



West Hants

something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY
Planning and Heritage Advisory Committee (PAC/HAC) Agenda
January 13, 2021 – 6:00pm
Zoom**

**NOTE: A PUBLIC INFORMATION MEETING (PIM) WILL BE HELD AT 6:00 PM.
PAC/HAC will begin immediately following the close of the PIM**

- 1.0 Call to Order and Attendance**
- 2.0 Announcements**
- 3.0 Approval of Agenda and Additions**
- 4.0 Declaration of Conflict of Interest**
- 5.0 Approval of Minutes**
- 6.0 Business Arising from the PIM: College Road Development Agreement (Sara Poirier)**
- 7.0 Business Arising from the Minutes**
 - 7.1 Update: File # 20-25 Fairfield Court Development Agreement (Alex Dunphy)
 - 7.2 Update: File # 21-04 College Road MPS and LUB Amendments (Sara Poirier)
 - 7.3 Update: File # 21-14 O'Brien Street Development Agreement and Discharge (Sara Poirier)
 - 7.4 Update: CDDI By-law (Sara Poirier)
 - 7.5 File # 21-15 65 Fort Edward St., Windsor (Alex Dunphy)
 - 7.6 File # 21-03 294 Falmouth Back Road Heritage Designation (Sara Poirier)
 - 7.7 Infrastructure Charges (Todd Richard) (deferred to February agenda)
 - 7.8 Dog Tags & Fees (Madelyn LeMay)
 - 7.9 Dog Parks and Skate Parks (Sara Poirier)
 - 7.10 Buffer Strips (Madelyn LeMay)
- 8.0 Building and Development Activity Reports (December)**
- 9.0 New Business**

9.1 Mobile Canteen Vending By-law Amendment (Community Centres) (Alex Dunphy)

10.0 Notices from Adjacent Municipal Units

11.0 Questions and Comments from the Public

12.0 Next Meeting Date / Adjournment



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information X	Recommendation <input type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: 2022-01-13

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

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

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

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

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

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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On December 2nd, PAC/HAC made a motion to request staff to obtain comments from the Province regarding the requirements of the Special Places Protection Act. The committee also requested that staff speak with Johnathan Fowler to ask about LiDAR for the subject lot and

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

DISCUSSION

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

ATTACHMENTS

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

Report Prepared by: _____
Alex Dunphy, Planner

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

Attachment A – Email Response from Johnathan Fowler

Alexander Dunphy

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

Follow Up Flag: Follow up
Flag Status: Flagged

Caution

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Good evening, Madelyn and team.

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

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

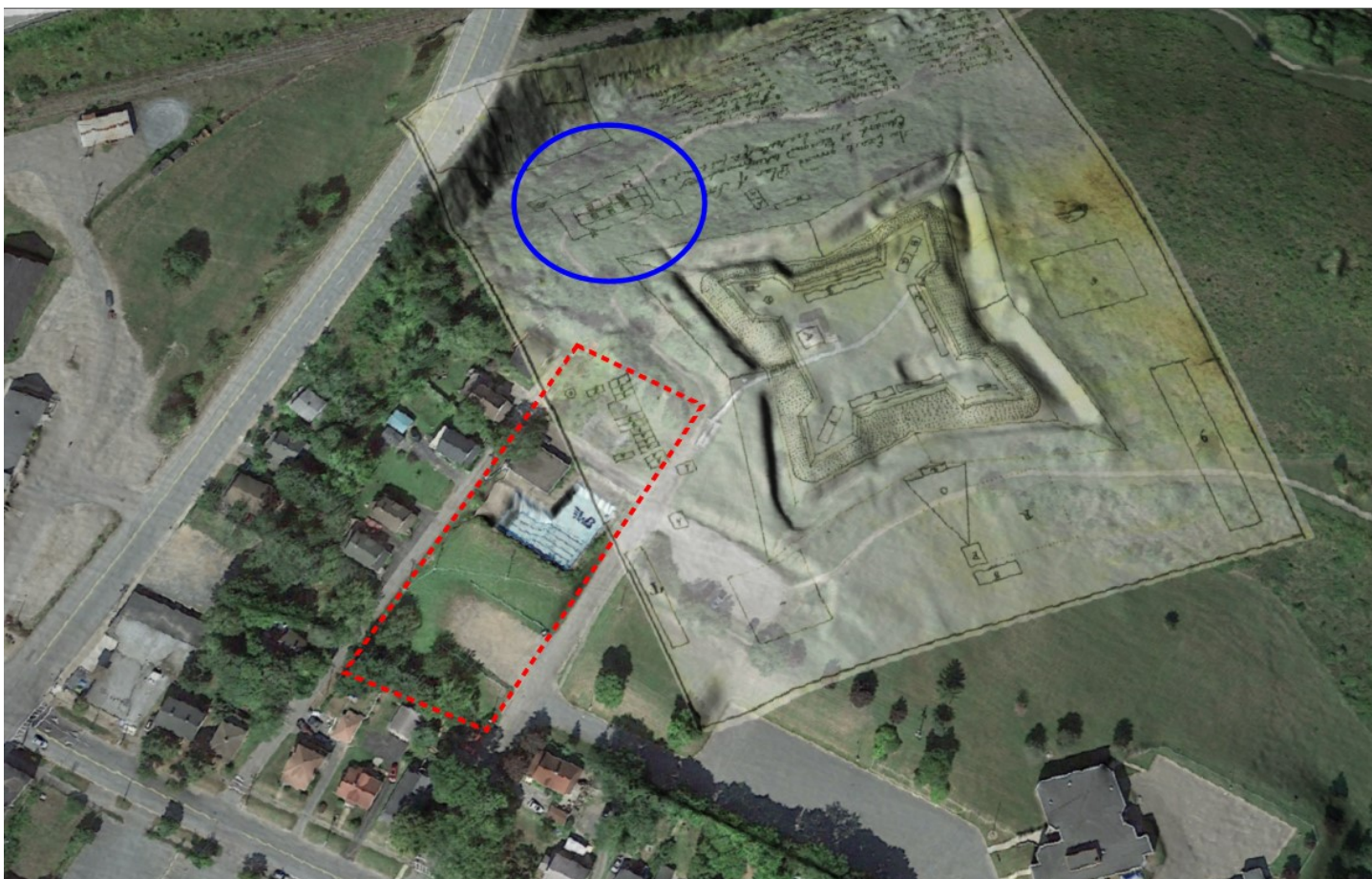
A quick look at the landscape with the aid of 2011 LiDAR data, which gives us the ability to map elevation very precisely (and remove trees and buildings), with the properties in question outlined in the red dashed line:



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



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



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

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

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

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

Best,

Jonathan
902 478-1896

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

Good morning, Jonathan!

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

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

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

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

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

Anything you can offer would be really appreciated.

Madelyn



Madelyn LeMay

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

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

Attachment B – Email Response from Sara Beanlands

Alexander Dunphy

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

Caution

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Hi Madelyn,

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

Hope this helps,
Sara

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

Good morning

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

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

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

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

Anything you can offer would be really appreciated.

Madelyn



Madelyn LeMay

Director of Planning and Development
West Hants Regional Municipality
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Attachment B1 - Attachment 1 to Sara Beanlands Response



JEWISH LEGION CENTENNIAL SOCIETY

May 21, 2019

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

Re: Jewish Legion Society

Dear Mayor Allen & Councillors,

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

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

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

Respectfully submitted,

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

Attachment B2 - Attachment 2 to Sara Beanlands Response



JEWISH LEGION CENTENNIAL SOCIETY

June 13, 2019

Re: Jewish Legion Memorial in Windsor, Nova Scotia

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

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

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

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

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

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

Respectfully submitted,

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

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



MacKay-Lyons Sweetapple
Architects Limited

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

Journal of the Royal Nova Scotia Historical Society

Volume 21, 2018

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

by SARA BEANLANDS

Read before the Royal Nova Scotia Historical Society 15 March 2017

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

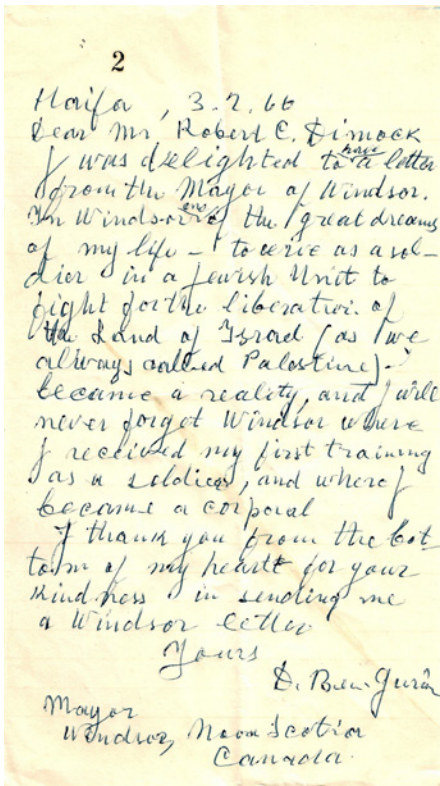
As Bernard Joseph, a prominent Israeli cabinet minister, expressed in 1967, the formation of the Jewish Legion represented not only the creation of the first modern Jewish military formation, but a social transformation of Jewish communities throughout the world. These events would become part of the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

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

Dear Mr. Robert C. Dimock,

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

Yours, D. Ben-Gurion³



2
Haifa, 3.2.66
Dear Mr. Robert C. Dimock
I was delighted to ^{have} a letter
from the Mayor of Windsor.
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became a corporal.
I thank you from the bot-
tom of my heart for your
kindness in sending me
a Windsor letter.
Yours
D. Ben-Gurion
Mayor
Windsor, Nova Scotia
Canada.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ENDNOTES

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

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

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

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

Attachment C – Email Response from Catherine Cottreau-Robins

Alexander Dunphy

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

Caution

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Hi Madelyn,

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

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

Yours,

Katie

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

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

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

Madelyn



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

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

Caution

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Hi Madelyn,

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

Yours, katie

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

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Hi, Katie

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

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

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

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

Anything advice would be really appreciated!

