of information in matters regarding the watershed and water resources;
- e) provide a forum to deal with issues and concerns in the watershed and address problems and solutions on matters of concern, as they arise;
- f) advise on forest matters and other land use issues;
- g) develop Best Management Practices (BMP) for activities in the Mill Lakes Watershed. These Best Management Practices will also be used to guide any approval processes for activities;
- h) review and make recommendations on activities affecting the Protected Water Area, as requested by the Municipality;
- i) provide and develop information and education about the Protected Water Area for residents, landowners, and users of the Mill Lakes Watershed;
- j) liaise with government agencies and other resources not represented on the committee on matters affecting the Protected Water Area, such as the Provincial Department of Agriculture and Fisheries (DAF) and the Federal Department of Fisheries and Oceans (DFO).
- k) provide information on the Committee's activities to landowners in the Protected Water Area.

5. COMMITTEE COMPOSITION

- 5.1. The Committee members will be comprised of:
- Four (4) Landowner Representatives
 - One (1) Councillor and one (1) alternate
 - One (1) Nova Scotia Department of Lands and Forestry Representative
 - One (1) Water Utility Representative
 - One (1) Planning and Development Department Representative
 - One (1) Nova Scotia Environment Representative (voting)
- 5.2. The Landowner Representatives must own land in the Mill Lakes Watershed and will not include the Municipality.

6. ADMINISTRATION

- 6.1. A quorum for the Committee will be five (5) members; of which two (2) must be a Landowner Representatives and one (1) must be a Councillor. .
- 6.2. The Chair of the Committee will be elected by and from the Committee. The Chair will be responsible for reporting the activities of the Committee to the Committee of the Whole. The Committee Chair will be elected every two years on even numbered years by the Committee.

- 6.3. The Committee will meet semi-annually. The Chair may call for additional meetings as required.
- 6.4. All Landowners are welcome to attend Committee meetings as observers.
- 6.5. A General Meeting of landowners may be called every two (2) years at the discretion of the Committee.
- 6.6. Administrative services for the Committee will be provided by the Municipality.
- 6.7. All members must abide by the Administrative Terms of Reference set out by the Committee and reviewed the by Chief Administrative Officer.

APPENDIX K

Planning Advisory/Heritage Advisory Committee

1. PURPOSE

- 1.1. To establish an advisory committee in accordance with Sections 200 and 202 of the *Municipal Government Act*.

The Planning Advisory/Heritage Advisory Committee will advise the Council of the Municipality on planning and heritage matters requiring a decision of Council affecting the Municipality, including the preparation and amendment of planning documents.

2. DEFINITIONS

- 2.1. In Appendix K,
- a) Repealed.
 - b) “Municipality” means the West Hants Regional Municipality;
 - c) “PAC/HAC” means the Planning Advisory/Heritage Advisory Committee of the Municipality;
 - d) Repealed.

3. COMMITTEE COMPOSITION

- 3.1. The PAC/HAC will be established under the following terms:
- a) The Committee will consist of ten (10) members as follows:
 - three (3) resident members from the former municipality of West Hants area (excluding Hantsport) who are not council members or municipal employees;
 - two (2) resident members from the community of Hantsport who are not council members or municipal employees;
 - two (2) resident members from the community of Windsor who are not council members or municipal employees
 - three (3) members of Council.

With the understanding advertisement for the committee has already taken place and that this change will not affect the current process to take effect November 2022.

- b) Council members will be appointed to the Committee in November for a term of one (1) year and the term will expire following the October meeting the next year. The appointments made as of April 2021 will expire October 2022.
- c) Non-Council members will be appointed to the Committee in November for a term of two (2) years and the term will expire following the October meeting of the second year. The appointments made as of April 2021 will expire October 2022.

4. ADMINISTRATION

- 4.1. The PAC/HAC will appoint a Chair and Vice-Chair annually from among its members at the November meeting.
- 4.2. All non-Council members of the Committee will be remunerated for attendance at meetings of the Committee in accordance with the Remuneration Policy.
- 4.3. The PAC/HAC will present recommendations directly to the Council of the Municipality.
- 4.4. All resident members may be reappointed for a maximum of three (3) terms.

