

WEST HANTS REGIONAL MUNICIPALITY
Special Council Meeting Agenda **AMENDED August 22, 2023**
August 21, 2023 – 6 p.m.
In-person Sanford Council Chambers, 76 Morison Dr, Windsor, NS
Virtual via Zoom (also FB Livestream)



1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda
5. Declaration(s) of Conflict of Interest
6. Public Hearings
 - b) Benjamins Mill Wind Project Development – Planner Dunphy
 - a) 997 Highway 14 Upper Vaughan (PID 45041902) WHLUB Amendment – Planner Dunphy
7. Second Readings
 - b) Benjamins Mill Wind Project Development Agreement – Planner Dunphy
 - a) 997 Highway 14 Upper Vaughan (PID 45041902) WHLUB Amendment – Planner Dunphy
8. New Business
 - a) July 22, 2023, Flood Event, Emergency Management Office (EMO) Recap
 - b) Update on the Motion Re: Cellular Service – Councillor S. McLean
9. In-Camera
 - a) MGA 22(2)(a) Personnel Matter
10. Next Meeting Date / Adjournment



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: August 21, 2023

Subject: Development Agreement: Benjamins Mill Wind Project; File # 21-18B

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to approve the development agreement following the Public Hearing, the following motion would be in order:

...that Council gives Second Reading to and approves entering into a development agreement to allow a Wind Farm on PIDs 45390960, 45406659, 45406667, 45406675, 45406683, 45406709, 45061926, 45406691, 45406717, 45390952, 45407921, 45391018, 45407913, 45060449, and 45060548 which is substantively the same as the draft set out in Attachment A of the report #21-18B to Mayor Zebian and Members of West Hants Regional Municipality Council dated August 21, 2023.

...that Council require that the development agreement with Natural Forces Lands GP Ltd and Atlantic Star Forestry Ltd. for PIDs 45390960, 45406659, 45406667, 45406675, 45406683, 45406709, 45061926, 45406691, 45406717, 45390952, 45407921, 45391018, 45407913, 45060449, and 45060548 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 ☐
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A completed application was received on January 13, 2022 from Meg Morris on behalf of Natural Forces. The application was for a development agreement to permit a new wind farm with up to 24 wind turbines in Benjamins Mill. Public Information Meetings were held on February 10 and February 23, 2022.

On March 9, 2022, the Minister of the Department of Environment and Climate Change provided a response to the Environmental Assessment application submitted by Natural Forces for the Benjamins Mill Wind Project. The response was that there was insufficient documentation to make a decision and additional requirements were then outlined.

Following this, Natural Forces carried out the required work to resubmit for Environmental Assessment consideration. On January 6, 2023 Natural Forces submitted an Additional Information Addendum to the Department of Environment and Climate Change. Then on February 13, 2023, the Minister of Environment and Climate Change gave the Benjamins Mill Wind Project Environmental Assessment Approval, subject to a list of conditions.

DISCUSSION

Two Public Information Meetings were held on February 10 and 23, 2022.

On April 13, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC). The PAC/HAC recommended in favour of the development agreement as drafted on April 13, 2023.

On April 19, 2023, the applicant requested edits to the wording of the development agreement regarding the leasing and subleasing agreements. At the time, staff believed the edits to be administrative in nature and would not affect the development agreement in any significant way. The amendments were sent to the Municipal Solicitor for review.

On April 25, 2023, staff presented the PAC/HAC recommendation to Council for First Reading (Appendix B). During the April 25 meeting, Council recommended in favour of the application.

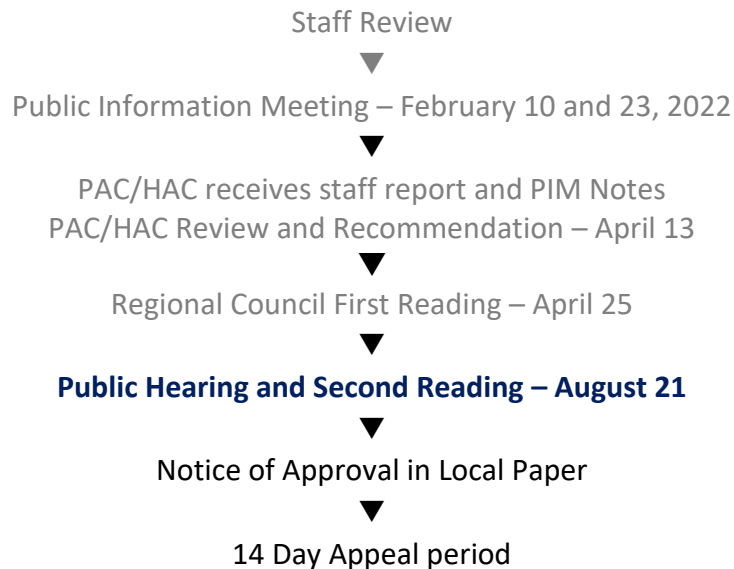
On May 11, 2023, staff were informed by the Municipal Solicitor that the applicants requested amendments would impact the ability of the Municipality to enter the land to perform remedial action considered necessary to correct the breach of the development agreement and bill the expenses back to the property owner.

On July 19, 2023, staff were informed by the Municipal Solicitor that an agreement was reached and that agreement can be recommended by the Municipal Solicitor. The development agreement has been attached as Appendix A to this report.

NEXT STEPS

The process for this application is as follows:

Process



*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 Second Reading and approve the development agreement 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	Revised Draft Development Agreement
Appendix B	2023-04-13 Staff Report - Development Agreement: Benjamins Mill Wind Project; File # 21-18

CHIEF ADMINISTRATIVE OFFICER REVIEW

No further comments recognizing agreements were reached between the applicant and the property owners regarding remedial action clauses in the DA.

I support the recommendations.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Appendix A – Revised Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

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 -

NATURAL FORCES LANDS GP LTD., a body corporate, in its capacity as General Partner for and on behalf of **NATURAL FORCES LANDS LIMITED PARTNERSHIP**, with a head office at 1801 Hollis Street, Suite 1205, Halifax, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Developer”)

OF THE SECOND PART

- and -

WAGNER FOREST NS LTD., a body corporate, with a head office at 1019 Prince Street, Suite B, Truro, in the County of Colchester, Province of Nova Scotia,

(Hereinafter referred to as the “Sub-Lessor”)

OF THE THIRD PART

- and -

ATLANTIC STAR FORESTRY LTD., a body corporate, with a mailing address at 10 Church St., Truro, in the County of Colchester, Province of Nova Scotia,

(Hereinafter referred to as the "Owner")

OF THE FOURTH PART

WHEREAS Owner has leased a portion of its lands to Sub-Lessor ("the Main Lease"), as evidenced by a Notice of Lease registered at the Nova Scotia Land Registry;

WHEREAS Sub-Lessor has entered into a sub-lease (the "Sub-Lease") with Developer as to a portion of its leased premises (being PIDs 45390960, 45406659, 45406667, 45406675, 45406683, 45406709, 45061926, 45406691, 45406717, 45390952, 45407921, 45391018, 45407913, 45060449, 45060548), being the Subleased Premises therein, and hereinafter referred to as the "Property", as evidenced by a Notice of Sub-Lease registered at the Nova Scotia Land Registry which lands are more particularly described in Schedule 'A' attached hereto, for the purpose of building and operating a Wind Energy Facility comprising wind turbines, access roads, fencing, service buildings and transmission equipment;

WHEREAS Owner has joined in a Consent, Non-Disturbance, and Attornment Agreement relating to said Sub-Lease registered at the Nova Scotia Land Registry;

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow the development, construction and operation of a Wind Farm (as defined in the *West Hants Land Use By-law* (the "Land Use By-law")) on the Property (the "Development") pursuant to Policy 4.24.4 of the *West Hants Municipal Planning Strategy* (the "Municipal Planning Strategy") and Section 6.1 of the Land Use By-law; and

AND WHEREAS the Council of the Municipality, at a meeting held on **[Month Day], 2023**, approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto;

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

PART 1 AGREEMENT CONTEXT

1.1 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A – Notice of Sublease

Schedule B – Overall Site Concept Plan

1.2 Definitions

- (a) *Municipal Planning Strategy* means the Municipal Planning Strategy of the Municipality of the District of West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (b) *Land Use By-law* means the Land Use By-law of the Municipality of the District of West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (c) *Subdivision By-law* means the Subdivision By-law of the Municipality of the District of West Hants, approved on May 13, 2008, as amended or successor by-laws;
- (d) *Environmental Assessment Approval* means the Environmental Assessment Registration Document, any Addendum, the Minister's Decision, and the accompanying Terms and Conditions dated on or before February 13, 2023, as well as all supportive documents such as, but not limited to, the Environmental Protection Plan and the Erosion and Sedimentation Control Plan which must be submitted to Nova Scotia Environment and Climate Change for approval;
- (e) *Project Area* means all properties which are included as part of the overall Property;
- (f) *Turbine* means a wind energy conversion system whose parts include a foundation, tower, nacelle, rotor assembly and any components within, or attached thereto;
- (g) *Turbine Height* means a vertical distance measured from grade to the tip of the highest extended rotor blade;
- (h) *Wind Energy Facility* (hereinafter sometimes referred to as the "Facility") means a facility containing all equipment and improvements necessary for the conversion and delivery of wind energy into electricity, including, but not limited to:
 - (i) one or more Turbines and associated electrical controllers;

- (ii) any electrical distribution lines or cabling, communication lines, electric transformers, towers, interconnection or switching facilities, telecommunication equipment, energy storage facilities, power generation facilities, access roads, driveways, meteorological towers, water wells, wind measurement equipment, maintenance/administrative/control buildings, maintenance yards, fencing, gates, berms or other earthworks for environmental protection, signage, and any related equipment, apparatus, accessories, works or appurtenances thereto.
- (i) *Commencement of Commercial Operation* means the date upon which energy is generated by the Wind Energy Facility for sale.

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; and
- (b) a Wind Energy Facility including all associated equipment and improvements necessary for the conversion of wind energy into electricity and delivery thereof.

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.

The uses permitted by this Agreement on the Property shall be limited to the proposed Wind Energy Facility, which consists of up to twenty-four (24) turbines and associated facilities, together with all components associated with the Facility.

2.2 Development Location and Design

- (a) The development location and design shall be consistent with the layouts shown on Schedules B1 and B2, for Phase 1 and the overall project, respectively.
- (b) The Development Officer may approve changes to the location of the equipment or other aspects of the site plan, including the addition of Turbines, and inclusion of additional parcels of land in the Property, provided that setbacks listed in Section 2.3, *Site Requirements*, of this agreement are met. Changes to the site plan may also be approved in accordance with reports generated in response to Section 2.8, (c), *Environmental Assessment Approval*, of this agreement provided that the setbacks listed in Section 2.3, *Site Requirements*, of this agreement are met.

- (c) The Developer shall ensure that the wind turbine colouring will conform with Transport Canada regulations for aviation safety.

2.3 Site Requirements

- (a) The turbines shall conform to the following site requirements:

Minimum Lot Area	2 acres (0.81 hectares)
Minimum Setback from any Lot Line*	Height of the Turbine
Minimum Setback for the Turbine from any Dwelling on the Same Lot	Height of the Turbine
Minimum Setback for the Turbine from any Dwelling on an Adjacent Lot	200 ft (60.96 m)
* Only the lot lines of the Property which are abutting neighbouring properties outside of the project area shall be used, lot lines within the project area will not be required to meet the setback.	

- (b) The Developer shall ensure the proposed Development is built such that impacts of sound and shadow flicker are reasonably minimized and public safety is maintained and in particular that:
- (i) no turbine shall be built within 1000 meters, measured from the closest edge of the base of the tower of any dwelling, hotel, motel, or apartment hotel existing as of [MONTH, DAY], 2023 unless written permission is given by the owner thereof; and
 - (ii) no turbine shall be built within 550 meters, measured from the closest edge of the base of the tower, to any woods camp existing as of [MONTH, DAY], 2023 unless written permission is given by the owner thereof.
- (c) Accessory buildings are permitted in accordance with Section 5.1 of the West Hants Land Use By-law, *Accessory Buildings and Structures*.
- (d) Nothing in this Agreement shall prevent the future reconstruction, repair or renovation of any accessory building on the Property which is part of the Wind Energy Facility, provided all requirements of this Agreement and the Land Use By-law can be met.

2.4 Access

- (a) The Developer shall reasonably minimize the duration and volume of traffic to and from the proposed Development in the vicinity of the driveway providing access to Hingley Road and ensure that all required permits are received from Nova Scotia Department of Public Works and any other applicable traffic authority.

2.5 Signs and Lighting

- (a) Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the West Hants Land Use By-law, *Illumination* and *Signs*, which controls lighting, size, location, and number of signs.
- (b) The Developer shall ensure that any illumination not required by Transport Canada shall not project glare or direct illumination onto adjacent properties other than those of the Owner.

2.6 Operation and Maintenance

- (a) The Developer shall ensure that the Facility is operated in accordance with the Environmental Assessment Approval Conditions as registered with Nova Scotia Department of Environment and Climate Change as part of the Environmental Assessment Approval, and in particular that:
 - (i) the sound level generated by the operation of the wind turbines does not exceed the forty (40) dBA maximum relative to identified receptors as prescribed by Nova Scotia Environment and Climate Change in the Environmental Assessment Approval; and
 - (ii) the period of shadow flicker does not exceed thirty (30) hours per year, or thirty (30) minutes per day, relative to identified receptors as prescribed by Nova Scotia Environment and Climate Change in the Environmental Assessment Approval.
- (b) The Developer shall build, repair and maintain the Facility so that it is in good repair and workmanlike condition in accordance with good utility practice.
- (c) The Developer shall obtain and maintain, as the case may be, all necessary permits and approvals required by the Federal, Provincial, and Municipal Governments.
- (d) The Developer shall ensure that the operation of the Facility is regularly monitored, remotely or by designated on site personnel so as to maintain awareness of its current condition.

2.7 Hazardous Materials and Fire Protection

- (a) Any hazardous materials on site shall be stored, handled, and labeled in accordance with the Environmental Assessment Approval Regulations and the Workplace Hazardous Materials Information System (WHMIS) Regulations.
- (b) Nothing in this Agreement shall exempt or be taken to exempt the Developer or any other person from complying with the requirements of any other applicable statute or regulation of the Federal and Provincial governments, and the Developer agrees to observe and comply with all such laws and regulations in connection with the Development and use of the Property.
- (c) The Developer shall consult with the Chief of the Fire Department having jurisdiction on the design and construction of the Facility to ensure adequate access for fire vehicles.
- (d) The Developer shall provide necessary equipment, training or onsite infrastructure required for adequate emergency response, as reasonably determined by the Chief of the Fire Department having jurisdiction.
- (e) The Developer shall consult with the Chief of the Fire Department having jurisdiction on the installation and operation of a fire detection and suppression system in the nacelle of each turbine.

2.8 Environmental Assessment Approval

The Developer shall undertake to ensure that environmental impacts associated with the proposed Development are mitigated to the maximum extent possible, and in particular that:

- (a) any access roads or driveways constructed be kept to the minimum width reasonably necessary; and
- (b) any clearing of land for turbine foundations, crane pads, laydown areas or other Facility components is kept to the minimum area reasonably required; and
- (c) all activities are undertaken as prescribed by Nova Scotia Environment and Climate Change in the Environmental Assessment Approval, and all other applicable sections of this Agreement.

2.9 Decommissioning

- (a) In the event that Notice of Intent to discharge this Agreement is given to the Developer in accordance with Section 3.5 of this Agreement, the Municipality shall require the Developer to decommission the Wind Energy Facility.

- (b) The Developer shall ensure that the decommissioning of the Facility is carried out in compliance with all Nova Scotia Environment and Climate Change regulations and in accordance with the Environmental Assessment Approval Regulations.

2.10 Decommissioning Fund

The Developer shall create a decommissioning fund (the “Decommissioning Fund”) for the purpose of reserving or providing for necessary monies to decommission the Wind Energy Facility. The Developer shall elect how to establish and manage this fund, which may include any one of the following:

- (a) a letter of credit reasonably acceptable to the Municipality in form and substance and from a financial institution reasonably acceptable to the Municipality;
- (b) creation of a performance bond reasonably acceptable to the Municipality;
- (c) creation of a special escrow account by the Developer reasonably acceptable to the Municipality; or
- (d) another effective alternate method reasonably acceptable to the Municipality.

The Developer shall provide notice within 30 days to the Municipality of the Commencement of Commercial Operation of the Wind Energy Facility. On or before the fifth anniversary of the Commencement of Commercial Operation of the Wind Energy Facility (and at least 180 days prior to any proposed substantive change in the form or management of the Decommissioning Fund), the Developer shall provide to the Municipality a written description of its plan to establish (or alter) and manage the Decommissioning Fund. The Municipality may review the plan for its adequacy and shall provide written notice of acceptance or rejection (with reasons therefore) within thirty (30) days. If the parties cannot agree to a suitable plan within 90 days of the Municipality’s receipt of said plan, the matter may be arbitrated by a single arbitrator under the *Commercial Arbitration Act* of Nova Scotia with the arbitrator having jurisdiction to stipulate the nature and terms of the Decommissioning Fund. By the tenth anniversary of the Commencement of Commercial Operation of the Wind Energy Facility and at all times thereafter until and unless this Agreement is discharged, the Decommissioning Fund shall hold or provide for a sum of money estimated to be sufficient to decommission the Wind Energy Facility net of any salvage value, as reasonably estimated by an independent engineer or assessor designated jointly by the Developer and the Municipality and, if not, such failure shall constitute a default and

entitle the Municipality to remedies for default as provided herein, including but not limited to the discharge of this Agreement. The sole purpose of the Decommissioning Fund is to pay (directly or through reimbursement) all expenses related to removing and lawfully disposing of the Wind Energy Facility and all of its components down to the bare land except to the extent otherwise agreed by the Municipality in writing. Any interest earnings on the assets of the Decommissioning Fund shall be the property of the Developer, and any balance will be the property of the Developer at the discharge of this Agreement in the event that (i) the Wind Energy Facility has already been decommissioned by the Developer or (ii) the Municipality, Owner, Sub-lessor and the Developer mutually agree not to decommission the Wind Energy Facility. The Developer is liable for any and all costs of decommissioning the Wind Energy Facility, whether or not they are fully provided for by the Decommissioning Fund. This liability shall survive the discharge of this agreement.

PART 3 CHANGES AND DISCHARGE

- 3.1** The Developer 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 matter is a substantive matter:
 - (a) the uses permitted on the Property as listed in Section 2.1 of this Agreement, *Use*.
- 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 Developer 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 Developer, 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 Developer, 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 In the event that Notice is given pursuant to Section 3.5 of this Agreement the Developer shall immediately cease all electrical generation at the site and shall comply with any decommissioning requirements pursuant to Section 2.9 of this Agreement.

3.7 Council may discharge this Agreement 30 days after the Notice of Intent to Discharge pursuant to Section 3.5 of this Agreement has been given but may withhold discharge until decommissioning has been completed and liens arising from failure to decommission have been paid.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Developer 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 Developer. Upon the written request of the Developer, 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 Developer is bona fide delayed from commencing the development for reasons which are beyond the Developer's control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Developer is excused for the period of the delay and the time period for the Developer 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 Developer shall provide record drawings to the Development Officer for any turbine or building foundations within sixty (60) days of their completion and for other aspects of the development for which an engineered design is required,

within one hundred and twenty (120) days of Commencement of Commercial Operation.

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

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

- (a) Nothing in this Agreement shall exempt the Developer 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.
- (c) The Developer represents and warrants that the Sub-Lease complies in all respects with the *Municipal Government Act* of Nova Scotia and all other applicable provincial legislation and that if any amounts were payable for Deed Transfer Tax in respect thereof, that the same have been duly paid and that the same representations and warranties apply to any renewal or successor sub-leases.

5.2 Severability of Provisions

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

5.3 Interpretation

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

5.4 Municipal Responsibility

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

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Owner, the Sub-lessor and the Developer in writing. In the event that the Developer, the Owner or the Sub-lessor has not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice, then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the Property 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 acknowledged that the Municipality may recover all reasonable expenses, whether arising out of the entry on the Property or from the performance of the terms in the following sequence – first, by realization of and enforcement of the Decommissioning Fund (to the extent that it has been funded as of the time of enforcement); secondly by enforcement of a first lien against the above-ground components of the Wind Energy Facility; thirdly, by enforcement of *in personam* liability against the Developer; fourthly, in the event that: (a) the Municipality has obtained a judgment against the Developer, which remains unsatisfied for a period of at least sixty (60) days, or (b) the developer is bankrupt, by enforcement of a first lien against the Property; and fifthly by enforcement of any right the Municipality may otherwise have at law for *in personam* liability against the Owner or Sub-lessor to the Municipality.

5.6 Costs

The Developer 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*. The Developer and Sub-Lessor agree that the Sub-Lease shall be binding upon the parties thereto and their heirs, executors, administrators, successors and assigns, and shall run with their respective interests in the land. Owner agrees that its lease with Sub-Lessor shall be binding upon the parties thereto and their heirs, executors, administrators, successors and assigns, and shall run with the land.

5.8 Reduced Sub-leased Area

Prior to the Start of Construction, but not before the Developer has arranged financing of the Wind Energy Facility sufficient to construct the Wind Energy Facility and has provided documentation thereof satisfactory to the Development Officer, the Sub-lease will be amended such that it applies to a portion of the Property that is less than the area of the Property described herein (the "Reduced Sub-leased Area"). Accordingly, the Developer shall subdivide (if it can do so as of right) or apply for subdivision of the lots comprising the Property, and if the Property is so subdivided the Municipality shall upon application allow a non-substantive amendment such that this Agreement shall apply only in respect of the subdivided lots comprising the Reduced Sub-leased Area.

5.9 Assignment of Agreement

The Developer may, at any time and from time to time, transfer or assign, in whole or in part, this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the Developer's sub-leasehold interest therein.

5.10 Written Notice

- (a) The Municipality may serve notice on the Developer personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to 1801 Hollis Street, Suite 1205, Halifax, in the County of Halifax, Province of Nova Scotia.
- (b) The Developer 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.

5.11 Full Agreement

This agreement constitutes the entire agreement and contract entered into by the Municipality and the Developer. No other agreement or representation, oral or written, shall be binding. Except where expressly provided otherwise in this Agreement, the Owner and the Sub-Lessor enter into this Agreement solely for the purpose of indicating their consent to the Municipality to issue a development permit to the Developer for the proposed development in accordance with this Agreement and to record the Development Agreement in the Land Registry. This Agreement may only be amended by signed written agreement of the Parties.

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

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

) Per: _____

) Abraham Zebian, Mayor

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

)

) **Natural Forces Lands GP Ltd. for and**

) **on behalf of Natural Forces Lands**

) **Limited Partnership**

)

)

) Per: _____

) Robert Apold, Director

)

) **Wagner Forest NS Ltd.**

)

)

)

) Per: _____

Witness

) Daniel H. Hudnut, President

)

)

) **Atlantic Star Forestry Ltd.**

)

)

)

) Per: _____

Witness

) Daniel H. Hudnut, President

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 202_, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 202_, 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, one of the parties thereto, signed, sealed and delivered the same in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**AFFIDAVIT OF CLERK
WEST HANTS REGIONAL MUNICIPALITY**

I, 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).

Sworn before me at _____, Nova Scotia,
this _____, 20__.

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

Deanna Snair, Clerk

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

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

Canada

Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, _____, Nova Scotia, make oath and say that:

1. I am _____ of Natural Forces Lands GP Ltd., the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this _____, 20__ the Deponent came before me, made oath, and swore the foregoing affidavit at _____, Nova Scotia.

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

Schedule A
Notice of Sublease

NOTICE OF SUBLEASE

This Notice of Sublease is dated as of February 4, 2021 by and between **Wagner Forest NS Ltd.** (the “**Sub-Lessor**”) and **Natural Forces Lands GP Ltd.**, a body corporate, in its capacity as General Partner for and on behalf of **Natural Forces Lands Limited Partnership** (the “**Company**”).

WHEREAS, the parties hereto have entered into a Sublease dated as of February 4, 2021 (the “**Sublease**”) with respect to a Sub-leasehold interest burdening the Premises (as described below); and

WHEREAS, the parties hereto desire to provide notice to third parties of said Sublease by recording this Notice in the Registry of Deeds/Land Registration Office for the registration district in which the Premises are located.

NOW THEREFORE, in consideration of the sum of \$1.00 now paid by the Company to the Sub-Lessor, the premises, the mutual covenants outlined herein and in the Sublease, the payment of rent, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1: Demise, Description of Premises. The Sub-Lessor does hereby grant, demise, let, rent and Sublease unto the Company and the Company hereby Subleases and rents from the Sub-Lessor, a portion of the lands of the Sub-Lessor identified and described in **Exhibit A** attached hereto (the “**Premises**”), such Subleased portion being more particularly shown and described in **Exhibit B** hereto (the “**Subleased Premises**”).

Section 2: Term. The Sub-Lessor has Subleased the Subleased Premises to the Company, subject to all of the terms and conditions contained in the Sublease, for an initial term Development Term commencing at the Effective Date and continuing until the earlier of the Operations Term or three (3) years from the Effective Date unless extended (the “**Development Term**”). Provided the Company constructs a Wind Energy Facility on the Subleased Premises, the Sublease shall have an Operations Term for operating the Wind Energy Facility. This

Operations Term commences on the day the Wind Energy Facility (which shall include at least one operating wind turbine generator on the Subleased Premises) first produces and delivers electrical energy to the utility electrical network system or any other consumer or buyer (the “**Commercial Operation Date**”) and shall continue for a period of twenty (20) years from the Commercial Operation Date (the “**Operations Term**”). The Company has the right to renew and extend the initial Development Term for up to three (3) renewal period of one (1) year, subject to the renewal terms and conditions contained in the Sublease. The Development term shall automatically be extended upon the Start of Construction, as defined in the Sublease, and may be further extended thereafter for one (1) year terms until the start of the Operations Term, subject to additional terms and conditions contained in the Sublease. The company has the right to extend the Operations Term subject to the terms and conditions contained in the Sublease for the first option to renew for a term of ten (10) years (the “**First Extended Term**”) and a second option to renew for a term of ten (10) years (the “**Second Extension Term**”) (collectively the “**Extended Terms**”). All renewal rights and extensions referred to herein, are further subject to earlier termination by either party as provided in the Sublease.

Section 3: Rights. The Sublease outlines, *inter alia*, the rights and obligations of the Sub-Lessor and the Company with respect to the Subleased Premises, including, *inter alia*, rights of renewal, rights and obligations of successors and assigns of the parties, obligations respecting the payment of rent and rights of both parties hereto with respect to use.

Section 4: Assignment, Subletting. The Company may assign the Sublease or grant licenses or sub-Subleases relating to the Subleased Premises only as set forth in the Sublease.

Section 5: Successors and Assigns. All rights and liabilities herein given to, or imposed upon, the respective parties hereto shall extend to and bind the several respective heirs, executors, administrators, successors and permitted assigns of said parties.

Section 6: Addresses of Parties. The parties’ addresses as set forth as follows:

the Sub-Lessor:

Wagner Forest NS Ltd.

the Company:

Natural Forces Lands GP Ltd.

C/o Wagner Forest Management, Ltd.
 150 Orford Road, P.O. Box 160
 Lyme, New Hampshire 03768

1801 Hollis Street, Suite 1205
 Halifax, Nova Scotia
 B3J 3N4

Section 7: Purpose. This Notice of Sublease is intended only for the purpose of providing notice of the conveyance of the Subleasehold interest in the Subleased Premises to the Company according to the terms and conditions as more particularly outlined in the Sublease. Nothing herein amends, modifies, alters or suspends the Sublease. In the event of any inconsistency between this Notice of Sublease and the Sublease the Sublease prevails.

Section 8: Counterparts. This Notice of Sublease may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument, which shall be sufficiently evidenced by any such original counterpart. A copy of a signed counterpart may be delivered by fax, PDF email or other electronic means which shows a reproduction of the signature and such shall be considered complete delivery and shall be deemed to be a signed original.

IN WITNESS WHEREOF, the parties have executed this Notice of Sublease, as Amended as of the date first above written.

[THE REMAINDER OF THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK]

the Sub-Lessor:

WAGNER FOREST NS LTD., a company
incorporated pursuant to the
laws of Nova Scotia

Witness

By:

Thomas J. Colgan
Its President, Duly Authorized

Date: 2-4-2021, 2021

AFFIDAVIT OF EXECUTION, VERIFICATION AND STATUS

{PER S83(b) OF THE LAND REGISTRATION ACT}
 {PER S31-34 OF THE REGISTRY ACT}
 {PER S8(1) OF THE MATRIMONIAL PROPERTY ACT}

UNITED STATES OF AMERICA)
 STATE OF NEW HAMPSHIRE)

I, Thomas J. Colgan, of Lyme, in the State of New Hampshire, United States of America, make oath and say as follows:

1. **THAT** I am the President of Wagner Forest NS Ltd. and as such have personal knowledge of the matters herein deposed to.
2. **THAT** for the purpose of this my Affidavit, "matrimonial home" means the dwelling and real property occupied by a person and that person's spouse as their family residence.
3. **THAT** the lands described in the foregoing instrument have never been occupied as a dwelling by any of the shareholders and none of the shareholders have the right to occupy the dwelling as a matrimonial home pursuant to the Shareholders Agreement.
4. **I ACKNOWLEDGE** that I am such authorized signatory of the Company as specified in paragraph 1 above, and have executed the foregoing instrument on behalf of the Company and thereby bind the Company. This acknowledgement is made for the purpose of registering the document pursuant to the relevant provisions of the *Land Registration Act*, 2001, c. 6, s. 1 or the *Registry Act*, R.S. 1989, c. 392, s. 1, as the case may be and in compliance with the provisions of the *Matrimonial Property Act*, R.S., c. 275, s. 1.