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

Madelyn



Madelyn LeMay

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WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input type="checkbox"/>	Decision Request X	Councillor Activity <input type="checkbox"/>
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To: Planning and Heritage Advisory Committee

Submitted by: Madelyn LeMay, Director, Planning and Development

Date: January 13, 2022

Subject: Dog Tags and Fees

LEGISLATIVE AUTHORITY

s 175 MGA

DECISION REQUEST

A series of questions have been posed in the “Discussion” Section below; these will be considered at PAC/HAC on January 13, 2022 and any required amendments to the Fees Policy will be prepared and provided to PAC/HAC at the February PAC/HAC meeting to then recommend to Council.

BACKGROUND

Property <input type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social X	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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At the July 8 PAC/HAC meeting there was considerable discussion about the cost and reasons for dog tags. As a result, fees related to dog tags were removed from the draft Regional Fees Policy recommended to Council, and PAC/HAC requested further information on fees related to dog tags.

DISCUSSION

Present Situation

The Windsor and West Hants Dog By-Laws require local dog owners to obtain a Municipal dog tag and have it worn by the dog.

A very small portion of dogs in West Hants Regional Municipality (WHRM) are tagged; 220 tags were issued in 2020, using approximately 31 hours of staff time to issue these tags. A 2019 study showed that 41% of households in Canada have a dog <https://www.cahi-icsa.ca/press-releases/latest-canadian-pet-population-figures-released>; if the situation is similar in WHRM, a huge number of people aren't registering their dog.

Reason for Municipal Tags

Tags allow an officer to identify a lost dog and quickly reunite it with its owner instead of taking it to the pound and waiting for an owner to contact us. However:

- most dogs which are picked up by a By-law Officer are not tagged.
- dogs are rarely picked up now by By-law Officer; the most recent may have been April of 2021;
- social media seems to have taken the place of By-law Officers picking dogs up and returning them to their owner – posts on a variety of social media sites seem to result in dogs being returned to their owners very quickly.

Fee Structure

Present: There is a slight difference in fees between neutered and non-neutered dogs which appears to be intended to encourage neutering, as a neutered dog may roam less and will not produce unexpected puppies.

The present fee structure is:

WH D-003 Dog By-law (effective April 1, 2018)	Section 2 (d) Annual Registration Fee	\$15.00 Spayed or Neutered \$30.00 Non-Spayed or Neutered
	Section 3 (a) (iii) Lifetime Registration Fee	\$75.00
	Section 4 (b) Annual Kennel Registration fee	\$45.00
	Section 2 (h) Replacement Tag Fee	\$7.50
	Section 9 (b) Fees associated with impoundment, board, food, care and veterinary	Actual costs incurred
	Community of Windsor	\$10 for dogs that are spayed or neutered \$14 for dogs that are not spayed or neutered

As noted in the July 8, 2021 report: Fees Policy: Planning-related Fees (Appendix A), By-law Officers feel an increase in the costs of licenses in 2017 resulted in a decrease in licenses purchased.

Questions for consideration:

Should WHRM require that dogs have a municipal tag?

Staff comments for consideration (some comments are noted above):

- so few people get tags for their dogs that that it may not be worthwhile; By-law Officers estimate roughly one out of 25 dogs may have a tag now;
- many owners don't know a tag is required;
- administrative staff time for a tag seems to outweigh the effectiveness;
- owners are required to get a tag before a dog picked up by a By-law Officer is returned to the owner;
- tags are only used for returning dogs to owners; they are not intended to generate revenue;
- having a tag means that the owner avoids the cost of the dog being held in the impound;
- owners often say they meant to get a tag, or they are waiting for payday;
- By-law Officers think that social media takes care of most lost/loose dogs now; the last time they picked up a dog was perhaps April 2021.

Should people be able to get a lifetime tag?

Staff comments for consideration:

- if tags are required, there should be the opportunity to have a lifetime tag;
- issues can arise with lifetime tags if owners move or change phone numbers and do not notify WHRM

What fee should be charged for a lifetime tag?

Staff comments for consideration:

- tag costs should be minimal

Should dogs need to be microchipped to be eligible for a municipal lifetime tag?

Staff comments for consideration:

- currently to be eligible for a lifetime tag a dog must be microchipped;
- it does not make sense to require a microchip to enable a WHRM tag;
- WHRM does not have a microchip reader (cost approximately \$300 for a reader)

If there is a lifetime tag, should people also be able to get a yearly tag?

Staff comments for consideration:

- yes

What should the fee for yearly tags be?

Staff comments for consideration:

- all tag costs should be minimal;
- owners should be reminded annually of the need for a tag;
- tags being "good" for the fiscal rather than calendar year confuses many owners.

Should owners be able to purchase a tag that has the dog owners phone number or civic address and not get a municipal tag?

- yes – this can be less expensive for the owner and the owner can still be found so that the dog can be returned;
- WHRM administrative time is not needed for this.

NEXT STEPS

Once PAC/HAC has determined the directions it would like to recommend, amendments will be drafted for consideration at the next PAC/HAC meeting.

FINANCIAL IMPLICATIONS

Any of the recommended changes will have minimal financial impact on WHRM.

ALTERNATIVES

PAC/HAC may determine it does not wish to make recommendations regarding fees for dog tags.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

N/A

Material Contributed by: Ryan Parker and Shawn Levy, By-law Enforcement and
Sara Poirier and Alex Dunphy, Planners
Janet Redden and Doug MacInnis, Development Officers



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Planning/Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: January 13, 2022

Subject: Plan Review: Skate Parks and Dog Parks

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8

DECISION REQUEST

Draft regulations for skate parks and dog parks are attached in Appendix A. The PAC/HAC is to determine if the regulations are satisfactory for recommendation for inclusion in the draft West Hants Regional Municipality Land Use By-law. If an application for a skate or dog park is received before a Municipal Planning Strategy and Land Use By-law (MPS & LUB) is approved for the Region, the policies included in the draft MPS & LUB will also be considered when reviewing the application.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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West Hants Regional Municipality (WHRM) has a separate Municipal Planning Strategy, Land Use By-law and Subdivision By-law for Hantsport, West Hants and Windsor. As part of the plan review, planning staff are working on updating the planning documents and combining the nine (9) documents into three (3) documents: a Municipal Planning Strategy (MPS), Land Use By-law (LUB) and Subdivision By-law (SUB) for the Region.

On February 11, 2021 the PAC/HAC discussed policies related to parks and playgrounds. PAC/HAC determined that a policy should be added to the Regional Municipal Planning Strategy to regulate skate parks and dog parks separately from all other parks and playgrounds, to reduce the impact on neighbouring properties.

On October 14, 2021 the PAC/HAC discussed questions related to items that could be regulated in the proposed Regional planning documents related to skate parks and dog parks, such as parking, lighting, buffer strips, lot size and location. The PAC/HAC requested staff discuss these items with the Community Development Department and return with draft regulations to review further.

DISCUSSION

Planner Poirier discussed skate parks and dog parks with three (3) staff members from the WHRM Community Development Department: the West Hants Active Living Coordinator, Manager of Recreation Facilities and the Director. The Community Development Department staff noted that there are no set standards or site requirements when designing a skate park or dog park but provided some insights into items to consider when developing regulations for these types of parks and examples of best practices elsewhere. The staff discussion included:

Skate parks	Dog parks
Noise	
Parking	
Lighting	
Placement in a highly visible area to ensure safety	Locate away from playgrounds, pools and watercourses due to run off
Inclusive design for all skill levels and users	Potential conflict
	Double sided signage (inside and outside the park) with the park owners information
	Double gated entry to ensure dogs don't escape while others are entering

Skate Parks

Summary of City of Pickering and City of Hamilton Reports

The proposed skate park regulations were developed following consideration of skate park strategies from the City of Pickering and the City of Hamilton, along with the Public Skate Park Development Guide website.

The “*City of Pickering Skateboard Park Strategy 2017*” report was created at the request of the City of Pickering Council to develop a concept design for a new skate park site. The report outlines the community engagement completed, a needs assessment, network proposal, and prioritizes skate park sites. The report quantifies the need for a skate park using the Skateboard Park Adoption Model (SAM) based on South Pickering’s population size (91,771 residents). The authors estimate the number of households within South Pickering (31,645 households), then use survey responses from households within South Pickering to determine the number of households that participate in skateboarding (8% of households = 2,532 skateboarders). They then determine the number of frequent skateboarders (25% of skateboarding respondents = 633 frequent skateboarders) and the number of skateboarders that will actively be skateboarding at the same time (25% of the frequent skateboarders = 158 active skateboarders) and multiply the number of active skateboarders by the space requirement of each skateboarder (14 sq. m.). This process results in a calculation of a total of 23,263 sq. ft. (2,212 sq. m.) of skate park space required to adequately meet the needs of the skateboarders in South Pickering.

The “*City of Hamilton Skateboard Park Study: Phase 3 – Implementation Development and Analysis*” report from 2017 was created to determine where skate parks should be sited within the City of Hamilton and includes sections on site selection criteria, recommendations for addressing all potential users, draft user policies, skateboard park education and programming recommendations, and budget allocations and best operational practices.

The author states that incorporating skate parks into existing park spaces “conveys positive community acceptance” and there is a long list of criteria that the City of Hamilton considers when siting a skate park. The criteria include whether the location is central and accessible, the proximity to parking and transit, spectator space, water fountains, washrooms, visibility and lighting, and garbage collection.

The report outlines five (5) different scales of skate parks including:

- a skate dot (200- 1,000 sq. ft.),
- neighbourhood skate park (1,000 – 5,000 sq. ft.; equivalent to half a basketball court),
- community skate park (5,000 – 12,000 sq. ft.; equivalent to a tennis court),
- city skate park (12,000 – 25,000 sq. ft.; equivalent to a hockey rink), and
- regional skate park (25,000 – 60,000 sq. ft.).

The report notes that skate dots or neighbourhood skate parks attract users within a 1 km radius of the park therefore they should “be within walking distance of their catchment area and should have garbage receptacles, seating areas and water fountains nearby”. Community skate parks service a 2 km radius and are usually centrally located to primarily serve that community. Community skate parks “should include parking areas and public restrooms within walking distance.” A city skate park serves a 5 km radius and typically attract users with different skill levels from across the city. Along with the items noted above these larger skate parks “should be well connected to transit services or arterial roadways.”

Proposed for WHRM

Using the SAM tool outlined in the City of Pickering's report to estimate the need for a skate park in WHRM, the required space would be approximately 7,000 sq. ft. (650 sq. m.) based on our population. Based on this estimated need assessment for WHRM and the documents reporting that neighbourhood skate parks can be as small as 1,000 - 5,000 sq. ft., no minimum lot size was developed by staff in the proposed WHRM regulations. This will be determined based on the zone in which the skate park is permitted. In the documents and during discussion with Community Development Department staff they noted the importance of the site being visible to ensure safety for all users, therefore no buffering requirements were included in the proposed regulations and skate parks should be excluded from other buffering requirements. In the draft regulations, staff have included a requirement for a minimum front, rear, and side yard of 50 ft. to provide an adequate separation between skate parks and abutting uses to reduce noise complaints. Parking is proposed to be provided at a minimum of 1 space per 5,000 sq. ft. (464.52 sq. m.) of lot area to a maximum of 10 required parking spaces. Lighting to ensure all portions of the skate park are illuminated during hours of operation and signage will be permitted as per the underlying zone provisions.

Dog Parks

Summary of City of Vaughan and City of Ann Arbor Reports

The proposed dog park regulations were developed after consulting the best practice documents from Vaughan, Ontario and Ann Arbor, Michigan.

The "*Local Off Leash Dog Area Strategy*" report in 2021 to the City of Vaughan COTW presented seven (7) potential off-leash dog areas for Council's consideration. The City underwent extensive community engagement, site selection evaluation, and plans to develop a stewardship program and management plan to guide the planning, implementation and operation of off-leash dog areas.

The City of Vaughan developed a two-tier site selection process with a list of criteria to evaluate 35 prospective dog park locations. The tier one criteria include governance, accessibility (parking, service area catchment, proximity to sidewalks and trails), location (availability and ownership of properties, proximity to residential areas), design (available area ranging between 0.6 – 1.2 acres, site drainage, vegetation), with tier two criteria including stakeholder and community feedback, availability of dog area stewards and anticipated costs. This narrowed the list of possible sites down to the seven (7) recommended to the Vaughan COTW. Each site that they propose is to "be fenced with separate enclosures for large and small dogs ranging between 26,909.78 sq. ft. (2,500 sq. m.) to 37,673.69 sq. ft. (3,500 sq. m.)." Following development of these dog parks the City of Vaughan staff propose to review all off-leash dog parks annually to evaluate effectiveness and opportunities for improvement.

The City of Ann Arbor report entitled "*Recommendations and Guidelines for Dog Park Site Selection, Design, Operations and Maintenance*" from 2014 was "developed in response to resident advocacy for additional dog parks". The report outlines the extensive public engagement and research undertaken to develop new guidelines for development of dog parks

in Ann Arbour. These include guidelines on placement, design, management and enforcement of dog parks. The criteria include: size (at least ½ acre), buffer from residential areas, parking, land suitability, shade, protection of natural areas, fencing height (minimum of 4 ft.) and type, entrance design (two gated entry), signage, garbage receptacles, furniture, lighting, etc.

Proposed for WHRM

Both documents noted that a dog park should be at least ½ acre in size (21, 780 sq. ft.), that the dog park should be buffered from surrounding uses to minimize noise complaints, and that fencing should be a minimum of 4 ft. (1.2 m) in height. These items have been incorporated in the draft dog park regulations for WHRM.

Staff have also included a required separation distance of 100 ft. (30.48 m) from watercourses to avoid any water contamination from runoff from the park. Parking is proposed to be required at 1 space per 5,000 sq. ft. (464.52 sq. m.) of lot area to a maximum of 15 required parking spaces. Lighting shall be provided to ensure all portions of the dog park are illuminated during hours of operation and an additional double-sided sign will be permitted on the fence of the dog park outlining the rules of the dog park and property owner contact information.

Planner Poirier discussed dog parks with the Planners, Development Officers, By-law Enforcement Officers and Community Development Department staff mentioned above. In general, these staff members understood the desire of residents to have dog parks within WHRM however were in favour of dog parks being operated privately, instead of by the Municipality. This would ensure that there is a dedicated group to maintain a list of users (membership), create and enforce the rules of the park and maintain the park (i.e., mowing grass, collecting garbage, etc.). A definition of “private dog park” has been proposed in Appendix A. This definition would allow PAC/HAC to determine where to allow private dog parks when there are discussions about individual zones. Whenever a zone does not list a private dog park as a permitted use it would mean that a private dog park is a prohibited use in that zone. As noted in the staff report entitled “Plan Review: Skate Parks and Dog Parks” dated October 14, 2021, East Hants has a definition of a “private dog park” which is only permitted in their Rural Use (RU) zone.

All proposed regulations and a definition for skate park and private dog park have been proposed in Appendix A. Appropriate locations for skate parks and private dog parks will be discussed further when staff and PAC/HAC review each zone and the permitted uses in each zone.

NEXT STEPS

Once PAC/HAC has determines how skate parks and dog parks should be regulated, these regulations will be placed on file to be incorporated during the plan review.

FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

ALTERNATIVES

Should PAC/HAC not wish to place the draft regulations for skate parks and dog parks on file, it may:

- determine that PAC/HAC does not want to regulate skate parks and dog parks separately from other parks and playgrounds;
- provide alternative direction, such as requesting further information on a specific topic.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Appendix A

Proposed regulations and definitions (in blue) for dog parks and skate parks to be incorporated in the West Hants Regional Municipality Land Use By-law.

X.X Dog Parks

Where private dog parks are permitted, the following provisions shall apply:

- (a) minimum lot size shall be 21,780 sq. ft. (2,023.42 sq. m.);
- (b) front, rear and side yards shall be a minimum of 50 ft;
- (c) a major buffer shall be required when a dog park abuts residential uses;
- (d) a minor buffer shall be required when a dog park abuts any other use;
- (e) the separation distance from any fenced area of the dog park to a watercourse shall be a minimum of 100 ft. (30.48 m);
- (f) the area shall be enclosed by galvanized fencing a minimum of 4 ft (1.2 m) in height with a double gated entry;
- (g) parking shall be required at 1 space per 5,000 sq. ft. (464.52 sq. m.) of lot area to a maximum of 15 required parking spaces;
- (h) overhead lighting which meets the requirements of **s. XX, Exterior Lighting**, shall be required to ensure all portions of the fenced in dog park are illuminated during hours of operation;
- (i) in addition to signage permitted in the zone, a double-sided sign will be permitted on the fence of the dog park outlining the rules of the dog park and property owner contact information.

X.X Skate Parks

Where skate parks are permitted, the following provisions shall apply:

- (a) front, rear and side yards shall be a minimum of 50 ft;
- (b) parking shall be required at 1 space per 5,000 sq. ft. (464.52 sq. m.) of lot area to a maximum of 10 required parking spaces;
- (c) overhead lighting which meets the requirements of **s. XX, Exterior Lighting**, shall be required to ensure all portions of the skate park are illuminated during hours of operation;

Definitions

Private dog park – means a dedicated fenced park where only members may allow their dogs to run off-leash;

Skate park – means a purpose-built recreational park made mostly of concrete obstacles for skateboarding, BMX, scooter, wheelchair, and aggressive inline skating;



West Hants

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input type="checkbox"/>	Decision Request X	Councillor Activity <input type="checkbox"/>
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To: Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: January 13, 2022

Subject: Buffers: Additional Material #2

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) 274

2.0 BACKGROUND

PAC/HAC discussed the first part of a report regarding Buffer Strips and Riparian Buffers at the October 14, 2021, PAC/HAC meeting and requested discussion with the Federation of Agriculture regarding buffer strips. This took place at the December 2, 2021 PAC/HAC meeting.

3.0 DISCUSSION

Discussion at the December meeting clearly showed the complexity of requiring buffer strips in a variety of locations. The emphasis in discussion kept returning to residential development. This may be the reasonable first step for requiring “improved buffers”. The material proposed for buffer strips has been revised to reflect this.

3.1 Definitions

The definitions presented for the December PAC/HAC meeting remain the definitions under consideration (Appendix A).

3.2 Riparian Buffers

Material on Riparian Buffers was in the October 14, 2021 report and is attached as Appendix B and will be discussed at the January meeting.

4.0 NEXT STEPS

Just as with definitions and more general policies, any decision related to Buffer Strips and Riparian Buffers would be included in the draft documents for future review by the public. Public review of Buffer Strips and Riparian Buffers as a separate item is not recommended.

5.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

6.0 ALTERNATIVES

Should PAC/HAC not wish to accept the draft policies and regulations as written, it may:

- recommend specific amendments to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

7.0 APPENDICES

Appendix A	Second Revision MPS and LUB Material Regarding Buffers
Appendix B	Riparian Buffer Information

Report Content Prepared by: Planners and Development Officers, Planning and Development Department

Appendix A

Plan Review Material Regarding Buffer Strips – January 13, 2022

MPS

Background

When a new use is proposed for an area abutting an existing residential or institutional use, the neighbour in the residential or institutional use often worries about the impact on their use. Will the new use be unpleasant to look at? Noisy? Have a lot of traffic coming and going? Often residential owners complain about noise, odor and dust from a commercial, industrial or agricultural use. Council will address these concerns by requiring the new development to develop and maintain a “buffer strip” on its property.

Policy

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

- z.1 require new commercial, industrial or agricultural developments and some new residential developments to develop and maintain a buffer strip on the same lot on the same lot, as established in the LUB;
- z.2 not require a buffer strip:
 - (i) along the street frontage of a lot;
 - (ii) on a lot that is being developed within 500 ft. of existing development with frontage on the same street lot which was not required to provide a buffer to the abutting designation or use.
- z.3 define major and minor buffer strips and distinguish where they are to be used, depending on the type and location of the development;
- z.4 require all buffer strips to be developed in a manner which creates a reasonably dense or opaque screen sufficient to buffer the abutting development from the new use; and
- z.5 permit walkways or permitted driveways to cross buffer strips.

LUB

Definitions

Major Buffer Strip: means a strip of land a minimum of 20 ft. wide abutting a lot line and containing:

- (i) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of 2 in. measured at 4.5 ft. above the surrounding grade and a minimum height of five (5) ft.; or

- (ii) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity; or
- (iii) a berm which is a minimum of six (6) ft. in height to buffer the abutting property; or
- (iv) a wall or an opaque fence which is a minimum of five (5) ft. in height and of sufficient height to provide a visual buffer to the abutting property; or

any combination of the above, all arranged to form a dense or opaque screen.

Minor Buffer Strip

means a strip of land a minimum of ten (10) ft. wide abutting a lot line and containing:

- (i) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of two (2) in. measured at four-and-one half (4.5) ft. above the surrounding grade and a minimum height of 5 ft.; or
- (ii) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity; or
- (iii) a wall or an opaque fence which is a minimum of five (5) ft. in height and of sufficient height to provide a visual buffer to the abutting property; or

any combination of the above, all arranged to form a dense or opaque screen.

Land Use By-law General Provisions

The following material would be placed in the General Provisions Section of the LUB:

x.x buffers shall be required in accordance with the following table:

Development- (Developer Provides the Buffer)	Designation	Zone	Abuts	Requires
Residential or Institutional	Residential or Institutional	Any Residential or Institutional	Any other designation	major

Residential or Institutional	Any other than Residential or Institutional	Any other than Residential or Institutional	Any other use	minor
Any development other than Residential or Institutional	Any other than Residential or Institutional	Any other than Residential or Institutional	Any residential use	minor

x.y no buffer strip shall be required:

- (i) along the street frontage of any lot;
- (ii) on a lot that is being developed or where a building is being enlarged within 500 ft. of existing development with frontage on the same street if the existing development was not required to provide a buffer to the abutting designation or use; or
- (iii) for any skate park.

x.z walkways or permitted driveways are permitted to cross buffer strips.

Appendix B: Riparian Buffers

Taken From October 14 Report to PAC/HAC

Hantsport LUB	West Hants LUB	Windsor LUB	Recommended MPS
<p>5.20 Setback from a Watercourse All main buildings shall be setback from a watercourse as shown on the Zoning Map a distance of 30 metres.</p>	<p>5.20 Where kennels are permitted by this by-law, the following special provisions shall apply:</p> <p>(a) no kennel building or structures, including outdoor exercise runs, shall be located</p> <p>...</p> <p>(ii) 100 ft (30.48 m) from all water wells and watercourses;</p> <p>5.50 With the exception of marine uses, structures required for water distribution or irrigation, water and sewage treatment uses and buildings and structures necessary for the prevention of floods, erosion or to facilitate drainage, no structure shall be located closer than 50 ft (15.24 m) from a watercourse.</p> <p>18.3 No building or structure housing an intensive livestock operation, manure storage facility for an intensive livestock operation, burial site or</p>	<p>Watercourse Separation Distance</p> <p>5.42 With the exception of marine uses, water and sewage treatment uses, and accessory buildings permitted in Section 5.1, no structure shall be located closer than 50 ft (15.24 m) from a watercourse.</p> <p>Intensive Livestock Operations</p> <p>26.3 No building or structure housing an intensive livestock operation, manure storage facility for an Intensive livestock operation, or burial site or incinerator for the disposal of dead animals shall be located within:</p> <p>...</p> <p>(c) 300 ft (91.44 m) from any water well or watercourse</p> <p>Non-intensive Livestock Operations</p> <p>26.7 No building or structure housing a non-intensive livestock operation shall</p>	<p>Riparian Buffers Development along the edges of watercourses may have a negative impact on the watercourse. In order to protect watercourses within WHRM, Council will prevent building too close to a watercourse and ensure the areas along watercourses help prevent runoff from fields, provide shade to help lower the temperature of watercourses, filter sediment, help prevent erosion and act as windbreaks.</p> <p>As a result it shall be the policy of Council to:</p> <p>x.1 require a minimum separation distance from watercourses for all development, including both main and accessory buildings;</p> <p>x.2 require an increased separation distance from some uses associated with intensive or non-intensive livestock operations or other specified uses;</p>

	<p>incinerator for the disposal of dead animals shall be located within:</p> <p>...</p> <p>(d) 300 ft (91.44 m) of a water well or watercourse.</p> <p>18.6 No building or structure housing a non-intensive livestock operation on a lot greater than one (1) acre shall be located within:</p> <p>...</p> <p>(d) 100 ft (30.48 m) of a water well or watercourse</p>	<p>be located within:</p> <p>...</p> <p>(b) 100 ft (30.48 m) of a water well or watercourse.</p>	<p>x.2 require vegetative cover of all land within the minimum separation distance with the exception of driveways required in association with a development permit;</p> <p>x.3 establish minimum standards for vegetative cover within the minimum separation distance.</p>
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WEST HANTS REGIONAL MUNICIPALITY REPORT

Information X	Recommendation <input type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: January 13th, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

Municipal Government Act Section 172 (c), (f), and 172 (2) (e)

RECOMMENDATION

This is an information report to the Planning and Heritage Advisory Committee to aid in discussion regarding a proposed amendment to the Mobile Canteen Vending By-law to allow mobile vendors to be located on community centre properties.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Mayor Zebian brought forward a recommendation to Council on September 14th, 2021 to request a staff report on amending the Mobile Canteen Vending By-law (RV-001) to allow mobile canteens to operate on community centre properties.

DISCUSSION

Community Centres in Land Use By-laws (LUBs)

Currently, community centres are only defined in the West Hants Land Use By-law and the term is not used in either the Hantsport or Windsor Land Use By-laws. In the West Hants LUB, community centres are defined as *any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the Municipality or local board or agent thereof*. This definition becomes an issue when there is a suggestion to utilize the parking lots for community centres for commercial purposes.

The first issue to address is the restriction of commercial uses in the community centre definition. The restriction cannot be simply removed, as that would permit all commercial uses within community centres. Instead, providing an exception to mobile vendors operating on community centre properties would be a more controlled method. The definition would then also need to be added to both the Hantsport and Windsor LUBs.

The second issue to address is that Clause 4.1 (f) of the Mobile Canteen Vending By-law states: *No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants*. This clause could be removed, however that may have some undesirable consequences such as allowing the operation of mobile vendors on properties without regard to the Land Use By-law. Instead, providing an exception to this clause would be the more controlled method of allow mobile canteens on community centre properties.

Remote Community Centres

As seen on the Community Centres Map (Attachment A), many community centres are located in remote areas of the Municipality. Staff have previously discussed (Attachment B) the possibility of differentiating permit fees between 'urban' and 'rural' mobile canteens. This approach did not meet the goal of Council to take a regional approach to development. Therefore, fee costs should not change based on the location for which permits are issued.

Consideration of Churches or Other Institutional Uses

It appears that some community centres are located on the same property as churches. More research is required to confirm this. Churches often have parking lots which are only intended to be used one day a week. With this in mind, staff are interested in potentially extending the amendment to include churches as eligible properties on which mobile canteens can be operated.

Long-term vs. Short-term Licensing

The current protocol for licensing as per Clause 4.0 (f) of the Mobile Canteen Vending By-law, requires a license to be issued for a specific period of time and additional licenses are required for any change in location or additional period of time. This clause allows for both short-term and long-term licensing for a single location. There are benefits and drawbacks to both styles of licensing.

Long-term licensing is the simplest and most consistent approach for the Municipality. The site plan required for the licence allows the Municipality to approve the setup of the mobile canteen and the mobile canteen owner must then set up based on the site plan. Having a mobile canteen setup in a single location over the course of a season provides consistency for potential customers.

Short-term licensing is more flexible and potentially better suited to mobile canteens. Short-term licensing is partially covered by requiring the licensing authority to consult with the Economic Development Manager or the Event Coordinator for events or holidays. Staff have previously discussed the possibility of introducing a flexible permit to allow operation at a variety of locations over the course of a season. However, flexible permitting was determined to be unfeasible due to the need to individually review site plan criteria for each location that a mobile vendor would be located. During discussions with mobile canteen operators, no interest was shown to change locations during the season.

Taxation Implications

During a conversation with a representative of Property Valuation Services Corporation, staff asked if there were any implications on property taxation for community centres allowing mobile vending. The representative informed staff that any portion of a tax-exempt property used for a non-exempt use would be considered taxable unless the use was considered insignificant. There is no definition for a significant use and instead PVSC determine taxation based on the individual context of each property. Some criteria which factor into the determination of commercial taxation include the percentage of total area of property use and the frequency of use.

Questions for PAC

- Should mobile vending be allowed to locate on community center lands, church properties or land with other institutional uses?
- Does PAC/HAC want to make this recommendation if the community centres may be subject to commercial taxation?

NEXT STEPS

Discussion from PAC/HAC will be incorporated into the report and presentation to COTW.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report. There may be associated financial implications to the Municipality if Council agrees to amend specific by-laws. This would include the advertising of the proposed amendments to the specific by-laws.

Any amendments to the fees in the policies or by-laws would have a financial impact on business owners within the Region. This financial impact could be positive if the fees are reduced, or negative if the fees are increased.

Any portion of a tax-exempt property used for a non-exempt use is likely to result in taxation of that portion of the property, unless the non-exempt use is deemed insignificant by PVSC.

Allowing community centre properties to be used for mobile vending will not affect the ability for community centres to apply for municipal grants.

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- recommend staff to continue to collect the necessary information for an amendment; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A West Hants Regional Municipality Community Centres Map

Attachment B 2021-07-27 Mobile Canteen Second Reading Report

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

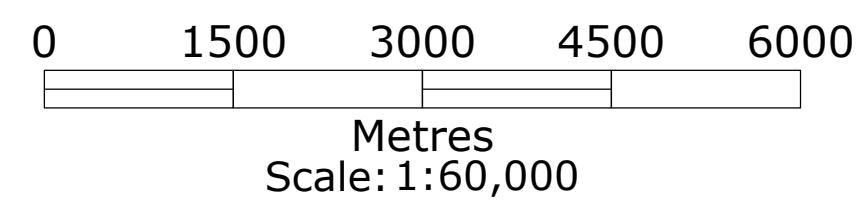
Attachment A - West Hants Regional Municipality Community Centres Map

West Hants Regional Municipality



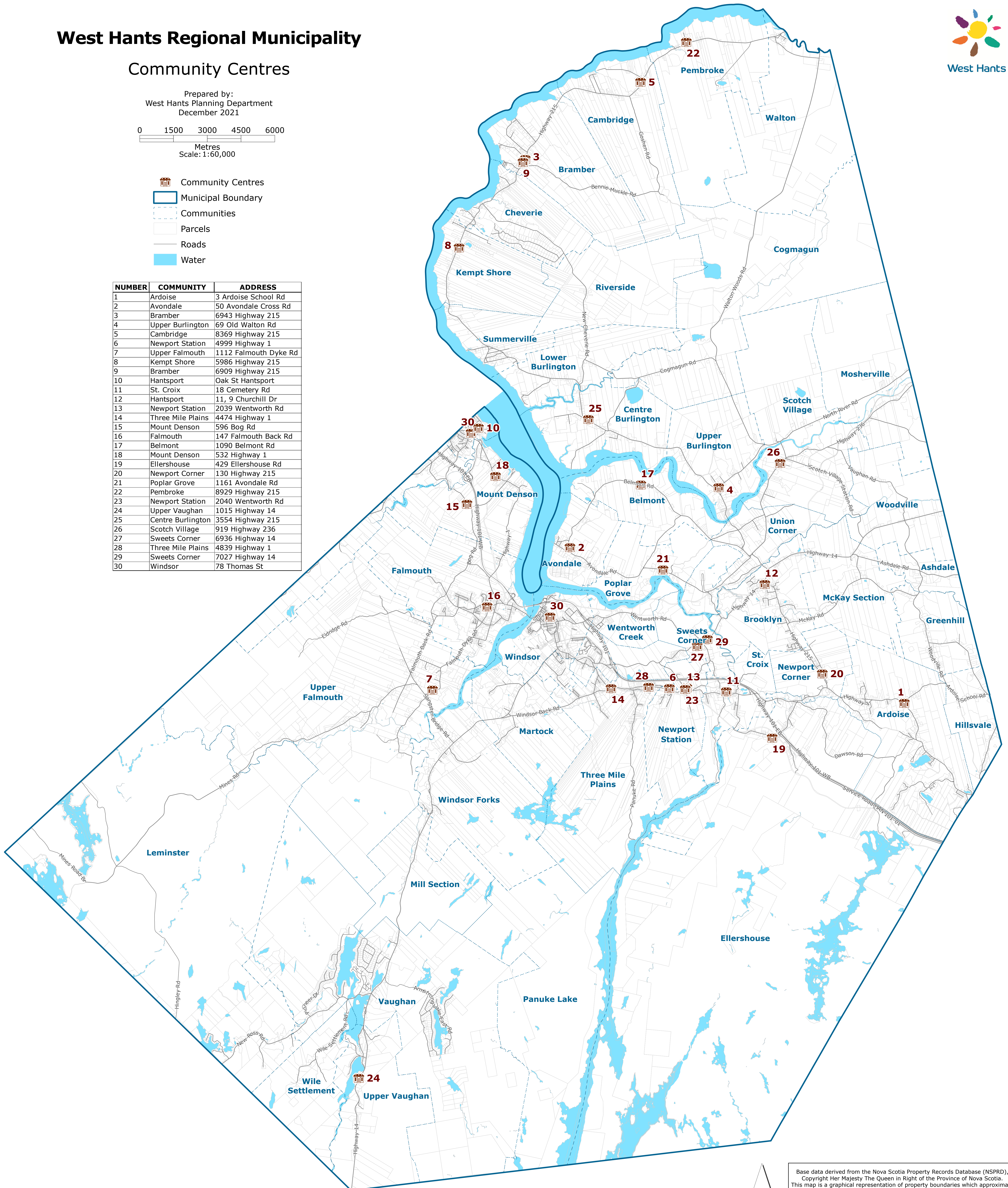
Community Centres

Prepared by:
West Hants Planning Department
December 2021



- Community Centres
- Municipal Boundary
- Communities
- Parcels
- Roads
- Water

NUMBER	COMMUNITY	ADDRESS
1	Ardoise	3 Ardoise School Rd
2	Avondale	50 Avondale Cross Rd
3	Bramber	6943 Highway 215
4	Upper Burlington	69 Old Walton Rd
5	Cambridge	8369 Highway 215
6	Newport Station	4999 Highway 1
7	Upper Falmouth	1112 Falmouth Dyke Rd
8	Kempt Shore	5986 Highway 215
9	Bramber	6909 Highway 215
10	Hantsport	Oak St Hantsport
11	St. Croix	18 Cemetery Rd
12	Hantsport	11, 9 Churchill Dr
13	Newport Station	2039 Wentworth Rd
14	Three Mile Plains	4474 Highway 1
15	Mount Denson	596 Bog Rd
16	Falmouth	147 Falmouth Back Rd
17	Belmont	1090 Belmont Rd
18	Mount Denson	532 Highway 1
19	Ellershouse	429 Ellershouse Rd
20	Newport Corner	130 Highway 215
21	Poplar Grove	1161 Avondale Rd
22	Pembroke	8929 Highway 215
23	Newport Station	2040 Wentworth Rd
24	Upper Vaughan	1015 Highway 14
25	Centre Burlington	3554 Highway 215
26	Scotch Village	919 Highway 236
27	Sweets Corner	6936 Highway 14
28	Three Mile Plains	4839 Highway 1
29	Sweets Corner	7027 Highway 14
30	Windsor	78 Thomas St



Base data derived from the Nova Scotia Property Records Database (NSPRD).
Copyright Her Majesty The Queen in Right of the Province of Nova Scotia.
This map is a graphical representation of property boundaries which approximate
size, configuration and location of parcels. This is not a land survey and is not
intended for legal descriptions or to calculate exact dimensions or area.

Attachment B - 2021-07-27 Mobile Canteen Second Reading Report



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of West Hants Regional Council

Submitted by: _____
Sara Poirier, Planner

Date: 2021-07-27

Subject: Mobile Canteen Vending By-law; File #20-26

LEGISLATIVE AUTHORITY

MGA 172 Power to make By-laws
MGA 173 Vending on Streets

RECOMMENDATION

...that Council approves the Mobile Canteen Vending By-law, RV-001, in a manner substantively the same as the draft set out in Attachment A of the report #20-26 to the Committee of the Whole dated June 6, 2021, which will repeal the Hawkers, Traders and Peddlers Bylaw, Bylaw #15, dated May 6, 1998 and the Temporary Vendor Bylaw, Bylaw #40, dated March 12, 2012 of the former Town of Windsor.

...that Council approves the fees for mobile canteens as outlined in Table 2 Option 3 of the report #20-26 to the Committee of the Whole dated June 6, 2021.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A motion was approved by Council on September 22, 2020 to "direct staff to prepare a report for Council on the by-laws and fees applicable for restaurants (including sidewalk cafés) and mobile vending units. It would be helpful to include information on the

location permissions as well as comparable fees in our region for similar services along with any recommendations for changes staff may deem appropriate”.

Committee of the Whole (COTW) reviewed the staff recommendation report on June 8, 2021. COTW recommended in favour of the draft Mobile Canteen Vending By-law and fees as outlined in Table 2 Option 3 of the staff report which are as follows:

\$25 / special event on public property (14 days or less)

\$100 / three (3) months

\$200 / an additional three (3) months on the same property

\$300 / an additional three (3) months on the same property

\$400 / an additional three (3) months on the same property

\$1000 / year on the same property

NEXT STEPS

Process

COTW Review and Recommendation – June 8



Council First Reading – June 22



Public Hearing and Second Reading – July 27



Notice of Approval in Local Paper

APPENDICIES

Appendix A 2021-06-08 Staff Report to COTW - Mobile Canteen Vending By-law;
File #20-26

CHIEF ADMINISTRATIVE OFFICER REVIEW

The following remarks were made at the June 8, 2021 COTW meeting. My position remains the same regarding this matter.

“I concur with the remarks made in the report. Promoting mobile canteens is a positive reflection on the Municipality. As with Sidewalk Cafes, mobile canteens add to the vibrancy of events, growth centers and our general community. Ensuring the application process is easy helps to attract and retain the canteens and minimizes staff administrative requirements.

With respect to the fees, the recommended option finds a balance between encouraging their presence but increasing the fee in association with the time they are present in the Municipality selling their products. When considering the fee and its purpose it can

be viewed as a mixed fee for the right to conduct business in the municipality (business occupancy) and for the costs associated with the use or provision of municipal services and spaces to accommodate your business (commercial taxation). Compared to other communities, our rural and urban settings and fees charged at festivals and events the proposed rates are very reasonable.

I support the recommendation as presented. "

Report Prepared by: _____
Sara Poirier, Planner

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

Report Approved by:  _____
Mark Phillips, CAO

Appendix A



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of West Hants Regional Council

Submitted by: _____
Sara Poirier, Planner

Date: 2021-06-08

Subject: Mobile Canteen Vending By-law; File #20-26

LEGISLATIVE AUTHORITY

MGA 172 Power to make By-laws
MGA 173 Vending on Streets

RECOMMENDATION or DECISION REQUEST

...that Council gives First Reading and will hold Public Hearing to consider approving the Mobile Canteen Vending By-law, RV-001, in a manner substantively the same as the draft set out in Attachment A of the report #20-26 to the Committee of the Whole dated June 6, 2021, which will repeal the Hawkers, Traders and Peddlers Bylaw, Bylaw #15, dated May 6, 1998 and the Temporary Vendor Bylaw, Bylaw #40, dated March 12, 2012 of the former Town of Windsor.

...that Council approve the fees for mobile canteens as outlined in Table 2 Option 2 of the report #20-26 to the Committee of the Whole dated June 8, 2021, until such time that a Regional Fees Policy is in effect.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
--	---	--------------------------------------	---------------------------------	-----------------------------------	--

A motion was approved by Council on September 22, 2020 to *"direct staff to prepare a report for Council on the by-laws and fees applicable for restaurants (including sidewalk cafés) and mobile vending units. It would be helpful to include information on the location permissions as well as comparable fees in our region for similar services along with any recommendations for changes staff may deem appropriate"*.

Background information can be found in the following reports:

September 9, 2020	Restaurants and Mobile Canteens: Agenda Request Form
February 9, 2021	Mobile Canteens and Sidewalk Cafés: Request for Direction Report to COTW
May 13, 2021	Mobile Canteen Vending By-law: Information Report to PAC/HAC

and minutes of the following Committees and Council meeting:

February 9, 2021	Committee of the Whole
May 13, 2021	Planning and Heritage Advisory Committee

DISCUSSION

Mobile Canteen

The Windsor Hawkers, Traders and Peddlers By-law (1998) permits mobile canteens in the community of Windsor if the owner receives a license from the Municipality.

Upon direction of Council, staff reviewed the Hawkers, Traders and Peddlers By-law (1998) and Temporary Vendor By-law (2012) and propose the following changes:

- extend the By-law to the rest of the Region;
- the Development Officer be specified as the licensing authority;
- describe supporting documentation to accompany an application for a mobile canteen;
- ensure applications for mobile canteens consider parking, safety, access to the property, and garbage collection;
- prohibit mobile canteens from having permanent, direct connection to municipal water, wastewater and sewer service;
- permit mobile canteens in areas where restaurants are permitted as per the relevant Land Use By-law;
- outline when a mobile canteen is permitted on municipal property for an event or holiday upon authorization of the CAO;

- outline that for events or holidays the licensing authority will consult with the Economic Development Manager and/or Event Coordinator to determine how many and what type of mobile canteens should be permitted for the event;
- outline a process for refusal or revocation of permits;
- identify a process for appeal by the applicant if the license is refused or revoked;
- specify that fees will be set in the Municipal Fees Policy;
- repeal the Windsor Hawkers, Traders and Peddlers By-law (1998) and Temporary Vendor By-law (2012)

The draft Mobile Canteen Vending By-law was taken to the Planning and Heritage Advisory Committee for discussion on May 13, 2021. The Committee discussed and agreed with the proposed Mobile Canteen Vending By-law as drafted. Staff also discussed the removal of specific licenses for other types of vending including auctioneering, transient vending, temporary vending and mobile refreshment stands. The Committee agreed to recommend removing the requirement for licensing for these specific uses, as there have been limited licenses issued in the past for these uses and not requiring these uses to be licensed does not prevent these uses from happening; it just allows them to happen without charging a fee or requiring a license for the use.

Fees

The Windsor Hawkers, Traders and Peddlers Bylaw (1998) outlines a fee of \$100 for three (3) months for mobile canteens.

Staff investigated the fees for mobile canteens in other Towns and Municipalities in Nova Scotia to see how West Hants Regional Municipality compared (Table 1).

Table 1: Comparison of License Fees for Mobile Canteens with other Towns and Municipalities

	Mobile Canteens
West Hants Regional Municipality	\$100 / three (3) months
Town of Wolfville	\$75 / canteen / event \$75 for vending on private property with a timeline set by the Development Officer
Town of Kentville	\$10 / event less than 10 days \$75 / canteen for a period less than three (3) months
Town of Bridgewater	\$25 / week \$75 / month \$200 / year
Town of Truro	No by-law or policy for mobile canteens

Town of Yarmouth	\$200 / month \$500 / year
Municipality of the District of East Hants	No by-law or policy for mobile canteens
Municipality of the County of Kings	\$500 / year
Municipality of the District of Lunenburg	Vending in Municipal Parks: \$25 / event (1 day) \$250 / season
Halifax Regional Municipality	Vending on Municipal Land: \$915 / year / food service vehicle

Staff compared the fees for two existing mobile canteen permits and provided potential options for changes to the fees (Table 2).

The fees for mobile canteens are comparable to other areas, however Council could determine if they would like to permit reduced time periods instead of only permitting mobile canteens for three (3) months at a time (Table 2, Option 2). Another suggestion from the discussion with staff and the Windsor Township Business Association was to change the fee structure to have one fee for mobile canteens that participate in a short-term event on public property and then have an incremental increase in fees based on how long the mobile canteen is located on one property (Table 2, Option 3).

Table 2: An Example of Possible Fee Amendments to the Hawkers, Traders and Peddlers By-law for Mobile Canteens

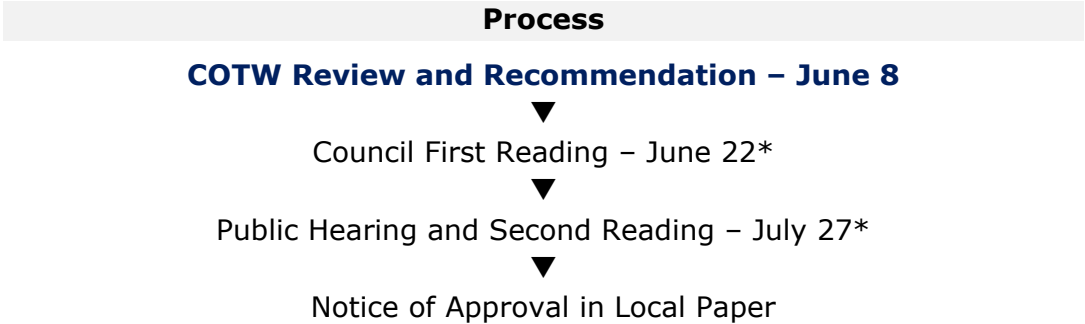
Option 1: Existing Mobile Canteen provisions in the Windsor Hawkers, Traders and Peddlers By-law	Option 2: Amend the Windsor Hawkers, Traders and Peddlers By-law to permit mobile canteens on a monthly, seasonal, or yearly basis	Option 3: Amend the Windsor Hawkers, Traders and Peddlers By-law to permit mobile canteens on a tiered system based on how long they are located on one property
\$100 / three (3) months	\$50 / one (1) month \$100 / three (3) months \$200 / season (May 15 – October 15) \$400 / year	\$25 / special event on public property (14 days or less) \$100 / three (3) months \$200 / an additional three (3) months on the same property

		\$300 / an additional three (3) months on the same property \$400 / an additional three (3) months on the same property \$1000 / year on the same property
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The Planning and Heritage Advisory Committee had a lot of discussion on the proposed fees. Committee members were concerned that increasing the fees would deter mobile canteens in WHRM. PAC/HAC members noted that different fees could be considered for mobile canteens that are not in competition with other businesses (i.e., in the more rural areas of WHRM). They also noted that a mobile canteen is a much different experience than a restaurant and should not necessarily be compared in terms of fees.

Planning staff recommend the fee be amended to align with Table 2, Option 2 and that this fee be required of all mobile canteens throughout WHRM. This would ensure all mobile canteens are treated equally regardless of location in the Municipality and would align with fees required in more rural areas of Nova Scotia.

NEXT STEPS



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are fees associated with advertising the Public Hearing and notice of approval for the Mobile Canteen Vending By-law. The advertising can be accommodated in the budget.

Any amendments to the fees in the by-law would have a financial impact on business owners within the Region. This financial impact could be positive if the fees are reduced, or negative if the fees are increased.

ALTERNATIVES

In response to this recommendation report, Committee of the Whole may:

- recommend that Council hold First Reading and schedule a Public Hearing to consider approving the Mobile Canteen Vending By-law as drafted or as specifically revised by direction of COTW;
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

- Attachment A Draft WHRM Mobile Canteen Vending By-law
- Attachment B Windsor Hawkers, Traders and Peddlers By-law (1998)
- Attachment C Windsor Temporary Vendor By-law (2012)

CHIEF ADMINISTRATIVE OFFICER REVIEW

I concur with the remarks made in the report. Promoting mobile canteens is a positive reflection on the Municipality. As with Sidewalk Cafes, mobile canteens add to the vibrancy of events, growth centers and our general community. Ensuring the application process is easy helps to attract and retain the canteens and minimizes staff administrative requirements.

With respect to the fees, the recommended option finds a balance between encouraging their presence but increasing the fee in association with the time they are present in the Municipality selling their products. When considering the fee and its purpose it can be viewed as a mixed fee for the right to conduct business in the municipality (business occupancy) and for the costs associated with the use or provision of municipal services and spaces to accommodate your business (commercial taxation). Compared to other communities, our rural and urban settings and fees charged at festivals and events the proposed rates are very reasonable.

I support the recommendation as presented.

Report Prepared by: _____
Sara Poirier, Planner

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

Report Approved by:  _____
Mark Phillips, CAO

MOBILE CANTEEN VENDING BY-LAW

1.0 AUTHORITY

This By-law is made pursuant to the *Municipal Government Act*, RSNS 1998, as amended from time-to-time and hereinafter referred to as the "Act".

Pursuant to Section 172 (c) and (f), *Power to make by-laws*, of the *Act*, Council may make by-laws for municipal purposes, respecting persons, activities and things in, on or near a public place or place that is open to the public, as well as to businesses, business activities and persons engaged in business.

Pursuant to Section 173, *Mobile Canteens*, of the *Act*, Council may regulate vending, any class of vending, mobile vendors and the placement of vending machines on the streets of the Municipality by by-law.

Section 172 (2) (e) of the *Act* enables municipalities to provide for a system of licenses, permits or approvals in any by-law.

2.0 PURPOSE

The purpose of this by-law is to regulate mobile canteens within West Hants Regional Municipality.

This By-law shall be known and may be cited as the Mobile Canteen Vending By-law.

3.0 DEFINITIONS

- (a) "CAO" means the Chief Administrative Officer of West Hants Regional Municipality;
- (b) "Council" means the Council of West Hants Regional Municipality;
- (c) "licensing authority" means the Development Officer for the Municipality who receives applications for licenses under this By-law;
- (d) "mobile canteen" means any vehicle which is required to be licensed and registered pursuant to the *Motor Vehicle Act* and is used for the displaying, storing, transporting of food and beverages for sale directly to the public by a vendor, saving and excepting the sale of direct products of the farm, forest or sea which are not cooked within the vehicle;
- (e) "Municipality" means the West Hants Regional Municipality;
- (f) "person" means an individual, body corporate or non-profit organization;

4.0 APPLICATIONS AND LICENSING

MOBILE CANTEEN VENDING BY-LAW

- (a) All licenses issued in the Municipality shall apply only to the person or business receiving the license.
- (b) A license issued under this By-law shall be publicly displayed at all times at the site of the vendor's business.
- (c) All licenses issued in accordance with this By-law shall be signed by the licensing authority and Clerk and sealed with the seal of the Municipality and shall bear the date of issue;
- (d) Every application for a license shall be made in writing to the licensing authority, and shall contain:
 - (i) the applicable fee as established in the Fees Policy;
 - (ii) the name, mailing address, telephone number, and e-mail address of the applicant;
 - (iii) the corporate or partnership or sole proprietorship business name, if applicable;
 - (iv) the street address of the site of the proposed use;
 - (v) the dates and times proposed for the use;
 - (vi) written permission from the owner if the applicant is proposing to use a site which the applicant does not own.
- (e) The licensing authority shall notify the applicant within fourteen (14) business days of receipt of a complete application of the approval or refusal of the license.
- (f) A license shall be in force for a specific period and shall expire at the conclusion of that period. An additional licence shall be required for any change in location or additional period of time for any licence.

4.1 Criteria for Licensing Mobile Canteens

- (a) No person shall operate any mobile canteen on private or municipal property without first obtaining and paying for a licence from the licensing authority. The mobile canteen must be operated in accordance with the licence issued.
- (b) Mobile canteens shall only be permitted on privately-owned property within the Municipality, except during events or holidays where they may be permitted on property owned by the Municipality if the CAO is satisfied that the mobile canteen is a reasonable use of such property for the specific dates, and is one which will not interfere unduly with other municipal uses of the property.

MOBILE CANTEEN VENDING BY-LAW

- (c) Mobile canteens shall not be permitted to have a permanent direct connection to municipal water, wastewater or sewer service.
- (d) Mobile canteen licensees shall maintain appropriate solid waste bins for applicable streams of solid waste such as compostable, recyclable and residual solid waste and shall be responsible for tidy up and disposal of waste generated by the customers or staff of the Mobile Canteen.
- (e) Every application for a mobile canteen license shall be made in writing to the licensing authority, and shall contain, in addition to the items specified in 4.0 (d) above:
 - (i) The mobile canteen name, and corporate name if applicable;
 - (ii) A copy of the Motor Vehicle Inspection (MVI);
 - (iii) A copy of the insurance;
 - (iv) A copy of the food establishment permit, food handling certification and/or temporary event permit issued by the Province of Nova Scotia;
 - (v) A site plan that shows the proposed location of the mobile canteen and of the existing structures on the lot, access to the property, parking, garbage collection receptacles, and any other items that may assist with the review of the application;
- (f) No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants.
- (g) For events or holidays, the licensing authority shall consult with the Economic Development Manager and/or Event Coordinator prior to issuing the license. The Economic Development Manager and/or Event Coordinator shall notify the licensing authority of the maximum number and type of mobile canteens licences that shall be permitted for that event or holiday.

6.0 REFUSAL

The licensing authority shall refuse to issue a permit where:

- (a) the application requirements in Section 4.0 and/or 5.0 have not been met;
- (b) the Traffic Authority determines the proposed site is unsuitable having regard to pedestrian or vehicular traffic movement, access or safety;
- (c) the licensing authority determines the proposed location is not suitable in terms of zoning, lot size, setbacks, access, or available parking as specified in the relevant Land Use By-law;
- (d) for events or holidays, the maximum number and type of mobile canteens specified by the Economic Development Manager and/or Event Coordinator has already been reached or the CAO has declined permission to use municipal property.

MOBILE CANTEEN VENDING BY-LAW

7.0 REVOCATION

The licensing authority shall revoke a permit where:

- (a) the Motor Vehicle Inspection (MVI), insurance or food establishment permit, food handling certification and/or temporary event permit issued by the Province of Nova Scotia has expired or is revoked;
- (b) concerns about pedestrian or vehicular traffic movement, access or safety have been expressed by the Traffic Authority;
- (c) garbage or other waste is not adequately contained and disposed of on-site;
- (d) the licensing fee has not been paid up to date;
- (e) the licensee is in violation of any provision of this By-law or of any other By-law of the Municipality.

8.0 PENALTIES AND ENFORCEMENT

- (a) Any person who fails to comply with any of the provisions of this By-law or a license granted pursuant to this By-law, shall be liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1000.00), and in default of payment imprisonment for a period of not less than ten (10) days nor more than ninety (90) days.
- (b) The Municipality may apply to a Judge of the Supreme Court of Nova Scotia for an injunction or other order where:
 - (i) Land is being used in contravention of this or any other By-law;
 - (ii) A person is operating a mobile canteen without having paid the license fee or obtained and maintained in good standing a license; or
 - (iii) A breach or continued breach or repetitive breach of this By-law is anticipated.

9.0 APPEALS

- (a) A decision of the licensing authority to refuse to issue or to revoke a license may be appealed to Council within fourteen (14) days of the decision of the licensing authority by written notice of appeal delivered to the Clerk.
- (b) Council shall convene an appeal hearing within 60 days of receipt of the appeal letter and may, following the appeal hearing, confirm or rescind the licensing authority's decision.
- (c) In hearing an appeal for a holiday or events license, Council may substitute its own opinion for that of the Economic Development Manager and/or Event

MOBILE CANTEEN VENDING BY-LAW

Coordinator as to the maximum number of such licenses to issue for the event or holiday.

10.0 REPEAL

The Hawkers, Traders and Peddlers Bylaw, Bylaw #15, of the former Town of Windsor dated May 6, 1998 and the Temporary Vendor Bylaw, Bylaw #40, of the former Town of Windsor dated March 12, 2012 are hereby repealed.

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

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

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



**TOWN OF WINDSOR
BYLAW # 15
HAWKERS, TRADERS AND PEDDLERS BYLAW**

- 15.01** No person shall either as a wholesaler or retailer to businesses or residents of the Town hawk or peddle nor go from door to door or sell or offer for sale in the Town by sample or otherwise any goods, wares, merchandise or any other article or thing of whatsoever nature or kind nor engage in, carry on, exercise, or pursue the business or calling of a transient merchant who is not and who has not been for at least one year next previously a resident of the Town, shall hawk or peddle nor go from door to door or sell or offer for sale in the Town of Windsor by sample or otherwise any goods, wares, merchandise, or any other article or thing of whatsoever nature or kind nor engage in, carry on, exercise or pursue the business or calling of a transient merchant, trader, peddler, or hawker without first having obtained a license authorizing to do so.
- 15.02** No person, shall as agent, clerk, assistant, servant or employee of any other person or of any corporation who or which is not and has not been for one year next previously a ratepayer of the Town and assessed upon property therein, hawk, or peddle nor go from door to door and sell or offer for sale in the Town of Windsor by sample or otherwise any goods, wares, merchandise, or any other article or thing of any nature, kind, or description nor engage in, carry on, exercise, or pursue the business of calling of a transient merchant, trader, peddler, or hawker within the Town of Windsor, without his principal or employer having first obtained a license authorizing such principal to engage in the business of a transient merchant, trader, peddler, or hawker and to hawk, peddle and go from door to door and sell or offer for sale in the Town, goods, wares, and merchandise under the provisions of the previous Section and designating him as such agent, clerk, assistant, servant or employee.
- 15.03** Any person violating any of the provisions of Sections 15.01, 15.02 in reference to peddlers and hawkers, shall be liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1000.00), and in default of payment to imprisonment for a period of not less than ten (10) days nor more than ninety (90) days.
- 15.04** Every person applying for a license under Sections 15.01 or 15.02 of these Bylaws shall pay to the Town a license fee of Fifty Dollars (\$50.00) which license shall be valid for a period of up to three months from the date of issue.
- 15.05** Any person coming within the definitions of persons prohibited under Bylaws 15.01 and 15.02 from hawking or peddling or selling without a license, engaging in the business of hawking or peddling or going from door to door and offering

goods, wares, merchandise or other things for sale by sample or otherwise or soliciting persons to subscribe for or take any book, paper, magazine, chart, drawing, photograph, picture or thing shall when required by any person produce and show the license authorizing him to engage in said business or to sell or offer for sale the said goods, wares, merchandise, or other things or to solicit subscriptions, and if he is acting for or on behalf of any other person or corporation, also the license authorizing the said other person or corporation to engage in the said business within the Town, and on refusal or failure to produce such license or licenses as the case may be shall be guilty of the offence of hawking and peddling or soliciting subscriptions, as the case may be, without license, whether he or his employer was or was not the holder of a license.

15.06

- (a) No person shall within the Town of Windsor carry out the operation of a mobile canteen or mobile refreshment stand, without having first obtained a license for the operation of such mobile canteen or mobile stand.
- (b) A mobile canteen means any vehicle used for the displaying, storing or transporting of food and beverages for sale directly to the public by a Vendor, saving and expecting direct products of the farm, forest or sea which is required to be licensed and registered pursuant to the Motor Vehicle Act or propelled by human power whether required to be licensed or not, and includes stands;
- (c) A mobile refreshment stand means any table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device, which may be moved without the assistance of a motor and which is not required to be licensed and registered pursuant to the Motor Vehicle Act, used for the displaying, storing, transporting or sale of food and beverages directly to the public by a vendor, saving and expecting direct products of the farm, forest or sea;
- (d) Every person applying for a license under this Section shall pay a fee for such license in the amount of One Hundred Dollars (\$100.00) which license shall be valid for a period of three months from the date of issue. (04/28/98).

15.07

- (a) No person shall within the Town of Windsor exercise the office or business of auctioneer nor sell at auction within the Town any real or personal property of any nature, kind, or description without first obtaining an auctioneer's license. Provided, however, that this Section shall not apply to sales at church socials or benevolent bazaars or entertainments nor to the sheriff or other officers of law selling under due process of the law.
- (b) The fee for an auctioneer's license shall be Fifty Dollars (\$50.00) for each day during which an auction is conducted.

15.08

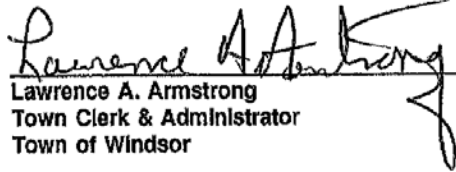
All licenses issued in the Town shall be signed by the Mayor and Chief Administrative Officer and sealed with the seal of the Town and shall bear date of the day of issue.

15.09

The sum to be paid for a license issued under any of these Bylaws shall be paid to the Town Clerk for the purposes of the Town before the issuing of the license.

- 15.10** A license shall be personal to the person to whom it is granted and it is not transferable and it shall entitle only the person named therein to sell under it.
- 15.11** Any person who fails to comply with any of the provisions of this Bylaw shall be liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1000.00), and in default of payment imprisonment for a period of not less than ten (10) days nor more than ninety (90) days.
- 15.12** This Bylaw shall not affect the products of the farm, the forest, or the sea.

I certify that the foregoing is a true copy of the by-law passed by the Town of Windsor at a meeting of Windsor Town Council held on the 28th day of April 1998.


Lawrence A. Armstrong
Town Clerk & Administrator
Town of Windsor

- (1) First notice to Council January 27, 1998
- (2) Date of first reading of by-law February 24, 1998
- (3) Date of Publication, seven day notice prior to second reading April 8 & 15, 1998
- (4) Date of second reading of by-law April 28, 1998
- (5) Date of third reading of by-law April 28, 1998
- (6) Date of publication of final passage May 6, 1998

Attachment C: Windsor Temporary Vendor By-law (2012)



TOWN OF WINDSOR BYLAW # 40

Temporary Vendor Bylaw

AUTHORITY

40.01

Sections 172 (1) (c), (f) of the Municipal Government Act provides municipalities with the power to make bylaws respecting persons, activities and things in, on or near a public place or place that is open to the public, as well as to businesses, business activities and persons engaged in business.

Section 172 (2) (e) of the MGA provides municipalities to, in any bylaw, provide for a system of licenses, permits or approvals.

INTERPRETATION

40.02

In this bylaw:

"bulk" means, but not limited to, items sold in large quantities, wholesale, or liquidation

"CAO" means the Chief Administrative Officer of the Town of Windsor;

"Council" means the Council of the Town of Windsor;

"licensing authority" means the CAO, or such employee or agent of the Town as the CAO may designate to receive applications for licenses under this by-law;

"person" means an individual, guild, agency, or body corporate;

"sell" includes selling, trading, or otherwise transferring for a valuable consideration, whether present or executor;

"Town" means the Town of Windsor;

"temporary vendor" means a person who is selling any of the goods or services set out in Schedule "A" of this by-law at a temporary location, but does not include a person who is operating or carrying on business selling the same goods or services on a permanent basis within the Town of Windsor, Town of Hantsport or Municipality of West Hants' boundaries or those exhibiting products and/or services on the Hants County Exhibition Grounds.

SALES OF GOODS AND SERVICES

40.03 Any person shall sell goods or services in the Town as a temporary vendor in accordance with a license issued pursuant to this by-law.

LICENSING

40.04 Every application for a license shall be made in writing to the licensing authority, and shall contain:

- (a) The name, mailing address, telephone number and, if available, facsimile number and e-mail address of the applicant;
- (b) The corporate or partnership name, if applicable;
- (c) A description of the goods or services the applicant proposes to sell;
- (d) The street address of the site of the proposed sale;
- (e) The dates and times of the proposed sale;
- (f) If the applicant is proposing to sell at a site of which the applicant is not the owner, written permission from the owner; and
- (g) Confirmation of liability insurance in a minimum amount of \$1,000,000 for each occurrence in respect of operations at the proposed site of sale.

40.05 After receipt of a completed application, the licensing authority shall issue a license:

- (a) upon confirming that the proposed site of the sale is zoned for such use under any applicable Land Use By-Law; and
- (b) upon receipt of the license fee.

40.06 A license issued under this by-law shall:

- (a) include the description of the goods or services and the site and times of sale referred to in section 40.04; and
- (b) be conspicuously displayed at all times at the site of the vendor's business.

40.07 A license issued under this by-law shall be in force for the period during which a temporary vendor is authorized to offer goods or services for sale, shall expire at the conclusion of that period, and must be reissued for each subsequent sale of goods or services by a temporary vendor.

40.08 Revocation

A license may be revoked where:

- (a) The licensee is in violation of any provision of this by-law or of any other by-law of the Town;

40.09 Appeals

A decision of the licensing authority to refuse to issue or to revoke a license may be appealed to Council within fourteen days of the decision of the licensing authority by written notice of appeal delivered to the CAO. Council shall convene an appeal hearing and may, following the appeal hearing, confirm or rescind the licensing authority's decision.

PENALTIES AND ENFORCEMENT

40.10 Every person who contravenes or fails to comply with any provision of this by-law or a license granted pursuant to this by-law, or any person who owns or controls premises or property used for unlicensed sale of goods or services by a transient vendor commits an offence and is liable on conviction to a penalty of not less than \$5000 and not more than \$10,000 or, in default of payment, to imprisonment for a period of not less than 30 days.

40.11 The Town may apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order where:

- (a) Land is being used in contravention of this by-law;
- (b) A person is selling goods or services without having paid the license fee required; or
- (c) A breach of this by-law is anticipated or is of a continuing nature.

LICENSE FEES

40.12 The fee for the issuance of a license under this by-law shall be the fee set out in Schedule "A" for the applicable good or service being sold.

EFFECTIVE DATE

40.13 This Bylaw shall be effective upon publication.

SCHEDULE "A"

Goods or services to be licensed

1. Bulk motor vehicles as defined in the Motor Vehicle Act of Nova Scotia but does not include motorized wheelchairs.
License fee \$250
2. Bulk furniture normally sold at a furniture or department store in Windsor but does not include furniture sold at a licensed auction.
License fee \$250
3. Bulk appliances normally sold at a furniture store, hardware store or department store in Windsor but does not include appliances sold at a licensed auction.
License fee \$250
4. Bulk building materials used to construct/renovate home and/or commercial buildings. License fee \$250

CAO/Clerk's Annotation (Office Use Only)

Date of first reading:	December 20, 2011
Dates of advertisement of Notice of Intent to Consider:	January 05 & February 02, 2012
Date of second reading:	February 28, 2012
*Date of advertisement of Passage of Bylaw:	March 08, 2012
Date of mailing to Minister a certified copy of Bylaw:	March 12, 2012

I certify that this Temporary Vendors Bylaw #40 was adopted by Council and published as indicated above.



Louis Coutinho, CAO
Town of Windsor