APPENDIX L

Municipal Climate Change Action Plan Committee

1. PURPOSE

- 1.1. The Municipal Climate Change Action Plan Committee provides a forum for all municipal departments and Council representatives to work co-operatively on implementing and evaluating the adaptation and mitigation actions outlined in the Municipal Climate Change Action Plans of the Municipality hereafter referred to as “the MCCAP”. These policy and adaptation procedures help protect people, properties, special places, and municipal infrastructure from the negative impact of climate change.

2. DEFINITIONS

- 2.1. In Appendix L,
- a) “MCCAP Committee” means the Municipal Climate Change Action Plan Committee;
 - b) “Municipality” means the West Hants Regional Municipality.

3. COMMITTEE COMPOSITION

- 3.1. The Committee consists of ten (10) members:
- Three (3) Councillors;
 - Two (2) resident members, who are not members of Council
 - Chief Administrative Officer or designate;
 - Director of Public Works or designate;
 - Director of Planning and Development or designate;
 - Director of Community Development or designate;

- Protective Services Manager or designate.
- 3.2. Each Councillor, appointed by Council, serves on the Committee for a designated term. Members are eligible for reappointment.
- 3.3. Designates and alternates are at the discretion of the Chief Administrative Officer.

4. ADMINISTRATION

- 4.1. The Chair and the Vice-Chair are elected by a majority of the members. Those persons elected hold office for a one-year term.
- 4.2. The Chair of the Committee acts as the liaison in providing recommendations to Council, as required from time to time.
- 4.3. The duties and procedures of the MCCAP Committee will be as set out in the relevant Terms of Reference for the MCCAP Committee as approved by motion of the Committee and reviewed by the Chief Administrative Officer.

APPENDIX M

Diverse and Inclusive Communities Committee

1. MANDATE

- 1.1. Through the establishment of this committee, we are committed to strengthening existing partnerships while collaborating with individuals, groups, and organizations to

MEETING AND COMMITTEE PROCEDURAL POLICY

reduce systemic racism and discrimination while strengthening the ability of individuals and community to address issues of diversity, justice, and inequality while providing

2. PURPOSE

- 2.1 The purpose of the Diverse and Inclusive Communities Committee is to serve in an advisory capacity and make recommendations to Council which will formulate strategic action plans achieve the following:
- a) Advocate, educate, celebrate, address, and advise on issues concerning social marginalization, equity, racism, and discrimination within the Municipality and its workplaces.
 - b) Break down barriers and implement programs, policies, and practices that promote diversity and inclusion and create opportunities which are inclusive and welcoming to all.

3. DEFINITIONS

- 3.1 In Appendix M, A “Municipality” means the West Hants Regional Municipality.

4. COMPOSITION

- 4.1 The Committee will consist of six (6) voting members and ten (10) non-voting supporting members as follows:
- Six (6) resident members of diverse race and ethnicity (including, but not limited to, those from the African Descent, Acadian, Glooscap First Nation, LGBTQ+, Indigenous, 2SLGBTQIA+, Senior, Youth, and Newcomers' communities)
 - One (1) RCMP Representative (non-voting)
 - One (1) Community Health Board Representative (non-voting)
 - Six (6) non-voting staff members appointed by the Chief Administrative Officer
 - One (1) Councillor and 1 Alternate (non-voting)

5. ADMINISTRATION

- 5.1. A Chair and Vice-Chair will be elected bi-annually upon the date of committee establishment.
- 5.2. Citizen committee members will serve a two-year term
- 5.3. Citizen committee members will be provided remuneration in accordance with the Council Remuneration Policy.
- 5.4. Administrative services for the Committee will be provided by the Municipality.
- 5.5 All members must abide by the Administrative Terms of Reference set out by the Committee and reviewed the by Chief Administrative Officer.

MEETING AND COMMITTEE PROCEDURAL POLICY

I, Deanna Snair, Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the **27th** day of **September, 2023**.