SWORN TO before me at Lyme,)
 in the State of New Hampshire, in the)
 County of Grafton, this 4th day)
 of February, 2021.)
)
)
)
)
)
)
)
)
)
)

A Notary Public in and for the State
 Of New Hampshire

Thomas J. Colgan
 Thomas J. Colgan

John G. Sobetzer
 Notary Public, State of New Hampshire
 My Commission Expires Nov. 25, 2024

the Company:

NATURAL FORCES LANDS GP LTD., a body
corporate, in its capacity as General Partner for and
on behalf of **NATURAL FORCES LANDS
LIMITED PARTNERSHIP**



Witness

By:



Robert Apold

Its Director, Duly Authorized

Date: MARCH 9, 2021

AFFIDAVIT OF EXECUTION AND VERIFICATION
{PER S83(b) OF THE LAND REGISTRATION ACT}
{PER S31-34 OF THE REGISTRY ACT}

I, Robert Apold, of Halifax, Halifax Regional Municipality, in the Province of Nova Scotia, make oath and say that:

1. **THAT** I am the Director of Natural Forces Lands GP Ltd., in its capacity as General Partner for and on behalf of Natural Forces Lands Limited Partnership (the "**Company**"), one of the parties to the foregoing instrument, and as such have personal knowledge of the matters herein deposed to.
2. **THAT** I hereby verify that I executed the foregoing instrument for and on behalf of the Company as such authorized signatory of the Company as specified in paragraph 1 above.
3. **THAT** I acknowledge pursuant to such authority I have executed the foregoing instrument on behalf of the Company and thereby bind the Company.
4. **THIS** acknowledgement is made for the purpose of registering the document pursuant to the relevant provisions of the *Land Registration Act*, 2001, c. 6, s. 1 or the *Registry Act*, R.S. 1989, c. 392, s. 1, as the case may be.

SWORN TO before me

at Halifax, in
the County of Halifax,
in the Province of Nova Scotia, this 9th
day of March, 2021.


A Barrister or Solicitor of the
Supreme Court of Nova Scotia.

MICHAEL SIMMS
A Notary Public in and for the
Province of Nova Scotia

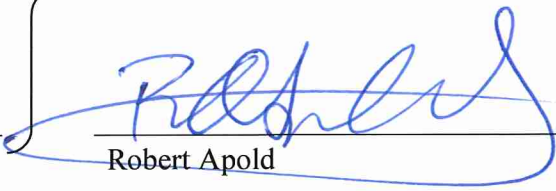

Robert Apold

EXHIBIT A

PID 45390960

PID 45406659

PID 45406667

PID 45406675

PID 45406683

PID 45406709

PID 45061926

PID 45406691

PID 45406717

PID 45390952

PID 45407921

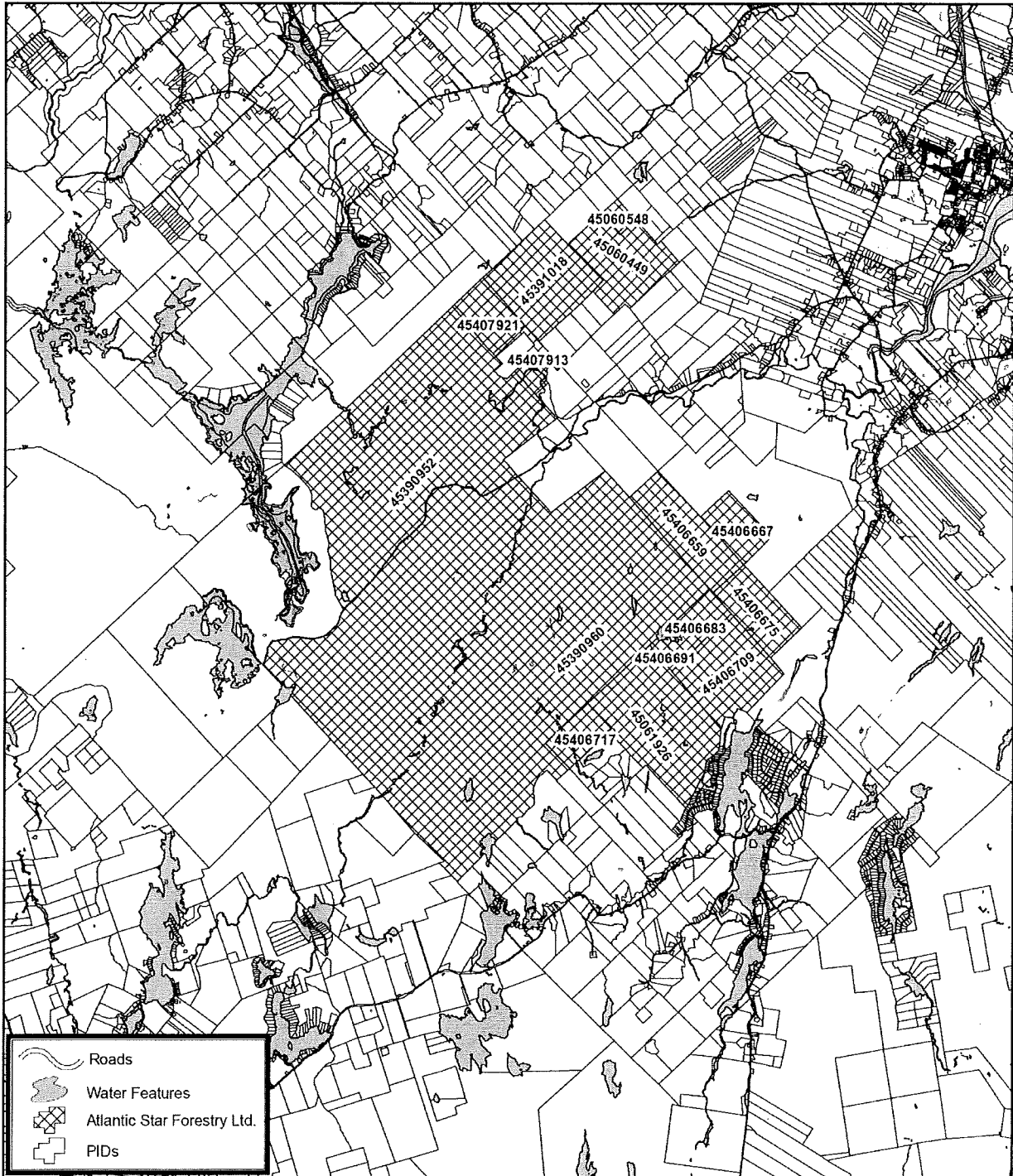
PID 45391018

PID 45407913

PID 45060449

PID 45060548

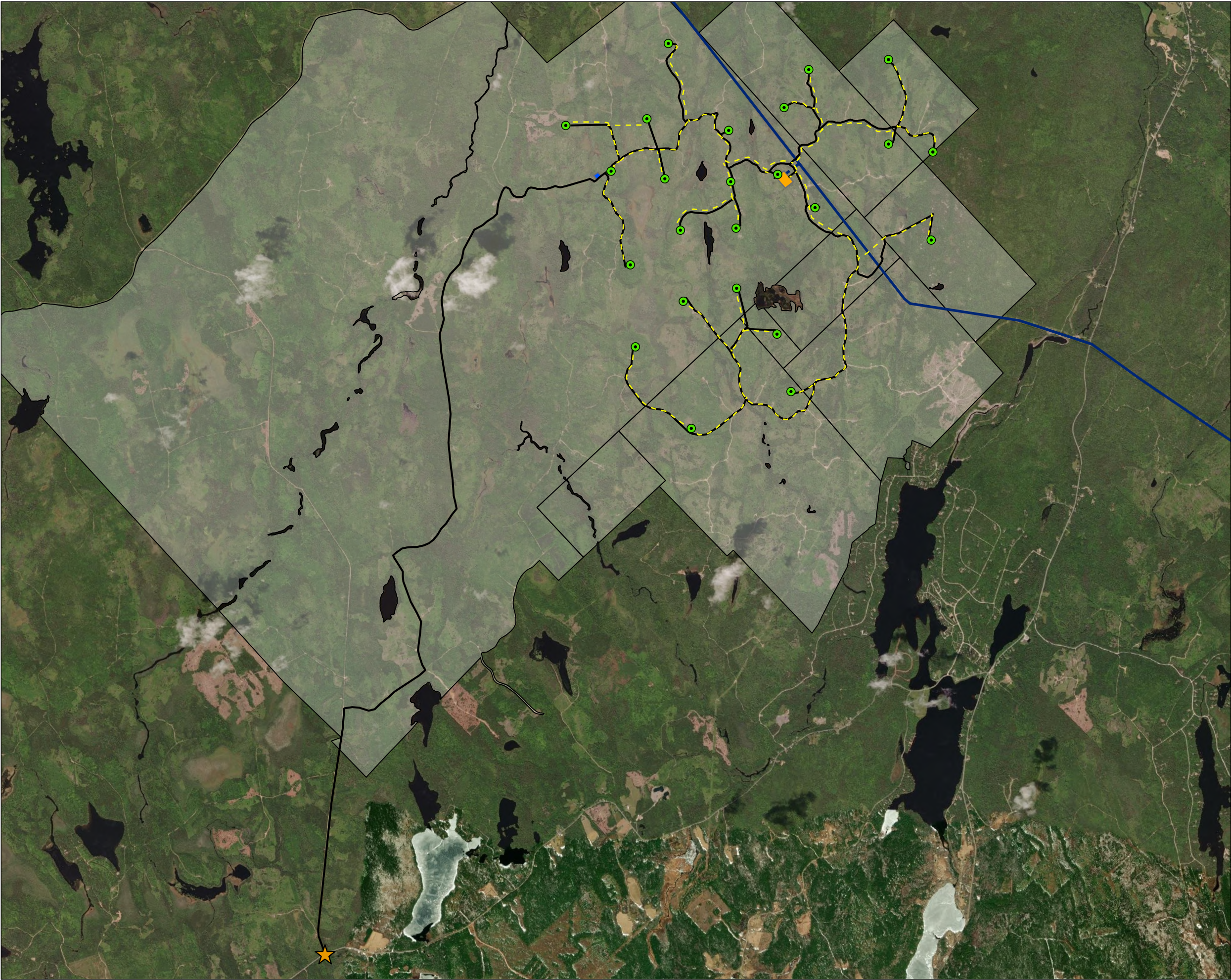
Exhibit "B"



Map Showing Lands Leased by Natural Forces
From
Wagner Forest NS Ltd,
Benjamin Mills, Hants County , Nova Scotia

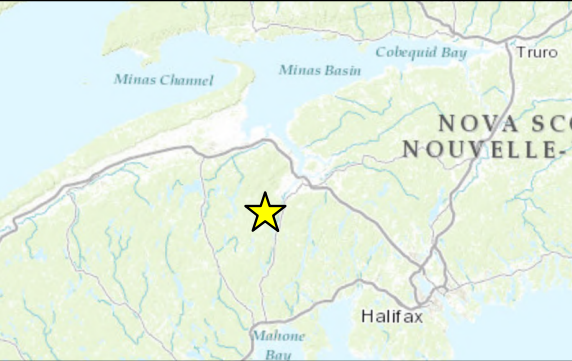
October 22, 2020

Schedule B
Site Plan



Benjamins Mill Wind Project

Full Site Plan - Large Extent



Legend

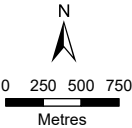
- ★ Road Access Point
- Wind Turbine Locations
- - Overhead Collector Lines
- Access Roads
- Transmission Line Interconnection
- Substation
- Construction Laydown Area
- Existing NSPI 138 kV Transmission Line
- Secured Private Lands

Notes

1. Turbine markers are not to scale

Sources

- Basedata provided by the Province of Nova Scotia
- Basemap: ESRI World Topo Map



Scale: 1:50,000

Spatial Reference: NAD 1983 UTM Zone 20N

Page Size: 11" x 17"

Production Date: Mar 29, 2023



Appendix B – Development Agreement: Benjamins Mill Wind Project; File # 21-18



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: April 13, 2023

Subject: Development Agreement: Benjamins Mill Wind Project; File # 21-18

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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 a Wind Farm on PIDs 45390960, 45406659, 45406667, 45406675, 45406683, 45406709, 45061926, 45406691, 45406717, 45390952, 45407921, 45391018, 45407913, 45060449, and 45060548 which is substantively the same as the draft set out in Attachment B of the report File #21-18 to the Planning and Heritage Advisory Committee dated April 13, 2023.

...that PAC/HAC recommends that Council require that the development agreement with Natural Forces Lands GP Ltd and Atlantic Star Forestry Ltd. for PIDs 45390960, 45406659, 45406667, 45406675, 45406683, 45406709, 45061926, 45406691, 45406717, 45390952, 45407921, 45391018, 45407913, 45060449, and 45060548 be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on January 13, 2022 from Meg Morris on behalf of Natural Forces. The application was for a development agreement to permit a new wind farm with up to 24 wind turbines in Benjamins Mill. Public Information Meetings were held on February 10 and February 23, 2022.

On March 9, 2022, the Minister of the Department of Environment and Climate Change provided a response to the Environmental Assessment application submitted by Natural Forces for the Benjamins Mill Wind Project. The response was that there was insufficient documentation to make a decision and additional requirements were then outlined.

Following this, Natural Forces carried out the required work to resubmit for Environmental Assessment consideration. On January 6, 2023 an Additional Information Addendum was submitted to the Department of Environment and Climate Change. Then on February 13, 2023, the Minister of Environment and Climate Change gave the Benjamins Mill Wind Project Environmental Assessment Approval, subject to a list of conditions (Attachment C).

DISCUSSION

The project area covers a significant portion of the western corner of the Regional Municipality and borders both the Municipalities of Chester and Kings County. The proposal consists of 15 separate PIDs and measures approximately 29,500 acres in total area.

The lots are primarily cleared forestry land with an existing network of forestry service roads. The lots are owned by Atlantic Star Forestry, leased by Wagner Forestry and sub-leased by Natural Forces for this wind project.

The majority of the properties are zoned General Resource (GR) on the Zoning Map of the West Hants Land Use By-law (Figure 1). There is a portion of one property (PID 45060449), which is partially zoned Water Supply (W) in addition to General Resource (GR). The zoning of this particular property is not considered an issue, as there are not plans for any development on that particular property. Permitted uses in the General Resource (GR) zone consist of agricultural uses, automobile service stations, forestry and other resource uses, low density residential uses, retail and service shops.

The property is designated Resource on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (Figure 2). This designation displays the intention for primarily resource uses in a rural environment, which the proposal matches.

Surrounding Context

All properties abutting the project area are designated Resource and zoned General Resource (GR), aside from a few of the most northern abutting, which are zoned Water Supply (W). There is no planned placement of wind turbines on or near the properties zoned Water Supply (W). To the southeast, the project area abuts clustered residential uses in the Falls Lake development,

which is fairly dense for the rural context of the area. While the project area does abut these residential uses, the closest proposed wind turbine is setback a distance of 1.6 km.

Municipal Planning Strategy Document Review

Policy 4.24.4 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider installations of large wind turbines or wind farms outside of the Growth Centre, Village, and Hamlet designations by development agreement. The Policy also includes criteria which must be met by the proposed development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposed development has received Environmental Assessment Approval from the Minister of Environment and Climate Change;
- the proposed development is required to provide a Shadow Flicker Impact Assessment and a Sound Level Impact Assessment as part of the conditions to the Environmental Assessment Approval to ensure that adequate separation distances are maintained from adjacent land uses to minimize impacts of noise and shadow and to ensure public safety;
- the proposed development appears reasonably suited for the resource context of the project area; and
- the developer is working directly with the Nova Scotia Department of Public Works to ensure that all necessary permits and road upgrades are completed.

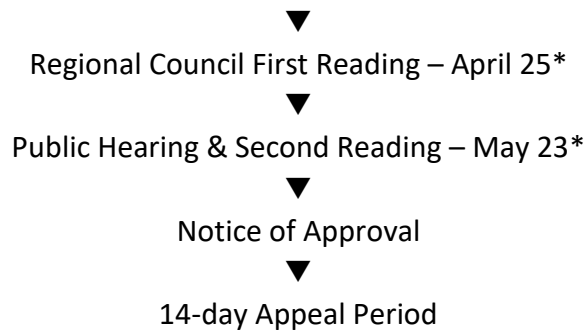
Policy 16.3.1 establishes the general criteria that all development agreements must meet. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- 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, Area Manager of the Nova Scotia Department of Public Works, and Municipal Engineer have no concerns which have not been addressed in this report.

NEXT STEPS

The anticipated process for this application is as follows:





FINANCIAL IMPLICATIONS

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

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	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	Photomontage – Bent Ridge
Attachment A	Policy Summary for Development Agreement
Attachment B	Draft Development Agreement
Attachment C	Environmental Assessment Approval – Terms and Conditions
Attachment D	Public Information Meeting Notes

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

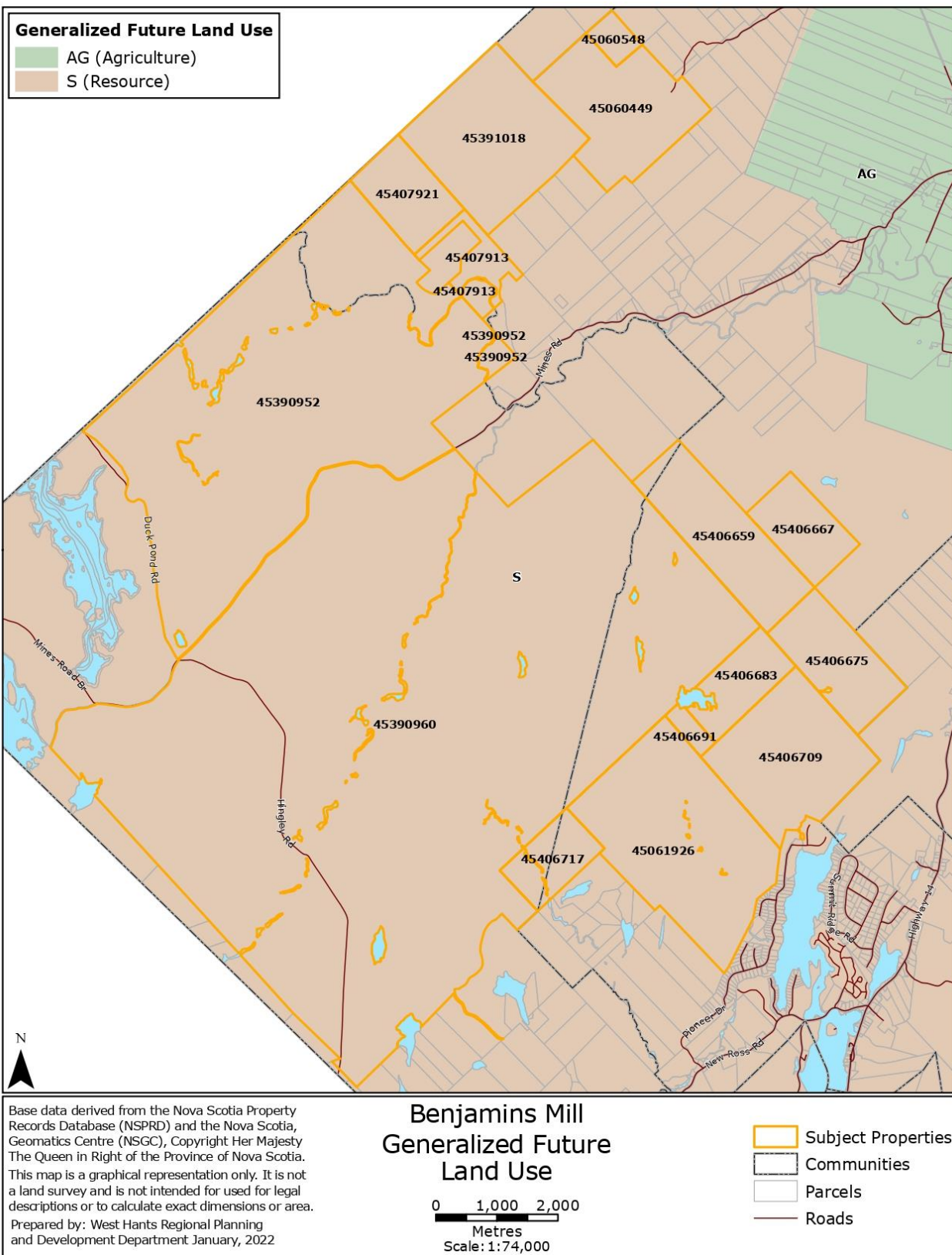


Figure 2 – West Hants Zoning Map Extract

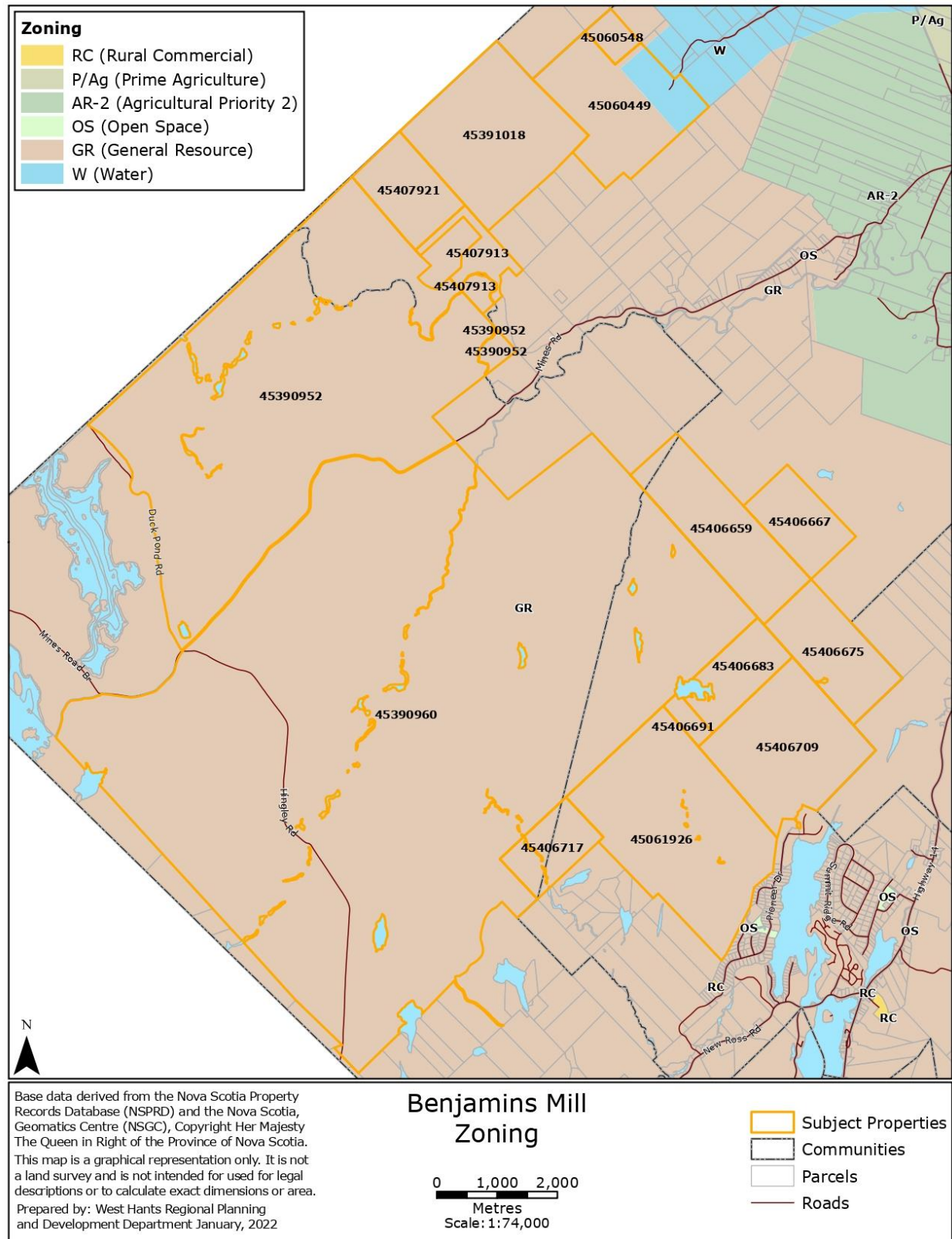


Figure 3 – Photomontage



Attachment A – Policy Summary for Development Agreement

Policy 4.24.4 <i>It shall be the policy of Council to consider the development of permanent or long-term installations of large wind turbines or wind farms outside the Growth Centre, Village and Hamlet designations by development agreement, having regard to the following:</i>	
<i>(a) any required provincial and/or federal government environmental assessment processes have been completed;</i>	The Environmental Assessment was submitted to the Nova Scotia Department of Environment and Climate Change on January 6, 2023. The Minister of Environment and Climate Change decided to grant approval on February 13, 2023, subject to a number of conditions. The development agreement is contingent on the proposed development adhering to the conditions of the Environmental Assessment Approval.
<i>(b) adequate separation distances are maintained from adjacent land uses to minimize impacts of noise and shadow and to ensure public safety;</i>	Part of the conditions of the Environmental Assessment Approval requires a Shadow Flicker Impact Assessment and a Sound Level Impact Assessment to ensure the proposed development is within acceptable levels in terms of both noise and shadowing.
<i>(c) the development is not visually intrusive in the landscape, taking into account the location and distance from which it is visible, and the significance and sensitivity of the landscape, topography, vegetation and built form in the surrounding area;</i>	The proposed development is reasonable given the zoning, designation, and distance from surrounding uses. The Environmental Assessment Approval process provides criteria for addressing landscape, topography, vegetation, and built form in the surrounding area. As the project has received Environmental Assessment Approval, this criterion can be considered met.
<i>(d) safe roadway access can be provided;</i>	Staff have communicated with the Nova Scotia Department of Public Works (DPW) regarding the proposed development. The DPW are working directly with the developer to address all necessary permitting and upgrades required for the development.
<i>(e) any other matter which may be addressed in a development agreement; and</i>	All relevant matters have been addressed.

<i>(f) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.</i>	See below
--	-----------

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 Municipal Public Works Department confirmed that there are no municipal services on the subject lot. It is unlikely that the proposed uses would need sewer and water services, however any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.
<i>(ii) the adequacy of school facilities;</i>	N/A
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The local Fire Chief has stated that they have no concerns regarding fire protection. The Manager of Building and Fire Inspection Services had no concerns, with the exception of ensuring access for first responders. Access will be dealt with through communications between the developer and the DPW.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager from the DPW commented that the access will need to be evaluated for stopping sight distance and the road network leading to Hingley Road would need to be strength tested. The developer has informed staff that they are working directly with DPW to address all concerns.
<i>(v) the financial capacity of the Municipality 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>	Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	Refer to comments regarding Policy 16.3.1 (a) (iv).

<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they had no concerns regarding the adequacy of dimensions and shape of the subject lots.
<i>(e) the pattern of development which the proposal might create;</i>	The Development Officer commented that they had no concerns regarding the pattern of the proposed development. The proposed development is consistent with the intent of the Resource designation.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i>	Matters regarding the suitability of the environment for the project area are dealt with through the Environmental Assessment Approval process. As the proposed development has received approval from the Minister of Environment and Climate Change, this criterion is considered met.
<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 - Draft Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

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 -

NATURAL FORCES LANDS GP LTD., a body corporate, in its capacity as General Partner for and on behalf of **NATURAL FORCES LANDS LIMITED PARTNERSHIP**, with a head office at 1801 Hollis Street, Suite 1205, Halifax, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Developer”)

OF THE SECOND PART

- and -

ATLANTIC STAR FORESTRY LTD., a body corporate, with a head office at 10 Church Street, Truro, in the County of Colchester, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE THIRD PART

WHEREAS the Developer has entered into certain Leases and Easements for a portion of the lands of the Owner (PID 45390960, 45406659, 45406667, 45406675, 45406683, 45406709, 45061926, 45406691, 45406717, 45390952, 45407921, 45391018, 45407913, 45060449, 45060548), hereinafter referred to as the "Property", which lands are more particularly described in Schedule 'A' attached hereto, for the purpose of building and operating a Wind Energy Facility comprising wind turbines, access roads, fencing, service buildings and transmission equipment;

AND WHEREAS the Developer and the Owner have requested that the Municipality enter into a development agreement to allow the development, construction, and operation of a Wind Farm on the Property (the "Development") pursuant to Policy 4.24.4 of the Municipal Planning Strategy and Section 6.1 of the Land Use By-law; and

AND WHEREAS the Council of the Municipality, at a meeting held on [Month Day], 2023, approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto;

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

PART 1 AGREEMENT CONTEXT

1.1 Definitions

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

- (a) *Developer and/or Owner* means either the Developer or the Owner, according to the contractual and lease arrangements between the Developer and the Owner, except that in the event of failure by the Developer to discharge its responsibilities therein, the Owner shall be responsible to the Municipality to guarantee fulfillment of those responsibilities;
- (b) *Environmental Assessment Approval* means the Environmental Assessment Registration Document, any Addendum, the Minister's Decision, and the accompanying Terms and Conditions dated on or before February 13, 2023;

- (c) *Project Area* means all properties which are included as part of the overall Property;
- (d) *Turbine* means a wind energy conversion system whose parts include a foundation, tower, nacelle, rotor assembly and any components within, or attached thereto;
- (e) *Turbine Height* means a vertical distance measured from grade to the tip of the highest extended rotor blade;
- (f) *Wind Farm* (hereinafter sometimes referred to as the "Facility") means a facility containing all equipment and improvements necessary for the conversion and delivery of wind energy into electricity, including, but not limited to:
 - (i) one or more Turbines and associated electrical controllers;
 - (ii) any electrical distribution lines or cabling, communication lines, electric transformers, towers, interconnection or switching facilities, telecommunication equipment, energy storage facilities, power generation facilities, access roads, driveways, meteorological towers, water wells, wind measurement equipment, maintenance/administrative/control buildings, maintenance yards, fencing, gates, berms or other earthworks for environmental protection, signage, and any related equipment, apparatus, accessories, works or appurtenances thereto.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A – Notice of Sublease

Schedule B – Site Concept Plan

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

- (a) *Municipal Planning Strategy* means the Municipal Planning Strategy of the Municipality of the District of West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (b) *Land Use By-law* means the Land Use By-law of the Municipality of the District of West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (c) *Subdivision By-law* means the Subdivision By-law of the Municipality of the District of West Hants, approved on May 13, 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; and
- (b) a Wind Farm including all associated equipment, facilities and improvements necessary for the conversion of wind energy into electricity and delivery thereof, to a maximum of twenty-four (24) turbines, not to exceed a total Facility nameplate capacity of one hundred and fifty (150) megawatts, together with all components associated with the Facility, and subject to maintaining the site requirements in Section 2.3 of this Agreement.