Deanna Snair

Deanna Snair, Municipal Clerk

Adoption	
<i>Notice to Council:</i>	March 9, 2020
<i>Approval:</i>	March 23, 2020
<i>Description:</i> Initial approval of the Meeting and Committee Procedural Policy, RCOGE-003.00. Approved by the Co-ordinating Committee of the Region of Windsor and West Hants Municipality.	
First Amendment	
<i>Notice to Council:</i>	October 13, 2020
<i>Approval:</i>	October 27, 2020
<i>Description:</i> Amended Policy to add the Diversity and Inclusion Committee, changed the report form, terminology changes and amend agenda package procedures.	
Second Amendment	
<i>Notice to Council:</i>	February 9, 2021
<i>Approval:</i>	February 23, 2021
<i>Description:</i> Amended Policy to delete the words “and December” from Sections 3.2(b) and 3.3 (b), to enable meetings in December.	
Third Amendment	
<i>Notice to Council:</i>	March 9, 2021
<i>Approval:</i>	March 23, 2021
<i>Description:</i> Amended Policy to remove the Hantsport and Windsor Area Advisory Committee, change the membership of Planning Advisory / Heritage Advisory Committee, and change the definition of “Municipality” within the Appendices.	
Fourth Amendment	
<i>Notice to Council:</i>	April 12, 2022
<i>Approval:</i>	April 26, 2022
<i>Description:</i> Amend Policy to add to Section 9. 3 that In-camera meeting sessions be recorded, ensuring all meetings are recorded.	
Fifth Amendment	

MEETING AND COMMITTEE PROCEDURAL POLICY

Notice to Council:	July 12, 2022
Approval:	July 26, 2022
Description: Amend Policy to change the name of the Diversity and Inclusion Committee, terminology and alter the composition of the committee. : Amend appendix k section 3.1 to read the committee will consist of ten(10) members as follows: seven (7) resident members from the region of West Hants who are not council members or municipal employees or immediate family members (defined as children, brother, sister, spouse, mother, father) of either council or municipal employees and three (3) members of council and further that this will take effect at the November PAC/HAC meeting. : Amend Appendix K to remove section 3.1 b that reads "council members will be appointed to the committee in November for a term of one (1) year and the term will expire following the October meeting the next year. The appointments made as of April 2021 will expire October 2022", as per section 17.8 it automatically makes it a 2 yr term. : Amend Policy to remove Section 3.1(b) of Appendix K, so that as per Section 17. 8 it automatically makes it a two (2) year term. : Amend Policy to add a Section 4.4 to Appendix K that reads" resident members may be reappointed for a maximum of three (3) terms. : Amend the Policy, Section 8.1 to read" The Chair of Council will be the Mayor and the Chair of Committee of the Whole will be the Deputy Mayor except a) in the absence of the Mayor at council, the Deputy Mayor will be the chair b) in the temporary absence of both the Mayor and Deputy Mayor, a chair will be appointed from the Councillors present at the meeting. : Amend policy, such that "all topics and supporting material for an agenda will be submitted to the staff member preparing the agenda by 12: 00 noon three (3) business days before a regular scheduled meeting. : Amend the policy, Section 9.2 (h) to include "timestamped to reflect where the report/discussion of Council can be found in the recorded meeting".	
Sixth Amendment	
Notice to Council:	September 27, 2022
Approval:	September 27, 2022
Description: Amend the Meeting and Committee Procedural Policy, RCOGE-03.00, Appendix K, Section 3.1 to read " the committee will consist of 10 members as follows: 3 resident members from the former municipality of West Hants area (excluding Hantsport) who are not council members or municipal employees, 2 residents from the community of Hantsport who are not council members or municipal employees, 2 resident members from the community of Windsor who are not council members or municipal employees, 3 members of council. With the understanding advertisement for the committee has already taken place and that this change will not affect the current process to take effect November 2022.	



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Members of West Hants Regional Council

Submitted by: _____
Abraham Zebian, Mayor

Date: October 25, 2022

Subject: Debt and Debt Servicing Report

LEGISLATIVE AUTHORITY

Municipal Government Act

RECOMMENDATION or DECISION REQUEST

Council direct staff to create a report for the November Committee of the Whole meeting outlining the total debt for West Hants Regional Municipality, debt financing amounts, and the amounts per category (ie: fire, water/sewer, vehicles, etc.) with percentages.

BACKGROUND

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

West Hants Regional Municipality came into existence in April 2020 with the consolidation of the former Town of Windsor and The Municipality of West Hants. Since that time, council has approved a number of expenditures to continue providing a great level of service to the residents it serves.

DISCUSSION

With recent discussions of Council on the increasing costs of projects, goods and services, I feel it would be a good time to have a detailed summary report on the Municipality's debt, debt financing, and the amounts (with percentages) each category belongs to in order for Council to be well informed with all its decisions.

NEXT STEPS

If Council approved the recommendation, staff will prepare a report with the requested information for the November Committee of the Whole.

FINANCIAL IMPLICATIONS

There are no financial implications with the requested report but there is a requirement of staff time.

ALTERNATIVES

(State any option to the recommendation and implication of the options, if anything)

ATTACHMENTS

N/A

CHIEF ADMINISTRATIVE OFFICER REVIEW

The request from the Mayor, as represented in the recommendation is a responsible request. Most of the information has been presented to Council during the 2022-23 budget process and can be redistributed. Until March 31, 2023 or "year-end" the actual borrowing amounts will not be known as new projects may be added; scheduled projects may not be completed; projects may be over or under budget; or have additional grants and funding sources discovered to reduce the anticipated borrowing limits. Staff are careful to monitor capital projects throughout the year supported by borrowing to ensure the budgeted Debt Service Ratio (DSR) stays within our affordable borrowing limits approved by Council. Since consolidation the actual borrowing reflected at year-end is lower than anticipated at budget approval time due to the above noted factors.

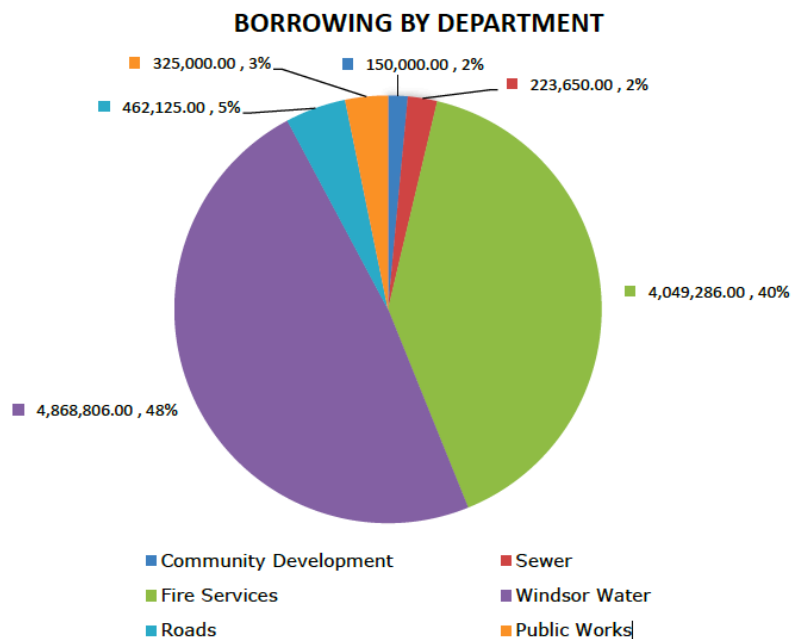
The following information was provided in the 2022-23 Capital Budget Document approved by Council:

2022-2023 Projects

*There are several capital projects identified for 2022-2023 projected to total \$17.6 million. Of that total, \$5.2 million is attributed to projects approved in previous years and carried forward into 2022-2023, and \$2.6 million of the projects have been preapproved for the 2022-2023 fiscal year. The total amount of borrowing proposed in this capital budget is \$10 million, which represents 57.2% of the total 2022-2023 Capital Budget. 38% of the debt servicing amount is related to projects carried forward from 2021-2022. 48.3% of the debt servicing is attributed to the Windsor Water Utility and does not impact the Municipality's debt service ratio. Actual borrowing and debt servicing ratios could fluctuate as staff identify other funding opportunities (grants or donations). Should those opportunities not be available, current year capital projects financed by long-term debt impact the following fiscal year's debt servicing ratio. Assuming no availability of grants or donations, the debt service ratio for 2022-2023 is estimated to be **12.2%**.*

The five-year capital plan is reviewed annually. If there is limited availability of funding opportunities (i.e., grants, cost shared capital projects, reserves etc.) in future years, the capital plan can be adjusted to limit long-term debt.

The following chart represents the breakdown of proposed borrowing by department.



- 2022/23 Capital Budget Doc

In addition to providing the information requested in the recommendation it is important to highlight that debt is relevant to the municipality's ability to service the debt or the Debt Service Ratio (DSR). Annual municipal indicators are provided to all municipalities and provide

feedback on DSR. WHRM has stayed within the recommended range for debt each year to-date.