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

2.2 Development Location and Design

- (a) The development location and design shall be consistent with the Site Plan shown on Schedule B.
- (b) The Development Officer may approve in writing changes to the location of the equipment or other aspects of the Site Plan provided that setbacks listed in Section 2.3, *Site Requirements*, of this Agreement are met. Changes to the Site Plan may also be approved in accordance terms and conditions of the *Environmental Assessment Approval*, provided that the setbacks listed in Section 2.3, *Site Requirements*, of this Agreement are met.
- (c) The Developer and/or Owner shall ensure that the wind turbine colouring will conform with Transport Canada regulations for aviation safety. Signage will only be permitted on the nacelle unit if related to the owner, operator, or manufacturer of the wind turbine.
- (d) No development may take place on the portion of the Project Area which is zoned Water Supply (W).

2.3 Site Requirements

- (a) There shall be no restriction on the height of the tower provided the property owner has received Aeronautical Clearance approval from Transport Canada.
- (b) The Developer and/or Owner shall ensure the proposed Development is built such that impacts of sound and shadow flicker are reasonably minimized and public safety is maintained and in particular that:

- (i) no turbine shall be built within one times the Turbine Height, measured from the closest edge of the base of the tower, to the boundary line of any land not included in the Project Area.
- (ii) no turbine shall be built within 1000 meters, measured from the closest edge of the base of the tower of any dwelling, hotel, motel, or apartment hotel existing as of [MONTH, DAY], 2023; and
- (iii) no turbine shall be built within 550 meters, measured from the closest edge of the base of the tower, to any woods camp existing as of [MONTH, DAY], 2023.
- (c) Accessory buildings are permitted in accordance with Section 5.1 of the West Hants Land Use By-law, *Accessory Buildings and Structures*.
- (d) Nothing in this Agreement shall prevent the future reconstruction, repair or renovation of any accessory building on the Property which is part of the Wind Energy Facility, provided all requirements of this Agreement and the Land Use By-law can be met.

2.4 Access

- (a) The Developer and/or Owner shall reasonably minimize the duration and volume of traffic to and from the proposed Development in the vicinity of the driveway providing access to Hingley Road and ensure that all required permits are received from Nova Scotia Department of Public Works and any other applicable traffic authority.

2.5 Signs and Lighting

- (a) 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. Signage on the nacelle unit shall be subject to Section 2.2 (c) of this Agreement.
- (b) The Developer and/or Owner shall ensure that any illumination not required by Transport Canada shall not project glare or direct illumination onto adjacent properties other than those within the project area.

2.6 Operation and Maintenance

- (a) The Developer and/or Owner shall ensure that the Facility is operated in accordance with the Environmental Assessment Approval, and in particular that:

- (i) the sound level generated by the operation of the wind turbines does not exceed the forty (40) dBA maximum relative to identified receptors as prescribed by Nova Scotia Environment and Climate Change in the Environmental Assessment Approval; and
 - (ii) the period of shadow flicker does not exceed thirty (30) hours per year, or thirty (30) minutes per day, relative to identified receptors as prescribed by Nova Scotia Environment and Climate Change in the Environmental Assessment Approval.
- (b) The Developer and/or Owner shall build, repair and maintain the Facility so that it is in good condition in accordance with good utility practice.
- (c) The Developer and/or Owner shall obtain and maintain, as the case may be, all necessary permits and approvals required by the Federal, Provincial, and Municipal Governments.
- (d) The Developer and/or Owner shall ensure that the operation of the Facility is regularly monitored, remotely or by designated on site personnel so as to maintain awareness of its current condition.

2.7 Hazardous Materials and Fire Protection

- (a) Any hazardous materials on site shall be stored, handled, and labeled in accordance with the Environmental Assessment Approval and the Workplace Hazardous Materials Information System (WHMIS) Regulations.
- (b) Nothing in this Agreement shall exempt or be taken to exempt the Developer and/or Owner, or any other person from complying with the requirements of any other applicable statute or regulation of the Federal and Provincial governments, and the Developer and/or Owner agree to observe and comply with all such laws and regulations in connection with the Development and use of the Property.
- (c) The Developer and/or Owner shall consult with the Chief of the Fire Department having jurisdiction on the design and construction of the Facility to ensure adequate access for fire vehicles and on the installation and operation of a fire detection and suppression system in the nacelle of each turbine.
- (d) The Developer and/or Owner shall provide necessary equipment, training or onsite infrastructure required for adequate emergency response, as reasonably determined by the Chief of the Fire Department having jurisdiction.

2.8 Environmental Assessment Approval

The Developer and/or Owner shall undertake to ensure that environmental impacts associated with the proposed Development are mitigated to the maximum extent possible, and in particular that:

- (a) any access roads or driveways constructed be kept to the minimum width reasonably necessary; and
- (b) any clearing of land for turbine foundations, crane pads, laydown areas or other Facility components is kept to the minimum area reasonably required; and
- (c) all activities are undertaken as prescribed by Nova Scotia Environment and Climate Change in the Environmental Assessment Approval, and all other applicable sections of this Agreement.

2.9 Decommissioning

- (a) In the event that Notice of Intent to discharge this Agreement is given to the Developer and/or Owner in accordance with Section 3.5 of this Agreement, the Municipality shall require the Developer to decommission the Wind Energy Facility.
- (b) The Developer and/or Owner shall ensure that the decommissioning of the Facility is carried out in compliance with all Nova Scotia Environment and Climate Change regulations and in accordance with the Environmental Assessment Approval.

PART 3 CHANGES AND DISCHARGE

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

3.2 Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this agreement.

3.3 The following matter is a substantive matter:

- (a) the uses permitted on the Property as listed in Section 2.1 of this Agreement, *Use*.

- 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 Developer and/or Owner following a resolution of Council to give such Notice:
- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
 - (b) at the discretion of the Municipality, with or without the concurrence of the Developer and/or Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
 - (c) at any time upon the written request of the Developer and/or Owner, 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** In the event that Notice is given pursuant to Section 3.5 of this Agreement the Developer and/or Owner shall immediately cease all electrical generation at the site and shall comply with any decommissioning requirements pursuant to Section 2.9 of this Agreement.
- 3.7** Council may discharge this Agreement 30 days after the Notice of Intent to Discharge pursuant to Section 3.5 of this Agreement has been given but may withhold discharge until decommissioning has been completed and liens arising from failure to decommission have been paid.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Developer and Owner may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.
- (b) Development as provided in Part 2 of this Agreement shall commence not later than forty-eight (48) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* 30 days after giving Notice of Intent to Discharge to the Developer and/or Owner. Upon the written request of the Developer and/or Owner, the Municipality, by

resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.

- (c) If the Developer and/or Owner is bona fide delayed from commencing the development for reasons which are beyond the Developer and/or Owner's control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Developer and/or Owner is excused for the period of the delay and the time period for the Developer and/or Owner to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Developer and/or Owner shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within sixty (60) days of completion of any work which requires the engineered design.
- (b) The Developer and/or Owner shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

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

5.2 Severability of Provisions

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

5.3 Interpretation

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

5.4 Municipal Responsibility

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

5.5 Breach of Terms or Conditions

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

5.6 Costs

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

5.7 Development Agreement Bound to Land

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

5.8 Assignment of Agreement

The Developer and/or Owner may, at any time and from time to time, transfer or assign, in whole or in part, 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 Developer and/or Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to 1801 Hollis Street, Suite 1205, Halifax, in the County of Halifax, Province of Nova Scotia.
- (b) The Developer and/or 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 Developer and/or Owner.

5.10 Full Agreement

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

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

SIGNED, SEALED AND DELIVERED

In the presence of:

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

)

)

)

) Per: _____

Witness

) Abraham Zebian, Mayor

)

) Per: _____

Witness

) Deanna Snair, Municipal Clerk

)

)

)

)

)

)

) **Natural Forces Lands GP Ltd. For and on behalf**

) **of Natural Forces Lands Limited Partnership**

)

)

)

) Per: _____

Witness

) Robert Apold, Director

)

) **Atlantic Star Forestry Ltd.**

)

)

)

) Per: _____

Witness

) Name & Title

PROVINCE OF NOVA SCOTIA

COUNTY OF HANTS

ON THIS day of , A.D. 202_, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA

COUNTY OF HANTS

ON THIS day of , A.D. 202_, 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, **ROBERT APOLD**, 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. 202_, 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, **NAME OF PROPERTY OWNER REP**, 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).

Sworn before me at _____, Nova Scotia,
this _____, 20__.

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

Deanna Snair, Clerk

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

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

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, _____, Nova Scotia, make oath and say that:

1. I am _____ of Natural Forces Lands GP Ltd., the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this _____, 20__ the Deponent came before me, made oath, and swore the foregoing affidavit at _____, Nova Scotia.

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

ROBERT APOLD

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, _____, Nova Scotia, make oath and say that:

6. I am _____ of Atlantic Star Forestry Ltd., the "Corporation".
Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
7. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
8. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
9. The Corporation is a resident of Canada under the Income Tax Act (Canada).
10. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this _____, 20__ the Deponent came before me, made oath, and swore the foregoing affidavit at _____, Nova Scotia.

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

REPRESENTATIVE OF OWNER

Schedule A
Notice of Sublease

NOTICE OF SUBLEASE

This Notice of Sublease is dated as of February 4, 2021 by and between **Wagner Forest NS Ltd.** (the “**Sub-Lessor**”) and **Natural Forces Lands GP Ltd.**, a body corporate, in its capacity as General Partner for and on behalf of **Natural Forces Lands Limited Partnership** (the “**Company**”).

WHEREAS, the parties hereto have entered into a Sublease dated as of February 4, 2021 (the “**Sublease**”) with respect to a Sub-leasehold interest burdening the Premises (as described below); and

WHEREAS, the parties hereto desire to provide notice to third parties of said Sublease by recording this Notice in the Registry of Deeds/Land Registration Office for the registration district in which the Premises are located.

NOW THEREFORE, in consideration of the sum of \$1.00 now paid by the Company to the Sub-Lessor, the premises, the mutual covenants outlined herein and in the Sublease, the payment of rent, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1: Demise, Description of Premises. The Sub-Lessor does hereby grant, demise, let, rent and Sublease unto the Company and the Company hereby Subleases and rents from the Sub-Lessor, a portion of the lands of the Sub-Lessor identified and described in **Exhibit A** attached hereto (the “**Premises**”), such Subleased portion being more particularly shown and described in **Exhibit B** hereto (the “**Subleased Premises**”).

Section 2: Term. The Sub-Lessor has Subleased the Subleased Premises to the Company, subject to all of the terms and conditions contained in the Sublease, for an initial term Development Term commencing at the Effective Date and continuing until the earlier of the Operations Term or three (3) years from the Effective Date unless extended (the “**Development Term**”). Provided the Company constructs a Wind Energy Facility on the Subleased Premises, the Sublease shall have an Operations Term for operating the Wind Energy Facility. This

Operations Term commences on the day the Wind Energy Facility (which shall include at least one operating wind turbine generator on the Subleased Premises) first produces and delivers electrical energy to the utility electrical network system or any other consumer or buyer (the “**Commercial Operation Date**”) and shall continue for a period of twenty (20) years from the Commercial Operation Date (the “**Operations Term**”). The Company has the right to renew and extend the initial Development Term for up to three (3) renewal period of one (1) year, subject to the renewal terms and conditions contained in the Sublease. The Development term shall automatically be extended upon the Start of Construction, as defined in the Sublease, and may be further extended thereafter for one (1) year terms until the start of the Operations Term, subject to additional terms and conditions contained in the Sublease. The company has the right to extend the Operations Term subject to the terms and conditions contained in the Sublease for the first option to renew for a term of ten (10) years (the “**First Extended Term**”) and a second option to renew for a term of ten (10) years (the “**Second Extension Term**”) (collectively the “**Extended Terms**”). All renewal rights and extensions referred to herein, are further subject to earlier termination by either party as provided in the Sublease.

Section 3: Rights. The Sublease outlines, *inter alia*, the rights and obligations of the Sub-Lessor and the Company with respect to the Subleased Premises, including, *inter alia*, rights of renewal, rights and obligations of successors and assigns of the parties, obligations respecting the payment of rent and rights of both parties hereto with respect to use.

Section 4: Assignment, Subletting. The Company may assign the Sublease or grant licenses or sub-Subleases relating to the Subleased Premises only as set forth in the Sublease.

Section 5: Successors and Assigns. All rights and liabilities herein given to, or imposed upon, the respective parties hereto shall extend to and bind the several respective heirs, executors, administrators, successors and permitted assigns of said parties.

Section 6: Addresses of Parties. The parties’ addresses as set forth as follows:

the Sub-Lessor:

Wagner Forest NS Ltd.

the Company:

Natural Forces Lands GP Ltd.

C/o Wagner Forest Management, Ltd.
 150 Orford Road, P.O. Box 160
 Lyme, New Hampshire 03768

1801 Hollis Street, Suite 1205
 Halifax, Nova Scotia
 B3J 3N4

Section 7: Purpose. This Notice of Sublease is intended only for the purpose of providing notice of the conveyance of the Subleasehold interest in the Subleased Premises to the Company according to the terms and conditions as more particularly outlined in the Sublease. Nothing herein amends, modifies, alters or suspends the Sublease. In the event of any inconsistency between this Notice of Sublease and the Sublease the Sublease prevails.

Section 8: Counterparts. This Notice of Sublease may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument, which shall be sufficiently evidenced by any such original counterpart. A copy of a signed counterpart may be delivered by fax, PDF email or other electronic means which shows a reproduction of the signature and such shall be considered complete delivery and shall be deemed to be a signed original.

IN WITNESS WHEREOF, the parties have executed this Notice of Sublease, as Amended as of the date first above written.

[THE REMAINDER OF THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK]

the Sub-Lessor:

WAGNER FOREST NS LTD., a company
incorporated pursuant to the
laws of Nova Scotia

Witness

By:

Thomas J. Colgan
Its President, Duly Authorized

Date: 2-4-2021, 2021

AFFIDAVIT OF EXECUTION, VERIFICATION AND STATUS

{PER S83(b) OF THE LAND REGISTRATION ACT}
 {PER S31-34 OF THE REGISTRY ACT}
 {PER S8(1) OF THE MATRIMONIAL PROPERTY ACT}

UNITED STATES OF AMERICA)
 STATE OF NEW HAMPSHIRE)

I, Thomas J. Colgan, of Lyme, in the State of New Hampshire, United States of America, make oath and say as follows:

1. **THAT** I am the President of Wagner Forest NS Ltd. and as such have personal knowledge of the matters herein deposed to.

2. **THAT** for the purpose of this my Affidavit, "matrimonial home" means the dwelling and real property occupied by a person and that person's spouse as their family residence.

3. **THAT** the lands described in the foregoing instrument have never been occupied as a dwelling by any of the shareholders and none of the shareholders have the right to occupy the dwelling as a matrimonial home pursuant to the Shareholders Agreement.

4. **I ACKNOWLEDGE** that I am such authorized signatory of the Company as specified in paragraph 1 above, and have executed the foregoing instrument on behalf of the Company and thereby bind the Company. This acknowledgement is made for the purpose of registering the document pursuant to the relevant provisions of the *Land Registration Act*, 2001, c. 6, s. 1 or the *Registry Act*, R.S. 1989, c. 392, s. 1, as the case may be and in compliance with the provisions of the *Matrimonial Property Act*, R.S., c. 275, s. 1.

SWORN TO before me at Lyme,)
 in the State of New Hampshire, in the)
 County of Grafton, this 4th day)
 of February, 2021.)
)
)
)
)
)
)
)
)
)

A Notary Public in and for the State
 Of New Hampshire

Thomas J. Colgan
 Thomas J. Colgan

John G. Sobetzer
 Notary Public, State of New Hampshire
 My Commission Expires Nov. 25, 2024

the Company:

NATURAL FORCES LANDS GP LTD., a body
corporate, in its capacity as General Partner for and
on behalf of **NATURAL FORCES LANDS
LIMITED PARTNERSHIP**



Witness

By: 

Robert Apold
Its Director, Duly Authorized

Date: MARCH 9, 2021

AFFIDAVIT OF EXECUTION AND VERIFICATION
{PER S83(b) OF THE LAND REGISTRATION ACT}
{PER S31-34 OF THE REGISTRY ACT}

I, Robert Apold, of Halifax, Halifax Regional Municipality, in the Province of Nova Scotia, make oath and say that:

1. **THAT** I am the Director of Natural Forces Lands GP Ltd., in its capacity as General Partner for and on behalf of Natural Forces Lands Limited Partnership (the "**Company**"), one of the parties to the foregoing instrument, and as such have personal knowledge of the matters herein deposed to.
2. **THAT** I hereby verify that I executed the foregoing instrument for and on behalf of the Company as such authorized signatory of the Company as specified in paragraph 1 above.
3. **THAT** I acknowledge pursuant to such authority I have executed the foregoing instrument on behalf of the Company and thereby bind the Company.
4. **THIS** acknowledgement is made for the purpose of registering the document pursuant to the relevant provisions of the *Land Registration Act*, 2001, c. 6, s. 1 or the *Registry Act*, R.S. 1989, c. 392, s. 1, as the case may be.

SWORN TO before me

at Halifax, in
the County of Halifax,
in the Province of Nova Scotia, this 9th
day of March, 2021.


A Barrister or Solicitor of the
Supreme Court of Nova Scotia.

MICHAEL SIMMS
A Notary Public in and for the
Province of Nova Scotia

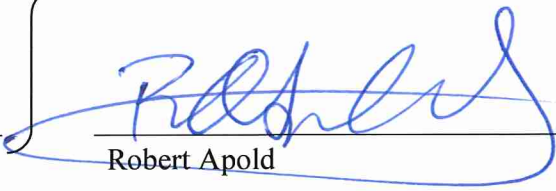

Robert Apold

EXHIBIT A

PID 45390960

PID 45406659

PID 45406667

PID 45406675

PID 45406683

PID 45406709

PID 45061926

PID 45406691

PID 45406717

PID 45390952

PID 45407921

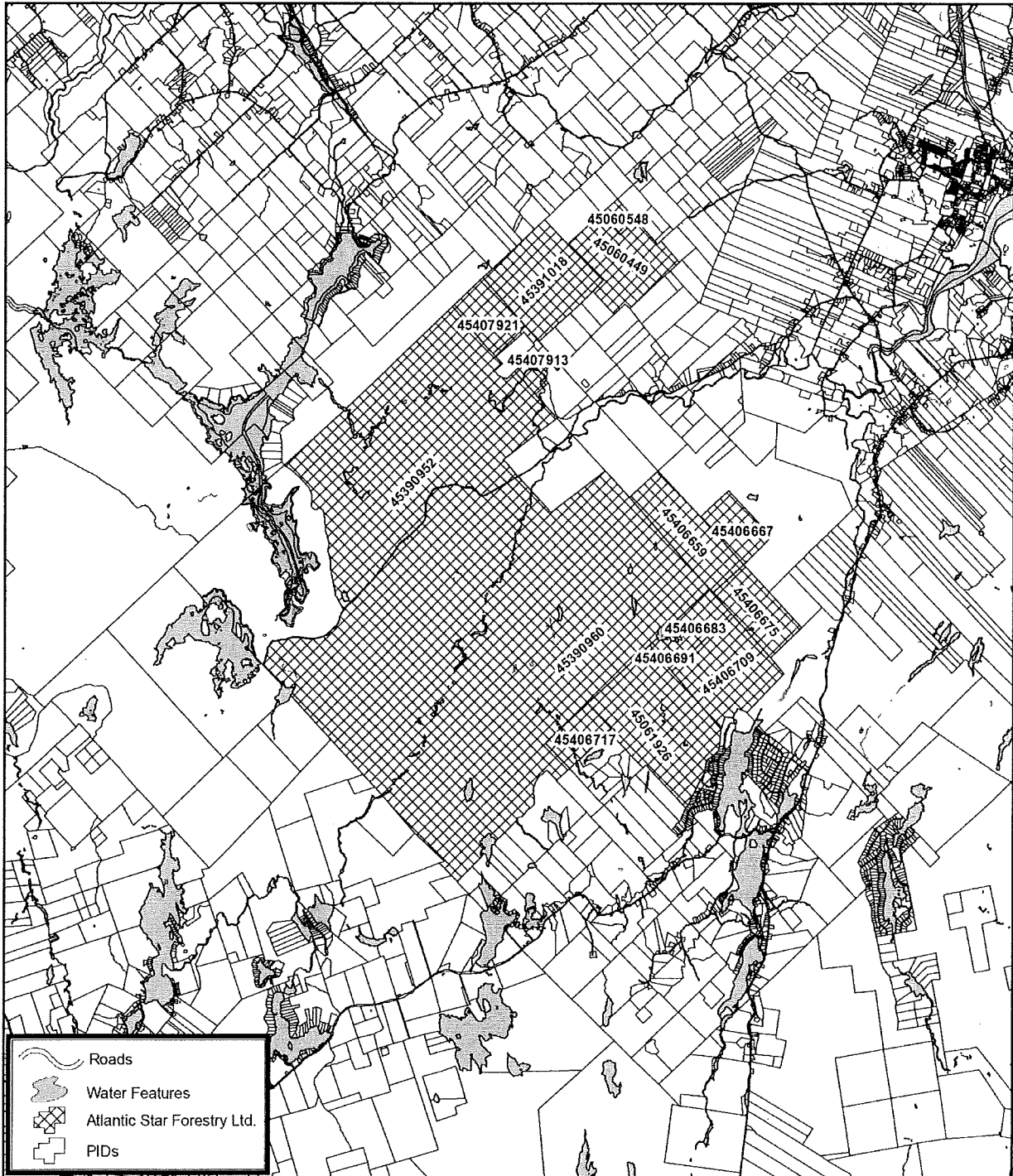
PID 45391018

PID 45407913

PID 45060449

PID 45060548

Exhibit "B"

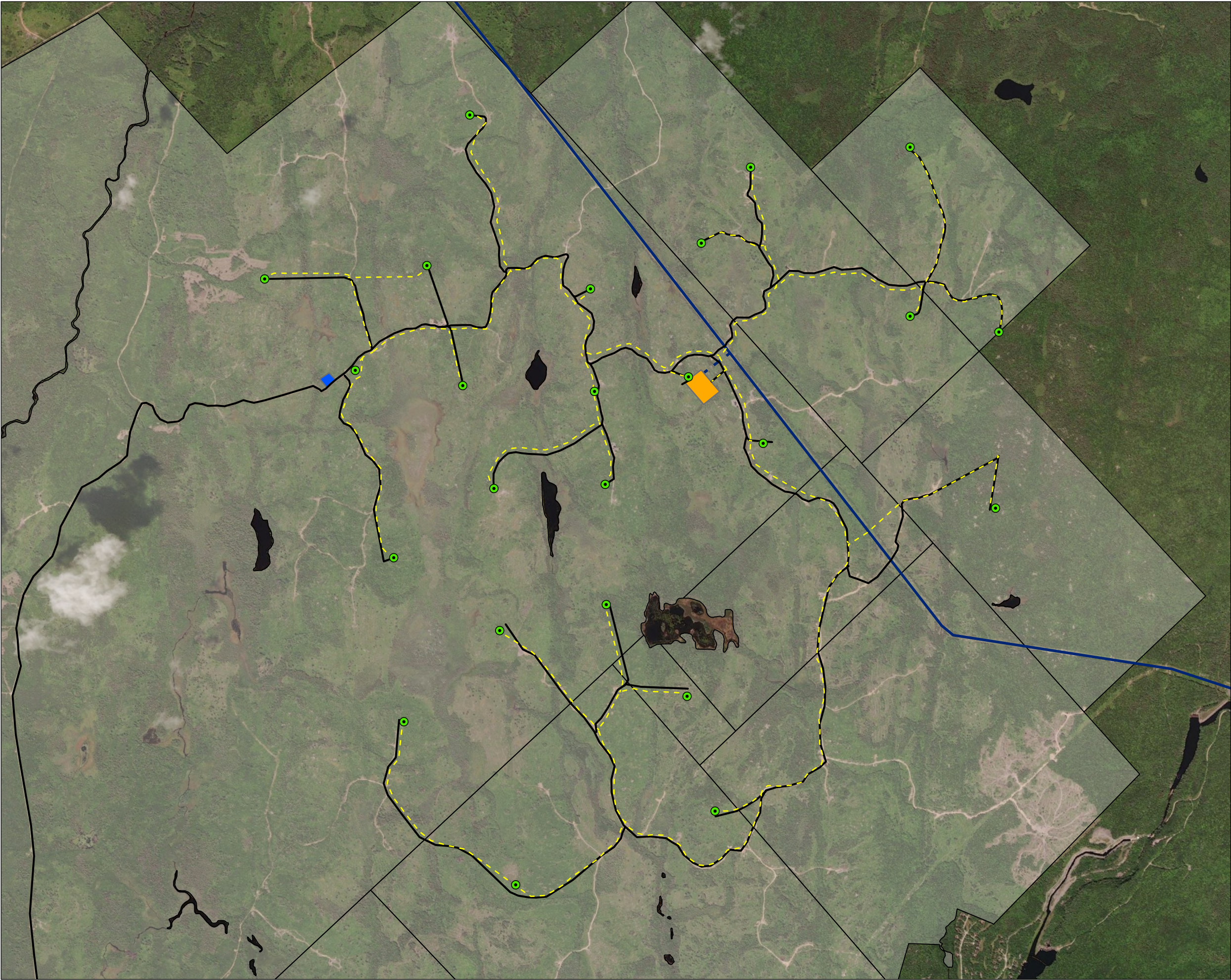


Map Showing Lands Leased by Natural Forces
From

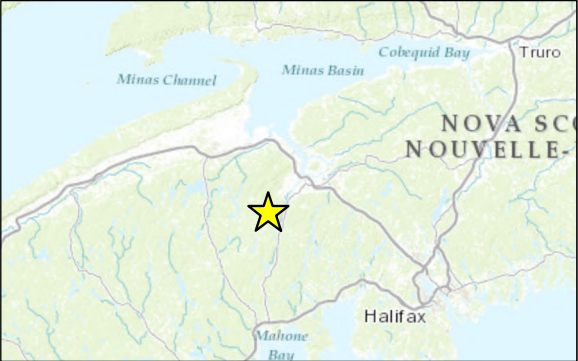
October 22, 2020

Wagner Forest NS Ltd,
Benjamin Mills, Hants County , Nova Scotia

Schedule B
Site Plan



Preliminary Site Plan



Legend

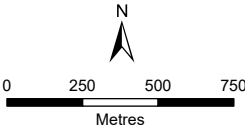
- ★ Current Road Access Point
- Turbine Locations
- - - Proposed Collector Lines
- - - Proposed Access Road
- Ben Mill - 28Tc 138 kV Interconnection
- Substation
- Laydown
- - - Existing 138kV Line
- Private Lands

Notes

- 1. Turbine markers are not to scale

Sources

- Basedata provided by the Province of Nova Scotia
- Basemap: ESRI World Topo Map



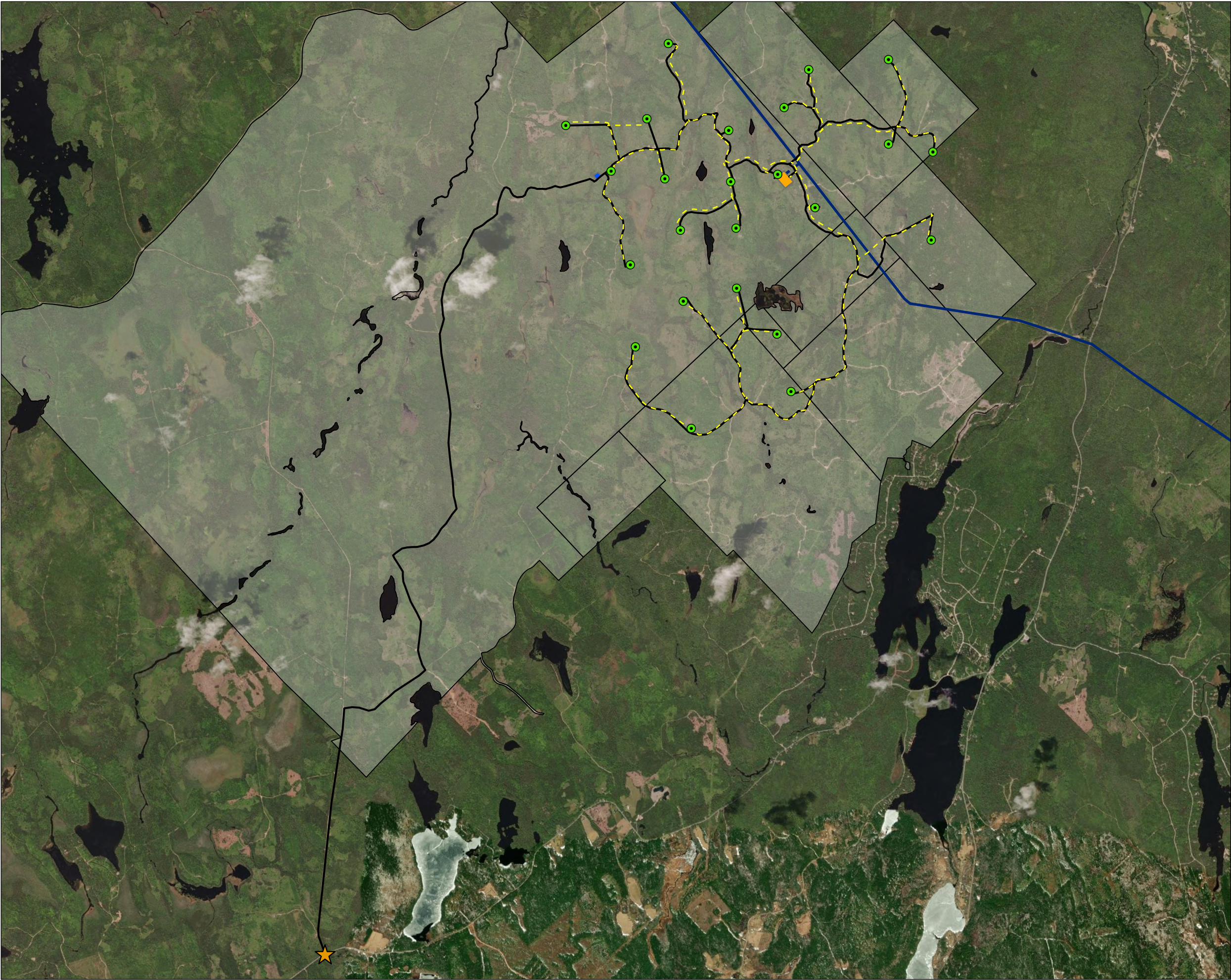
Scale: 1:25,000

Spatial Reference: NAD 1983 UTM Zone 20N

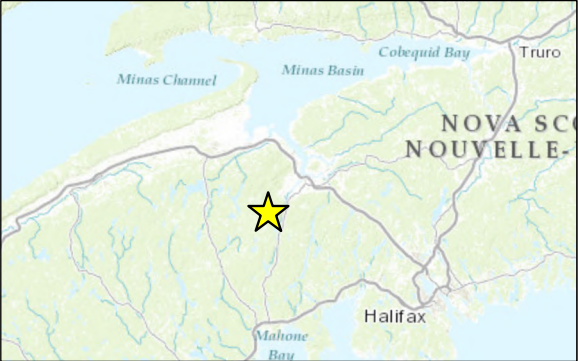
Page Size: 11" x 17"

Production Date: Mar 29, 2023





Preliminary Site Plan and Location



Legend

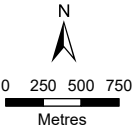
- ★ Current Road Access Point
- Turbine Locations
- - - Proposed Collector Lines
- - - Proposed Access Road
- Ben Mill - 28Tc 138 kV Interconnection
- Substation
- Laydown
- Existing 138kV Line
- Private Lands

Notes

1. Turbine markers are not to scale

Sources

- Basedata provided by the Province of Nova Scotia
- Basemap: ESRI World Topo Map



Scale: 1:50,000

Spatial Reference: NAD 1983 UTM Zone 20N

Page Size: 11" x 17"

Production Date: Mar 29, 2023



Attachment C - Environmental Assessment Approval – Terms and Conditions



**Environment and Climate Change
Office of the Minister**

PO Box 442, Halifax, Nova Scotia, Canada B3J 2P8 • Telephone 902-424-3736 • novascotia.ca

File number: 10700-40-58874
40100-30-317

February 13, 2023

Robert Apold
CEO, Natural Forces Developments Limited Partnership
1205-1801 Hollis Street
Halifax, NS B3J 3N4

Dear Robert Apold:

RE: Environmental Assessment – Natural Forces Developments Limited – Benjamins Mill Wind Project – Hants County, Nova Scotia

The environmental assessment of the proposed Benjamins Mill Wind Project in Hants County, Nova Scotia has been completed.

This is to advise that I have approved the above project in accordance with Section 40 of the Nova Scotia *Environment Act*, S.N.S., 1994-95 and subsection 13(1)(b) of the Environmental Assessment Regulations, N.S. Reg. 348/2008, made under the Act. Following a review of the information provided by Natural Forces Developments Limited, and the information provided by the Mi'kmaq of Nova Scotia, and the public during consultation on the environmental assessment, I am satisfied that any adverse effects or significant environmental effects of the undertaking can be adequately mitigated through compliance with the attached terms and conditions.

If you have any questions regarding the approval of this project, please contact Helen MacPhail, Supervisor, Environmental Assessment Branch, at (902) 483-2696 or Helen.MacPhail@novascotia.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Halman'.

Tim Halman, MLA
Minister of Environment and Climate Change

Encl.

c: Helen MacPhail, Supervisor, Environment and Climate Change

Environmental Assessment Approval

Approval Date: February 13, 2023

Benjamins Mill Wind Project

Natural Forces Developments LP

Hants County, Nova Scotia

Terms and Conditions for Environmental Assessment Approval

1 Definitions

- 1.1 *Act* means Environment Act 1994-95, c.1, s.1, and includes, unless the context otherwise requires, the regulations made pursuant to the Act, as amended from time to time.
- 1.2 Department means the Department of Environment and Climate Change, and the contact for the Department for this Approval is:

Nova Scotia Environment
Western Region, Kentville Office
136 Exhibition Street, Kentville NS B4N 4E5
Phone: 902-679-6086 Fax: 902-679-6186
- 1.3 Minister means the Minister of Environment and Climate Change.
- 1.4 Commencement means the same as to commence work, as defined in the Environmental Assessment Regulations.
- 1.5 EA means Environmental Assessment.

2 Scope

- 2.1 This Approval (the "Approval") relates to the Approval Holder(s) and their Registration Documentation, which includes the Amendments and all documentation submitted to the Department prior to the issuance of this approval for the Benjamins Mill Wind Project, situated at or near Windsor, West Hants Regional Municipality, Nova Scotia, hereafter referred to as the "Project."

- 2.2 The Approval Holder(s) shall ensure the Project is carried out in accordance with this Approval and Registration Documentation, which includes all reference documents and supporting documentation.

3 General

- 3.1 The Approval Holder shall conduct the Project in accordance with the Act, as amended from time to time.
- 3.2 The Approval Holder shall, within two years of the date of issuance of this Approval, commence work on the Project unless granted a written extension by the Minister.
- 3.3 The Approval Holder shall provide written notification to the Department of the commencement date of the Project, at a minimum 30 days prior to the commencement.
- 3.4 The Approval Holder shall provide to the Department a concordance table detailing the status of the EA terms and conditions on or before January 31 of each year until released in writing by the Department.
- 3.5 Prior to any proposed expansion, modification, or relocation of any aspect of the Project from that proposed in the Registration Documentation, the Approval Holder must submit the proposal to the EA Branch for review and may require an EA or amendment.
- 3.6 Nothing in this Approval relieves the Approval Holder of the responsibility for obtaining and paying for all other licenses, permits, approvals or authorizations necessary for carrying out the Project which may be required by municipal by-laws or provincial or federal legislation. The Minister does not warrant that such licenses, permits, approvals or authorizations will be issued.
- 3.7 No authority is granted by this Approval to enable the Approval Holder(s) to commence or continue the Project on lands which are not in the control or ownership of the Approval Holder(s). It is the responsibility of the Approval Holder(s) to ensure that such a contravention does not occur. Failure to retain said authorization may result in this Approval being cancelled or suspended.

- 3.8 The Approval Holder shall not transfer, sell, lease, assign or otherwise dispose of this Approval without the written consent of the Minister. The sale of a controlling interest of a business or a transfer of this Approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent.
- 3.9 Upon any changes to the Registry of Joint Stock Companies information related to the Approval Holder, the Approval Holder shall provide a copy to the Department within 5 days of the changes.
- 3.10 If there is a discrepancy between the Registration Documentation and the terms and conditions of this Approval, the terms and conditions of this Approval shall apply.
- 3.11 Where a timeline is associated with a condition(s) of the Approval, the Approval Holder shall fulfil the requirements of the condition(s) within the prescribed timeline, unless otherwise authorized in writing by the Department.
- 3.12 The Approval Holder shall immediately notify the Department of any incidents of non-compliance with this Approval in accordance with the Act and Regulations.
- 3.13 The Approval Holder shall bear all expenses incurred in carrying out the environmental management and monitoring required under the terms and conditions of this Approval, the Act or the Regulations.
- 3.14 Unless specified otherwise in this Approval, all samples required to be collected by this Approval, the Act or the Regulations shall be collected, preserved, and analysed, by qualified personnel, in accordance with recognized industry standards and procedures and in accordance with any Standard under the Act or Regulations.
- 3.15 The Approval Holder shall ensure that this Approval, or a copy, is present at the Project site while personnel are on site and that personnel directly involved in the Project are made fully aware of the terms and conditions which pertain to this Approval.
- 3.16 The Approval Holder shall update any of the plans, programs or other documents required in this Approval to reflect the progressive development of the Project, and these documents shall be made available to the Department upon request. The Approval Holder shall make any changes that the Department deems necessary.

- 3.17 Based on the results of the monitoring required in this Approval or otherwise completed for the Project, or at any time as determined by the Department, the Approval Holder shall make necessary modifications to mitigation plans and/or changes to Project operations to prevent unacceptable environmental effects, as required by the Department.
- 3.18 The Approval Holder shall provide to the Department a summary table detailing the results of the monitoring required in this Approval, or otherwise completed for the Project, on or before January 31 of each year until released in writing by the Department. The results shall clearly identify and summarize any exceedances.
- 3.19 Where a condition of this Approval requires the Approval Holder to consult a particular party or parties, the condition will be considered complete once the Approval Holder provides a written confirmation letter from the third party or parties that the consultation is complete.

If there is a conflict between the Approval Holder and a party or parties regarding the consultation, the Department will determine if suitable consultation has been completed and/or if further action is required.

4 Project Design and Operation

- 4.1 Prior to commencement of the Project, the Approval Holder shall submit updated sound modelling, shadow flicker assessment, and any other information requested for the final turbine selection/placement to the Department. The updated modelling must demonstrate compliance with this Approval.
- 4.2 The Approval Holder shall be responsible for the costs of any third-party review of plans, reports, or monitoring results deemed necessary by the Department over the life of the Project.

5 Water Resources

- 5.1 The Approval Holder shall not conduct any Project activities, construct a turbine (measured from the tip of the blade), or remove vegetation within 30 metres of a watercourse and/or a wetland unless otherwise authorized in writing by the Department.

- 5.2 The Approval Holder shall ensure that the following activities take place at a distance of a minimum of 30 metres from a watercourse or wetland in an area such that a release will not enter a surface watercourse or wetland:
- Fuel storage, refueling, and/or lubrication of equipment;
 - Washing of machinery or equipment; and
 - Storage of equipment, excavated material, and potential contaminants.
- 5.3 The Approval Holder shall submit additional information to the Department with the Wetland Alteration Approval Application under the Act, prior to any wetland impacts. The information shall be developed in consultation with the Department and include, but not be limited to, a monitoring plan, identification of wetlands of special significance, and evidence that wetlands have been avoided to the extent possible, impacts to wetlands of special significance have been avoided, and risks to indirect alteration of wetlands have been mitigated.
- 5.4 Prior to commencement, the Approval Holder shall submit a surface water management plan to the Department. This plan shall include discussion of local hydrology, identify potential effects from construction of roads or other Project components on local surface water drainage patterns, and identify avoidance or mitigation measures for the protection of wetlands and watercourses. This plan shall be developed by a qualified professional engineer, hydrogeologist or geoscientist licensed to practice in the Province of Nova Scotia.
- 5.5 Prior to commencement, the Approval Holder shall submit a detailed sediment and erosion control plan to the Department. The plan shall include all clearing, grubbing and stripping required for the Project and shall be designed by a professional engineer licensed to practice in Nova Scotia.
- 5.6 Prior to blasting, the Approval Holder shall submit a blasting plan to the Department. The plan shall include completed pre-blast surveys for structures within 800 m of the point of blast, including water quality analysis for water wells within the same area. A detailed blast monitoring plan and a blast damage response policy shall also be provided.
- 5.7 The Approval Holder, at their expense, shall replace any water supply which has been lost or damaged as a result of Project operations, as authorized and required by the Department.

- 5.8 The Approval Holder shall immediately contact the Department should sulphide bearing material be encountered on the Project site, and at the request of the Department develop and implement a plan to manage the sulphide bearing material.

6 Wildlife and Wildlife Habitat

- 6.1 The Approval Holder shall provide the Wildlife Division, Department of Natural Resources and Renewables (NRR) with digital way points and shape files revealing precise locations for wetlands, and species listed under the Species at Risk Act (SARA) and/or Endangered Species Act (ESA), as well as of Species of Conservation Concern (i.e. species assessed by the Committee on the Status of Endangered Wildlife in Canada as at risk, but not listed under SARA or ESA, and all S1, S2 and S3 listed species under the Atlantic Canada Conservation data Centre) identified during field work within two months of collection. The data provided to NRR shall include, at minimum, the date of the field observances and habitat description.
- 6.2 Prior to commencement of the Project, the Approval Holder shall develop a Wildlife Management Plan in consultation with NRR and Environment and Climate Change Canada (ECCC).
- 6.3 Prior to the time turbine(s) become operational, the Approval Holder must develop a mortality monitoring program for birds and bats for not less than two years. The program shall be implemented from the time turbine(s) become operational. The monitoring program and associated reporting requirements shall be developed in consultation with NRR and ECCC.
- 6.4 Prior to the time turbine(s) become operational, the Approval Holder shall develop an Adaptive Management Plan for birds and bats in consultation with NRR and ECCC.
- 6.5 Prior to commencement of the Project, the Approval Holder must develop a monitoring program for Mainland Moose for not less than two years. The program shall be implemented from the time turbine(s) become operational. The monitoring program shall be developed in consultation with NRR and ECCC.

7 Air, Noise and Visual Impact

- 7.1 At the request of the Department, the Approval Holder shall develop and implement a plan to monitor air quality during construction of the Project. The plan shall include, but not be limited to, sampling locations, parameters, monitoring methods, protocols and frequency.
- 7.2 The Approval Holder shall ensure that air emissions at the property boundaries do not exceed Nova Scotia Ambient Air Quality Standards.
- 7.3 Prior to commencement of the Project, the Approval Holder shall submit updated sound modelling, shadow flicker assessment, and any other information requested for the final turbine selection/placement to the Department.
- 7.4 The Approval Holder shall ensure that noise levels at any receptor do not exceed 40 dBA. At the request of the Department, the Approval Holder shall develop and implement a plan to monitor noise levels under varying climatic conditions. The plan shall include, but not be limited to, sampling locations, parameters, monitoring methods, protocols and frequency.
- 7.5 The Approval Holder shall ensure that noise emissions at the property boundaries do not contribute to an exceedance of the maximum permissible sound levels limits specified in the Nova Scotia Environment and Labour "Guidelines for Environmental Noise Measurement and Assessment" dated 18, 2005, as amended from time to time.
- 7.6 At the request of the Department, the Approval Holder shall develop and implement a plan to monitor shadow flicker under varying seasonal conditions. The plan shall include, but not be limited to, sampling locations, parameters, monitoring methods, protocols and frequency.
- 7.7 The Approval Holder shall ensure that shadow flicker at the property boundaries does not contribute to an exceedance of the maximum permissible shadow flicker limits of 30 minutes per day or 30 hours per year.

8 Archaeological and Cultural Resources

- 8.1 The Approval Holder shall cease work and contact the Special Places Coordinator, Nova Scotia Department of Communities, Culture, Tourism and Heritage (CCTH) immediately upon discovery of an archaeological, or paleontological site, artifact or fossil specimen unearthed during any phase of the Project. If the find is of certain or possible Mi'kmaq origin, the Approval Holder shall also contact the appropriate Mi'kmaq representatives as advised by CCTH.

9 Public Engagement

- 9.1 The Approval Holder shall develop and implement a comprehensive complaint resolution plan for receiving and responding to complaints related to the Project. The plan will include, but not be limited to, a reporting system which records all complaints received, sets out a timeline for responding to complaints and establishes a recording system that details all corrective measures taken to alleviate the cause and prevent its recurrence. The plan shall be made available to the Department upon request.
- 9.2 The Approval Holder shall appoint a contact person designated to deal with complaints and shall provide the contact information to the Department.
- 9.3 Prior to commencement of the Project, the Approval Holder shall develop and implement a plan for the formation and operation of a Community Liaison Committee (CLC) including terms of reference, which meet the Department's Guide for the Formation and Operation of a Community Liaison Committee, as amended from time to time. The Approval Holder shall operate the CLC for the duration of the Project or until released in writing by the Department.

10 Engagement with the Mi'kmaq of Nova Scotia

- 10.1 The Approval Holder shall develop and implement a Mi'kmaq Communication Plan, which will include but not be limited to a process for communicating Project details and seeking input from the Mi'kmaq of Nova Scotia on the development and implementation of Project mitigation and monitoring plans. The plan shall be updated regularly and be available to the Department and the Mi'kmaq of Nova Scotia upon request.

- 10.2 The Approval Holder shall complete the Mi'kmaq Ecological Knowledge Study (MEKS) for the Project, as described in the Registration Document. The study shall be made available to the Department and the Mi'kmaq of Nova Scotia upon request.

11 Contingency Plan

- 11.1 Prior to commencement of the Project, the Approval Holder shall submit a comprehensive contingency plan to the Department which meets the Department's Contingency Planning Guidelines. The plan shall provide preventative measures and address accidental occurrences including, but not limited to, spills of hydrocarbons or other hazardous materials, failure of erosion and sediment control measures, fires, and vehicular collisions. The Plan shall be implemented, maintained and updated over the life of the project.
- 11.2 The contingency plan shall be kept on the Project site at all times when personnel are on site and be made available to the Department upon request.

12 Site Reclamation

- 12.1 The Approval Holder shall submit a decommissioning and site reclamation plan to the Department, two years prior to the end date of the Power Purchase Agreement.
- 12.2 Project operations shall be completed and reclaimed to the satisfaction of the Department and other appropriate regulatory departments.
- 12.3 The Approval Holder shall decommission wind turbines to restore habitat. In the event any turbine ceases to be operational for a period of two years, the Approval Holder shall submit a report to the Department outlining a timeline for reparation to the unit(s) to either render it fully functional or provide similar details for removing the turbine from the site within two years from the date the report was received by the Department.



Honourable Timothy Halman, MLA
Minister of Environment and Climate Change

Attachment D – Public Information Meeting Notes

February 10 – March 3, 2022

File # 21-18

Benjamins Mill Wind Project Development Agreement

Meeting date and time	A public information meeting was held on February 10th, 2022 at 6:00 p.m. However, the notice was not sent to all residents due to an error with the mail list. A follow-up public information meeting was held on February 23rd, 2022 beginning at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for February 10th: One (1) Councillor: • Councillor Jim Ivey (Chair) Four (4) members of staff: • Director LeMay • Planner Poirier • Planner Dunphy • Meeting Secretary Lake Ten (10) members of the public were present for this meeting. In attendance for February 23rd: One (1) Councillor: • Councillor Ed Sherman (Chair) Four (4) members of staff: • Director LeMay • Planner Poirier • Planner Dunphy Eight (8) members of the public were present for this meeting.
Applicant Natural Forces (Developer) Property PIDs 45390960, 45406659, 45406667, 45406675, 45406683, 45406709, 45061926, 45406691, 45406717, 45390952, 45407921, 45391018, 45407913, 45060449, and 45060548	For both meetings: Planner Dunphy outlined the application to allow a proposed wind farm by development agreement. Meg Morris, one of the representatives of the developer, also gave a presentation on the specifics of the proposed wind farm.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between February 10 – March 3, 2022. Staff received seven (7) phone calls and twelve (12) emails were received. The email responses are attached. Four (4) phone calls

	were requesting attendance to the Public Information Meeting. Stephen Marsters called with concerns regarding property damage caused by road development and heavy vehicle use. Raff Franco called requesting that the wind farm maintains a 5 k.m. set back from any homes and to say that Natural Forces cannot guarantee that there would be no negative health effects from turbine installation. Alex Crocker called to request that mailouts be provided to the residents of Canyon Point, as the letter was only sent to the head office. During the February 10th, 2022 meeting: No members of the Public spoke during the Public Information Meeting. During the February 23rd, 2022 meeting: 6 members of the public spoke at the Public Information Meeting. The following comments and questions were made at the public information Meeting. Staff and applicant responses are included in purple text. • Ward Blatch asked about topographic mapping for the project, access, and project expansion. Meg Morris replied that the mapping will be published on their website, but the mapping can also be directly sent. Any discussion for recreational use of the property can be discussed with the developer, and reaching out is encouraged. Access to the property may require fencing for safety concerns as well as upgrading any roads required. There is also no intension to develop the rest of the lands included in the development agreement. • Olga Leiva was concerned with the distance of the proposed development to their residence. Meg Morris replied that as part of the Environmental Assessment, there are studies which were undertaken to look into the sounds caused by construction and operation. The infrastructure is situated at least 1.5 kilometers from any residences. All provincial requirements will be met for the project. Olga was also concerned with the land value. • Dave Mumford had concerns regarding the affects of blasting on wells. Meg Morris replied that the Environmental Assessment process takes construction practices into account. The project area is 1.5 kilometers away from the nearest residence and it is unlikely to impact wells due to construction. • Angela Martell asked why the other side of the project area was not used. Meg Morris replied that as part of the process, factors including proximity to residences, proximity to the Nova Scotia Power grid, and wind resource availability. The project area is situated at a
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	higher elevation and is better suited for energy generation. Angela also commented that there are concerns with noise and the visual affect of the turbines. Angela then asked if there was consideration to using a 5 or 10 kilometer buffer distance for the turbines. Meg replied that a buffer of that size would entirely limit where wind turbines could be placed in Nova Scotia. The 1 kilometer standard buffer is used as the studies have shown that is the distance that sound tapers off. • Catherine Newell commented that roads would need to be upgraded in order for machinery to be transported and that they have some concerns with the affects of turbine construction and operation on well water. Catherine also asked what receptors are in the context of project mapping. Meg Morris replied that receptors are residences. There are some uncertainties as the project moves through the development process and all feedback is appreciated. The existing road network is planned to be used as much as possible and will require upgrades. The 1 kilometer setback helps to mitigate effects from the construction and operation on residences. • Alex Crocker asked about the RFP size and when Natural Forces would have the final project design. Meg Morris replied that a power contract would need to be agreed upon as well as the required permitting. Public feedback is integrated into each one of these steps. Alex then asked about noise projections from a consultant. Meg replied that their model has been updated to be more realistic and there is active communication with a third party to confirm Natural Forces noise modeling. • Dave Mumford asked about using drone modeling for noise projections. Meg Morris replied that the photomontage from the point of view of Falls Lake is being created and that 3d modeling for the turbines is being worked on and will be published on the website.
Adjournment	The February 10th, 2023 meeting was postponed at 6:22 p.m until February 23rd. The February 23rd, 2023 meeting was adjourned at 6:57 p.m.

Public Email Responses Submitted for the Application PIM

February 7, 2022

From Jaclyn Blanchard

To Alex Dunphy

Hi Alex,

My husband Jon Blanchard and I own a property on pioneer drive that will be affected by this project. We would like to attend the meeting.

Thank you

Jon & Jaclyn Blanchard

February 8, 2022

From Alex Dunphy

To Jaclyn Blanchard

Hello,

I will add you to our invitation list for the February 10th Public Information Meeting. Please expect an invitation link within the next day or so.

Best,

Alex Dunphy

February 7, 2022

From Sherri Blanchard

To Alex Dunphy

Good Evening Alex

We would like to attend the virtual information meeting regarding the above Development at Benjamins Mill. We are building a cottage on adjoining property with our son & daughter in law
Jon & Jaclyn Blanchard

Thank you

Reuben & Sherri Blanchard

February 8, 2022

From Alex Dunphy

To Jaclyn Blanchard

Hello,

I will add you to our invitation list for the February 10th Public Information Meeting. Please expect an invitation link within the next day or so.

Best,

Alex Dunphy

February 7, 2022

From Greg Rourke-Deal

To Alex Dunphy

I most certainly would like to attend the virtual meeting scheduled for February 8th on the proposed wind turbine for Benjamin Mills area.

Greg Rourke-Deal

February 8, 2022

From Alex Dunphy

To Greg Rourke-Deal

Hello,

I will add you to our invitation list for the February 10th Public Information Meeting. Please expect an invitation link within the next day or so.

Best,

Alex Dunphy

February 8, 2022

From Roger Allen

To Alex Dunphy

Like to attend the zoom meeting February 10, 6pm for the Benjamins Mill project

Thanks

February 8, 2022

From Alex Dunphy

To Roger Allen

Hello,

I will add you to our invitation list for the February 10th Public Information Meeting. Please expect an invitation link within the next day or so.

Best,

Alex Dunphy

February 9, 2022

From Marilyn Macumber

To Alex Dunphy

Pleased be advised that we, Dennis and Marilyn Macumber, would like to join the a/m meeting.

Please send link to: [EMAIL REMOVED]

Thank you!

February 8, 2022

From Alex Dunphy

To Roger Allen

Hello,

I will add you to our invitation list for the February 10th Public Information Meeting. Please expect an invitation link within the next day or so.

Best,

Alex Dunphy

February 9, 2022

From Sheldon Knox

To Alex Dunphy

Good morning,

I just received a letter inviting me to participate in an online meeting. I would like to confirm my attendance.

Thanks

Sheldon Knox

February 9, 2022

From Alex Dunphy

To Vanessa Lake

Hi Vanessa,

I just received another request to attend the PAC/HAC. Could you also send an invite to the individual below?

Thanks,

Alex

February 9, 2022

From Vanessa Lake

To Alex Dunphy

Hi, sure thing! Invite sent!

February 15, 2022

From Pam Patterson

To Alex Dunphy

Falmouth Trucking. We didn't receive notification of the meeting until Feb 11. Will there be another meeting scheduled? Could you please forward a clearer map. Thank you. Pam Patterson.

February 16, 2022

From Alex Dunphy

To Pam Patterson

Hello Pam,

Another meeting has been scheduled for February 23rd, 2022 at 6 pm. Would you like to receive an invitation to the zoom meeting?

As for your request regarding the map, please see the attached.

Best,

Alex Dunphy

February 23, 2022

From Pam Patterson

To Alex Dunphy

We cannot Zoom from our computer. We don't have the necessary internet connection because we are outside the high speed area. We will watch on facebook. Two questions. Why are they designating so much space if there is only going to be 24 windmills? There is a designated protected area for moose. What are the plans for that? Thank you. Pam.

February 23, 2022

From Alex Dunphy

To Pam Patterson

Hi Pam,

I think that the applicant may be better suited to answer your questions in this case. I have CC'd the contact for Natural Forces to provide a follow-up.

Meg, would you mind responding to the previous questions in the email chain?

Much appreciated,

Alex Dunphy

February 23, 2022

From Meg Morris (Natural Forces)

To Pam Patterson

Hi Pam,

These are great questions – thank you for reaching out. I will list my answers here for clarity:

- 1) “Why are they designating so much space if there is only going to be 24 windmills?”
 - a. We have been working with this landowner for some time now and secured all of the land shown to cover a couple possible project locations. Since then, we have carried out various studies, including collecting wind data on site, which demonstrates that the area where we have proposed this Project is the best location. So, while we have all those lands signed up, we are only proposing to develop the area indicated.
- 2) “There is a designated protected area for moose. What are the plans for that?”
 - a. There is some core mainland moose habitat to the southwest of the site, but this does not overlap the area where we are proposing the development. Further, the area we are proposing to develop has been used for forestry activities and has an extensive network of existing access roads/trails and much of it has been cleared in the recent past. Because of this, it is a disturbed site and doesn’t represent suitable habitat for moose. While we did not carry out targeted moose surveys, our consultants do report incidental sightings when they are out in the field. There were no reportings of moose on the site during our other surveys.

If you have any other questions, please don’t hesitate to reach out to me. I am happy to hear you’ll be watching on Facebook tonight – I hope we will provide the information you need.

Additionally, would you like to be added to our stakeholder list to receive occasional updates on the Benjamins Mill Wind Project?

Thank you,

Meg

February 19, 2022

From Mark Bosma (HCCC#1 Secretary)

To Alex Dunphy

Dear Mr. Dunphy (Alex),

I'm writing on behalf of HCCC#1 re the Benjamin Mills Project (you have been in touch with our treasurer, Alex Crocker, who provided me with your contact info). I understand that there is to

be an information meeting on February 23rd for property owners to attend - would you be able to provide the information for the meeting, including link, so that I can circulate to our owners? I am aware that information was sent by mail, but many of our owners are away for the season and may not have received this information.

Sincerely,

Mark Bosma

HCCC#1 Secretary

February 22, 2022

From Alex Dunphy

To Mark Bosma (HCCC#1 Secretary)

Hello Mark,

Thank you for reaching out. The meeting is regarding a potential development agreement for a 23-turbine wind project in Benjamins Mill.

A Follow-up Public Information Meeting is taking place tomorrow, February 23rd at 6:00 pm. The invite links have been sent out to all those that have requested them. Please find the link below to be sent out.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

[LINK REMOVED]

Passcode: [PASSCODE REMOVED]

Description: A second PIM for Benjamins Mill Wind Farm.

Best,

Alex Dunphy

March 3, 2022

From Mark Bosma (HCCC#1 Secretary)

To Alex Dunphy

[ATTACHMENT - Letter re Benjamin Mills development from HCCC#1 attached below]

Dear Mr. Dunphy (Alex),

Thanks again for your earlier correspondence regarding the Benjamin Mills wind turbine project. Our board met last week, and wanted to raise a specific issue/question about the planned project, and wanted to submit prior to the deadline of March 3rd. Please see the attached correspondence regarding our concerns about the project and the effect it may have on our community. Any information/response you can provide is much appreciated.

Sincerely,

Mark Bosma

HCCC#1 Secretary

March 3, 2022

From Alex Dunphy

To Mark Bosma (HCCC#1 Secretary)

Hello Mr. Bosma,

Thank you for your submission. I will ensure that it is included in our documents for further consideration by the Planning and Advisory Committee as well as Council. I will also coordinate with the applicant (Natural Forces) to provide an answer to your concerns regarding your community infrastructure.

Best,

Alex Dunphy

March 13, 2022

From Mark Bosma (HCCC#1 Secretary)

To Alex Dunphy

Hi Alex,

Apologies for the delay in responding, and thanks for your quick response. Any information that can be provided regarding the project and potential effects on our infrastructure is greatly appreciated.

Sincerely,

Mark

HCCC#1 Secretary

March 15, 2022

From Meg Morris (Natural Forces)

To Mark Bosma (HCCC#1 Secretary)

Hi Mark,

Thank you for copying us on this correspondence with Alex. It is important that we hear from community members and stakeholders like yourself and your board so that we can take the comments and concerns into consideration in our project design, which is not finalized. We have read your letter and want to assure you that we will do our due diligence, including any necessary studies, prior to any intrusive construction activities to ensure no damage is done to water wells in the area.

As always, please don't hesitate to reach out to us if there are any items you'd like to further discuss.

Thank you,

Meg

February 24, 2022

From Don Andrea

To Alex Dunphy

Hello Alex,

Last evening I had the opportunity to attend the virtual meeting held to discuss the proposed wind turbine project.

As an owner at the canyon point resort, I/we (family) appose this development.

10 years ago we decided to invest and build our dream cottage in this tranquil area of West Hants.

I deeply feel this project will not only disrupt the peaceful existence of my fellow residences and my family, but will be a disruption post completion.

I know first hand of the sounds and vibrations that these wind turbines omit.

The sounds and vibrations can and will cause mental stress and anxiety to all those in the surrounding areas.

People chose to move within this community and pay their property taxes to enjoy peaceful living uninhibited by such an enormous undertaking. Our property values will definitely decrease with this project so very close to our beautiful and peaceful community and surrounding areas.

It is our hope that this project will not be permitted to move ahead.

After a long two years of mandates and now we are starting to lift restrictions I/we feel this project is just too much to handle.

Mental Health and stability of all people in this area is paramount above all else.

Sincerely

Don J. Andrea

February 24, 2022

From Alex Dunphy

To Don Andrea

Hello Don,

Thank you for providing comments regarding this Development Agreement. The comments will be passed along to the Planning and Heritage Advisory Committee and Council for consideration.

Best,

Alex Dunphy

February 25, 2022

From Alex Crocker

To Alex Dunphy

Good afternoon, Alex.

Re: Benjamins Mill Wind Project -Proposed Development Agreement

Unfortunately, I am unable to support the project at this time. Here are some of the questions and concerns that have been posed at information meetings, to which the answers are still unclear:

- Mapping of physical sight, sounds, (such as turbine noise), and navigation lighting based on actual proposed windmill locations considering actual terrain/elevation, trees and sound refraction off of nearby watercoursesvalidated by a 3rd party consultant

- Unknown project size and scope. The RFP has not yet awarded identifying the maximum project size in terms of megawatts, directly attributing to an undetermined number of windmills and project footprint.

- Unknown requirement for blasting to make site assess or for construction of footings for windmill bases. With that comes an untold impact on water wells and existing structures.

- I understand the requirement for permanent site fencing surrounding all windmill sites and infrastructure for safety reasons. However, do we have any assurance that access for recreating will be maintained? This area gives access to pristine freshwater rivers, streams and lakes. As well as plentiful fishing and hunting.

- Has the impact on property valuations been studied? If our community is viewed as less desirous to live in based on unknown aesthetic, noise and lighting from windmill installation will property assessments be devalued?

- The proposal process to me seems rushed. If there were responses supplied prior to question deadline, perhaps I could support this undertaking with some assurances that the proponent has addressed the above noted concerns. Can the question deadline be extended until after the proponent finalizes project size and scope?

Thank you for considering the above questions.

Alex Crocker

March 1, 2022

From Alex Dunphy

To Alex Crocker

Hello Alex,

Thank you for your comments, I will ensure that they are added to our documents for consideration of the Planning and Heritage Advisory Committee as well as Council. Some of

these questions will need to be answered by the applicant (Natural Forces), but I will provide you with as much information as I can.

We are aware of the changing nature of the application. Once finalized, developments being permitted by development agreement must be generally consistent with the plans set out in the document. A development officer is able to permit minor changes so long as all other requirements of the development agreement are met.

Development of the site with respect to blasting will be required to meet the environmental requirements as set by the Provincial Government.

Access to the site is a matter which between the owner of the property and neighbouring residents. Unless there is an existing agreement providing permission to access the lands, I would recommend that you speak with the owner of the leased lands for further clarification.

The policy criteria used to determine if this development is eligible for a development agreement does not include property valuation. For further information on property valuations, the Property Valuation Services Corporation (PVSC) should be contacted.

For inquiries about project timeline, I would also recommend contacting the applicant, Natural Forces.

Best,

Alex Dunphy

February 27, 2022

From Grant Sullivan

To Alex Dunphy

Hi Alex (and Meg),

Thank you for the discussion this past week as it clarified some things for us as new owners in the Canyon Point resort area. Per your (and Meg's offer) the following summarizes the concerns and perspectives we have as affected parties of this proposed project.

First, there seem to be restrictions on where these farms can be placed, given your introduction. While Canyon Point does not appear to be zoned as one of the areas to avoid, it clearly has strong similarities, most notably the density of population, lot sizes, property values and associated municipal tax rates. Given our community has a development agreement entered into by the municipality that explicitly forbids noisy machinery, I believe it is critical that this be considered when entering into new adjacent agreements.

Second, and perhaps related, it looks like the proposed wind farm has the vast majority of wind turbines planned to be over 4 km from this densely populated area with only one or two that are closer. I believe the community should and will have the right to shut down any turbine that turns out to impede the quiet enjoyment of our land given the alternatives that clearly were and are available. It seems prudent to design the locations of the wind farm to avoid the most proximate planned locations if at all possible. Said another way, in achieving the wind load/power requirements of the farm, the project must avoid proximity to densely populated areas in forming the final design, especially where other options (while potentially less economically efficient) are available.

The reason we voice this concern is we travelled to the canoe lake wind farm location this past week where we positioned ourselves exactly 1 km from the nearest wind turbine. Afterward, we turned down the perpendicular highway, stopping after another kilometer. We found both locations to have very high level of noise similar to an aircraft overhead at all times. The first location at 1km was totally unacceptable and at 2km we still found it noisy although it is unclear if there was noise from other turbines at play as the highway goes orthogonal to the original road location. Either way, based on this experiment, it appears inaccurate to say that the turbine noise is low to unnoticeable at either distance.

Any further information you have on sound and/or visual/topographical models is of interest. I would also be interested in the setback numbers (especially to densely populated areas) being identified on the proposed turbine locations.

I look forward to remaining a fan of green energy as I see it implemented responsibly in our province. Thanks for considering this perspective.

Grant Sullivan

Owner, Canyon Point

March 3, 2022

From Alex Dunphy

To Grant Sullivan

Hello Grant,

Thank you for your comments. They will be added to our documents for further consideration by the Planning and Heritage Advisory Committee as well as Council.

Additionally, could you provide me the development agreement mentioned which forbids noisy machinery?

Best,

Alex Dunphy

March 6, 2022

From Grant Sullivan

To Alex Dunphy

Hi Alex,

In the paperwork for Canyon Point there is a summary of Land Use Bylaws, development agreement requirements, and various other inputs I imagine. Number one on the list of requirements is to ensure that nothing impedes the quiet enjoyment of the land by other residents. To me it is common sense but also codified there. I hope this helps,

Grant

March 15, 2022

From Grant Sullivan

To Alex Dunphy

Hi Grant,

Thank you for copying me on this email to Alex. It is important that we hear from community members like yourself so we can take all comments and concerns into consideration in our project design, which is not finalized.

We are finalizing the elevation map, so I will get that to you soon. Otherwise, if there are any items you'd like to further discuss with us, please don't hesitate to reach out.

Many thanks,

Meg

February 27, 2022

From Olga Leiva

To Meg Morris

Hello Ms. Morris,

My name is Olga Leiva. I live at [ADDRESS REMOVED], in Canyon Point Resort Community. I participated in the "Virtual Public Information Meeting" on February 23rd, 2022.

As you requested, I'll like to put in writing some basics from my comments on the proposed development agreement that would allow a 24-unit wind turbine project in Benjamin Mill. Taking into considerations the followings facts:

- 1- I suffer from Tinnitus, one of the main reasons that I recently decided to place my home in this quiet environment. No warning about turbines.
- 2- This residential area is not polluted by noises. Noises generated in a quiet environment become more intense for humans.
- 3- It is a fact, worldwide, the weather is changing fast. Turbine technology is improving at the same speed and very often there is news about fire because of a storm or some blade/s falling because of the winds, even, a few days ago, in Europe, because of a heavy storm the whole structure fell. Where is the safety for nearby houses with family in it?
- 4- Being moving or stopped, the large surface of the blades make possible as much is the wind as much is the noise generated. As much is silent in the environment, say at nights, more disturbance to the necessary sleepy time. The exposure to these machines by time, day by day can create clinical disorders.
- 5- I do not know the figure but if I ask in the Social Media, for sure, an important figure of potential buyers searching for a house as mine will decline if there are turbines close by. This will seriously depreciate the value of my property at the moment I decide to sell it. I moved to my brand new home in Canyon Point a year ago. It is a custom made cottage where I live permanently. I wonder if Benjamin Mills will cover my losses if that is the case on the price I decide according to the housing market at the time.

Also, I would like to quote the following:

"During the past few years there have been case reports of adverse effects. In 2006 Académie Nationale de Médecine Working Group Report notes that noise is the most frequent complaint. The noise is described as piercing, preoccupying, and continually surprising, as it is irregular in intensity. The noise includes grating and incongruous sounds that distract the attention or disturb rest. The spontaneous recurrence of these noises disturbs the sleep, suddenly awakening the subject when the wind rises and preventing the subject from going back to sleep. Wind turbines have been blamed for other problems experienced by people living nearby. These are less precise and less well described, and consist of subjective (headaches, fatigue, temporary feelings of dizziness, nausea) and sometimes objective (vomiting, insomnia, palpitations)"

"When assessing the adverse effects of IWTs it is important to consider what constitutes human health. The World Health Organization (WHO) defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."21

I have found more than enough material related to WTs and most of that is in detriment of this Aeolic parks installation as well as families presenting their terrible experience living even farther, than 500 feet.

Finally, I really want the Benjamin Mill Project to consider my comments; I could be one of the closest residents to this, in my opinion, very unfortunate project to the tranquility of this peaceful community. As one of my neighbors mentioned during the meeting it will be very thoughtful if you move the whole project more to the north and avoid all our worries.

Thank you,

Olga Leiva Padilla

March 15, 2022

From Meg Morris

To Olga Leiva

Hi Olga,

Thank you for providing these comments, it is really important that we hear from community members like yourself. We are aware that the residents living in Canyon Point and near Falls Lake are concerned about noise from the proposed turbines and we are taking this into consideration for the design of the project, which has not been finalized. Because of the comments we have received, we are also taking additional steps to verify the results of our noise studies with a third party validation to ensure the results are accurate.

There is a body of peer reviewed research on property value and health impacts from wind projects like what we are proposing. I am happy to share some of this information, would you like me to send some resources along?

Again, I want to thank you for taking the time to attend the public information meeting and to follow up with your comments.

We are always available to discuss concerns, so if you would like to have a call sometime, please let me know.

Thank you,

Meg

March 3, 2022

From Norman Newell

To Alex Dunphy

[ATTACHMENT – Benjamins Mill2 attached below]

Alex,

Please find attached our comments regarding the proposed Benjamins Mill Wind Project.

Thanks,

Norman and Catherine Newell

March 3, 2022

From Alex Dunphy

To Norman Newell

Hello Mr. and Mrs. Newell,

Thank you for your input regarding this project. I will ensure that it is included in our documents to be further considered by the Planning and Heritage Advisory Committee as well as Council.

Best,

Alex Dunphy

[ATTACHMENTS LISTED IN ORDER]



March 3rd, 2022

Alexander Dunphy
Planner
West Hants Regional Municipality
PO Box 3000, 76 Morison Drive
Windsor, NS B0N 2T0
ADunphy@westhants.ca

Dear Mr. Dunphy,

As you are aware, there is a planned wind turbine development (Benjamin Mills Project) for West Hants. As the board representing Hants County Condominium #1 (HCCC#1, also known as Canyon Point), we are aware the development would be very close to our community based on the initial planning documents. The board is not necessarily opposed to the project, but we do have concerns about potential effects on our community infrastructure. We are a 59-unit community that relies on 14 drilled wells for water supply. Assuming that significant blasting will be required for installation of the turbines and associated infrastructure, we are concerned of the effect this may have on our water supply. Specifically, will the blasting have any effect on the local aquifer, and on the functioning of our wells.

It would be appreciated if the development office or Natural Forces could comment on this issue, recognizing that any damage to our water supply would have a significant negative impact on our community.

Sincerely,
HCCC#1 Board of Directors

Cc: Amy Pellerin
Natural Forces
apellerin@naturalforces.ca

We are writing in response to the proposed Benjamins Mill Wind Project that Natural Forces is seeking approval for.

Our community of Canyon Point is comprised of 52 homeowners of whom half are full time residents. With assessed values up to over 400K, we are hardly the hunting camps or cottages that Natural Forces refers to.

In reviewing the EA and its' attachments it is evident that the information is incomplete and inconclusive. Many reports are based on "desktop studies" which don't reflect actual conditions. Natural Forces refers to the proposed site as "disturbed and fragmented" due to wood clearing activities however it will continue to regenerate and does provide home to an abundance of wildlife including deer, raccoons, bears, fishers and coyotes.

There are too many variables in the EA including the number and model of the proposed wind turbines, therefore the environmental effects such as wind turbine noise, shadow flickering and flashing lights cannot be determined at this time. Delivery routes and the construction of new roads and upgrades to existing roads have not been finalized; therefore the future of 32 hectares of wetlands within the proposed area remains to be determined.

Our pristine lake is home to a variety of fish, turtles, beaver, loons and ducks. Geese, hawks, eagles and owls as well as the monarch butterfly, identified as an endangered species, frequent the area.

The residents of Canyon Point rely on a system of drilled wells that are maintained by our Condo Corp. The EA states that studies are not complete on ground water. Uranium is of concern to us as well as vibration from construction and subsequent turbine operation. This can result in impurities in our groundwater resources as appears to be the case in North Kent at this time.

This document is being submitted for your consideration. We are not opposed to "green energy " however we strongly feel that it shouldn't be at the expense of rural communities.

For the reasons cited above, we are unable to support the proposed Benjamins Mill wind energy project

Respectfully submitted,

Norman and Catherine Newell



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: August 21, 2023

Subject: WHLUB Amendment: 997 Highway 14, Upper Vaughan (PID 45041902); File # 23-01B

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Staff do not recommend in favour of the application because the criteria 9.1.6 (c) safe and efficient roadway access, (e) (i) traffic safety, and (f) being considered obnoxious, as well as Policy 16.3.1 (a) (iii) adequacy of fire protection, (c) suitability of movement, (e) pattern of development, and (g) provincial requirements are not met.

If Council wishes to approve the amendment following the Public Hearing, the following motion would be in order:

...that Council gives Second Reading and approves amending Schedule A of the West Hants Land Use By-law to rezone 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) zone.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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The Planning and Development Department was first made aware of the existing use of the property due to a complaint which led to the owner applying for a rezoning. A completed application was received from William (Bill) Clarke on March 8, 2023. The application is to allow for commercial storage and distribution by rezoning the subject lot to the Resource Industrial (M-1) zone.

DISCUSSION

Two Public Information Meetings were held on April 13 and April 14, 2023. A total of 10 members of the public spoke between both meetings. The public comment period ended on April 28, 2023, with staff receiving 1 phone call, 1 letter, and 15 emails. The full comments from the public can be found in Appendix A.

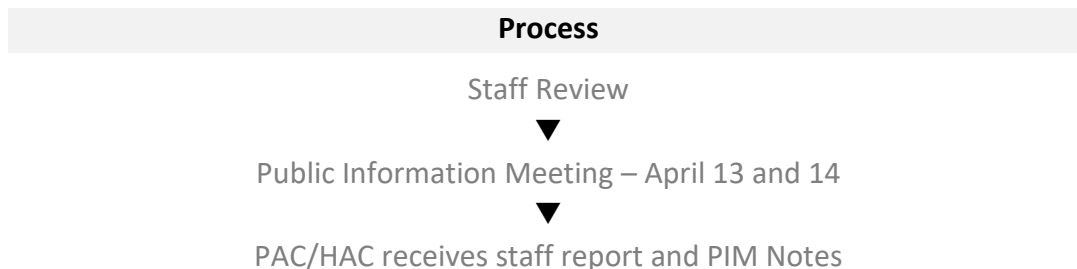
On May 11, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC). During the May 11 meeting, PAC/HAC unanimously recommended against the proposed rezoning.

On May 23, 2023, staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A). Staff recommended that the application be brought to Public Hearing to continue with the public process and then Council could make final decision on the application at Second Reading. Council recommended the application move forward to Public Hearing.

On July 11, 2023, correspondence from Jenifer Tsang on behalf of the owner of the subject lot was circulated as correspondence to Committee of the Whole (Appendix B). If Council were to decide to follow the process outlined in the correspondence from Jenifer Tsang, the existing application would have to be withdrawn and a new application would be started. This process would require a Municipal Planning Strategy amendment to create the policy necessary to enable Council to consider a development agreement for the use, then a development agreement application process. This process would likely take over a year to complete.

NEXT STEPS

The process for this application is as follows.



PAC/HAC Review and Recommendation – May 11



Regional Council First Reading – May 23



Public Hearing & Second Reading – August 21



Notice of Approval in Local Paper



14-Day Appeal Period

APPENDICIES

Appendix A	2023-05-23 PAC/HAC Report to Council - WHLUB Amendment: 997 Highway 14, Upper Vaughan (PID 45041902); File # 23-01A
Appendix B	2023-07-11 Letter from Jenifer Tsang to Committee of the Whole

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the staff position on this matter recognizing there is a non-compliant use of the lands by the landowner and the application is not in keeping with the desired use of the lands as noted by staff as per existing policy. Further, enforcement on the non-compliant land use has been respectful to the applicant due to the current application pending the position of Council. Heightened enforcement and immediate compliance should be applied if Council aligns with staff's position.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

**Appendix A – 2023-05-23 PAC/HAC Report to Council - WHLUB Amendment: 997 Highway 14,
Upper Vaughan (PID 45041902); File # 23-01A**



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: May 23, 2023

Subject: WHLUB Amendment: 997 Highway 14, Upper Vaughan (PID 45041902); File # 23-01A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Staff do not recommend in favour of the application because the criteria 9.1.6 (c) safe and efficient roadway access, (e) (i) traffic safety, and (f) being considered obnoxious, as well as Policy 16.3.1 (a) (iii) adequacy of fire protection, (c) suitability of movement, (e) pattern of development, and (g) provincial requirements are not met.

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 to rezone 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) zone.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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The Planning and Development Department was first made aware of the existing use of the property due to a complaint which led to the owner applying for a rezoning. A completed application was received from William (Bill) Clarke on March 8, 2023. The application is to allow for commercial storage and distribution by rezoning the subject lot to the Resource Industrial (M-1) zone.

DISCUSSION

Two Public Information Meetings were held on April 13 and April 14, 2023. A total of 10 members of the public spoke between both meetings. The public comment period ended on April 28, 2023, with staff receiving 1 phone call, 1 letter, and 15 emails. The full comments from the public can be found in Appendix A. To summarize, the comments and concerns from the public included: existing uses not being suitable for the property, erosion of adjacent properties, ineffective drainage, concrete wall placement, the nearby heritage property, unsightliness of uses, guardrail installation, use of adjacent lots for equipment storage, dangerous access points, building proximity to the road, potential for more intensive industrial use, an alternate lot being provided in the industrial park, no industrial uses outside of the industrial parks, potential environmental issues, noise pollution, negative affect on community aesthetic, light pollution, safety of those travelling to the canoe club, why the use hadn't been stopped, when the initial complaint was filed, public opposition to the rezoning, why the rezoning process was used instead of a development agreement, information regarding the initial development permit that was issued, industrial development not being appropriate in this area, community disruption, a potential judicial review for environmental concerns, proximity of the subject lot to a heritage property, incorrect date listed on notice, violation of the Land Use By-law, property values, property ownership, impacted resident use of the lake, proximity of subject lot to the lake, and information regarding Community Accountability and Transparency Councils.

On May 11, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). During the May 11 meeting, PAC/HAC unanimously recommended against the proposed rezoning.

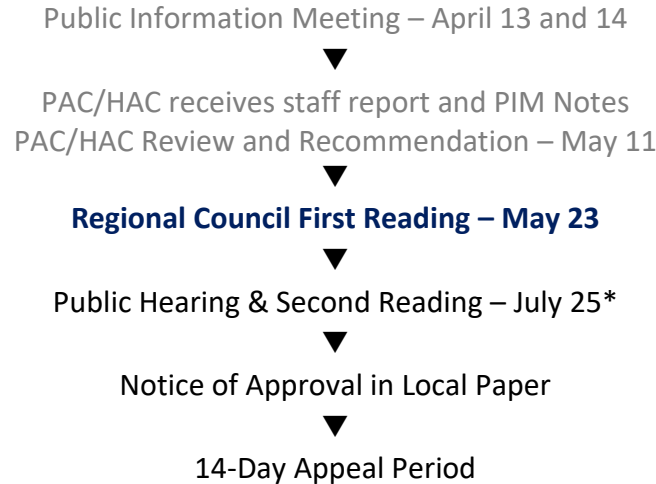
NEXT STEPS

The process for this application is as follows. The applicant has requested the Public Hearing be held in July to ensure they are able to attend the meeting in-person.

Process

Staff Review





*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council;
- hold First Reading and authorize a Public Hearing to refuse the amendments 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 2023-05-11 Staff Report - WHLUB Amendment: 997 Highway 14, Upper Vaughan (PID 45041902); File # 23-01

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in the report the application to rezone 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) zone essentially was brought forward because of non-compliance by the property owner. The current use of the lands has deviated from the use indicated on the original permit and approval. This non-

compliance has triggered complaints by the community, an inspection by the WHRM and the resulting application by the owner to see if compliance of the current use can be achieved through a rezoning. This option has been made available to the property owner. As indicated in the report, and all rezoning applications, staff will comment on their evaluation of existing language in relation to the application. In this case staff were not prepared to recommend the rezoning. The PAC/HAC shared the same view. The matter is now before Council for their consideration. Council has the authority to agree or disagree with staff and PAC/HAC recommendations.

Due to the interest and feedback from the community regarding this property throughout the public feedback process, it is important to note to the public and Council that should Council agree with the staff / PAC/HAC position and not rezone the property, the property owner will not be permitted to continue with the non-compliant use. This may or may not require property site modifications in order to comply with what are the allowable uses in a General Resource (GR) zone. This will be determined by the development officer and instruction provided to the property owner from an enforcement perspective to achieve compliance.

I support the staff and PAC/HAC position regarding this matter.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

**Appendix A – 2023-05-11 Staff Report - WHLUB Amendment: 997 Highway 14, Upper
Vaughan (PID 45041902); File # 23-01**



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: May 11, 2023

Subject: WHLUB Amendment: 997 Highway 14, Upper Vaughan (PID 45041902); File # 23-01

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Staff do not recommend in favour of the application because the criteria 9.1.6 (c) safe and efficient roadway access, (e) (i) traffic safety, and (f) being considered obnoxious, as well as Policy 16.3.1 (a) (iii) adequacy of fire protection, (c) suitability of movement, (e) pattern of development, and (g) provincial requirements are not met.

If the PAC/HAC would like to recommend in favour of the proposal the following motion would be in order:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) zone.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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The Planning and Development Department was first made aware of the existing use of the property due to a complaint which led to the owner applying for a rezoning. A completed application was received from William (Bill) Clarke on March 8, 2023. The application is to allow for commercial storage and distribution by rezoning the subject lot to the Resource Industrial (M-1) zone.

DISCUSSION

The subject lot is currently designated Resource on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). The subject lot is zoned General Resource (GR) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2).

Surrounding Context

All properties surrounding the subject lot are designated Resource and zoned General Resource (GR). Nearby uses include single unit residences, the Upper Vaughan Community Hall heritage property, and the Pisiquid Canoe Club.

Municipal Planning Strategy Document Review

Policy 9.1.6 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning to allow for industrial uses permitted in the Resource Industrial (M-1) zone. The Policy also includes criteria which must be considered in relation to the proposal. The full list of criteria is included with this report in Attachment A. In summary, the proposal does not meet the criteria since:

- neither the primary or secondary access meets the stopping site distance requirements and the secondary access does not meet the current access criteria for the NS Department of Public Works;
- slow-moving vehicles accessing the subject lot may impede traffic safety as commented by the NS Department of Public Works;
- there is potential for conflict with the hours of operation between the established residential uses and some of the permitted uses listed in the Resource Industrial (M-1) zone;
- certain uses permitted in the Resource Industrial (M-1) zone could potentially be obnoxious in nature; and

- the current use does not meet the setback criteria for the Resource Industrial (M-1) zone and further development of the subject lot could reduce buffering from adjacent existing uses.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the West Hants Land Use By-law. The full list of criteria is included with this report in Attachment A. In summary, the proposal does not meet the criteria as:

- the local Fire Chief has stated that there are a number of uses in the Resource Industrial (M-1) zone that would be concerning due to potentially insufficient response time;
- due to the subject lot not meeting stopping site distances, it is possible that slow-moving vehicles accessing the subject lot may impede the movement of traffic passing the subject lot as commented by the NS Department of Public Works;
- uses permitted in the Resource Industrial (M-1) zone would constitute a major change from the pattern of development currently existing in the area and the potential development of additional Resource Industrial uses would negatively affect surrounding residential uses; and
- access to the property does not meet the requirements of the NS Department of Public Works.

Existing Development Permit

This rezoning application is only pertaining to the use of the subject lot for industrial purposes which is in violation of the West Hants Land Use By-law. This does not include the existing personal storage building which was issued a development permit on September 10, 2020 (Attachment B).

A development permit was issued for a garage as a storage building to be used for personal storage only as per section 5.1 (d) of the West Hants Land Use By-law (WHLUB). Section 5.1 (d) of the WHLUB states:

(d) No accessory building or structure shall be constructed:

(i) 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.

As a follow up to a complaint that was received in November 2022, the Development Officers inspected the subject lot and use of storage building. The Development Officers confirmed that the building is being used for personal storage of items (household items, personal vehicles,

etc.). Therefore, the current use of the building does conform to the development permit that was issued.

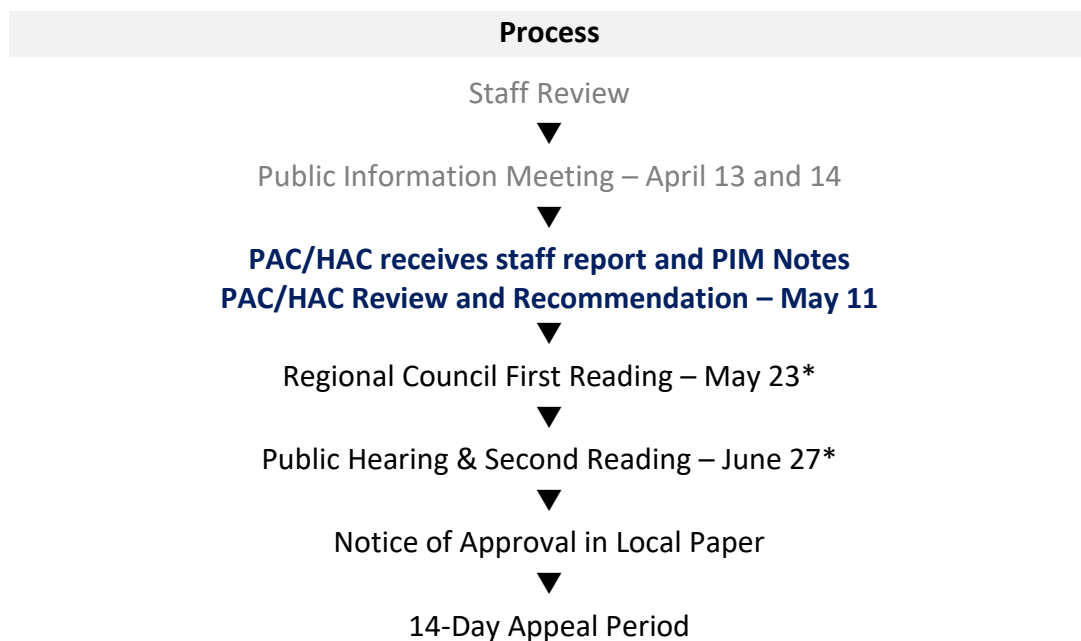
MUNICIPAL CLIMATE CHANGE ACTION PLAN

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.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

Discussion from PAC will be incorporated into the report and presentation to Council.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, the 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;
- hold First Reading and authorize a Public Hearing to refuse the amendments as drafted or as specifically revised by direction of PAC/HAC; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	West Hants Proposed Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Development Permit
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

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

Figure 1 – West Hants GFLUM Extract

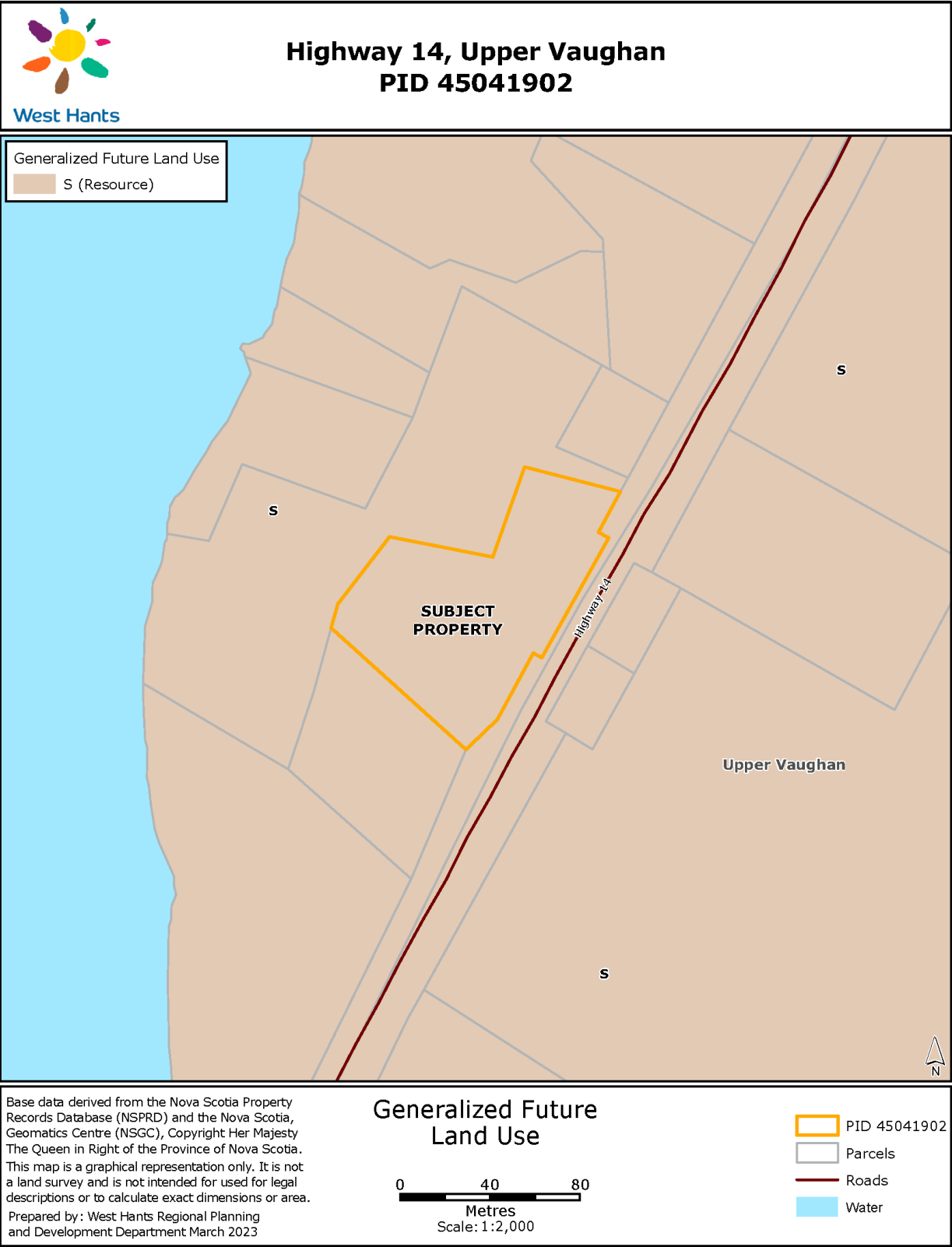


Figure 2 – West Hants Zoning Map Extract



Figure 3 – West Hants Proposed Zoning Map Extract



Attachment A – Policy Summary for Development Agreement

Policy 9.1.6 <i>It shall be the intention of Council to consider rezoning land zoned General Resource (GR) to allow for commercial or industrial uses permitted in the Rural Commercial (RC) or Resource Industrial (M-1) zones subject to the following: (Amendment WHMPS 14-01 Effective January 22, 2015)</i>	
<i>(a) the use will not adversely affect existing resource uses in the area;</i>	There are no existing resource uses in the area surrounding the subject lot.
<i>(b) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;</i>	The Development Officer commented that uses permitted in the Resource Industrial zone are most appropriate in the Industrial Park or Resource designation. The subject lot is designated Resource, which meets this criterion.
<i>(c) safe and efficient roadway access is provided;</i>	The Acting Area Manager of the NS Department of Public Works stated that neither the primary or secondary access points meet current stopping site distance requirements and that the secondary access also does not meet current access requirements. Staff do not consider this criterion to be met.
<i>(d) adequate on site parking is provided;</i>	The Development Officer commented that they had no concerns regarding accommodating on-site parking.
<i>(e) the development is compatible with adjacent land uses with respect to:</i>	
<i>(i) traffic generation and traffic safety;</i>	In a follow-up discussion with the NS Department of Public Works it was stated that due to the subject lot not meeting stopping site distances, slow-moving vehicles accessing the subject lot may impede traffic. Due to these

	traffic safety concerns, staff do not consider this criterion to be met.
<i>(ii) hours of operation;</i>	There is potential for conflict with the hours of operation between the established residential uses in the area and some of the permitted uses listed in the Resource Industrial (M-1) zone including abattoirs, manufacturing, processing, and industrial operations, saw mills, as well as wood processing and manufacturing establishments.
<i>(iii) size and design of building(s);</i>	The commercial storage and distribution of industrial materials would be the main use for the proposed rezoning. This use would be contained within shipping containers. These units would not be considered out of the ordinary for the Resource designation.
<i>(iv) signage; and</i>	Any signage would be required to meet the standards of the WHLUB.
<i>(v) pedestrian circulation and safety;</i>	There are no sidewalks in the area leading to the subject lot, however it is not anticipated that anyone would be walking to the potential uses of a Resource Industrial (M-1) lot. In addition, the Acting Area Manager of the NS Department of Public Works stated that they had no comments regarding pedestrian circulation and safety.
<i>(f) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;</i>	The Development Officer commented that certain uses permitted in the Resource Industrial (M-1) zone would cause concern for being obnoxious in

	nature, including saw mills, abattoirs, and wood manufacturing and processing establishments. Therefore, staff do not consider this criterion met as the potential industrial uses could be considered obnoxious by virtue of potential noise, odours, dust, fumes, or other emissions.
<i>(g) adequate buffering or screening, setbacks and yards are provided, and open storage is controlled;</i>	The Development Officer commented that it would be possible for the proposed industrial storage use to meet the required setbacks; however it does not currently meet those setbacks. Other uses permitted in the Resource Industrial (M-1) zone may not be able to meet the required setbacks and the forested portion of the subject lot would need to be cleared to provide enough space for those setbacks. Any clearing of the subject lot would serve to further reduce the buffering existing on the subject lot from surrounding uses.
<i>(h) any other matter which may be addressed in a Land Use By law; and</i>	All relevant matters have been addressed in this report.
<i>(i) Policy 16.3.1.</i>	See below.

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:

(a) whether the proposal is considered premature or inappropriate in terms of:

<i>(i) the adequacy of sewer and water services;</i>	The Municipal Public Works Department confirmed that there are
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	no municipal services on the subject lot. Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change and would be the responsibility of the owner.
<i>(ii) the adequacy of school facilities;</i>	N/A
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The Manager of Building and Fire Inspection Services had no issues with regard to fire protection. The local Fire Chief has stated that there are a number of uses in the Resource Industrial (M-1) zone that would be concerning due to response time, including manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building, fertilizer industries, and fuel storage depots. Due to the concerns of the local Fire Chief, staff would not consider this criterion to be met.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Acting Area Manager for the NS Department of Public Works stated that they had no concerns regarding the road networks adjacent or leading to the development.
<i>(v) the financial capacity of the Municipality 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>	Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.

<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	In a follow-up discussion with the NS Department of Public Works it was stated that due to the subject lot not meeting stopping site distances, it is possible that slow-moving vehicles accessing the subject lot may impede traffic. Due to these traffic safety concerns, staff do not consider this criterion to be met.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that the proposed use should not be located closer than 40 ft from any property line. It would be possible for the proposed use to meet the required setbacks; however the current placement of the shipping containers does not currently meet those setbacks. Other uses permitted in the Resource Industrial (M-1) zone may not be able to meet the required setbacks and the forested portion of the subject lot would need to be cleared to provide enough space for those setbacks.
<i>(e) the pattern of development which the proposal might create;</i>	The Development Officer commented that uses permitted in the Resource Industrial (M-1) zone would constitute a major change from the pattern of development currently existing in the area. The potential development of additional Resource Industrial uses would negatively affect surrounding residential uses.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i>	The District Manager of the NS Department of Environment and Climate Change stated that they were unable to comment on the suitability of

	the subject lot for industrial use. PID 45041902 is relatively flat. There are no waterbodies or wetlands present on the mapping for the property. There are no evident concerns in terms of steepness of grade, soil or geological conditions.
<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>	The Acting Area Manager of the NS Department of Public Works stated that neither access point for the subject lot meet stopping site distance requirements and the secondary access does not meet the current access criteria for the NS Department of Public Works. Due to these traffic safety concerns, staff do not consider this criterion 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 – Development Permit

DEVELOPMENT AND BUILDING PERMIT

Permit #: C2020-371

Issued Date: September 10, 2020

Property Address: 997 Highway 14, Upper Vaughan

PID: 45041902

AAN: 00136514

Land Use Zone(s): GR

Lot:

Class of Work: Construction

Bldg Type: Garage/Carport/Shed

Designation:

Estimated Cost of Construction: \$175,000.00

Proposed Use: Garage

Use Description: Storage building

Owner:

3222228 Nova Scotia Limited

Applicant:

William Clarke

Contractor:

Building Details:

Width: 60.00 ft

Length: 40.00 ft

Building Area: 2400.00 sq. ft

No. of Floors: 1.0

MINIMUM SETBACKS:

Front Yard Setback: 25.00 ft

Rear Yard Setback: 25.00 ft

Left Yard Setback: 15.00 ft

Right Yard Setback: 15.00 ft

Conditions:

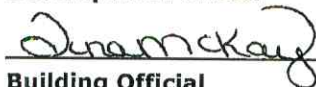
Development permit issued for a detached garage to be used for personal storage purposes only. As per section 5.1(d) of L.U.B. Setbacks from property lines approved as per site plan submitted with application. Height not to exceed 20 feet. This Development permit shall automatically expire 12 months from the date of issue if the development has not commenced.

All work to comply with the Nova Scotia Building Code Act, the January 2020 Regulations and the 2015 National Building Code of Canada.

During construction of your project, periodic inspections are required to make sure work proceeds properly. You are responsible for notifying the Building Official 48 hours in advance at 798-8391 Ext. 122 at various stages of construction so that problems can be corrected before they become costly.



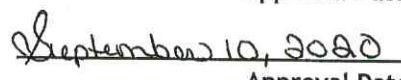
Development Officer



Building Official



Approval Date



Approval Date

Attachment C – Public Information Meeting Notes

April 13 - April 28, 2023

WHLUB Amendment: 997 Highway 14 (PID 45041902); File # 23-01

Meeting date and time	A Public Information Meeting was held on April 13, 2023 beginning at 6:02 p.m. A secondary Public Information Meeting was held on April 14, 2023 at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	23-01
Attending	In attendance for the first meeting: One (1) Councillor: • Councillor Murley Three (3) members of staff: • Director Poirier • Planner Dunphy • Planning Assistant Lake PAC/HAC Members: • Jennifer Nicholls (Chair) • Jane Davis • Stefan Palios • Greg Pace • Tasha Rogers • Lisa Bland 26 members of the public. In attendance for the second meeting: One (1) member of Council: • Mayor Zebian (Chair) Three (3) members of staff: • Director Poirier • Planner Dunphy • Planning Assistant Lake 3 members of the public.
Applicant Bill Clarke Property	Planner Dunphy outlined the application to rezone the subject lot to permit a warehousing and distribution centre. The applicant did not provide a presentation.

997 Highway 14, Upper Vaughan (PID 45041902)	
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between April 13 – April 28, 2022. Staff received 1 phone call, 1 letter, and 15 emails from the public. The email responses are attached. The phone call was from Teresa Newcomb and was regarding the subject lot being located close to the community hall and how the rezoning would negatively affect greenspace and property values. 8 members of the public spoke during the April 13 Public Information Meeting. The following are the comments from the public. Staff and applicant responses are included in purple text. • Andrew Hardman stated that the subject lot is zoned General Resource and that none of the existing uses should have been approved for this property and that it causes problems for Ron Smith. • Ron Smith had concerns regarding the regrading of the subject lot and the shipping containers causing erosion of his driveway and onto the schoolhouse property. Ron showed a picture of the drain installed on the property that he said was ineffective. Ron also stated that the concrete wall that was placed is in the driveway of the canoe club. Andrew reiterated that the schoolhouse is a heritage property. Ron had additional concerns regarding the shipping containers and potential for leakage of fuel from a crane operating on the property. Ron also commented that the garage was unsightly, questioned who built the guardrail in front of the subject lot, took issue with the irregular noise, that the property uses the schoolhouse lot for equipment, that the access points to the property are dangerous

	that nearby properties had lost value, and that the building was too close to the road. • Kevin Smith stated that mitigation is not enough, the permitted use list is a concern, the rezoning would cause more damage and that the buildings should be removed. • Andrea Lynn commented that the municipality should provide an alternate lot for the landowner in an industrial park and give this land to the community. • Shirley Pineo commented that another Council decided that no industrial uses should be located outside of the industrial park. Shirley had concerns regarding the environmental issues that the industrial uses could cause and specifically that the water in the lake is used by everyone. • David Cameron had concerns regarding noise pollution, the initial permit that was issued, the negative affect the subject lot has had on the aesthetic of the community, light pollution from the subject lot, safety of those traveling to the canoe club, the regulations for storage of potentially hazardous materials, and the possible endangerment of those below elevation from the subject lot. • Andrew Hardman asked why the use hasn't been stopped yet. Sara Poirier responded that the Development Officer investigated the use then passed the file to Planning staff to determine if there was a policy option for Council to consider the proposed uses. go through the public process as a solution. Andrew stated that the complaint was filed 2 years ago. A member of the public clarified that the complaint was made to the Property Valuation Services Corporation and that the complaint was not brought directly to the Planning and Development Department until later.
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	• Barry Maxner started a vote with the public for those opposing the development, the members of the public present showed that they are opposed to the rezoning. • Zema White-Pose commented that the noise and view of the subject lot disturbs the peace of the community. • Shirley Pineo asked why a rezoning was pursued instead of a development agreement. <i>Sara Poirier responded that the policy only provided the opportunity for a rezoning and that policy is created by Council.</i> • Lisa Bland commented that noise pollution contributes to stress and physical health. • Councillor Jim Ivey asked when the permit was issued. Andrew responded that the permit was issued for accessory personal storage to a numbered company and that the complaint was issued last September. Shirley Pineo asked if the permit could be provided. <i>Sara Poirier responded that the permit will be provided and attached to future reports.</i> 2 members of the public spoke during the April 14 Public Information Meeting. The following are the comments from the public. Staff and applicant responses are included in purple text. • Andrea Lynn was in favour of leaving the subject lot as General Resource and stated that the public opinion of this application is clear. Andrea stated that industrial development should not be located here, instead a lot in the industrial park should be provided and this lot should be given to the community. Andrea then stated that the use has caused disruption in the community. • Chris had concerns regarding the potential affects of the proposal on the nearby watercourse and outlined a potential judicial review for the environmental concerns.
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Adjournment	The PIM was adjourned at approximately 6:50 p.m.
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Public Email Responses Submitted for the Application PIM

April 7, 2023

From: Andrew Hardman

To: Sara Poirier

Ms. Poirier

Please see the attached notice.

The notice was distributed on April 3rd with a date on the notice of April 4, 2023.

It says the meeting is scheduled for Thursday, April 14 @ 6:00 pm. This Thursday is April 13th.

This zoning issue is a serious matter.

Taxpayers are relying on the WHRM Planning Department to be accurate with all communications and decisions.

I suggest immediate corrective and preventative actions.

Sincerely, Andrew Hardman

[NOTICE ATTACHED AT BOTTOM OF DOCUMENT]

April 9, 2023

From: Mark Kehoe

To: Alex Dunphy

Attn West Hants Municipality:

I'm writing to you to express my concerns regarding the application for the property rezoning at 997 Highway 14, Upper Vaughan to allow commercial storage and distribution. My name is Mark Kehoe and I reside at [REMOVED ADDRESS]a couple driveways down from 997.

The current property owner has already shown disregard for the community and the bylaws by operating his storage and distribution commercial business under the guise of a personal storage building permit for some time now. This blatant disregard and abuse of the bylaws creates concern of what he will do with the property if allowed to be rezoned as Resource Industrial.

Upper Vaughan is a small community with a proud history of rural living and being good stewards of the environment. The permitted uses for a property zoned Resource Industrial contrasts with our community's landscape and lifestyle. It sits directly beside our community center, which was once the schoolhouse in the early 1900's, a heritage building for our community. Its landscape should be preserved, not lost to industrial buildings and activity.

It's also concerning that the owner isn't a resident of the community, and his business brings no economic value to the area. In fact, having an industrial operation next door only decreases residential property values.

Selling the property in the future leads to more concern of what could move in beside our homes.

Our rural community has the right to the peaceful enjoyment of our properties. We have invested our lives and resources to live where we do and that shouldn't have to change. Our community is zoned General Resource and I don't wish to see our rural atmosphere and landscape changed.

I am currently out of province and can not attend the Public Hearing April 13th, but I want to make the municipality aware that as a neighboring resident, I strongly oppose this rezoning application. I'm sure if the municipality spoke with the community, they will discover no residents want this. Please do not approve this rezoning application.

Thanks for your time.

Mark Kehoe

April 11, 2023

From: Ron Smith

To: Alex Dunphy

To whom it may concern:

We are opposed to any change in Rezoning of subject property. The owner disregards the zoning bylaws and any change will allow the property owner to further take liberties with the regulations. Unfortunately the West Hants Municipality has not enforced regulations for this property before. Violations have occurred during prior work on this property. #1. Regrading has caused rain runoff to flood areas across my driveway, causing serious erosion, this is a new problem that never occurred before. The drain created by the owner is not functional as it is at a high point also it is positioned in driveway for the PCC this forces club members to enter their property by driving across the neighbors property.

#2 Approximately twenty large shipping containers are stacked around the perimeter this is an unsightly mess and does not belong in a residential zone. #3 A guard rail has been installed along the roadway, 1 meter away from the road, who installed this system? Did the property owner do it or the municipality? Pedestrians are at risk of injury or death from passing trucks because of inadequate clearance #4 Noise is another problem caused by heavy machinery moving around. #5 Hazardous waste is not contained on this property, which may cause damage to cottage water systems Refuelling equipment that stays on this property causes spills also fuel is probably not stored to code #6 Air quality is degraded because of diesel exhaust. #7 Relocation of the access to face the neighbors property means that trucks and tractor trailers must impinge on their property. Should you require further explanation I would be happy to oblige. Respectfully Ron Smith [REMOVED ADDRESS] Upper Vaughan Sent from my iPhone

April 13, 2023

From: David Cameron

To: Alex Dunphy

West Hants Council Members:

As long-term residents of Upper Vaughan and neighbours to the property in question, we have the following concerns with the proposed rezoning of that property to Industrial M1:

- the wide range of industrial activity that could move there, and the precedent that such retroactive permitting sets for the future. It is our opinion that the proponent rushed to build several years ago knowing more stringent regulation was coming and hoping his project would get "grandfathered" if already built before new rules were in place.

- the loss of the heritage property landscape for the school house/community center. All rural amenities and historically important properties struggle for survival. Their look and "feel" are important as keepers of local history and residential sense of place. Generations of Upper Vaughan residents attended the Community Centre when it was the local Waterville School. Demolition of the neighboring residence, a building of traditional vernacular design in keeping with the history of the neighbourhood, was an aesthetic disaster for the Community Centre, only to be followed by construction of the present aesthetically brutal industrial building in place of the former, humbly gracious, residence, trees and gardens.

- decreased property value for neighboring residential homes.

- human and environmental risks from industrial possibilities. what will be stored there? are there regulations, and the means to enforce them, regarding dangerous materials storage and handling? The property is adjacent and immediately above Zwicker Lake and the

Canoe Club. Any toxic spill is most likely to run down-hill. Any explosion or gas release could affect many people and the environment.

-loss of rural property and community feel.

-owner of industrial business not residing in community and thus perhaps having little care for how the business affects residents.

-greatly increased light pollution in the area at night

-greatly increased noise pollution in the neighbourhood

-significantly increased traffic/machine danger for Canoe Club participants. Thank you for your attention to these concerns.

David Cameron

Nancy Sherwood

April 13, 2023

From: Seamus Marriott

To: Alex Dunphy

To whom it may concern,

As a resident of Upper Vaughan, I am adamantly opposed to the proposed rezoning of the property at 997 Highway 14, Upper Vaughan. Residents of the community have repeatedly shared their concerns with the Municipal Planning Office, about the non-compliant uses and activity of the property under the Land Use Bylaw. These concerns have been continuously set aside by the Municipal Development Officer with the same response that the facility is a personal storage building.

For the record, a portion of a letter sent to Municipal Development officer Doug MacInnes earlier this year outlines the community concern: "though you continually say the building is a personal storage shed. A land title search shows that the building is owned by a numbered company from Dartmouth. A warehouse sized building, metal gates, semi-trailers on the grounds, folk lifts and stacked multiple containers are hardly personal storage. A professional engineer assessed the facility and deemed it to be an industrial distribution center.

We are happy that Municipal Officers have finally taken action and created an active file for this property. In a letter of response to community concerns dated March 20, 2023 Municipal Officers shared: You brought to our attention the matter of an industrial use in your community. This is an open active file in the hands of our Planners who are working with the property owner to ensure compliance.

The idea of working with the property owner to ensure compliance of Municipal Land Use Bylaw is appreciated but should not provide for the property owner the opportunity to simply change the law. I recognize that the property owner has the right to make rezoning application, yet for this rezoning to be allowed would be real slap to the residents of Upper Vaughan. There is a whole host of reasons to object to this proposal from proximity to a community heritage property, to environmental concerns and possibility of contamination of Zwicker Lake, due to industrial fluids and/or other industrial activity.

The property owner appears to have little respect for current bylaws and to this point the Municipality has turned a blind eye. The idea of simply changing the zoning to allow for the industrial activity to continue is preposterous. Land Use Bylaws/Zoning are in place for a reason and should not be changed to reward the owner of a non-compliant facility at the expense of all who live in the community.

Thank you for the opportunity to share my thoughts and opposition to this rezoning proposal.

Regards,

Seamus Marriott

April 13, 2023

From: Duane Walker

To: Alex Dunphy

As a property owner within the 500 ft area, I would agree that the change would affect property values in the area surrounding the property requesting rezoning. Also, the current lighting on the north and south sides is blinding to oncoming traffic. The lighting could possibly be the cause of traffic accidents. The lighting is also causing a great amount of light pollution in the area, before this construction we had extremely dark sky for watching the sky after dark, not as good as it use to be.

Duane Walker

April 14, 2023

From: Mark Kehoe

To: Alex Dunphy

Hello again, I'm submitting a 2nd letter with an additional concern regarding the rezoning of 997 in Upper Vaughan to Industrial.

I really wish I could attend the meeting in person and speak, but I'm out of province working and not able to participate. I was able to watch the 1st meeting last night and it was disappointing to see so many community members in distress over this zoning application and the handling of Mr Clarke's activities. I'm proud of my community and the residents for making the time and having the courage to come and express their frustrations and concerns in a public forum.

This really does seem like an easy decision to deny this industrial rezoning application in a residential neighborhood and I'm hoping the West Hants Municipality will begin to correct the many mistakes they've made in our community the past 2 years.

Thanks

Mark Kehoe

[LETTER ATTACHED AT BOTTOM OF DOCUMENT]

April 14, 2023

From: Deborah Innes

To: Alex Dunphy

Mr. Dunphy:

My response to the rezoning of the above property as a community member living Upper Vaughan's.

Thank you,

Deborah J. Innes

[LETTER ATTACHED AT BOTTOM OF DOCUMENT]

April 15, 2023

From: Denise Forand

To: Alex Dunphy

To West Hants Regional Planning,

I am writing to voice my many concerns into the rezoning of our pristine Lake District to Industrial.

Industrial and commercial zones do not belong in our quiet clean country sides .

I feel heartbroken that the canoe club is such a invasive loud inconsiderate group that landed on this extremely tranquil idealistic lake.

Sincerely,

Denise Forand

April 17, 2023

From: Elaine Eye

To: Alex Dunphy

Mr. Dunphy

I feel very fortunate to have shared a seasonal property on Zwicker Lake for 35 years with my spouse who was a child when her parents purchased the property, over 67 years ago. This property is situated within 500 feet of 997. The property owners request to rezone to resource industrial is cause for great concern for the community of Upper Vaughan as you heard on the evenings of April 13/14, 2023.

We personally have experienced the early morning sounds of truck traffic which are not sounds we have heard previously as traffic noises WERE a rarity from our location on the lake. This in itself may not appear a hardship but when you realize where it is coming from and the potential of what it could mean, it gives you pause. On Zwicker Lake, besides humans, live a large and diverse group of wildlife, to name a few : Blue heron, loons, ducks, American Bittern , owls, woodpeckers, and a very old snapping turtle we saw slip off a rock and swim larger than life under the kayak. All of these creatures are not able to speak for themselves so we must also think of their well being when we ourselves feel threatened.

Zwicker Lake and the residents of Upper Vaughan experienced in 2003/04 the failure of the dam on the lake and the stresses that ensued with Emera. Locals and many others worked diligently meeting, discussing and planing. They consulted biologists and geologists, who reported that it would cost NS Power more money to remediate the lake to its natural state than to build a new dam. Hence the spillway dam and fish ladder were built. It does not permit the same effect as a total return to natural habitat, but is the best compromise the committee could arrive at at the time. The natural environment and quiet was very important to the majority of the lake community and has persisted until now. It is with this same resolve and perseverance that we will meet any threat to our community.

When Pisiquid Canoe Club was given the property (using our tax dollars) behind 997 the community should have had the opportunity to voice our concerns, as you are now requesting we do regarding the rezoning of 997. It was then and even more now, very clear that they are

not just another resident on the lake as they initially claimed to be. They have taken over, making it impossible for others to swim, fish, canoe or just plain enjoy the peace and quiet to which we have become accustomed. It should never be the right of a group of individuals on one property to alter the enjoyment of many other property owners. West Hants Municipal Council has allowed and maybe even encouraged this by not requiring PCC to meet the existing bylaws ie. permits, etc. that do exist to prevent this from happening.

There are many who say that our elected officials are being forced by an entity other than themselves to allow things to happen outside of the law. If property 997 is permitted to be rezoned I too will believe this is true! Please do not allow the rezoning.

Respectfully

Elaine Eye

April 17, 2023

From: Doug Christie

To: Alex Dunphy

[FORWARDED MESSAGE FROM ROBIN CHRISTIE]

Unfortunately, we were unable to attend the meeting held Thursday April 13, 2023. We have owned property on Zwicker Lake for 16 years and thoroughly enjoy our family time there.

On that note, taking into regard the parameters for M1 below and concerns expressed I would support strongly the comments of residents.

I would like to reinforce that the proximity of this property to Lake Zwicker makes it essential to ensure there is environmental compliance with the watershed.

It also appears that this industrial site was not in compliance for many years having been zoned something other than industrial and therefore operated outside the zoning bylaw. That it was not in compliance should give the municipality pause to rigorously examine this property to ensure no environmental or other general condition has been breached. One would have assumed a responsible owner of the property would have sought the correct approvals in a timely manner which did not occur.

As also highlighted by some no matter what the outcome, the zoning now must reflect what cannot be placed there in the future. The M1 designation is very broad and allows a very liberal interpretation of what might be contemplated for the future. Is a sale contemplated which would require an

industrial designation? Based on past performance by the owner the municipality should exercise extreme caution

Also to note that this property abuts lot 1A-3 while that property abuts the residential property PID:45041886 lot 1011. All of these properties were or are owned by the current owner of Lot 997. I bring this up because a transfer of ownership to Lot 1011 took place without any public consultation and is now being used as canoe club which is clearly not residential and should have been rezoned recreational prior to sale. This only reinforces my view that caution needs to be exercised as the current owner is seeking to rezone the current lot 997.

I understand that the property 1011(the current owner being the pisiquid canoe club) rezoning is also under review and legal scrutiny and it seems that this additional rezoning for lot 997 cannot be assessed fully without a conclusion with respect to the waterfront property which is being used as a canoe club and may not be in compliance with a number of environmental and transport Canada rules and restrictions. For example where is the road access point to the waterfront property and is there sufficient parking to allow for the safety of canoeists. I understand that currently the patrons of the waterfront property disembark on Lot 997 and walk to the clubhouse. I am not disputing that this is illegal although insurance providers may have a view but only to show the interconnectivity among these three properties. Also there are former horse stables/outbuildings which lie across lot 1011 and lot-1A. Leaving aside whether the previous owner had the right permit to shelter horses so close to the lake and also the fact that there could be a mitigation strategy for the outbuildings I wish to point out the complete lack of stewardship with respect to the three properties.

Residents have lost faith in the lack of stewardship, transparency and process and are completely unsupportive of any change this point. Simply put there is no trust.

Robin Christie

17.0 RECREATION COMMERCIAL (RecC)

Permitted Uses

17.1 The following uses shall be permitted in the Recreation Commercial (RecC) zone:

- Campgrounds
- Driving ranges
- Golf courses and club houses
- Single unit dwellings
- Ski lodges and facilities
- Tennis courts and club houses

RecC zone General Requirements

26.0 RESOURCE INDUSTRIAL (M-1)

Permitted Uses

- 26.1 The following uses shall be permitted in the Resource Industrial (M-1) zone:
- Abattoirs
 - Agricultural processing industries
 - Any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment
 - Any manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other obnoxious emission of refuse matter or water-carried waste, or by reason of unsightly open storage
 - Building supply and equipment depots
 - Bulk storage of sand and gravel
 - Commercial and office uses accessory to a main use
 - Commercial greenhouses
 - Excavation and landscaping operations
 - Farm supplies and equipment sales and service
 - Feed and fertilizer industries
 - Fruit and vegetable sorting, grading and packaging establishments
 - Fuel storage depots
 - Heavy equipment sales and service
 - Licensed Micro-Cultivation of cannabis (Amendment 18-08 effective November 26, 2019)
 - Licensed Micro-Processing of cannabis (Amendment 18-08 effective November 26, 2019)
 - Licensed Cannabis Nurseries (Amendment 18-08 effective November 26, 2019)
 - Licensed Standard Cultivation and Processing of cannabis (Amendment 18-08 effective November 26, 2019)
 - Railway uses
 - Recycling depots
 - One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
 - Saw mills
 - Service industries
 - Structures related to sand and gravel excavation and processing

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 - Single unit dwellings
 - Ski lodges and facilities
 - Tennis courts and club houses

RecC zone General Requirements

April 28, 2023

From: Ron Smith

To: Alex Dunphy

Mr. Dunphy

Please see attached

Andrew Hardman

[LETTER ATTACHED BELOW]

April 27, 2023

From: Traci Curry

To: Alex Dunphy

Good afternoon Alex,

I am writing to you about my concern regarding the proposal to change 997 Highway #14 to Resource Commercial. I own a home in close proximity to the proposed rezoning @ 1077 Highway 14. I am not in favour of a rezoning and believe the current buildings/structures are in non compliance of the existing General Resource designation.

I was a citizen member on PAC for 3 terms so have some familiarity with planning and applaud the good work planning has done over the last number of years. It would seem to be that things have gotten offside at 997 Highway 14, specifically;

1. The existing development permit is for a garage. How can this be allowed when there is no house on the property? When I read the planning documents for General Resource (GR) the only buildings that are allowed are boathouse, dock or storage shed if there is a seasonal building. This unsightly complex of industrial storage units would look to be a non conforming use. Can you explain to me what part of the GR document I am missing?
2. Accessory buildings are also meant to be built behind or set back from the main dwelling (which is absent). This array of building is very close to the busy route #14 and since it is not an agricultural building or operation would look to be a non conforming use?

3. The current listed use for this building is Commercial Storage and Distribution. Where is that listed as a conforming use in the GR zone?
4. The Permit # C2020-371 lists the Building type as Garage/Carport/Shed. This would infer a small building for homeowner use. Again. No home on the property and at last count 8 units including tractor trailers being used as storage, sea cans and converted sea cans to make a large warehouse building. This would look to be a clear violation of the original permit and casts a poor light on what has been a very good planning team.

Please let me know when the next meeting is scheduled to discuss this request so that I can attend. I also request you table my comments.

Thank you,

Traci Curry

April 28, 2023

From: Ron Smith

To: Alex Dunphy

Dear Mr.Dunphy: In reference to the zoning problems at 997 Highway 14, please see attached photo of the drain that was installed in the middle of the PCC right of way. This is the photo that I presented at your public meeting and I believe it maybe of some help in your future decisions regarding the zoning. Yours respectfully, Ron Smith.



April 14, 2023

Attn Planning/Heritage Advisory Committee:

Hello again. My name is Mark Kehoe and I reside at [ADDRESS REMOVED] north of 997. Thank you for providing our community with a second opportunity to share our concerns regarding the rezoning application for 997 Hwy 14 to Industrial.

A couple quick points to make regarding the summary Mr Dunphy shared. It was stated the property abuts a community hall. It should be clearly noted the community hall is also the old schoolhouse and a rural Heritage building. Which is now in the shadow of an industrial compound.

Also, during the summary, you provided a list of activities permitted within the proposed rezoning of Resource Industrial M1 and it was only a partial list. You didn't include a lot of other permitted uses like Fuel Storage Depot, Slaughterhouses and Fertilizer Industry. All with ground leeching concerns for a property on that's on high ground and everything runs downhill to the lake.

I've already submitted a letter to the committee regarding my obvious concerns.

- the wide range of industrial activity that could move there.
- the loss of the heritage property landscape for the schoolhouse/community hall.
- no economical gain for community.
- decreased property value for neighboring residential homes.
- environmental risks from industrial possibilities
- property owner isn't a resident
- loss of rural property and community feel.
- industrial business not existing in residential communities
- and just the clear fact that industrial properties belong in industrial parks

Why are we here discussing a rezoning application?

According to your Application background, we are here because there was a complaint. This is not correct. We are here because the property applicant erected a commercial industrial compound in the middle of a residential community. Furthermore, complaints did not lead to the property owner applying for rezoning. The first complaints lead to the Municipal Development Officer replying to concerns that Mr Clarke had the necessary permits. When residents learned the permit was for an accessory building "a personal storage building" that

was an accessory to no main building and issued to a corporation, they complained again. Which lead to the Development Officer visiting the site in June, where he confirmed the building and property was a personal storage shed with a permit and stated he was in compliance with the LUB. A complaint was made again in a meeting with the Planning Dept and residents urged the DO to consider revisiting the property and reviewing the LUB for the General Resource zone. After this visit it was then determined it was indeed an industrial distribution center. And this application for rezoning quickly followed.

My real concerns are with the municipality. Why was this permitted to be built in the first place? How does it go unnoticed that a property owner raised the grade of a property that causes water runoff and erosion issues for neighbors, placed 15 to 20 storage containers, erected a massive steel building among residential homes, parked tractor trailers and an industrial crane for loading and unloading cargo containers, built on the shoulder of a highway, daily industrial activity noise, light pollution to neighbors, possible hazardous materials could leech into the lake and encroaches activities on a heritage property with the same driveway? And it draws zero attention from the municipality.

What elevates concerns regarding the municipality's involvement with Mr Clarke even more is that a senior staffer within the municipal planning dept consistently drives by this compound daily with no concern. This same senior staffer that secured 1.3 million \$ of taxpayers dollars to buy the other portion of Mr Clarkes property for the Pisiquid Canoe Club, who he is the commodore of. Why is this relevant, because this property isn't zoned correctly for the PCC's planned recreational facility and day camps either. And the municipality again issued an invalid permit for activities not in compliance with the LUB for that PID. Residents have since been forced to hire legal representation and dispute the municipalities invalid permit in court. Why is this continuing to happen? I'm not saying there were any greasy handshakes, but I'm quite certain there would have been a few high fives when those cheques all cleared, and the invalid permits were issued. It's amazing to me that a neighboring property with a youth membership isn't participating in a public hearing and objecting to an illegal industrial property at the entrance of their club house. This is just another reason residents are extremely frustrated and concerned.

I understand this committee is in the process of reviewing the application and will make a recommendation to the council. My recommendation is to toss this application in the garbage where it belongs and have the property returned to its original state. I'd also make a recommendation to review the municipalities' inability to adhere to the Land Use Bylaws with this particular property and property owners.

Thanks for your time,

Mark Kehoe

WEST HANTS REGIONAL MUNICIPALITY

76 Morison Drive, PO Box 3000

Windsor, NS B0N 2T0

Phone 902-798-8391 Ext. 113

vlake@westhants.ca

www.westhants.ca



April 4, 2023

Dear Property Owner:

**Re: Public Information Meeting
997 Highway 14, Upper Vaughan (PID 45041902)**

You are receiving this letter because you are an owner of land within 500 feet of the above property.

You are invited to attend a Public Information Meeting hosted by the Planning and Heritage Advisory Committee. The meeting is scheduled to be held in person at 76 Morison Drive, Windsor on **Thursday, April 14 at 6:00 p.m.** If you would like to attend the meeting virtually, please contact Vanessa Lake (vlake@westhants.ca) by Tuesday, April 11, at noon. The meeting can also be viewed live on the Municipal Facebook page at www.facebook.com/RMWindsorWestHants.

The meeting is to explain and initiate comments on rezoning the subject lot to Resource Industrial (M-1) to allow for commercial storage and distribution. Please note this is the first step in the process and no decisions have been made yet.

Members of the public are welcome to submit comments or questions on the proposal to Alex Dunphy by noon on April 28, 2023 by:

Phone	902-798-8391 ext. 118 Please leave a message and he will return your call within 24 hours
Email	adunphy@westhants.ca
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional Office at 76 Morison Drive,

Sincerely,

Vanessa Lake

Vanessa Lake
Planning Assistant

INFORMATION SHEET

Address: 997 Highway 14, Upper Vaughan, PID 45041902

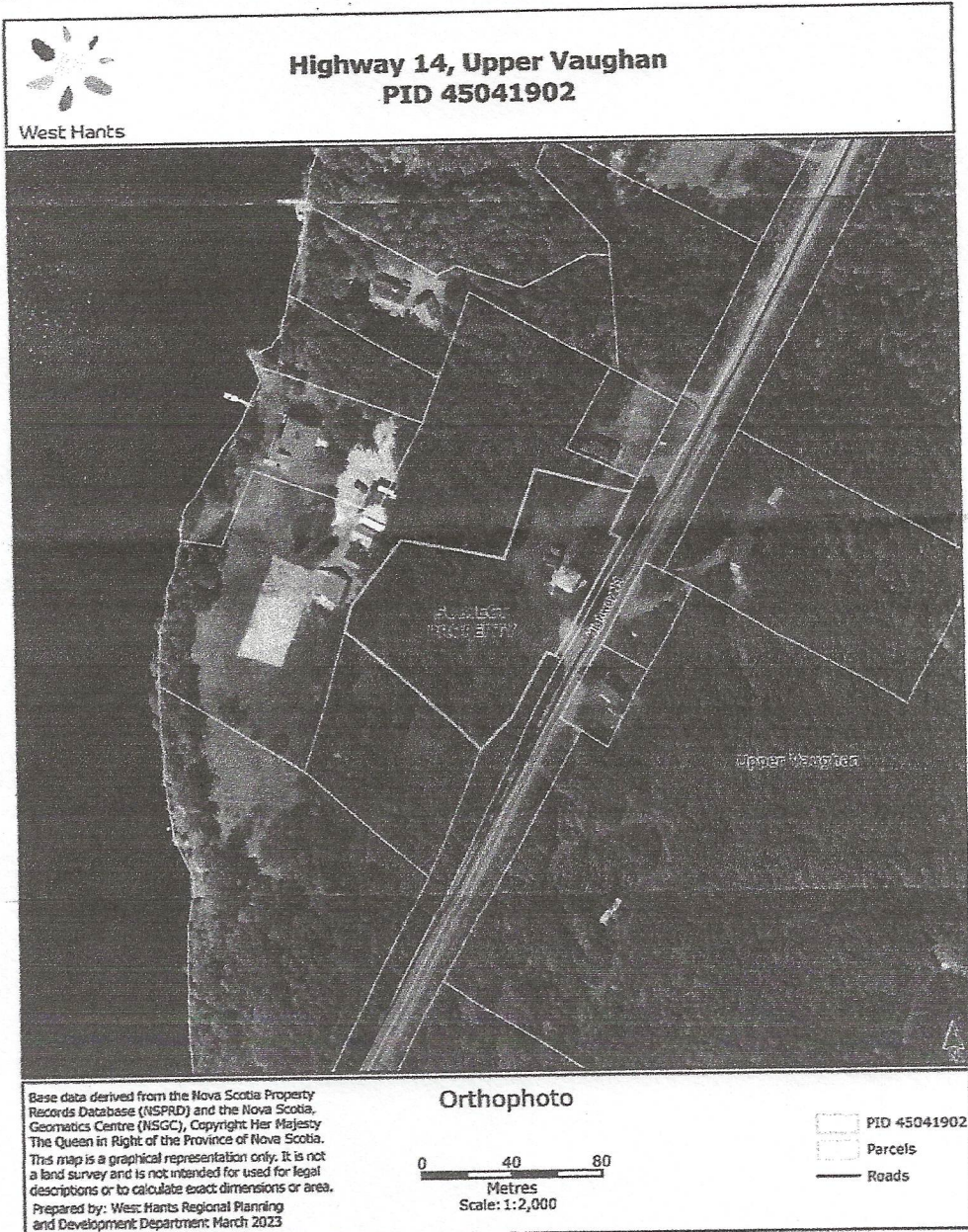
Request: Rezone to Resource Industrial (M-1)

Proposal Description: Commercial Storage and Distribution

Community: Upper Vaughn

Designation: Resource

Zone: General Resource



Response submitted by Deborah Innes

RE 997 Highway 14, Upper Vaughan, PID 45041902

First let me thank you for providing for this second meeting to correct an error in the letter sent out to those residents within the 500 feet of 997 Highway 14, Upper Vaughan, PID 45041902. It was very nice to see this corrective action taken by the Planning Department to ensure that all residents who wanted to air their concerns and questions have an opportunity to do so. I can only hope that the Planning Department have revised their procedure manual so in the future if it happens again, they do not have to wait for a resident of the community to advise them of their error.

What is unfortunate is that Mr. Clarke was allowed to erect this industrial building without the proper permit on land clearly zoned as General Resource. Allowing this has thrown our community into utter chaos – it is as if no one cares for those that make their homes in this community. Do we not have a voice, is no one listening – it would appear so! I listened in last night for a short time as I had another meeting and could not attend but I could loudly hear the passion in each person's voice who spoke about "our" community and how they have been affected by Mr. Clarke's building. I wonder if you will hear it and take the right steps by not allowing his request for rezoning the subject lot to Resource Industrial (M1) to allow for commercial storage and distribution.

Another unfortunate occurrence is the blind-sidedness of the Planning Officer and others that allowed this so called "storage shed" to be build in the first place on land zoned for General Resources while clearly breaking the Municipalities own by-laws. In my mind when I hear the word **law** in normal circumstances, it has consequences, I could be charged, maybe go to court and so on. I ask then why can the Municipality keep breaking their own by-laws. These by-laws were developed to protect communities and the people that reside in them.

I have been working with the Core Committee of the Zwicker Lake Property Owners and while we are not here to discuss the topic of the Pisiqid Canoe Club, again more by-laws and wrongful permits being issued. It very disheartening as a community member that those working on our behalf are funded by tax-payers money in other words we pay your salaries. Who checks to ensure that those that work for the Municipality are doing their job and adhering to the rules and by-laws set forth by the Municipality.

I was always under the impression that we elected a councillor to heed the concerns of the community he/she represents. In our case, I have not witnessed this happening. I have in the past have had nothing but respect for the work that our elected officials undertake but at a recent meeting, I along with others heard the CAO for this Municipality say he has the final say in front of all the councillors. Wow is all I could respond to this. It must have made all the Councillors feel they have no say just like we in the community that is affected by this rezoning application.

Please do the right thing – turn down this application and ensure that the property is returned to General Resources. Our Little Red School House – a heritage property – should be front and centre not this monstrosity of a building that overall does nothing for the community that we live in. Give us our community spirit back!

Thank you.

/dji – April 14, 2023

Challenge to proposed change to Resource Industrial (M1)

997 Highway 14, PID 45041902

By: Andrew Hardman

This is the existing development permit #C2020-371

Proposed use: Garage

Permit #: C2020-371		Issued Date: September 10, 2020	
Property Address: 997 Highway 14, Upper Vaughan		PID: 45041902	AAN: 00136514
Land Use Zone(s): GR		Lot:	
Class of Work: Construction	Bldg Type: Garage/Carport/Shed	Designation:	
Estimated Cost of Construction: \$175,000.00			
Proposed Use: Garage			
Use Description: Storage building			
Owner: 3222228 Nova Scotia Limited		Applicant: William Clarke	Contractor:

Conditions:

Development permit issued for a detached garage to be used for personal storage purposes only. As per section 5.1(d) of L.U.B. Setbacks from property lines approved as per site plan submitted with application. Height not to exceed 20 feet. This Development permit shall automatically expire 12 months from the date of issue if the development has not commenced.

Important Notes:

1. The Permit was issued to a corporate entity: 32222228 Nova Scotia Limited
2. The permit was issued for “personal storage purposes only” – TO A CORPORATE ENTITY!
3. The proposed use of this building was garage. In the GR zone, only a boathouse, dock or storage shed may be built prior to a seasonal dwelling. The intent of 5.1 (d) was to allow people to enjoy future seasonal properties by building a smaller building first. The seasonal dwelling must be on a private road (22.1)

5.0 GENERAL PROVISIONS FOR ALL ZONES

Accessory 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 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 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) Not accessory building or structure shall be constructed:
- (i) prior to the time of construction of the main building to which it is accessory, 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.

22.0 GENERAL RESOURCE (GR)

Permitted Uses

- 22.1 The following uses shall be permitted in the General Resource (GR) zone:
- Agricultural support uses
 - Agricultural uses
 - Automobile service stations
 - Churches, community centres and fire halls
 - Farm equipment sales and service
 - Forestry and forestry related activities
 - Indoor storage facilities accessory to an agricultural use subject to Section 5.19 (Amendment 18-03 Effective December 25, 2018)
 - Manufactured homes
 - Personal service shops
 - Restaurants
 - Retail stores under 5,000 ft² (139.35 m²) in commercial floor area
 - Seasonal dwellings on private roads
 - Single and two unit dwellings
 - Structures associated with sand and gravel extraction operations
 - Existing automobile, truck and motorcycle sales, service and rental establishments
 - Existing commercial and institutional uses (Amendment WHLUB 14-01 Effective January 22, 2015)

Permit C2020-371, should never have been issued. A stand-alone garage is not a permitted use in the GR Zone, unless it is an accessory building to a permitted use.

997 Highway 14 - As Built/Used



- Metal garage structure that does not fit in the community
- High garage doors that are obviously installed to accommodate tractor trailers
- Tractor trailers turning in the community center parking lot
- Using the parking lot as a material staging area
- Run-off and drainage issues
- Many sea containers used for storage.
- Tractor trailers
- Material handling equipment
- Concrete jersey barriers
- Guard rail too close to roadway? Was it installed by TIR?

The current use is a “Commercial Storage and Distribution”. It needs to be stopped immediately.

Proposed Zoning change to Resource Industrial (M-1).

Definition:

26.0 RESOURCE INDUSTRIAL (M-1)

Permitted Uses

- 26.1 The following uses shall be permitted in the Resource Industrial (M-1) zone:
- Abattoirs
 - Agricultural processing industries
 - Any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment
 - Any manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other obnoxious emission of refuse matter or water-carried waste, or by reason of unsightly open storage
 - Building supply and equipment depots
 - Bulk storage of sand and gravel
 - Commercial and office uses accessory to a main use
 - Commercial greenhouses
 - Excavation and landscaping operations
 - Farm supplies and equipment sales and service
 - Feed and fertilizer industries
 - Fruit and vegetable sorting, grading and packaging establishments
 - Fuel storage depots
 - Heavy equipment sales and service
 - Licensed Micro-Cultivation of cannabis (**Amendment 18-08 effective November 26, 2019**)
 - Licensed Micro-Processing of cannabis (**Amendment 18-08 effective November 26, 2019**)
 - Licensed Cannabis Nurseries (**Amendment 18-08 effective November 26, 2019**)
 - Licensed Standard Cultivation and Processing of cannabis (**Amendment 18-08 effective November 26, 2019**)
 - Railway uses
 - Recycling depots
 - One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
 - Saw mills
 - Service industries
 - Structures related to sand and gravel excavation and processing
 - Utility facilities
 - Wood processing and manufacturing establishments

Issues

- The property is next to a heritage site. There is a loss of the heritage property landscape



- There is a possibility of a wide range of industrial activities that could take place on the property are not appropriate to the area
- There does not seem to be any economic gain for the community
- There are potential environmental risks
- Loss of rural/community feel
- The industrial business has no ties to the community as far as we know
- Potential to negatively affect property values
- May not have the required setback

The building, storage containers and all the equipment needs to be removed!!

West Hants Municipal Council, April 13, 2023 6 PM rezoning #997

I am Andrea Lynn, a ratepayer, (a townie), and have been a seasonal resident at Zwicker Lake #1021 Route 14 for 68 years. My property is within 500 feet of #997, the lot now seeking rezoning.

94 years ago, October 1929 my property #1021 was acquired in a high stakes poker game. It shared a full southern boundary with the property (currently Pisiquid Canoe Club) belonging to Arthur Church. After the First War, followed by the roaring 20's, property #1021 engaged in a 25-year, illustrious and infamous history. It was a strategic location for rum-running during prohibition, vote-buying during elections and various & sundry forms of influence pedalling. That being said, now, from 2004 to 2022, that neighbouring Arthur Church property largely belonged to the current owner of lot #997 - 3 acres which now remain after the 2022 sale to the Canoe Club.

My personal concern regarding lot #997 is the potential for municipal corruption in decision making.

1. *Problems are already filed with the County* regarding questionable funding for the Pisiquid canoe club; West Hants employee conflict of interest ; bylaw violations; missing and invalid zoning controls; missing development agreements - all happened in the first season after the owner of #997 sought sale to Pisiquid Canoe Club. This does not bode well for potential future uses of #997 property if changed from General Resource to Resource Industrial (M-1).
2. Trans-World Distributing Ltd. is a company over 50 years old. It once manufactured most of its distributed industrial fasteners, but like many Canadian companies may have moved production to a Chinese factory. This does not promise local manufacturing work for the community, and creates the potential for hard industry to settle into the middle of an environmentally pristine area. The municipality does not protect ecology here.

I suggest property #997 be left General Use; that the municipality acquire an Industrial M-1 designated lot of like dimensions in a West Hants Industrial Park. This would be traded with the owner of property #997. Once the owner has vacated all equipment and buildings to the industrial park, the County will generously donate the lot to the Upper Vaughans' Community Centre to rejuvenate its role. It may later be sensibly decided that the Upper Avon Canoe association and "Community Centre" property be made available to all local Vaughns-area communities (adults and children) for soft aquatic programs -

canoeing/ kayaking, swimming, diving (no racing/ no motors, no wires) with a strong emphasis on identification and protection of area wild life and fish. Later, Windsor Canoe Clubhouse, too, will be known and sought after as the place where young and old alike can learn the skills of navigating a craft on the full tidal water of a returned Avon River, and on all other Basin rivers fully flowing both ways. Skills of Birch Bark Canoe making would be taught there.

ECO Tourism is an investment fetish of current government corporations seeking rich tourist \$.

Real tourism happens when we develop amazing activities and services with by and for local people. Real Tourists will come, to marvel and take part in the varieties of what locals are doing. This is the purpose of municipalities freed to act as if there were a future, not struggling daily against a dark, shadow government.

I would like to acknowledge and thank the core committee of Zwicker Lake Property Owners for its vigilance and in-depth research regarding the summer activities of the Pisiquid Canoe Club on the Lake and documenting legal, but unlawful and immoral stances by the corporation of the District of West Hants. I believe the Lake property owners will bring the same vigilance to #997.

It is nearly 100 years since the revelry in the area I described on Zwicker lake. The effect it had on local families then was no doubt also very disruptive and divisive. We are living in times now, like then, with ill effects increased 100 fold.

Hand-outs.

There is a network developing across Canda (over 65 groups at last count). They work from the bottom up using a reverse engineering model and are called Citizen Accountability and Transparency Councils (CATCs). They operate much like the Zwicker Lake Core committee.

I apologize for myself and many citizens like me who have left our elected representatives here to struggle with a global corporation in its midst. Municipal corporate employees can outnumber councillors as much as 4 to 1. The CATCs groups are discovering that Municipal Corporations are rewriting and can legally ignore Municipal Bylaws, and that funds issued by the federal government to municipalities for projects can be traced back along a money trail to places other than our own tax dollars.

Respectfully submitted, Andrea Lynn

Community Accountability and Transparency Councils

CATCs

<https://www.cates.org>

Overview of CATCs

Citizens and their elected representatives have a problem-we are no longer on speaking terms. Community Accountability and Transparency Councils (CATCs) will take steps to engage with all levels of government to pursue discussions on policies that affect our communities. .

Our plan is to bring into existence a national network of CATCs with the objective of providing citizen advocates with strategies and tools to successfully engage with our elected officials.

Mandate and Priorities of CATCs

The CATCs network will work to engage with all channels of our public institutions including local city councils, school boards, provincial and federal members of parliament. The mandate of CATCs will be to seek accountability, transparency, review and advise on public policy and to rally the public to become involved.

Pillars of Priorities

First Order-Good Governance

1. Accountability and transparency of public of institutions
2. Standards of conduct by our elected officials
3. Policy development and recommendations
4. Political interference in our governance by unelected global entities and NGOs

Second Order-Societal Responsibilities

1. Security and protection of energy, food, seniors, children, education, families.
2. Health and wellness and the integrity of our medical system.
3. Addressing transformational policies including banking, central bank digital currencies, digital ID, privacy and the role of technology in our society.
4. Emergency preparedness and support for the disenfranchised.

Roles and Responsibilities

National CATC

1. Establish a national council with representatives from every region of the country.
2. Support the local CATCs.
3. Provide toolkits and strategies.

Local CATC

1. Support the mandate provided by the national CATC including code of engagement and to work with other CATCs to leverage the network.
2. Engage with political representatives to achieve the goals of better governance and transparency.

Appendix B – 2023-07-17 Letter from Jenifer Tsang to Committee of the Whole



July 10, 2023

Mayor Zebian and Windsor/West Hants Councilors
Regional Municipality of Windsor/West Hants
For Committee of the Whole meeting July 11, 2023

Dear Mayor and Councillors:

RE: Bill Clarke property at 997 Highway 14, Upper Vaughan, WHLUB amendment File #23-01

On behalf of my Client, Bill Clarke, this letter is to suggest a better solution to the non-compliant land use on his property than the current re-zoning application from GR to M-1. I apologize for not being able to attend Committee of the Whole in person, but I already had another commitment when this opportunity came to my attention.

Mr. Clarke have been dismayed by the outpouring of negative comments and speakers against his container self-storage land use that he has been operating on his property for several years without any complaints. He started the land use on his property in good faith, thinking that it was permitted because the container storage was for his personal business. He thought the rules were the same for it as the rules are for accessory buildings that are used for personal storage. He was completely unaware that using his personal storage containers for storage of his retail business supplies was in violation of the Land Use By-law.

The use of his storage containers for his business supplies falls between two definitions in the Land Use By-law. The first definition is "warehouse" defined as: "... means a building where wares or goods are stored but does not include a retail store. Warehouse also includes self storage operations as defined elsewhere in this Land Use By-law". The second definition is for "self storage operations" defined as: "...means a building or buildings consisting of small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies".

Neither a "warehouse" nor "self storage operation" are permitted in the GR zone, in which the property is currently zoned. The only MPS policy that would enable either of these defined land uses on Mr. Clarke's property is the M-1 zone that allows a warehousing operation in addition to a wide range of industrial land uses. Because of this, it was suggested to Mr. Clarke that he should apply for a re-zoning to M1. The staff report recommends against a re-zoning to M-1, primarily due to concerns with the wide range of industrial uses that would be permitted on the property. Mr. Clarke has no intention of using his property for industrial land uses. A re-zoning to M-1 is not the best option to address the situation.

I would like to suggest a different solution which would allow Mr. Clarke to continue his land use temporarily while it is phased out over five years. This would be a site-specific amendment to the West Hants Municipal Planning Strategy to enable a development agreement for a “container self-storage” land use on this property. A development agreement could clearly define the land use, control the hours of operation, require optimal location of driveways, and set out discharge options after a five year period.

Site specific MPS amendments are often approved in instances that are unusual or different from other similar properties. They are also often used to recognize existing non-compliant land uses that have been in operation over some time. I believe that Mr. and Mrs. Clarke’s property falls into this category. These containers have been in place since 2018 which is prior to the accessory building that received a permit in 2020.

The container self-storage land use is unusual in that it does not clearly fit into a Land Use By-law definition. It is a combination of self-storage (being small self contained units for the storage for business goods) and warehousing that includes self-storage.

The property location is different from other GR zoned properties because it is adjacent to a historical schoolhouse that is used as a community centre and, more recently, a canoe club (defined as a community use) that is on a property that was owned by Mr. and Mrs. Clarke for 19 years. The transition of the area into a wider range of community land uses makes this property different than other GR zoned lands.

If Council does not want to consider an amendment the Land Use By-law to allow container self-storage throughout the GR zone (which is also an option) and is willing to consider allowing Mr. Clarke to phase out his land use, then a site specific MPS amendment is the best planning solution.

The site specific policy would say that on this GR zoned property, in addition to the GR land uses, one additional land use (being container self-storage) is permitted via a development agreement. The development agreement would state that in addition to the GR zone uses, a container self-storage use is permitted. The development agreement would specify several criteria including a discharge option for Council at five years. This type of application is not uncommon in Municipal planning and would undergo the regular West Hants planning process with associated public consultation and staff analysis.

Mr. Clarke wants to work with the Municipality to find a solution to the situation. He is willing to leave the Municipality and he just needs some time to phase out the container self-storage land use. Mr. Clarke has been a supportive community citizen and good neighbour for over 19 years. I would like to respond to a few of the comments that were raised at the two public information (PIM) meetings. I am only responding to comments that are specific to Mr. Clarke’s container self-storage land use and not the comments that are against the M-1 re-zoning.

General comment categories from the PIM shown in italics:

Erosion of a nearby driveway and school house (Upper Vaughan Community Hall South Waterville School est. 1868) with a photo of a catch basin that was stated to be a drain installed in the middle of highway right of way:

This catchbasin collects and direct stormwater away from Mr. Clarke's property and into the ground. It is located on Mr. Clarke's property and is not located in the middle of the highway right-of-way. There had been a collapse of a culvert under the schoolhouse driveway that caused some stormwater drainage problems. The Community Centre paid for the repair. Mr. Clarke has paid for gravel and leveling of the schoolhouse driveway over many years.

School house is a heritage property:

Mr. Clarke respects the schoolhouse which is used occasionally as a community center. Mr. Clarke has paid for the snow plowing and lawn mowing of the schoolhouse property for over 19 years and done other ground maintenance as stated above. This can be confirmed by a community member.