If it is the wish of Council to provide a complete detailed report displaying all existing debts and their expiry dates by department that will require more time than allotted by this report's recommendation of November COTW due to current operational demands. Financial Services is currently engaged in the audit process but feel confident this level of detail can be provided by the November Council meeting.

As noted above all existing debt and new debt added in any given year is factored into the DSR calculation when the budget is approved annually. All existing debts and budgeted borrowing for 2022-23 is calculated resulting in the **12.2%** calculation.

Report Prepared by: _____
Abraham Zebian, Mayor

Report Reviewed by:  _____
Mark Phillips, Chief Administrative Officer



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

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

Submitted by:

Deanna Snair, Clerk

Date: October 25, 2022

Subject: 2022 Resident Appointments to the Accessibility Committee

LEGISLATIVE AUTHORITY

Municipal Government Act – Section 24 Standing, Special and Advisory Committees

RECOMMENDATION

... that Council appoint the following resident members to the Accessibility Committee beginning November 1, 2022 and ending October 31, 2024.

- Jordan Stephens
- Roseanna Boyd
- Michel Bourgeois

BACKGROUND

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

The Accessibility Advisory Committee provides advice to Council on identifying, preventing and eliminating barriers to people with disabilities in municipal programs, services, initiatives and facilities.

The Committee plays a pivotal role in helping to become a barrier-free community and ensuring obligations under “An Act Respecting Accessibility in Nova Scotia (2017)” are met.

The current Accessibility Advisory Committee resident member appointments expire as of October 31, 2022.

DISCUSSION

Members appointed in 2020 were notified of the approaching end of their term and were encouraged to apply for the upcoming term.

Public advertisement for resident members was placed in the local paper (the Valley Journal Advertiser), on the Municipal website and Facebook page on September 20, 2022. Applications to be a resident member of the Accessibility Advisory Committee were accepted until midnight October 2, 2022. Of the six (6) citizen appointments, two (2) appointment positions do not expire until October 31, 2023, leaving four (4) committee positions available to apply for. Three (3) resident members chose to reapply, and one (1) member did not reapply, resulting in one (1) position remaining vacant. This position will be advertised to fill the vacancy.

NEXT STEPS

Once approved by Council, all applicants will be contacted to notify them of whether or not they were appointed. Required additional information will be sent to new members.

FINANCIAL IMPLICATIONS

Resident members appointed to a Committee of Council will receive remuneration in accordance with the Council Remuneration Policy, which is identified in the annual Operating Budget.

ALTERNATIVES

Council can direct staff to readvertise for expressions of interest.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: Deanna Snair, Clerk

Report Reviewed by: _____
Deanna Snair, Clerk

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

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

Submitted by:

Deanna Snair, Clerk

Date: October 25, 2022

Subject: 2022 Resident Appointments to the Watersheds Advisory Committees

LEGISLATIVE AUTHORITY

Municipal Government Act – Section 24 Standing, Special and Advisory Committees

RECOMMENDATION

... that Council reappoint Patrick Schofield, Paul Taylor and Bruce Atwell as resident members to the Mills Lake Watershed Committee beginning November 1, 2022 and ending October 31, 2024.

... that Council reappoint Jamie Whidden and Stephen Marsters as resident members to the French Mill Brook Watershed Committee beginning November 1, 2022 and ending October 31, 2024.

... that Council reappoint Stephen Marsters as the resident member to the Davidson Lake Watershed Committee beginning November 1, 2022 and ending October 31, 2024.

BACKGROUND

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

The Watershed Advisory Committees mandate is to provide a forum for the landowners, the Municipality and other stakeholders to work cooperatively to maintain the water quality and quantity in the Davidson Lake Watershed, the French Mill Brook Watershed and the Mill Lakes Watershed. These Committees act to protect source water as the first step to clean, safe drinking water and will meet at least twice a year.

DISCUSSION

Members appointed in 2020 were notified of the approaching end of their term and were encouraged to apply for the upcoming term.

Public advertisement for resident members was placed in the local paper (the Valley Journal Advertiser), on the Municipal website and Facebook page on September 20, 2022. Applications to be a resident member of each of the Watershed Advisory Committees were accepted until midnight October 2, 2022. All the current committee members chose to reapply, with no other expressions of interest were received.