Potential of leaking of fuel from a crane being operated on property:

Cranes are used to move storage containers. Cranes and other machinery are permitted on roads, highways and private properties. Machinery is not regulated by the Land Use By-law. Cranes are not used often or on a regular basis on the property. All of Mr. Clarke's vehicles and machinery are in top operating condition. Fuel leakage is possible from personal motor vehicles and large vehicles that drive on the highway, local streets and driveways if they are not in good operating condition. Fuel contamination is regulated and controlled by other levels of government and it applies to all property owners.

Unightly garage, too close to the road:

The accessory building is a permitted use. There are no architectural guidelines for accessory buildings in the Land Use By-law. The accessory building exceeds the required setbacks from a property line and the required setbacks from the centre line of the highway right-of-way.

Irregular noise, back up beepers, light pollution:

There are approximately four visits per month to deposit or retrieve items from the storage containers. All visits are during the daytime hours and no vehicles utilize back up beepers. Any back up beeper noises would be coming from another property. There are no lights shining into adjacent properties.

Using the school house lot for equipment:

Mr. Clarke has plowed the snow, mowed the lawn and replaced gravel on the schoolhouse driveway. He has not used the school house property for his equipment.

Driveway locations are dangerous:

Mr. Clarke is willing to consult with a transportation engineer review his driveway locations and recommend a relocation of the driveways if it is advisable.

The land should be given to the community:

Most land owners do not donate their land to the community. Generally, people buy property for their own use and rarely are in an economic position to give land away. Sometimes landowners are generous in other ways, as Mr. Clarke has been in being a steward of the adjacent school house property and assisting the canoe club during their move.

The container storage use has caused disruption to the community:

Mr. Clarke had not received any complaints about his storage containers prior to the sale of his land to the canoe club. Storage containers are permitted throughout West Hants, as is evidenced by the large number of property owners who have them. Mr. Clarke's storage containers are located near the highway and have not been moved along any local streets. The highway is used by many large, heavy vehicles that are more disruptive than inert storage containers. The storage containers are clean and in top working condition.

The owner is not a resident of the community and his business brings no economic value to the area:

Mr. and Mrs. Clarke are long time residents of the community. They have lived on these properties and Zwicker Lake for 19 years. They now reside in Falmouth and still pay property taxes to West Hants. Mr. Clarke has paid for maintenance to the schoolhouse community centre over this time and has significantly supported many local businesses by shopping at their establishments for both his personal and business needs, including company vehicle purchases and their ongoing maintenance. They also have supported the community veterinarians and local home hardware store for many years.

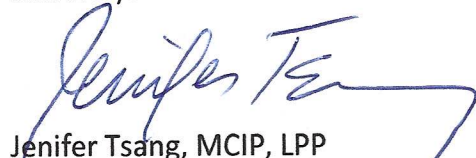
Trucks and tractor trailers must impinge on adjacent property:

Mr. Clarke does not drive any of his vehicles on adjacent properties. He is well aware of his property boundaries.

In conclusion:

Mr. Clarke is considering withdrawing his re-zoning application prior to the public hearing scheduled for July 25th which would save everyone a lot of time and effort. I respectfully request Windsor/West Hants Council to allow the time for an MPS amendment and development agreement application process to unfold prior to taking enforcement action against Mr. Clarke's land use. Of course, it is understood that this would not imply in any way what Council would ultimately decide in terms of approving or denying the MPS amendment or development agreement.

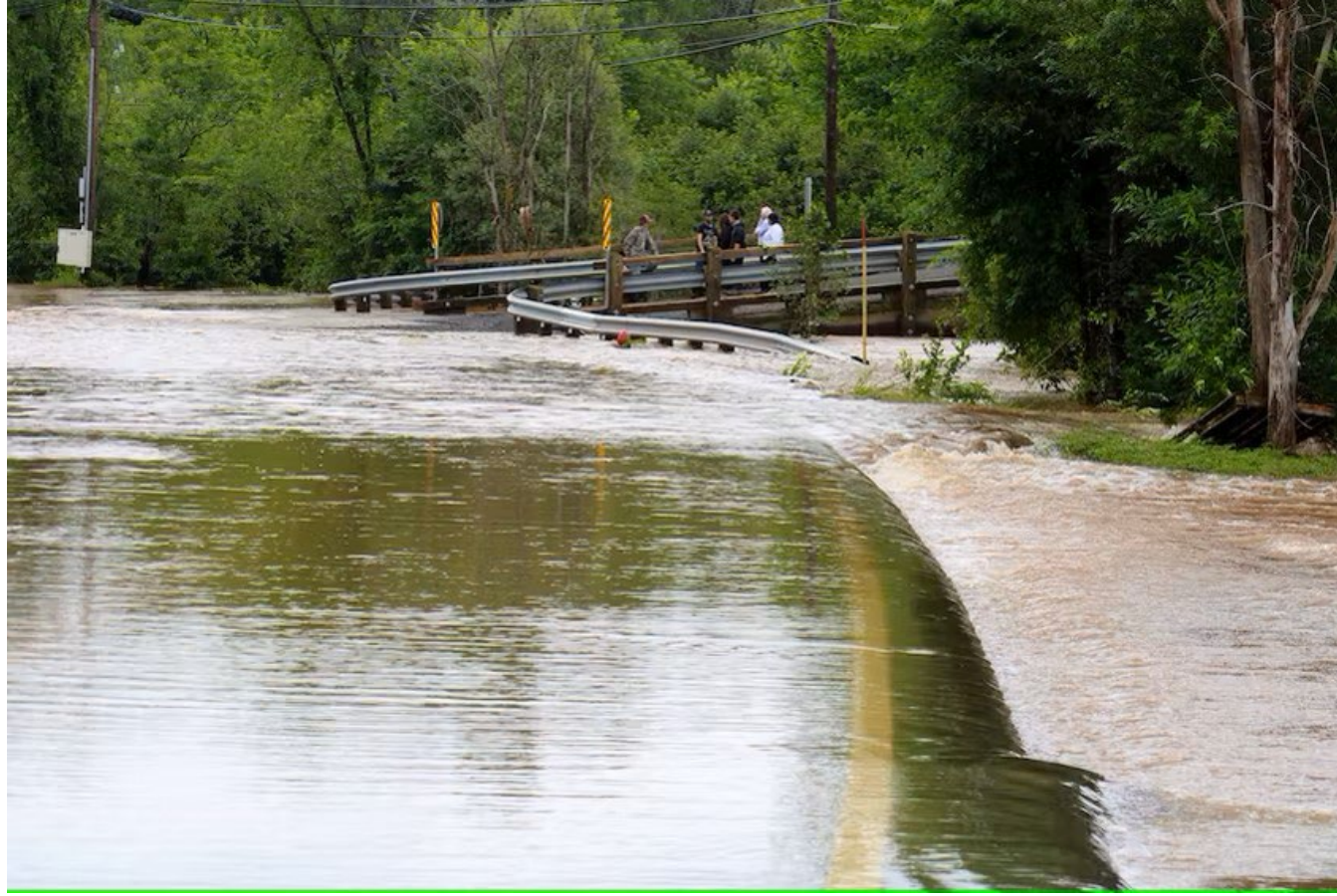
Sincerely:



Jenifer Tsang, MCIP, LPP

tel: 902.478.2541

email: sunrose@eastlink.ca



**Flash Flood – July 22/23, 2023
and Missing Persons
West Hants Regional Municipality EMO**

Shelleena Thornton, Emergency Management Coordinator
21 August 2023 Special Council Meeting



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

Summary



Hwy. 215 toward McKay Rd.



Hwy. 14 (Between Tidal Bore Market and Home Hardware)



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

Major Weather Event

- Flash Flooding 296 mm total (with 258 mm falling within five hours)
- Was a regional event (wide-spread geographically)
- Also included harder impacted localized and isolated areas
(Ellershouse, St. Croix, Three Mile Plains, Brooklyn, Hwy. 101)



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

Infrastructure

- Transportation networks, damage, and interruptions / closures (not inclusive)
 - Hwy. 101
 - Hwy. 1
 - Hwy. 14
 - Hwy. 215
 - Local roads
 - Bridges
 - Culverts
 - Shoulders



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

Rescues

- Multi-agency response
 - 39 Fire Departments
 - 14 Ground Search and Rescues
 - 1 Medical (EHS)
 - RCMP
 - West Hants EMO
- Other agencies: Dept. of Natural Resources, Public Safety Field Communications, Canadian Red Cross, Dept. of Community Services, West Nova Fuels, Dexter's Construction, Dept. of Agriculture, NS Power, Minas Energy, Colchester Special Hazards, Canadian Mountain Rescue, and CASARA



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

Hydro Systems

- Two dam systems impacted leading to evacuations
 - Minas Energy – St. Croix (Salmon Hole)
 - NS Power – Windsor



NS Power Dam – Falls Lake



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

Shelter-in-Place / Evacuations

- Three primary locations
 - St. Croix / Ellershouse / Newport
 - Smiley's Provincial Park
 - Windsor waterfront

Alerts

- St. Croix / Ellershouse / Newport
- Community of St. Croix (Dam Breach)
- Windsor waterfront area and low-lying Avon River (Falmouth Bridge to Sangster's Bridge) (Dam Overflow)



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

Property Damage

- Provincial damage
- Municipal damage
- Private property damage
 - Lost homes
 - Damaged homes
 - Flooded basements
 - Contents lost
 - Access/egress points (driveways) compromised



Tregothic Trail

Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO



Missing Persons

- Two incidents
- One site
- Four people

RCMP Missing Persons and Search Efforts Commence



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Saturday,
July 22, 2023**

High Level Overview

- Fire Depts. started receiving emergency calls at 12:25 a.m.
- WHRM Public Works staff patrolled and monitored various locations within the region.
 - Deployed traffic control devices
- BFD Deputy Chief radioed Valley Communications for RCMP Alert (exact time unknown)
- Brooklyn Fire Dept (BFD) Chief texted the Emergency Management Coordinator (EMC) at 1:18 a.m. asking if she was home; and again at 1:44 a.m. requesting help. The Chief also texted the CAO at 1:43 a.m.



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Saturday,
July 22, 2023**

- EMC and BFD Chief connected at 1:49 a.m. Due to poor cell service, communication was broken so Chief emailed EMC at 1:59 a.m. requesting an Alert be sent (for folks to shelter in place).
- Alert Issuance Process as per Province
 - Issuer (must be CAO) to contact Shubie Dispatch
 - Complete the Alert form
 - Submit form
 - Review potential changes made in the form (if any)
 - Alert authorized
 - Alert issued

(At 1:59 a.m. EMC assumed Acting CAO responsibility to get the Alerts sent out as quickly as possible, and PCC worked with EMC to accept information outside regular format)



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Saturday
July 22, 2023**

- (Alert #1) - EMC and Provincial Coordination Centre (PCC) utilized three tools attempting for clear communication (cell, email, and landline from the BFD Station/Civic Centre). (EMC arrived by fire truck to BFD Station/Civic Centre at 2:17 a.m. and then forwarded Chief's email to PCC)
- BFD Civic Centre Comfort Centre/Shelter supported 120 people

Date	Alert Type	Time authorized	Time issued
July 22, 2023	Flash Flood – shelter in place unless unsafe	2:35 a.m.	3:06 a.m.



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Saturday,
July 22, 2023**

- (Alert #2) 3:26 a.m. - EMC receives a call from Minas Energy (St. Croix Dam) requesting an evacuation Alert be sent for community of St. Croix due to Dam Overflow

Date	Alert Type	Time authorized	Time issued
July 22, 2023	Dam overflow – evacuation order for St. Croix River system area	3:28 a.m.	3:41 a.m.



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Saturday,
July 22, 2023**

- First Responders continue to receive numerous calls for rescues, support, and overall response in all capacities
- EMC actions
 - Alerts
 - Activated West Hants Ground Search and Rescue to assist with evacuations
 - Requested additional RCMP support through the PCC
 - Activated Canadian Red Cross
 - Requested power be cut to many locations
 - Activated the Visitor Information Centre as initial Emergency Operations Centre (EOC) and Staging Area



Hwy. 101 from Ellershous Overpass



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Saturday,
July 22, 2023**

- (Alert #3) - Activated Windsor Community Centre as an alternate Comfort Centre/Evacuation Shelter location
 - Windsor Community Centre supported 65 people.

Date	Alert Type	Time authorized	Time issued
July 22, 2023	Dam overflow – update with new shelter location	4:21 a.m.	4:33 a.m.

- First Responders rescued due to swift/rapid currents



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Saturday,
July 22, 2023**



Exhibition Grounds, Windsor, NS

- EMC
 - Coordinated school buses to assist with larger evacuations (Smiley's Provincial Park campers (two busloads to BFD Civic Centre), and potentially a complex in Hantsport (Fire transported them to HFD station)).
- CAO relocated EOC and Staging Area to 100 King Street
- WHRM Public Works
 - used loaders to rescue campers at Exhibition Grounds and on Mountain Road, Three Mile Plains
 - Deployed diesel pump at waterfront location



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Saturday,
July 22, 2023**



WHRM Pump at waterfront lift station,
Windsor, NS

- EOC meetings (Sit-Reps) held Saturday, July 22 at 7am; 8:30am; 10:30am; 12:30pm; 3:30pm; 6pm; and 8pm
- EOC meetings included key EMO Planning Committee members that would be related to this event
 - In-Person: EMO, Fire, RCMP, EHS, WHRM Public Works, Community Development, WH Ground Search and Rescue, Public Safety Field Communications (PSFC).
 - Other communication methods for EOC updates by: NS Public Works, NS Power, Dept. of Agriculture, Dept. of Natural Resources, Minas Energy
- Additional First Responders and external agencies continued to arrive
- NS Public Works confirmed many washouts



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Saturday,
July 22, 2023**



Minas Energy (St. Croix) Dam

- High-lines arranged to switch out fire crews that were with trapped apparatus in Ellershouse
- Minas Energy (dam) mitigated further risk to St. Croix area
- RCMP advised they have engaged their Strategic Communications dept. for missing persons
- NS Power reached out to EMC and CAO re. their need to release water (dam overflow) into the Avon River system which increased flood risk for low lying areas of the Avon River and Lake Pisiquid
- Tide times continued to be monitored



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Saturday,
July 22, 2023**

- Relocation of Windsor Community Centre comfort centre/shelter to Windsor Armouries sought. That location was denied.
- New shelter approved for Falmouth Elementary School
- (Alert #4) - Minas Energy confirmed can lift St. Croix evacuation
- (Alert #4) - NS Power confirmed Alert wording needed for low lying Avon River/Lake Pisiquid evacuation and EMC submitted request

Date	Alert Type	Time authorized	Time issued
July 22, 2023	Dam Overflow Update: (1) St. Croix can go home but remain vigilant (2) Avon River Hydro System is experiencing high levels on Water Street/Froth Hole, Mill Section & Lake Pisiquid – evacuation order in effect.	2:48 p.m.	2:58 p.m.



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Saturday,
July 22, 2023**



Lynch Road, Newport

- Ground Search and Rescue door knocked for evacuation to low lying Avon River and Lake Pisiquid areas
- WHRM Public Works confirmed all water/sewer treatment is performing
- NS Power confirmed restoration is happening case-by-case
- NS Dept of Public Works reported increased bridge/road washouts; challenged to update NS 511.
- Additional First Responder resources requested and were arriving
- Dept. of Natural Resources offered supply of equipment



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Saturday,
July 22, 2023**



- Minister Lohr and MLA Sheehy-Richard briefly attended and stated they were announcing a Provincial State of Emergency.
- Red Cross confirmed Evacuation Shelter at new location, Falmouth Elem. School would be fully operational at 3:30 p.m.
- One individual stayed the night at the shelter and a family of five was provided hotel accommodations by the Red Cross. (Red Cross continued to support others in the following week)
- Brooklyn Civic Centre Comfort Centre - EMC confirmed that no one needed shelter or needed to be transported to Falmouth Elem. School. Comfort Centre closed.
- Hwy. 101 Eastbound opened.
- RCMP dive team on-site in Brooklyn.



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Saturday,
July 22, 2023**

➤ (Alert #5) - All Alerts lifted

Date	Alert Type	Time authorized	Time issued
July 22, 2023	Flash Flood – shelter in place unless unsafe	2:35 a.m.	3:06 a.m.
July 22, 2023	Dam overflow – evacuation order for St. Croix River system area	3:28 a.m.	3:41 a.m.
July 22, 2023	Dam overflow – update with new shelter location	4:21 a.m.	4:33 a.m.
July 22, 2023	Dam Overflow Update: (1) St. Croix can go home but remain vigilant (2) Avon River Hydro System is experiencing high levels on Water Street/Froth Hole, Mill Section & Lake Pisiquid – evacuation order in effect.	2:48 p.m.	2:58 p.m.
July 22, 2023	Dam overflow update – all alerts lifted.	9:38 p.m.	9:43 p.m.



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Sunday,
July 23, 2023**

- EOC meetings held Sunday, July 23 at 8am; 11am; 1:30pm; 4pm; and 8pm.
- (Alert) – the original St. Croix evacuation Alert was re-issued at 4:30 a.m. (Not re-issued by WHRM staff, RCMP, or Minas Energy). Was apparently put on a 'loop' through Shubie Dispatch to automatically re-issue
- NS 511 road updates remain a concern
- RCMP identify missing persons search sites (two incidents, one site, four people)
 - Site pumping determined a priority and resources requested to carry it out
 - Additional search resources requested
- WHRM Public Works continue with infrastructure assessments



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Sunday,
July 23, 2023**

- GSAR established their Command Centre and Staging area to Tidal Bore Market (EHS, PSFC and other supporting agencies doing same)
- Site pumping commenced by fire services and others. Prepping for additional pumping support
- EMC coordinated emergency fuel supply for all agencies
- Air and water support coordinated
- Cellular coverage remains a problem/concern
- Fire services performed wellness checks on areas hardest impacted
- Infrastructure assessments ongoing



Pump lines



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Sunday,
July 23, 2023**

- RCMP - Mike Carter identified as Incident Commander for Missing Persons
- K-9 unit active on site
- Site pumping continued through night



Pumping



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

**Monday,
July 24, 2023
to
Monday,
July 31, 2023**



RCMP Command Centre at
Tidal Bore Market

- Dept. of Community Services coordinated support with EMC - assistance for those outside of the 72-hours Canadian Red Cross assistance.
- RCMP took over Command for Missing Persons
 - EMO EOC meetings concluded
- RCMP Incident Command and meetings commenced early morning of Monday, July 24, 2023 at the Tidal Bore Market. Both WHRM's EMC and CAO attended all of their meetings
- RCMP and supporting agencies assigned and performed tasks related to missing persons search (this included support of WHRM EMO (EMC, CAO, Public Works). EMC remained at Command (on site) for full duration as logistics support

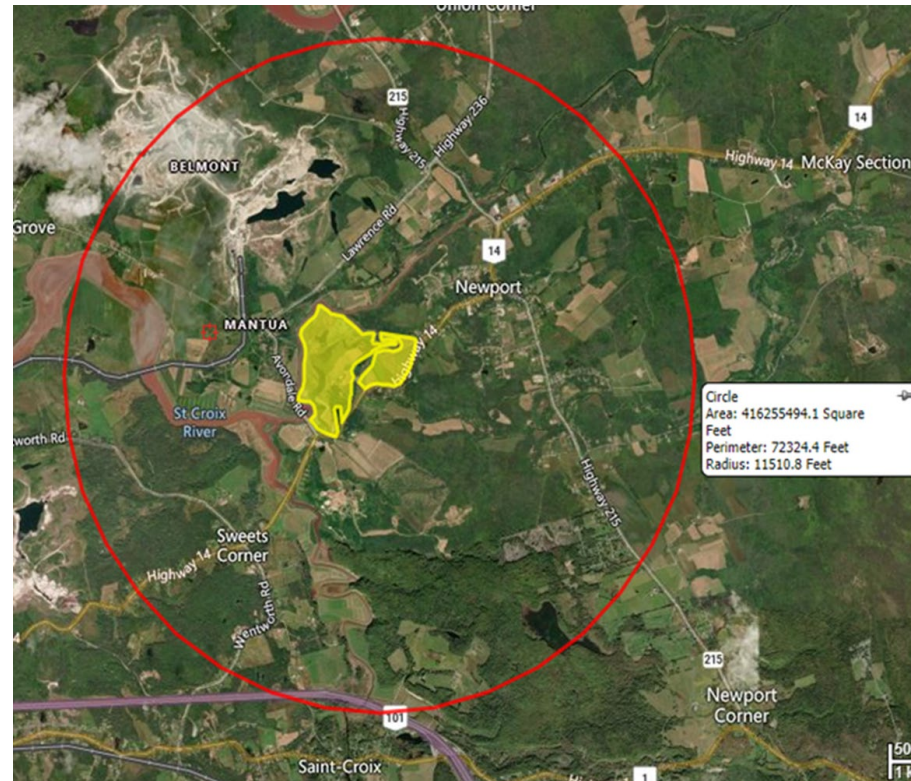


Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

Monday,
July 24, 2023
to
Monday,
July 31, 2023

RCMP
Missing Persons
Incident Summary



- 11 people involved in water 3 vehicles
- 7 persons rescued
- 4 fatalities
- 495 acres of ground searched
- 104 sq km of water searched
- 417 sq km of shore and tidal waters searched by air
- Average of 60 people per day involved
- Estimate more than 8,000 person hours of work completed



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

FIRE

Supporting Agencies – THANK YOU!

- | | |
|--|---|
| 1) Annapolis Volunteer Fire Department | 21) Mount Uniacke Volunteer Fire Department |
| 2) Aylesford Volunteer Fire Department | 22) New Germany Volunteer Fire Department |
| 3) Bear River Volunteer Fire Department | 23) New Glasgow Volunteer Fire Department |
| 4) Berwick Volunteer Fire Department | 24) New Minas Volunteer Fire Department |
| 5) Bible Hill Volunteer Fire Department | 25) Onslow-Belmont Volunteer Fire Department |
| 6) Bridgewater Volunteer Fire Department | 26) Pictou Landing Volunteer Fire Department |
| 7) Brookfield Volunteer Fire Department | 27) Port Williams Volunteer Fire Department |
| 8) Brooklyn Volunteer Fire Department - PRIMARY | 28) Pugwash Volunteer Fire Department |
| 9) Canning Volunteer Fire Department | 29) Rawdon Volunteer Fire Department |
| 10) Chester Volunteer Fire Department | 30) Shelburne Volunteer Fire Department |
| 11) Dayspring Volunteer Fire Department | 31) Southwest Hants Volunteer Fire Department |
| 12) Gore Volunteer Fire Department | 32) Stewiacke Volunteer Fire Department |
| 13) Greenwich Volunteer Fire Department | 33) Summerville Volunteer Fire Department |
| 14) Halifax Regional Municipality Fire Department | 34) Valley Kemptown Volunteer Fire Department |
| 15) Hantsport Volunteer Fire Department | 35) Walton Shore Volunteer Fire Department |
| 16) Kentville Volunteer Fire Department | 36) Waterville Volunteer Fire Department |
| 17) Kingston Volunteer Fire Department | 37) Western Shore Volunteer Fire Department |
| 18) Lantz Volunteer Fire Department | 38) Windsor Volunteer Fire Department |
| 19) Little Harbour Volunteer Fire Department | 39) Wolfville Volunteer Fire Department |
| 20) Mahone Bay Volunteer Fire Department | |



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

Supporting Agencies – THANK YOU!

GROUND SEARCH and RESCUE

- 1) Annapolis Ground Search & Rescue
- 2) Clare Ground Search & Rescue
- 3) Colchester Ground Search & Rescue
- 4) Digby Ground Search & Rescue
- 5) East Hants Ground Search & Rescue
- 6) Eastern Shore Ground Search & Rescue
- 7) Halifax Ground Search & Rescue
- 8) Musquodoboit Ground Search & Rescue
- 9) Pictou Ground Search & Rescue
- 10) Sheet Harbour Ground Search & Rescue
- 11) Strait Area Ground Search & Rescue
- 12) Valley Ground Search & Rescue
- 13) West Hants Ground Search & Rescue - PRIMARY**
- 14) Yarmouth Ground Search & Rescue

OTHER AGENCIES/ORGS

- 1) Canadian Mountain Rescue
- 2) Canadian Red Cross
- 3) Civil Air Search and Rescue Assoc. (CASARA)
- 4) Colchester Special Hazards
- 5) Dept. of Agriculture
- 6) Dept. of Community Services
- 7) Dept. of Natural Resources and Renewables
- 8) Dexter Construction
- 9) EHS and EPSO
- 10) Minas Energy (St Croix) Dam
- 11) NS Power Dam
- 12) Public Safety Field Communications
- 13) RCMP - PRIMARY**
- 14) West Nova Fuels

WHRM EMO and STAFF - PRIMARY



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

Position

- WHRM EMO primaries

References

- CAO, Mark Phillips (WHRM)
- EMC, Shelleena Thornton (WHRM)
- BFD Fire Chief, Jason Cochrane
- BFD Deputy Chief, Brett Tetanish
- RCMP Incident Commander, Mike Carter



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

July 22/23, 2023 Flash Flood EMO Next Steps

- After Action Review (AAR) – Held in-conjunction with RCMP on Wed, Aug. 9, 2023
- Financial Information Compilation – In-progress - see next slide(s)
- WHRM EMO Debriefing – To be held
- AAR and Debrief information leads to

What worked well?

What needs improvement?

How to ensure future success.

Recommendations/solutions (process/policies).



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

RESPONSE COSTS	Total Estimated	
Personnel:	\$	-
Administrative Costs:	\$	-
Internal Labour:	\$	63,510
Materials:	\$	-
Internally Sourced Material:	\$	-
Externally Sourced Material:	\$	14,821
Equipment:	\$	-
Internally Sourced Equipment:	\$	5,183
Externally Sourced Equipment:	\$	1,435
Contracts:	\$	13,888
Other: Comfort Centre & Meals for Response Teams	\$	22,495
Total Costs:	\$	121,331



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

RECOVERY COSTS	Total Estimated	
Personnel:	\$	-
Administrative Costs: Insurance	\$	850,000
Internal Labour:	\$	2,028
Materials:		
Internally Sourced Material:	\$	-
Externally Sourced Material:	\$	6,560
Equipment:		
Internally Sourced Equipment:	\$	2,350
Externally Sourced Equipment:	\$	-
Contracts: Professional Services	\$	1,270,474
Other: Asset replacements	\$	137,443
Total Costs:	\$	2,268,855



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

TOTAL EVENT ESTIMATE*	\$	2,390,187
Total Damage Estimate:	\$	2,067,300
Total Event Cost Estimate:	\$	322,887
Estimated Funding:		
Externally Sourced Funding (Insurance, DFA, etc.):	\$	2,388,314
Internally Sourced Funding:	\$	-
ESTIMATE AS OF		August 17, 2023

*This does not include any proposed mitigation upgrades



Flash Flood – July 22/23, 2023

West Hants Regional Municipality EMO

Flood July 2023, Property Damage Estimate - As of August 17, 2023

Item	Restoration Cost Estimate*	Funding Source	Professional Services (i.e. Engineering, etc.)	Upgrade Value	Potential Upgrade Funding Source	Additional Resources	Estimated Work Timeline
<i>Community Development</i>							
Windsor Community Centre	\$ 300,000	Insurance/DFA	Yes	\$ 50,000	Capital Budget		6 Months
Pisiquid Canoe Club - Windsor Waterfront	\$ 500,000	Insurance/DFA	Yes	\$ -			6 Months
Sport Complex	\$ 3,500	Disaster Financial Assistance (DFA)		\$ -			Fixed
Falls Lake Park	\$ 8,000	Insurance/DFA		\$ -			Fixed
Mantua to Stanley Rail Trail	\$ 1,000,000	Insurance/DFA	Yes	\$ -			More than 1 year
Tregothic Trail	\$ 75,000	Insurance/DFA	Yes	\$ 25,000	Disaster Financial Assistance (DFA)	Unknown	Less than 1 year
Fort Edward Trail	\$ 10,000	Disaster Financial Assistance (DFA)		\$ -			Fixed
Pisiquid Park	\$ 2,000	Insurance/DFA		\$ -			3 Months
Irishmans Road Recreation Site	\$ 7,500	Insurance/DFA		\$ -			3 Months
Riverside Trail	\$ 2,500	Disaster Financial Assistance (DFA)		\$ -			Fixed
Causeway Connector Trail	\$ 500	Disaster Financial Assistance (DFA)		\$ -			Fixed
Hants Aquatic Centre	\$ 3,500	Disaster Financial Assistance (DFA)		\$ -			Fixed
Ardoise Park	\$ 6,000	Disaster Financial Assistance (DFA)		\$ -			6 Months
<i>Community Development Subtotal</i>	<u>\$ 1,918,500</u>			<u>\$ 75,000</u>			
<i>Public Works</i>							
100 King Street	\$ 11,800	Insurance/DFA	Yes	\$ 15,000	Disaster Financial Assistance (DFA)	Unknown	6 Months
Hwy #1 - TMP Lift Station #2	\$ 4,000	Insurance/DFA		\$ -			3 Months
<i>Public Works Subtotal</i>	<u>\$ 15,800</u>			<u>\$ 15,000</u>			
<i>Fire Departments</i>							
Rescue Equipment	\$ 63,000	RCMP/DFA					Less than 1 year
Boat	\$ 70,000	Insurance/DFA	Yes	\$ -			Less than 1 year
<i>Fire Departments Subtotal</i>	<u>133,000.00</u>			<u>-</u>			
Total Damage Estimate	<u>\$ 2,067,300</u>		Total Upgrade Estimate	<u>\$ 90,000</u>			

*Does not include replacement of contents



Flash Flood – July 22/23, 2023
West Hants Regional Municipality EMO

THANK YOU!

QUESTIONS?