NEXT STEPS

Once approved by Council, all applicants will be contacted to notify them of their appointed.

FINANCIAL IMPLICATIONS

Resident members appointed to a Committee of Council will receive remuneration in accordance with the Council Remuneration Policy, which is identified in the annual Operating Budget.

ALTERNATIVES

Council can direct staff to readvertise for expressions of interest.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

Report Prepared by: _____
Deanna Snair, Clerk

Report Reviewed by: _____
Deanna Snair, Clerk

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: West Hants Regional Municipal Council

Submitted by: Kathy Kehoe, Director Community Development

Date: October 25, 2022

Subject: Windsor Coach House Roof Repairs

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

...it is recommended that:

Council approve the upgrading of the Windsor Coach House Roof at a cost not to exceed \$31,152.12 plus 15% contingency, plus applicable taxes to be funded through the Canadian Community Building Fund.

BACKGROUND

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

The Windsor Coach House building after the construction of the Windsor Causeway on lands deeded to the former Town of Windsor in 1972. The building was formerly used by the Pisiquid Canoe Club and the Sam Slick Society and then primarily storage. In the last few years there has been improvements made to encourage more public use of the space in partnership with the Windsor Township Business Association and Develop Nova Scotia.

DISCUSSION

With the recent upgrades to the Coach House building e.g., front deck installed it was identified that to complete necessary electrical repairs there was roof work required. Staff originally anticipated that the work would be requested with the 2023/24 Capital Budget however, the necessity for this work to be completed in a timely manner has escalated because of increased damage as a result of hurricane Fiona. Staff are now recommending the work be completed before winter.

As per the Municipal Procurement and Tendering Policy RCOFN-003.00 traditionally a project of this value would be required to go through the tender process. Section 7-e-1 - Alternative Procurement Practices gives the Municipality the authority to deviate from the procurement processes that the value or nature of the goods, services or construction would normally require. The following circumstances provided by the Canada Free Trade Agreement (CFTA) – Alternative Procurement Awards, when applicable, are allowable exceptions to this Policy, provided they are within budget or a result of an emergency and have CAO approval:

1.0 For reasons of urgency brought about by events unforeseeable by the Municipality, the goods, services, or construction could not be obtained in time using normal methods of procurement.

Staff have received comparable quotes for the replacement of the roof on the Windsor Coach House and confirmation that both companies are able to complete the work this fall. The work includes the supply and install of a metal roof, fascia, seamless eaves trough and downspout and strapping over existing shingles.

- 1) S Squared Renovations and Contracting - \$35,824.94 (tax incl) – have confirmed that they can complete the work this fall if the project is awarded no later than October 26th.
- 2) Windsor Home Hardware - \$37,439.46 (tax incl) – have confirmed they can complete the work this fall if project is awarded no later than October 26th.

NEXT STEPS

Council direct staff to proceed with the emergency roof upgrade for the Windsor Coach House.

FINANCIAL IMPLICATIONS

Total cost of the roof upgrade is:

Project Cost	\$31,152.12
Contingency (15%)	<u>4,672.82</u>
Subtotal	\$35,824.94
Net Tax (0.0429%)	<u>1,536.89</u>
Total Cost	\$37,361.83

Staff are currently seeking feedback from the Municipal insurer to determine if this is an insurable expense. Should any of the above cost require Municipal funding, it has been determined that this is an eligible Canada Community Building Fund (CCBF) project. The West Hants Regional Municipality and Former Town of Windsor CCBF reserves are both available for this project and have the following current balances:

WHRM CCBF Reserve	\$2,175,848.45
Former TOW CCBF Reserve	\$153,046.05

ALTERNATIVES

Council can choose not to approve this recommendation and direct staff to include this project in the 2023/24 capital budget. Where there is urgency with the completion of this project it is not the course of action recommended by staff but is within Council's purview.

ATTACHMENTS

n/a

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in the report the roof is leaking and causing further damage to the structure and interior. In the event the insurance claim is eligible, the withdraw from CCFB will be reduced accordingly.

I support the recommendation.

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

Report Reviewed by: _____
Diana Gibson, Acting Director, Financial Services

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer