



West Hants
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY
Planning and Heritage Advisory Committee (PAC/HAC) Agenda
December 14, 2023 – 6:00pm
Sanford Council Chambers and Zoom / Facebook Live**

1.0 Call to Order and Attendance

3.0 Announcements

4.0 Approval of Agenda and Additions

5.0 Declaration of Conflict of Interest

6.0 Approval of Minutes (November 9, 2023)

7.0 Business Arising from the Public Information Meetings

7.1 File #23-29 WHLUB Amendment: PID 45218658, Armstrong Lake East Road, Vaughan (Mark Fredericks)

7.2 File #23-39 WMPS and WLUB Amendments: Pesaquid Comprehensive Development District (Alex Dunphy)

7.3 File #23-44 HMPS, HLUB, WHMPS and WHLUB Amendments: Bog Road Boundary Review, Hantsport/Hants Border (Alex Dunphy)

8.0 Business Arising from the Minutes

8.1 Update: File #23-02 WMPS and WLUB Amendments: 368 Nesbitt Street, Windsor (Sara Poirier)

8.2 Update: Plan Review Consultant (Sara Poirier)

8.3 Update: Heritage Plaques (Sara Poirier)

8.4 Update: File #23-16 Affordable Housing Policies (Sara Poirier)

8.5 Update: File #23-09 Development Agreement: PID 45366432, Cole Drive, Windsor (Alex Dunphy)

- 8.6 Update: File #23-14 Development Agreement: 8 Upper Water Street, Windsor (Alex Dunphy)
- 8.7 Update: File #23-19 Development Agreement: 411 King Street, Windsor (Alex Dunphy)
- 8.8 Update: File #23-04 Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382, Payzant Drive, Windsor (Alex Dunphy)
- 8.9 Update: File #23-11 Short Term Rentals (Mark Fredericks)
- 8.10 Update: File #23-13 Development Agreement: 187 Payzant Drive, Windsor (Mark Fredericks)
- 8.11 Update: File #22-23 Development Agreement: PID 45006947 and 45415668, MacLeod Court, Three Mile Plains (Mark Fredericks)
- 8.12 Update: File #23-07 Development Agreement: PID 45180635 Hwy 215, Summerville (Mark Fredericks)

9.0 Building and Development Activity Reports (November 2023)* - Pg. 3

10.0 New Business

- 10.1 File #23-24 WHLUB Amendment: PID 4522636, Halewood Drive, Falmouth (Alex Dunphy) - Pg. 4
- 10.2 File #23-35 Development Agreement: PID 45058310 and 45058344, Wagner's Court, Windsor (Alex Dunphy) - Pg. 22
- 10.3 File #23-26 WHLUB Amendment: PID 45215290, Riverview Drive, Brooklyn (Mark Fredericks) - Pg. 74
- 10.4 Decision Request: Wind Farm Policies (Sara Poirier) - Pg. 97

11.0 Notices from Adjacent Municipal Units

12.0 Questions and Comments from the Public

13.0 Next Meeting Date (January 11, 2024) / Adjournment

ACTIVITY REPORT

For Month of November 11/30/2023

Type	Nov 2022			Nov 2023		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
Single Family	12	8	2,158,000	12	8	2,398,000
Duplex/Semi	0	0	0	1	2	650,000
Apartments	0	0	0	0	0	0
Other Residential	12	0	462,723	12	0	559,800
Commercial	0	0	0	1	0	117,000
Industrial	0	0	0	0	0	0
Inst & Gov	2	0	175,000	0	0	0
Agriculture	0	0	0	3	0	587,000
Other	0	0	0	0	0	0
Total	26	8	2,795,723	29	10	4,311,800
Year To Date	355	155	50,299,559	324	232	66,517,311
Demolition	3	1		5	5	
Sign Permits	0			2		
Sub Applications	3	2 (Lots Requested)		2	2 (Lots Requested)	

***NOTE: REPORT REVISED 2023-12-19 TO CORRECT ERRORS**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	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: December 14, 2023

Subject: WHLUB Map Amendment: PID 45226636, Halewood Drive, Falmouth; File # 23-24

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Staff recommend that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone PID 45226636 on Halewood Drive, Falmouth, from the Open Space (OS) zone to the Single Unit Residential (R-1) zone as shown in the report #23-24 to the Planning and Heritage Advisory Committee dated December 14, 2023.

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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A completed application was received from the Chief Administrative Officer of West Hants Regional Municipality on behalf of Council on September 20, 2023. The application was to rezone the subject lot from Open Space (OS) to Single Unit Residential (R-1) to allow the potential for residential development. This subject lot was identified as one of 19 parkland properties re-evaluated for divestment in the Parks and Open Space Plan.

In 2015, a Parks and Open Space Plan was completed by the Community Development Department. This report identified 20 parkland properties for potential divestment, however, the Municipality has since undertaken the development of one of these properties in collaboration with the West Hants Trails Association. After a more recent review and re-evaluation done by the Community Development Department, the 19 properties reviewed were deemed to have little to no potential as a parkland amenity and were recommended for divestment.

On October 26, 2021 Council approved the motion to:

APPROVE THE DIVESTMENT OF 17 MUNICIPALLY OWNED PARKLAND PROPERTIES AS RECOMMENDED IN THE WEST HANTS PARKS AND OPEN SPACES PLAN AND FURTHER THAT THE PROCEEDS OF SALE BE RECORDED IN A CAPITAL RESERVE ACCOUNT AND TO BE DIRECTED TO THE COMMUNITY FOR WHICH THE PROPERTY RESIDED OR THE PROCEEDS CAME FROM.

On August 21, 2023, Council approved the motion to:

THE CHIEF ADMINISTRATIVE OFFICER BE DIRECTED TO SUBMIT AN APPLICATION TO THE PLANNING AND DEVELOPMENT DEPARTMENT TO CONSIDER REZONING LANDS PREVIOUSLY IDENTIFIED AS SURPLUS, PID 45226636, 45045952, 45215290, 45221868, 45222254, 45218658, 45222049, 45236601 AND 45225018 TO PROVIDE OPPORTUNITY FOR RESIDENTIAL DEVELOPMENT.

DISCUSSION

The subject lot is currently designated Residential on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1) and is within the Falmouth Growth Centre. The subject lot is zoned Open Space (OS) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2).

The subject lot was provided to the Municipality on December 21, 1990, as part of the subdivision file #34-90 and has been deemed in the Parks and Open Space Plan to have little potential to develop as amenity space due to the number of parks and open space parcels in the neighbourhood.

All properties surrounding the subject lot are designated Residential and zoned Single Unit Residential (R-1) zone. Adjacent properties are single unit dwellings, with other lots zoned Open Space (OS) located on Halewood Drive.

During the November 2, 2023 Public Information Meeting, staff were asked about the requirements for greenspace in subdivisions. In response to the question, staff consulted a Development Officer regarding the West Hants Subdivision By-law. The Development Officer confirmed that prior to approval for a final plan of subdivision, the applicant must provide either a transfer of land equal to 5% of the total area of lots to be approved or provide a sum of money equivalent to 5% of the market value of the lots to be approved. In the case of land transfer, once transferred to the Municipality, the land may be used for public use or as deemed appropriate by Council.

Municipal Planning Strategy Review

Policy 5.4.2 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning to the Single Unit Residential (R-1) zone within the Falmouth Growth Centre. The Policy also includes criteria which must be considered in relation to the proposal. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the subject lot is capable of being serviced by municipal water and sewer; and
- the proposed use will not conflict with adjacent existing uses.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the West Hants Land Use By-law. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Area Manager of the Nova Scotia Department of Public Works, and Public Works Engineering Division have no concerns which have not been addressed in this report.

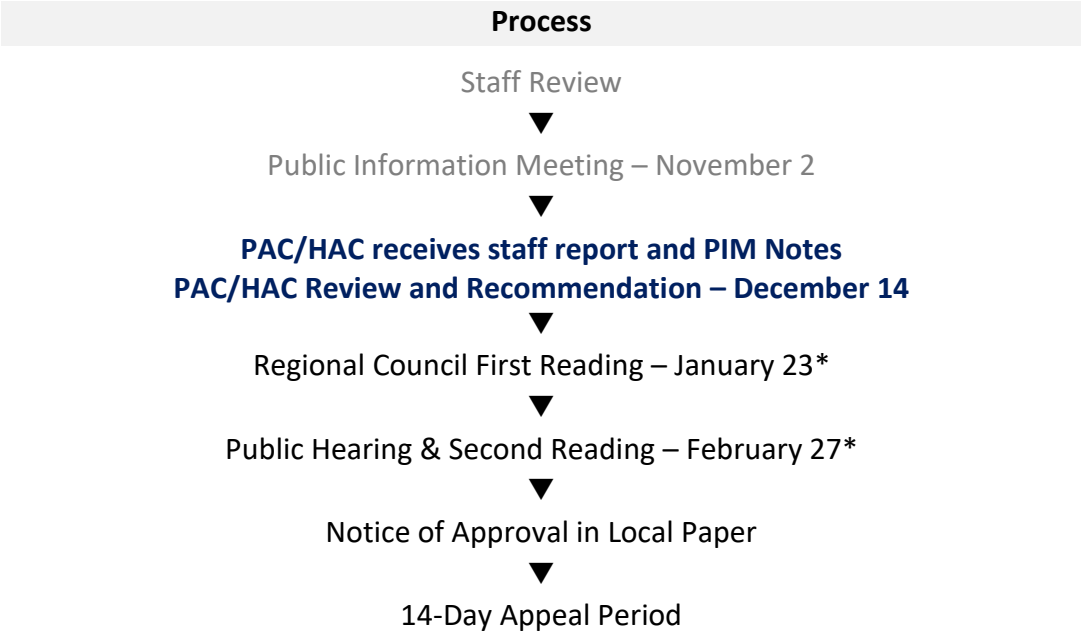
MUNICIPAL CLIMATE CHANGE ACTION PLAN

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

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

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of the general policies of the WHMPS, and is consistent with the intent, objectives, policies and criteria of the WHMPS. As a result, it is reasonable to amend the zoning of PID 45226636 to the Single Unit Residential (R-1) zone.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report. However, the possible future sale of the subject property, following the rezoning, could generate Municipal revenue.

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1 West Hants GFLUM Extract

Figure 2	West Hants Zoning Map Extract
Figure 3	West Hants Proposed Zoning Map Extract
Attachment A	Policy Summary for WHLUB Amendments
Attachment B	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

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

Figure 1 – West Hants GFLUM Extract

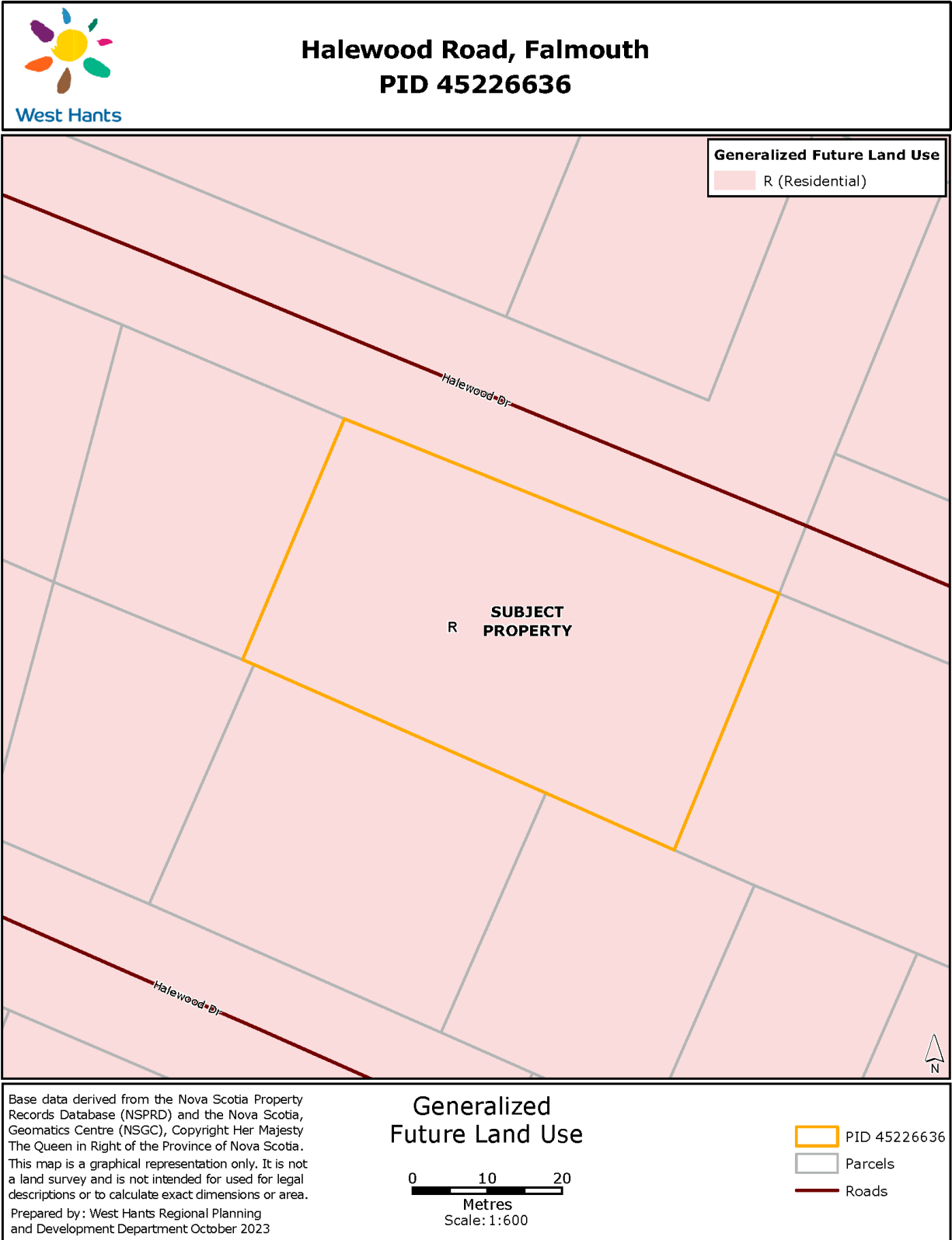
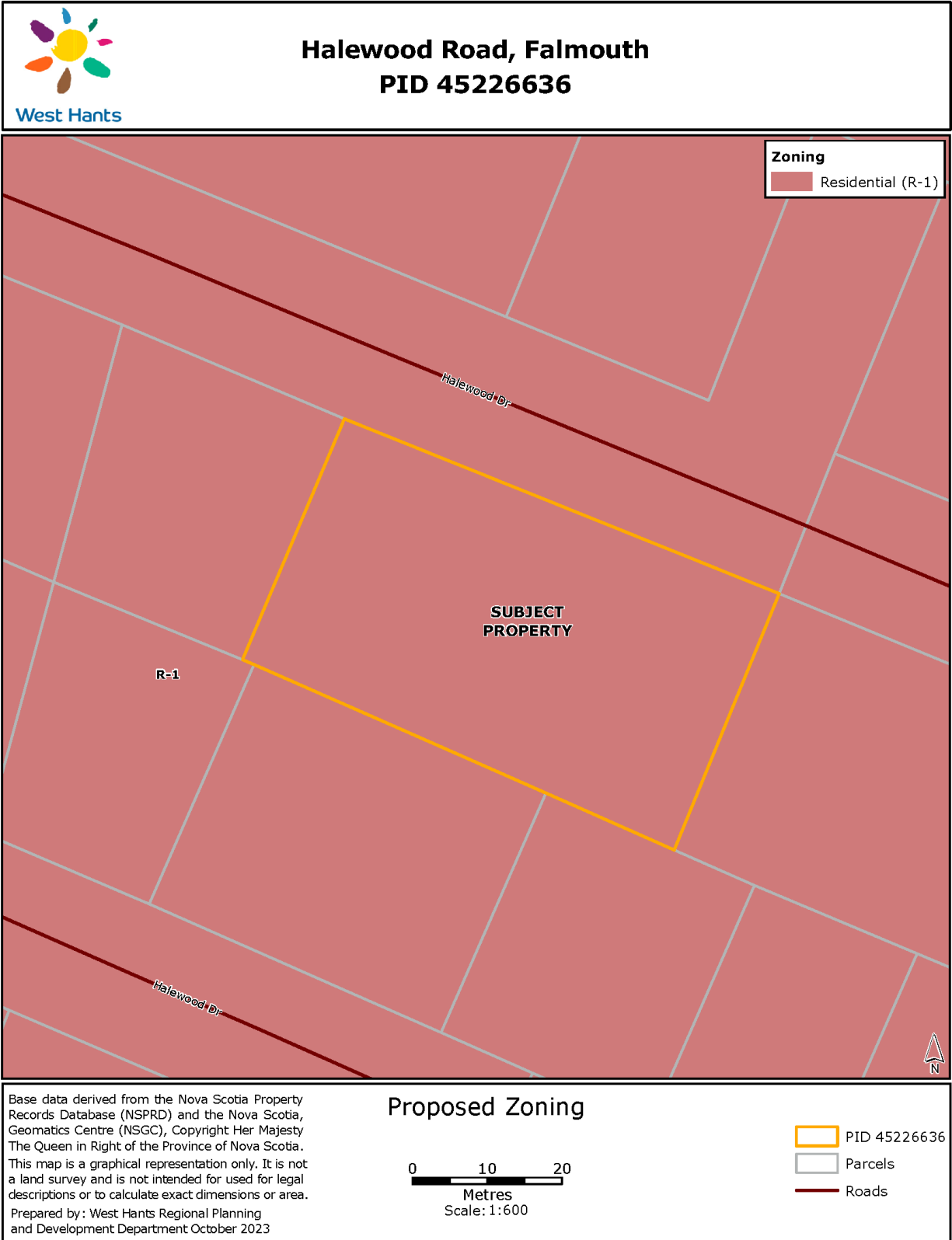


Figure 2 – West Hants Zoning Map Extract



Figure 3 – West Hants Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendments

<p>Policy 5.4.2 <i>It shall be the policy of Council to consider rezoning land within the Falmouth Growth Centre to Single Unit Residential (R 1) subject to the following:</i></p>	
<p><i>(a) the area to be rezoned is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)</i></p>	<p>The Public Works Engineering Division commented that the lot is capable of being serviced by Municipal water and sewer.</p>
<p><i>(b) the proposed use will not conflict with adjacent existing uses;</i></p>	<p>All surrounding properties to the subject lot are single unit residences, which matches the proposed zoning. The Development Officer commented that they have no concerns regarding conflict between the proposed use and adjacent existing uses.</p>
<p><i>(c) any other matter which may be addressed in a Land Use By-law; and</i></p>	<p>All relevant matters have been addressed in this report.</p>
<p><i>(d) Policy 16.3.1.</i></p>	<p>See Policy 16.3.1 below.</p>

<p>Policy 16.3.1 <i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></p>	
<p><i>(a) whether the proposal is considered premature or inappropriate in terms of:</i></p>	
<p><i>(i) the adequacy of sewer and water services;</i></p>	<p>The Public Works Engineering Division commented that they had no concerns regarding the adequacy of municipal services for the proposed use.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>The Director of Operations for the Annapolis Valley Regional Centre for Education has stated that projected capacity for student enrollment and student transportation appears sufficient to accommodate the proposed development.</p>

<p><i>(iii) the adequacy of fire protection and other emergency services;</i></p>	<p>The Manager of Building and Fire Inspection Services commented that they had no concerns regarding the adequacy of fire protection. The local Fire Chief commented that they also had no concerns.</p>
<p><i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>The Area Manager of the Nova Scotia Department of Public Works commented that they had no concerns regarding the adjacent road network.</p>
<p><i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<p><i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i></p>	<p>The Public Works Engineering Division commented that the subject lot is capable of being serviced by Municipal water and sewer.</p>
<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Area Manager of the Nova Scotia Department of Public Works commented that they had no concerns regarding the suitability of movement and traffic. There are no sidewalks present near the subject lot, however, the shoulder of Halewood Drive provides pedestrian access. There is no active rail line in the vicinity.</p>
<p><i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The Development Officer commented that they had no concerns regarding the adequacy of the dimensions and shape of the lot for the intended use.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The Development Officer commented that they had no concerns regarding the pattern of development which the</p>

	proposal might create. The proposed zoning matches the surrounding uses.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i>	The subject lot slopes to the north and east. There is also a drainage ditch along Halewood Drive. No waterbodies or wetlands appear to be present on the mapping for the subject lot and there are no evident concerns in terms of steepness of grade, soil or geological conditions.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Public Information Meeting Notes

November 2 – 16, 2023

WHLUB Map Amendment: PID 45226636, Halewood Drive, Falmouth ; File # 23-24

Meeting date and time	A Public Information Meeting was held on November 2, 2023 beginning at 6:01 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: One (1) Chair: <ul style="list-style-type: none">• Mayor Zebian Four (4) members of staff: <ul style="list-style-type: none">• Planner Dunphy• Planner Fredericks• Planning Assistant Lake• Director Poirier Approximately 30 members of the public.
Applicant CAO Mark Philips on behalf of Council Property PID 45226636, Halewood Drive, Falmouth	Planner Dunphy outlined the application to rezone the subject lot to the Single Unit Residential (R-1) zone.
Comments	Comments from the public could be submitted by mail, e-mail and telephone between November 2 –16, 2023. Staff received 2 phone calls and 4 written submissions during the comment period. The phone calls were regarding previous correspondence regarding the future of the subject lot’s zoning and interest in other available open space lots. 5 members of the public spoke during the Public Information Meeting. Staff and applicant responses are in purple. <ul style="list-style-type: none">• Katherine Watton asked about public participation and how feedback is gathered for the file. <i>Alex responded by explaining the public participation process for planning applications.</i>• Rod Hunter asked why the lot is being rezoned and if there was a buyer. <i>Alex responded that the subject lot was identified as</i>

surplus land and that an application was made by the CAO on behalf of Council.

Mayor Zebian then commented that Council receives individual parcels of land within subdivision developments, certain pieces have been deemed surplus and identified as potential for development. No discussions have taken place regarding a future owner of the lot. The rezoning of the property was initiated prior to the lot being put on the market. Rod then asked how many lots were planned to be developed.

Alex responded that this application is only for a rezoning to the Single Unit Residential (R-1) zone and that a separate process may permit further subdivision.

- Mark Smith commented that the other open space lots nearby are either unsafe due to sinkholes or would require a lot of work to be useable. Mark asked who is responsible for developing greenspace. Alex responded that it would be the responsibility of the Community Development department.

Mark then asked what would be done with the other open space lots.

Alex responded that there was no direction from Council in the application for additional greenspace development.

- Ann Dodge asked if there is any requirement for green space in Municipal subdivisions.

Alex responded that a Development Officer would determine what greenspace is required for subdivisions.

Ann then asked why the term manufactured home was used.

Alex responded that only existing manufactured homes would be permitted and that no new manufactured homes would be permitted on the lot.

Ann then commented that the greenspace is

	<p>beneficial to have and that they had been informed that it would stay as greenspace.</p> <ul style="list-style-type: none"> • Charlene Armstrong commented that they understood that the property would remain greenspace.
Adjournment	The Public Information Meeting was adjourned at approximately 6:22 p.m.

Public Email Responses Submitted for the Application

November 14, 2023

From Ann Dodge and Mark Smith

To Alex Dunphy

Dear Mr. Dunphy,

Please find attached a letter noting concern re the rezoning of property on Haleweek Drive in Falmouth.

Thank you,

Ann Dodge

Letter Attached Below

November 14, 2023

From Rod & Julie Hunter

To Alex Dunphy

Further to the meeting of November 2nd 2023, our comments on the rezoning of the above property are as follows;

Mr. Dunphy we are sending this email to advise that we are against the rezoning of PID 45226636, Halewood Drive, Falmouth, from Open Space to Residential.

We have been residents of [ADDRESS REMOVED], which is directly behind the lot being requested for rezoning, for 15 years. At the time of purchase we were informed that this lot (PID 45226636) was a permanently designated “green space” and residences would not constructed on this lot. This was one of the main factors we took into consideration when we purchased our property on Halewood Drive. From conversations with other residents near this lot they were also informed that this was to be a permanent green space.

We fail to understand after such a long period of time why a change in position has been undertaken? Should other building lots be required there are several still available in the subdivision, as well Falmouth has numerous others building lots open.

From my understanding this lot has been “green” for over 20 years and in view of this many birds and wild animals have taken advantage of this even though it may be on sporadic and temporary bases.

This is a small space in the overall scheme of things and we are hopeful you will reconsider rezoning this lot to Residential and leave it as an open space so that it can be enjoyed by families in the area as well as the many birds and animals that visit this lot.

Thank you

Rod & Julie Hunter

November 14, 2023

From George Armstrong

To Alex Dunphy

Letter Attached Below

November 16, 2023

From Nicole Dunlap-Benedict and Ryan Benedict

To Alex Dunphy

Good Morning Mr Dunphy,

Just a quick note to express how upset we are regarding the possibility of the rezoning of the above mentioned lot.

Our home, which is adjacent to the subject lot, was purchased in 2012. The west side of our house faces the green space (which is what it was called then) and in our living room we have a 7 foot picture window facing the green space. This window is larger than the other picture window in the living room facing the street. When first viewing the house to purchase, I was curious about this large window as most houses in subdivisions do not have a lot of windows on the sides, if any. The real estate agent told me that the builder adapted the house plans and added the big window plus another one on that side of the house because there would never be a neighbour there. Before putting in an offer on the house, I (Nicole) called the Municipality office to verify this was true because I wouldn't have wanted a house so open on one side in a subdivision without the trees there. I was told by the planning department that where it was

zoned a green space, it would stay a green space as this was important to have in growing subdivisions.

Years have gone by and we built a covered deck and gardens towards the green space to utilize the privacy we thought we would always have there. We even purchased the lot on the other side of our home in 2017 in order to build a garage and expand our property and again the green space factored into this decision to add onto this property instead selling and buying elsewhere where we would probably have less privacy.

As one of the original houses on this street, we have watched the homes go up around us, but the green space has remained a beautiful, natural wooded area for our subdivision. Neighbours walking by have frequently commented to us on how loud the singing birds are in there or that they saw deer coming out or that their kids love to watch the squirrels jumping from tree to tree.

We believe the green space offers a nice balance to our neighbourhood. More personally, we are concerned about our property value and how losing those trees will open up our home. Not only to potential neighbours but to the street as well.

We are opposed to the rezoning of this lot from “open space” to residential and disappointed that what we were told 11 years ago by the municipality about the importance of the green space in the subdivision seems to no longer hold true.

Yours truly,

Nicole Dunlap- Benedict

Ryan Benedict

183 Halewood Drive

Falmouth NS B0P 1P0

November 13, 2023

Mr. Alex Dunphy

West Hants Regional Municipality

76 Morrison Dr, P.O. Box 3000

Windsor NS B0N 2T0

RE: Consideration of Rezoning Lot # PID 45226636

Dear Mr. Dunphy,

My name is Mark Smith and my wife Ann Dodge and I live at [ADDRESS REMOVED] in Falmouth. The lot next to our home is under consideration for rezoning and this letter is to oppose rezoning of lot # PID 45226636. We attended the November 2nd public meeting along with members from our subdivision to voice our concerns about the rezoning of a wooded areas next to our home for development and this letter is to further express our opposition.

We moved into our home in December of 2003 and at that time we were the last available lot to be developed in the subdivision. Next to our home was a wooded area and it was a number of years before a local developer purchased the remaining land with intentions of developing building lots. In fact, we were told by the Municipality that we had to pay for a street light to be put on our street because at that time there were no intention to further develop the remainder of the subdivision, therefore it would be at our expense if we wanted a street light. We still pay a monthly a charge for our streetlight despite the fact the subdivision has now been fully developed.

When a local developer purchased the remaining land a few years later and began to develop new lots, my wife and I were approached by that individual and asked if we would support his petition to the Municipality to develop the lot next to ours as it had been designated as greenspace, and according to him, he was unable to access permission to build on the lot. We attended a public meeting at that time as well and were told by a representative from the Municipality that the lot next our home would **not** be re-zoned, and armed with that information, we believed the matter had been dealt with once and for all.

We were opposed to the lot being developed as we realized when we moved into our home that the wooded area served as home to a number of species of birds, raccoons, squirrels and other small wildlife. To this day it remains a safe space where children from the neighbourhood can play in and explore nature in their own community without fear of being encountered by strangers yet be surrounded by people they know from their neighbourhood. And as new subdivisions continue to emerge in Falmouth and the surrounding area, natural habitats continue to disappear and wildlife continue to be forced to find new spaces such as the wooded area our home that offer food, shelter, and safety. Other neighbours that have built homes beside and around the wooded area designed their homes with the understanding that it would never be disturbed.

Further down Halewood Drive at the bottom of the hill where a greenspace (or open space, or recreations space) was developed, (perhaps with the intention of trading off that space one day for the wooded lot next to our home or perhaps to meet a municipal bylaw given the number of homes in the subdivision), we have a major concern that is affecting property values and public safety. Sink holes have emerged beside and in front of the designated greenspace area and

homes in that area of the subdivision have been and continue to be negatively impacted, with our property values being adversely affected.

Two years ago, while out for a walk one evening my wife and I happened upon two young boys about to climb down into a sink hole to further explore on that designated greenspace. We were able to discourage them from continuing with their plan to enter one of the sink holes near the greenspace. Since then, that hole and many other have been filled with various materials.

It appears that little is being said publicly about the damage the sink holes have caused and a few neighbours have sold their homes near the sinks holes to get fair market value for their property before word gets out that there are places in the subdivision where purchasing a home would be a huge financial and safety risk.

The road near these spots continues to quietly be repaired by the Municipality, patching dips in pavement where it is clear the land underneath road has “disappeared”. However, as quickly as some areas are “fixed”, the ground continues to move on both sides of Halewood Drive.

Bylaws exist in developed areas to govern the designation of open space, or green space, or recreational space. The land at the bottom of the hill exists as the open space for our subdivision. Clearly there should be concerns about that land as the sink holes are all around it, making it unsafe for its designated purpose. The green space that is now being discussed for development should remain as is while additional land, safe land, be redesignated, including perhaps other lots that were noted on the map shared during the November 2 meeting.

Ann and I are community-minded citizens and appreciate the importance of growing the community. We fully understand that the housing market is at an all time high in our province with a need for more affordable housing everywhere. There are a number of young families living in our subdivision and it is wonderful to see the bicycles and scooters traveling up and down the road, however, there were other spaces identified on the map used on November 2nd to illustrate the areas under consideration for rezoning and we strongly believe that the wooded area under consideration on Halewood Dr should be protected and left as many of us have been assured over time by the Municipality it would.

Sincerely,

Mark Smith

Ann Dodge



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	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: December 14, 2023

Subject: Development Agreement: 172, 179, 180, 187 & 188 Wagners Court, Windsor (PIDs 45058310 and 45058344); File # 23-35

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

Staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow grouped dwellings, consisting of 11 dwelling units, on PIDs 45058310 and 45058344 on Wagners Court in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-35 to the Planning and Heritage Advisory Committee dated November 14, 2023.

...that PAC/HAC recommends that Council require that the development agreement with Edward Edelstein which permits grouped dwellings, consisting of 11 dwelling units, on PIDs 45058310 and 45058344 on Wagners Court in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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An application was received from Edward Edelstein of Geome Properties Limited on October 11, 2023. The application is to allow the conversion of 5 single unit dwellings into 5 two-unit dwellings on Wagners Court by development agreement.

DISCUSSION

The subject lots are designated Residential on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS) (Figure 1). The subject lots are zoned Two Unit Residential (R-2) and are included in the Architectural Control District on Schedule A of the Windsor Land Use By-law (WLUB) (Figure 2).

The subject lots are located on Wagners Court and currently have 3 single unit dwellings on each lot. The buildings were originally constructed as temporary housing after the fire of 1897 in Windsor. Due to the existing buildings being constructed prior to the implementation of the Windsor Land Use By-law, the buildings have been considered existing non-conforming. This means that the buildings do not meet the setback requirements of the current WLUB.

Surrounding Context

All surrounding properties are designated Residential and zoned Two Unit Residential (R-2), except the back portion of the Windsor Curling Club, being zoned Town Centre (TC) and a larger property to the south and one on the corner of Gray Street and Munroe Street which are both zoned High Density Residential (R-4). Most surrounding properties contain residential uses, with the Windsor Curling Club being located on the north side of Gray Street.

Municipal Planning Strategy Review

Policy 5.4.6 of the WMPS is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider new grouped dwellings by development agreement in the Residential designation. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposal does not further reduce the setbacks of the existing non-conforming buildings;
- the proposal is considered compatible with adjacent land uses;
- the draft development agreement outlines buffering and landscaping requirements;
- the architectural design of the proposal meets the requirements of the Central Residential District of the Architectural Design Manual;

- the Development Officer, Public Works Engineering Division, Fire Chief, Manager of Building and Fire Inspection Services, and the Municipal Traffic Authority have no concerns which have not otherwise been addressed in this report.

Policy 13.0.3 of the WMPS establishes the requirement for comments and recommendation from the Planning and Heritage Advisory Committee on the design review of applications for development agreements within the Architectural Control Districts. With consultation from the Development Officer, planning staff have reviewed the proposed design of the buildings, attached as Schedule B of the draft development agreement (Attachment B), and have determined that it conforms to the requirements of the Central Residential District of the Architectural Design Manual (Attachment C). The aspects reviewed by staff include:

- architectural style and façade design;
- height, proportion, and orientation;
- front yard setback;
- roof pitch and style;
- windows and dormers;
- cladding and trim;
- porches, porticos, and verandas;
- exterior staircases and fences; and
- barrier-free access.

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

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Public Works Engineering Division, and Municipal Traffic Authority have no concerns which have not been addressed in this report.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding, including the subject lots.

The applicant has noted that the existing buildings were damaged during the July 2023 flood event. They have stated they will be removing existing crawl spaces, raising the main floor height, and building a new foundation from on-grade concrete slab to mitigate any future flooding impacts.

In accordance with the Municipal Services Specifications Manual, the Public Works Engineering Division will require the developer to provide a confirmation from an engineer that the pre- and post-development flows are neutral or better than before the development.

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

ADDITIONAL CONSIDERATIONS

During the November 2, 2023 Public Information Meeting, the applicant had stated that the development would be a reconstruction using the existing framework. However, after further investigation the applicant reported to staff that the damage to the existing buildings was more extensive than originally anticipated and would instead need to be completely rebuilt. Staff discussed this change with the Development Officer and determined that demolition and reconstruction of the units, as opposed to renovation, would not affect the development agreement application.

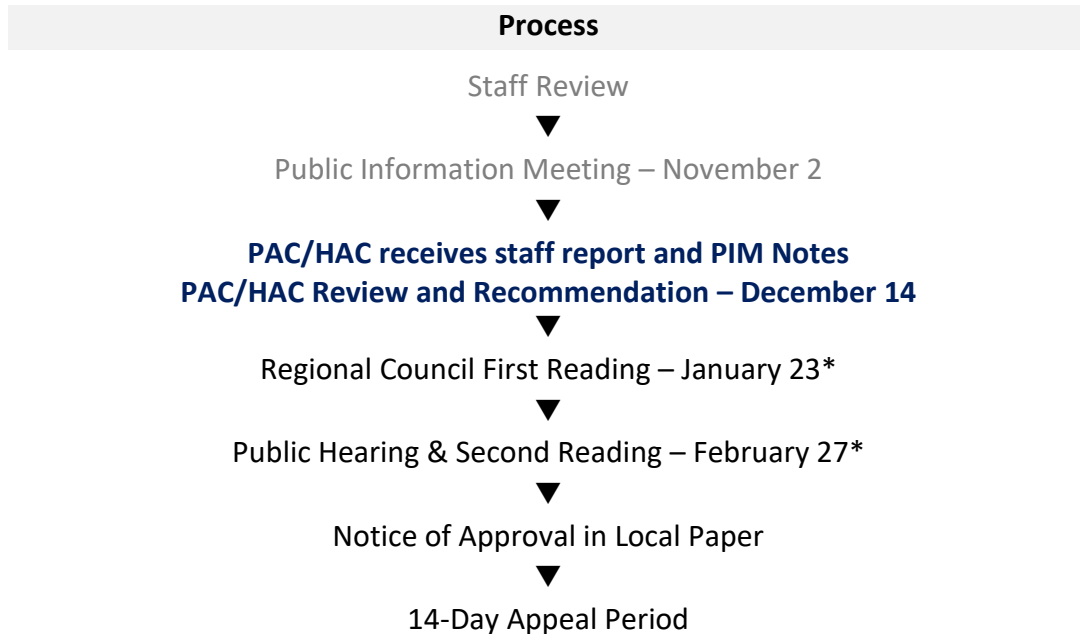
During the November 9, 2023 PAC/HAC meeting, a Committee member asked about the notification signage referring to the proposal as affordable housing. Staff responded that this was a mistake and that our policies only allow development agreements to regulate land use, not rental cost.

Another question was asked during the November 9, 2023 PAC/HAC meeting, regarding how the proposal would be affected by floodwater. As part of the floodproofing measures for the proposal, the applicant has included several floodproofing components. These include removing the existing crawl spaces, raising the main floor height, and building a new foundation from on-grade concrete slab. The applicant does not intend to change the grading of the subject lot, only the height of the buildings. As noted above, confirmation will be required from an engineer that pre- and post-development flows are neutral or better than before the development. This will ensure that there is no increase in stormwater runoff due to the proposal.

Prior to the filing of this report, the applicant had requested to submit an altered site plan (Schedule B of Attachment B). This site plan shows the buildings being moved towards each other, which helps to alleviate the non-conforming side yard setbacks, but further reduces the separation distance between the proposed buildings. At the time of writing this report, staff have not yet received comment from the Fire Chief and the Manager of Building and Fire Inspection Services but have requested a meeting to address any potential concerns.

NEXT STEPS

As noted above, the draft development agreement has been considered within the context of both the specific and general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to consider permitting grouped dwellings, consisting of 11 dwelling units, on PIDs 45058310 and 45058344 on Wagners Court in Windsor by development agreement.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Draft Development Agreement
Attachment C	Architectural Design Manual Extract – Central Residential District
Attachment D	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

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

Figure 1 – GFLUM Extract

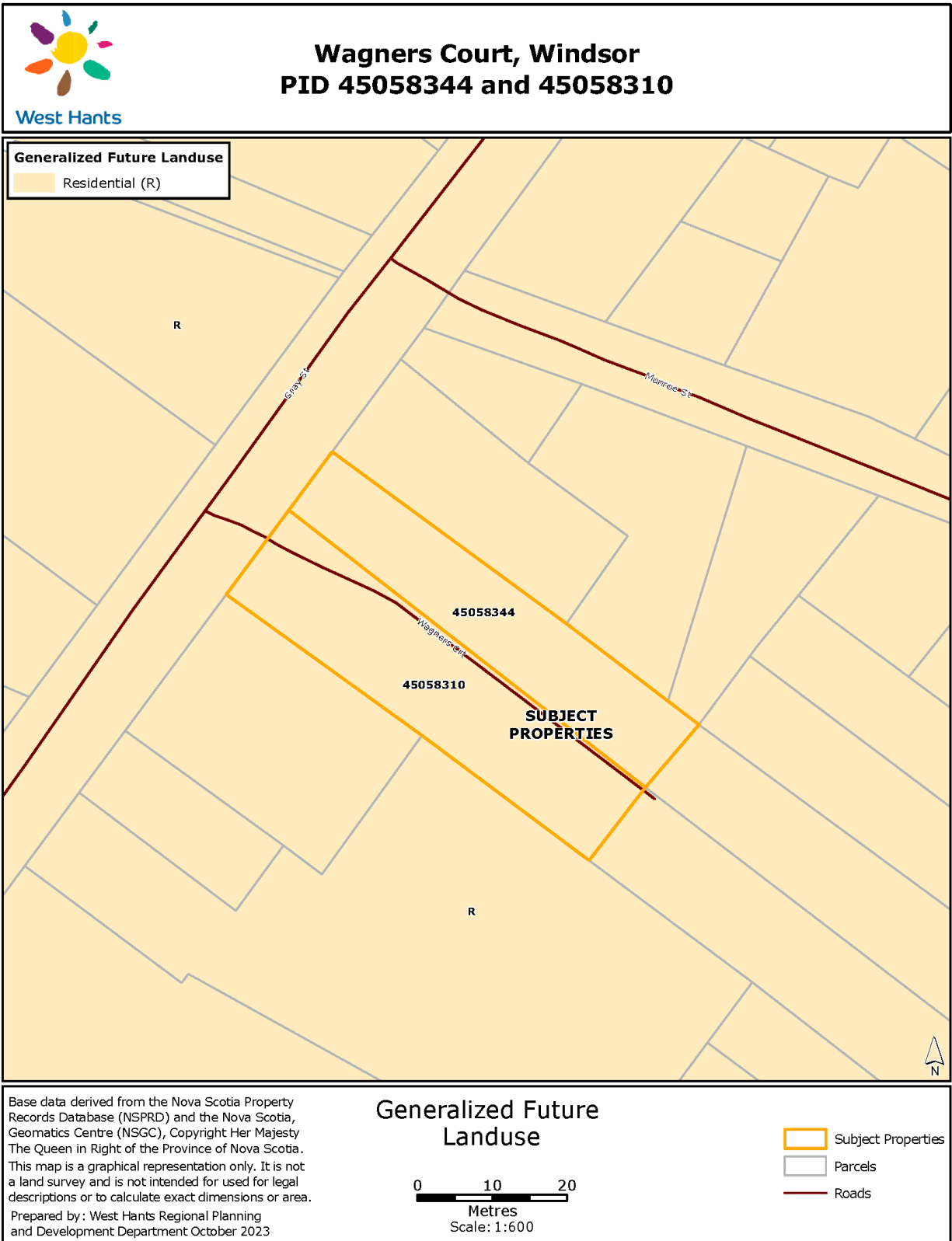


Figure 2 – Zoning Map Extract



Attachment A – Policy Summary for Development Agreement

Policy 5.4.6 *It shall be the policy of Council to consider entering into a development agreement to allow, in the Residential designation, new multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities, as well as the conversion of existing buildings to three or more units, subject to the following:*

(a) the proposed use meets one of the following:

<p><i>(i) in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards; or</i></p>	<p>The existing buildings on the subject lots are considered existing non-conforming buildings as they were built prior to the current WLUB. The applicant has stated that the buildings have been significantly damaged due to the July 2023 flood events and need to be demolished and reconstructed. The Development Officer commented that the proposed development does not meet the rear or side yard setback requirements, minimum lot frontage, or minimum lot area for the High Density Residential (R-4) zone. However, as the current buildings are existing non-conforming, they may be reconstructed or repaired using the footprints of the existing buildings, as long as setbacks are not further reduced during the reconstruction. A property owner is given 12 months following demolition to reconstruct the buildings within the same footprint (Section 5.23 (c) of WLUB).</p>
<p><i>(ii) in the case of a conversion of an existing residential building, that any addition or enlargement to the building meets the setback requirements of the zone in which it is located, or that any undersized setbacks are not further reduced by the addition or enlargement;</i></p>	<p>See Criterion (a) (i) of Policy 5.4.6.</p>

<p><i>(b) the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;</i></p>	<p>The existing development on the lot is somewhat atypical in terms of built form for the area. However, the proposal appears to be compatible with the size and appearance of adjacent land uses. The height of the proposal is less than the 35 ft. maximum building height set out in the High Density Residential (R-4) zone standards. The Development Officer also commented that the proposal would meet the architectural design requirements of the Central Residential District, which is required of to ensure that new developments match the appearance intended for this area. Staff consider this proposal to be compatible with adjacent uses.</p>
<p><i>(c) the development is considered compatible with the residential character of the area with respect to traffic generation and population density;</i></p>	<p>The Municipal Traffic Authority commented that they have no concerns regarding traffic generation or density of the proposed development.</p>
<p><i>(d) consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;</i></p>	<p>The draft development agreement outlines the buffering and landscaping requirements for all parking areas of the development.</p>
<p><i>(e) adequate on-site parking is provided and parking areas are well designed;</i></p>	<p>The Windsor Land Use By-law requires one parking space per dwelling unit for this proposal. A total of 12 parking spaces are provided by the proposal. The Development Officer commented that the parking proposed would be adequate for the development.</p>
<p><i>(f) there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of existing buildings, nearby public parks may be deemed sufficient;</i></p>	<p>As the existing subject lots are undersized, there is limited space for on-site recreational space. There are nearby recreational spaces, such as Victoria Park, within a walkable distance from the proposal. The Development Officer commented that they have no concern regarding the</p>

	adequacy of recreational space for the proposal.
<i>(g) the development abuts an arterial or collector street as shown on the Transportation Map (Map 2), if the development consists of 12 or more units;</i>	This criterion is considered not applicable, as the proposal consists of 11 dwelling units total. However, this criterion would be met regardless, as Gray Street is considered a collector street on the Transportation Map of the WMPS.
<i>(h) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;</i>	The Development Officer confirmed that the architectural design of the proposal would meet the requirements of the Central Residential District within the Architectural Design Manual.
<i>(i) in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;</i>	The Manager of Building and Fire Inspection Services commented that the additions to the buildings, having no openings, steel cladding, and building the interior to meet Fire Code would ensure that the development has adequate fire protection. This will be reviewed during the building permit stage of development, if the development agreement is approved.
<i>(j) any other matter which may be addressed in a development agreement; and</i>	All relevant matters have been addressed in this report.
<i>(k) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.</i>	See below.

Policy 13.0.3	
<i>It shall be the policy of Council to seek comments and recommendations from the Windsor Heritage Advisory Committee on the following:</i>	
<i>(a) design review of applications for development agreements or Land Use By-law amendments within the Architectural Control Districts; and</i>	Staff have included the proposed building designs and the relevant section of the Architectural Control Manual to allow members of the PAC/HAC to review and provide comments.

<i>(b) the designation of new Architectural Control Districts and amendments to the Architectural Design Manual.</i>	Not Applicable, as no amendment is proposed.
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Policy 16.3.1
In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

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

<i>(i) the adequacy of sewer and water services;</i>	The Public Works Engineering Division commented that although capacity is not considered to be an issue, given the age of the current water/sewer infrastructure, they would suggest that the developer upgrade the mains under Wagner Court. The Public Works Engineering Division will also requires a bulk meter chamber to be installed by the developer. Staff have passed these comments along to the applicant. The applicant will be required to implement the requests of the Public Works Engineering Division during the construction phase.
<i>(ii) the adequacy of school facilities;</i>	The Director of Operations for the Annapolis Valley Regional Centre for Education has stated that they will accommodate all students.
<i>(iii) the adequacy of fire protection;</i>	As the newest site plan was provided to staff immediately prior to the filing of this report, staff have not yet received comment from the Fire Chief and Manager of Building and Fire Inspections Services based on the altered setback. Staff have reached out to all parties to set up a meeting to discuss any potential concerns. This criterion will need to be addressed prior to finalization of the draft development agreement.

<p><i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>The Traffic Authority has no concerns regarding the road networks adjacent or leading to the development.</p>
<p><i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<p><i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Traffic Authority has no concerns regarding movement suitability on the subject lots. Sidewalks are provided on Gray Street and pedestrian access is required to all building entrances in the draft development agreement. There is no active rail line in the vicinity.</p>
<p><i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The Development Officer commented that the subject lots are suitable in terms of dimension and shape for this proposal.</p>
<p><i>(d) the pattern of development which the proposal might create;</i></p>	<p>The proposal does not significantly change the existing pattern of development. The Development Officer has no concerns regarding the pattern of development.</p>
<p><i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i></p>	<p>The subject lots did experience significant flooding during the July 2023 flooding events. The applicant has proposed several solutions in order to prevent future damage from flooding, including removing existing crawl spaces, raising the main floor height, and building a new foundation from on-grade concrete slab. The proposal does not intend to change the grading of the subject lot, only the height of the buildings. In addition, a confirmation of pre- and post-development flows from an engineer will be required prior to receiving development and building permits.</p>

<i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(g) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Draft Development Agreement



West Hants

DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2024.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

GEOME PROPERTIES LIMITED, a body corporate with a head office at 2159 Gottingen Street, Halifax, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

WHEREAS the Owner is the registered owner of the parcels of land located at PIDs 45058310 and 45058344 on Wagners Court in Windsor hereinafter referred to as the “Properties”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Properties are designated Residential on the Generalized Future Land Use Map of the Municipal Planning Strategy, zoned Two Unit Residential (R-2) and are included in the Architectural Control District on the Zoning Map of the Land Use By-law; and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit up to 11 dwelling units as grouped dwellings on the Properties (the “Development”); and

WHEREAS Policy 5.4.6 of the Municipal Planning Strategy and Section 6.1 (b) of the Land Use By-law enables Council to consider a development agreement for grouped dwellings; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2024, approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto and the other conditions herein;

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

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use By-law.

1.2 Schedules

The following attached schedules shall form part of this agreement:

Schedule A - Legal Description

Schedule B - Site Layout

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

- (a) Municipal Planning Strategy means the Windsor Municipal Planning Strategy, effective on September 21, 2005, as amended, or successor by-laws;
- (b) Land Use By-law means the Windsor Land Use By-law, effective on September 21, 2005, as amended, or successor by-laws;
- (c) Subdivision By-law means the Windsor Subdivision By-law, effective on March 21, 2012, as amended, or successor by-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

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

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

- (b) grouped dwellings, consisting of 11 total dwelling units.

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

2.2 Development Location and Design

- (a) The Development location and design shall be consistent with the Site Plan shown in Schedule B.
- (b) The Development Officer may approve in writing minor changes to the location of the buildings or other aspects of the Site Plan, provided that the setbacks are not further reduced.
- (c) The Properties shall be limited to 11 dwelling units. The Development shall conform to the following site requirements:

Minimum front yard	35 ft. (10.67 m.)
Minimum side yard	4 ft. (1.22 m.)*
Minimum rear yard	6 ft. (1.83 m.)
Maximum height of main building	35 ft. (10.67 m.)
Maximum height of accessory building	15 ft. (4.57 m.)

*The side yard setback shall not apply to the common lot line separating PIDs 45058310 and 45058344. The minimum side yard setback from this line shall be 0 ft. (0 m.)

- (d) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, Accessory Buildings and Structures.
- (e) The Owner shall keep all undeveloped areas of the Properties landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Access and Egress

- (a) The Owner shall develop, construct, and maintain the driveways in the Development in general conformance with the driveways shown on Schedule B.
- (b) The driveways shown on Schedule B shall be constructed to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention. The vehicular entrance and exit shall be clearly demarcated.
- (c) Pedestrian access to all building entrances must be provided.

2.4 Parking

- (a) All parking spaces shall be located on the lot and shall be generally located as shown on Schedule B.
- (b) A minimum of one parking space per dwelling unit shall be provided for the Development.
- (c) Outside parking aisles and spaces shall be constructed to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention.
- (d) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m.) wide.
- (e) The number of parking spaces may be varied by the Development Officer.

2.5 Buffering

Outdoor parking shall be screened from adjacent properties, through the use of:

- (a) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of at least 2 in. measured at 4.5 ft. above the surrounding grade and a minimum height of 5 ft.; or
- (b) a hedge of a variety of coniferous shrubs each of which will reach over 6 ft. in height at maturity; or
- (c) a wall or an opaque fence which is a minimum of 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, and maintained for as long as the buffer is required.

2.6 Signs and Lighting

Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the Land Use By-law, *Illumination* and *Signs*, which controls lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

2.7 Maintenance

- (a) The Owner shall keep the Properties and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and

other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

- (b) The Owner shall maintain the driveways to a level adequate to allow for access by emergency services vehicles.

2.8 Servicing

(a) Waste Collection

- (i) Municipal garbage collection will be provided to the Development from Gray Street.

(b) Water and Sewer Services

- (i) The building shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.
- (ii) The Owner shall be responsible for constructing, installing and maintaining the water and sewer services on the Property.

(c) Snow Plowing

The Owner shall have sole responsibility for snow plowing within the Development.

2.9 Fire Safety

- (a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.
- (b) All curbs shall be designed to be mountable by emergency services vehicles.
- (c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the Properties by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.10 Architectural Design

The architectural design of the Development shall be built according to the Elevation Renderings attached as Schedule B and shall be consistent with the provisions set out in

the Central Residential District Section of the Architectural Design Manual, as determined by the Development Officer.

PART 3 CHANGES and DISCHARGE

- 3.1** The Owner shall not vary or change the use of the Properties from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this Agreement is amended.
- 3.2** Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this Agreement.
- 3.3** The following matters are substantive matters:
- (a) the uses permitted on the Property as listed in Section 2.1, *Use*;
 - (b) a reduction of the minimum setbacks as listed in Section 2.2, *Development Location and Design*; and
 - (c) the fire safety requirements listed in Section 2.10, *Fire Safety*.
- 3.4** Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter and this Agreement may be discharged by Council without a public hearing.
- 3.5** Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owner following a resolution of Council to give such Notice:
- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
 - (b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
 - (c) at any time upon the written request of the Owner, provided the use of the Properties is in accordance with the Land Use By-law or a new Agreement has been entered into.
- 3.6** Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Owner may not commence any construction or use on the Properties until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required. The date of commencement will be determined as the date the Owner begins Active Construction on the building within this Agreement as permitted by an issued development and building permit.
- (b) Active Construction shall commence not later than twenty-four (24) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* 30 days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, the Municipality, by resolution of Council, may grant an extension to the date of commencement of Development without such an extension being deemed to be an amendment to this Agreement.
- (c) If the Owner is bona fide delayed from commencing the Development for reasons which are beyond the Owner's control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owner is excused for the period of the delay and the time period for the Owner to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Owner shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within ten (10) days of completion of any work which requires the engineered design.
- (b) The Owner shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other Bylaws and Regulations

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

- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

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

5.3 Interpretation

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

5.4 Municipal Responsibility

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

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Owner in writing. In the event that the Owner has not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the

Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

5.6 Costs

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

5.7 Development Agreement Bound to Land

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

5.8 Assignment of Agreement

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

5.9 Written Notice

- (a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to GEOME PROPERTIES LIMITED, 2159 GOTTINGEN STREET, HALIFAX, NOVA SCOTIA B3K 3B5, or at any other address provided by the Owner in writing.
- (b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner in writing.

5.10 Full Agreement

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

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

SIGNED, SEALED AND DELIVERED

In the presence of:

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

Per: _____

Witness

) Abraham Zebian, Mayor

)

)

) Per: _____

Witness

) Deanna Snair, Municipal Clerk

)

)

) **GEOME PROPERTIES LIMITED**

)

)

Per: _____

Witness

) Edward Edelstein, President

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Edward Edelstein**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (the “Municipality”) and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

I certify that on this _____, 2023
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

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

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Edward Edelstein, Nova Scotia, make oath and say that:

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

I certify that on this _____, 2023
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Edward Edelstein, President

Schedule A
Legal Description – PIDs 45058310 & 45058344

PID 45058310

ALL those certain lots, pieces and parcels of land situate, lying and being in the Town of Windsor bounded and described as follows:

BEGINNING on the northeastern corner of property belonging to the estate of the late A. J. Richards and running thence northeasterly along Gray Street thirty-six feet to a stake;
THENCE southeasterly in a line parallel with the line of the said A. J. Richard's lot, two hundred feet, more or less, to the rear line of land owned by Thomas E. Puddington;
THENCE southwesterly along the rear line of said Puddington's land thirty-six feet to said A. J. Richard's lot;
THENCE northwesterly along the line of said A. J. Richards' lot two hundred feet, more or less, to the place of beginning.

BEING or intended to be the lands and premises conveyed to Angus MacGillivray by The Estate of Leslie Harold Swinamer by deed dated the 19th day of February, A.D., 1996 and recorded at the Registry of Deeds in and for Hants County in Book 773 at Page 256 as document 943.

PID 45058344




THAT certain other lot of land situate on Gray Street aforesaid in the Town of Windsor bounded and described as follows:

BEGINNING on said Gray Street at the southwestern corner of property of the estate of the late Peter Miles;
THENCE running along Gray Street in a southerly direction thirty-nine feet, more or less, or to the line of land formerly of C. L. Weeks;
THENCE running in an easterly direction along said Weeks' line two hundred feet to the rear line of the lot adjoining lands of Della Torre;
THENCE northerly along Della Torre's line thirty-nine feet, more or less, to the Miles line;
THENCE westerly along said Miles line two hundred feet to the place of beginning.

BEING or intended to be the lands and premises conveyed to Angus MacGillivray by The Estate of Leslie Harold Swinamer by deed dated the 19th day of February, A.D., 1996 and recorded at the Registry of Deeds in and for Hants County in Book 773 at Page 256 as document 943.

Schedule B
Site Plan and Architectural Design Drawings



-  - Existing building
-  - Newly Rebuilt as original
-  - Proposed addition 171 for mechanical room



2159 Gottingen St
 Halifax, Nova Scotia
 B3K 3B2
 902. 412. 2329
 info@ecogreenhomes.ca

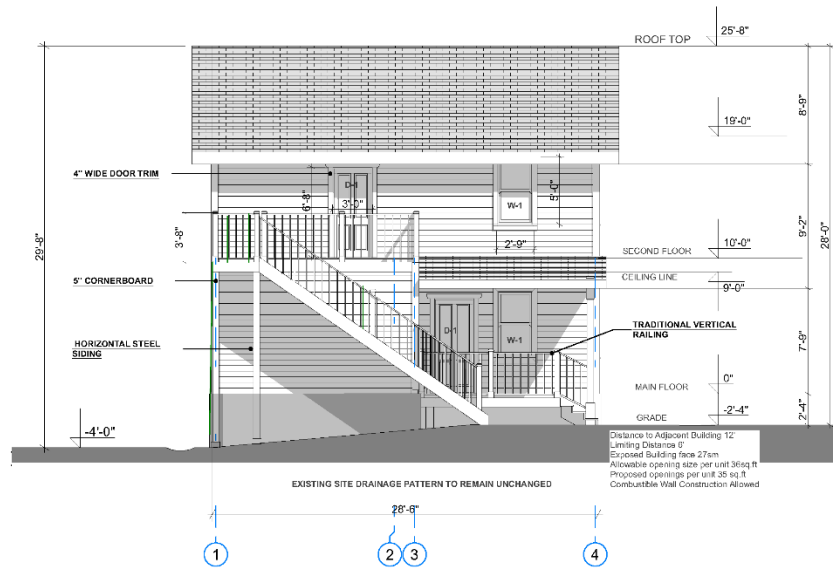
SITE PLAN

171, 172, 179, 180, 187, 188 Wagner's Ct

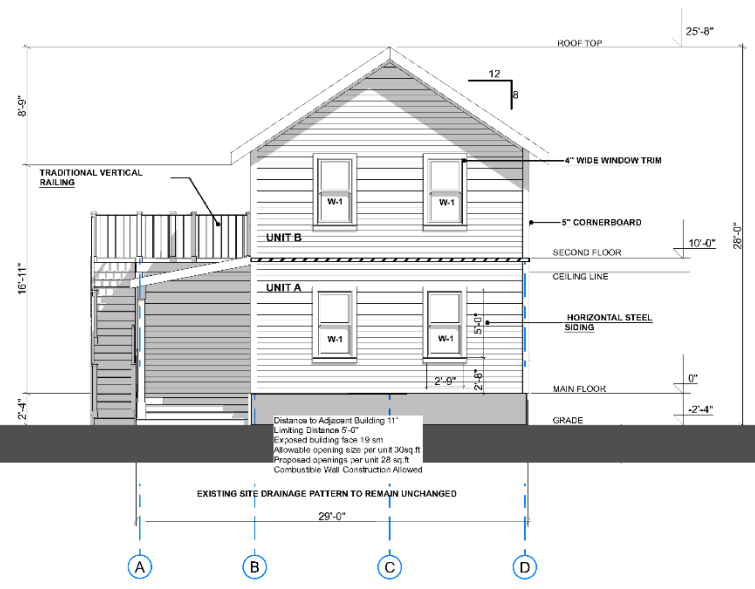
Date: 2023-12-07

A001

WEST ELEVATION



SOUTH ELEVATION



Distance to Adjacent Building 12'
 Limiting Distance 9'
 Exposed Building Face 27m
 Allowable opening size per unit 36sq ft
 Proposed openings per unit 35 sq ft
 Combustible Wall Construction Allowed

Distance to Adjacent Building 11'
 Limiting Distance 9'
 Exposed building face 19 m
 Allowable opening size per unit 30sq ft
 Proposed openings per unit 28 sq ft
 Combustible Wall Construction Allowed



2159 Gottingen St
 Halifax, Nova Scotia
 B3K 3B2

902. 412. 2329
 info@ecogreenhomes.ca

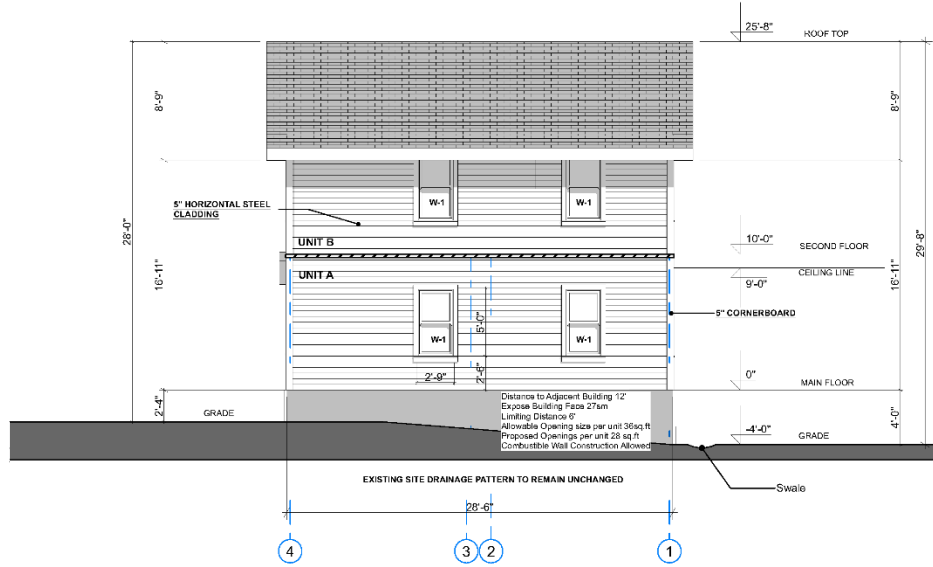
PROPOSED WEST AND SOUTH ELEVATIONS

172, 179, 180, 187, 188 Wagners Ct.

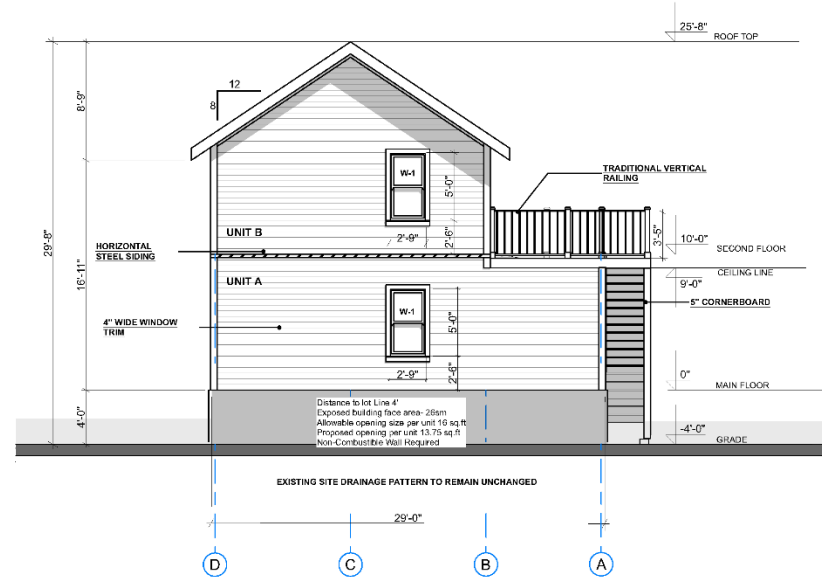
Date: 2023-12-07

A201

EAST ELEVATION



NORTH ELEVATION



2159 Gottingen St
Halifax, Nova Scotia
B3K 3B2

902. 412. 2329
info@ecogreenhomes.ca

PROPOSED NORTH AND EAST ELEVATIONS

171 WAGNERS CT.

Date: 2023-12-07
Scale: 1:100

A-202

Attachment C - Architectural Design Manual Excerpt – Central Residential District

2.0 GENERAL PROVISIONS

2.1 Relationship to the Land Use By-law

This Architectural Design Manual is adopted as a schedule to and forms a part of the Town of Windsor Land Use By-law. Within the Architectural Control Districts, the requirements herein shall apply in addition to all other requirements of the Town of Windsor Land Use By-law. Where there is conflict, the provisions of the Architectural Design Manual shall take precedence.

2.2 Application for a Development Permit

2.2.1 In addition to all other requirements of the Town of Windsor Land Use By-law, every application for a Development Permit for a development located in an Architectural Control District shall be accompanied by the following:

- (a) for new buildings:
 - (i) building plans and elevation drawings; and
 - (ii) a description of the type and dimensions, if applicable, of building materials to be used for the exterior of the building, including, but not limited to, roof, cladding, windows, doors and trim;

- (b) for alterations or additions to existing buildings:
 - (i) current photograph(s) of the existing building;
 - (ii) a description of the project;
 - (iii) a description of the type and dimensions, if applicable, of building materials to be used for the exterior of the building including, but not limited to, roof, cladding, windows, doors and trim; and
 - (iv) where the Development Officer deems necessary, building plans and elevation drawings.

2.2.2 In addition to the items specified in Section 2.2.1, the Development Officer may require the submission of photographic examples, sketches or manufacturer's brochures sufficient to illustrate the proposed project or materials to be used.

2.3 Development by Development Agreement

Where developments within the Architectural Control Districts are to be considered by development agreement in accordance with the relevant provisions of the Town of Windsor Municipal Planning Strategy, the Architectural Design Manual will be used by Council as a reference guide for the design review of such projects.

2.4 Unintentional Destruction of Conforming Structures

If a building in the Ferry Hill, Central Residential or Town Centre Architectural Control Districts, which conformed to the style of the District, is unintentionally destroyed by fire or otherwise, any

new building will be subject to the requirements for new construction set out in Sections 3.1 or 4.0, as well as the requirements of the Municipal Planning Strategy and Land Use By-law.

2.5 Intentional Demolition of Existing Structures

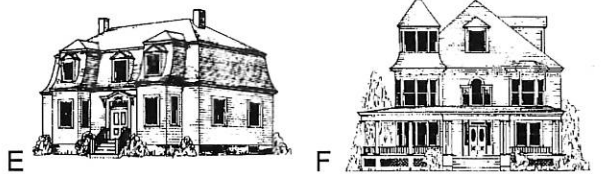
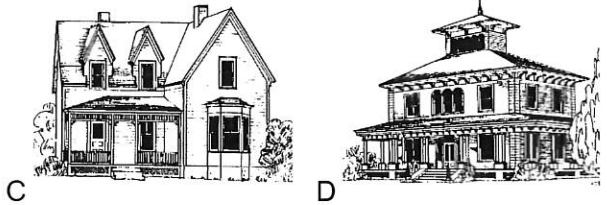
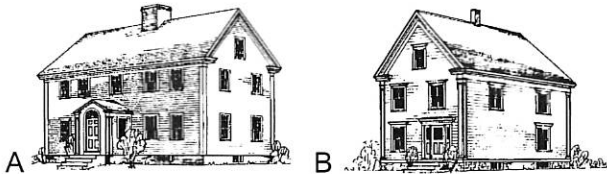
In cases where a building in the Ferry Hill, Central Residential or Town Centre Architectural Control Districts is intentionally demolished, whether it conformed to the style of the District or not, any new proposed building will be subject to the requirements for new construction as set out in Sections 3.1 or 4.0, as well as the requirements of the Municipal Planning Strategy and Land Use By-law.

3.0 FERRY HILL AND CENTRAL RESIDENTIAL DISTRICTS

3.1 New Construction

The public façade(s) of new buildings constructed in the Ferry Hill and Central Residential Architectural Control Districts **shall** be designed and constructed in accordance with the following:

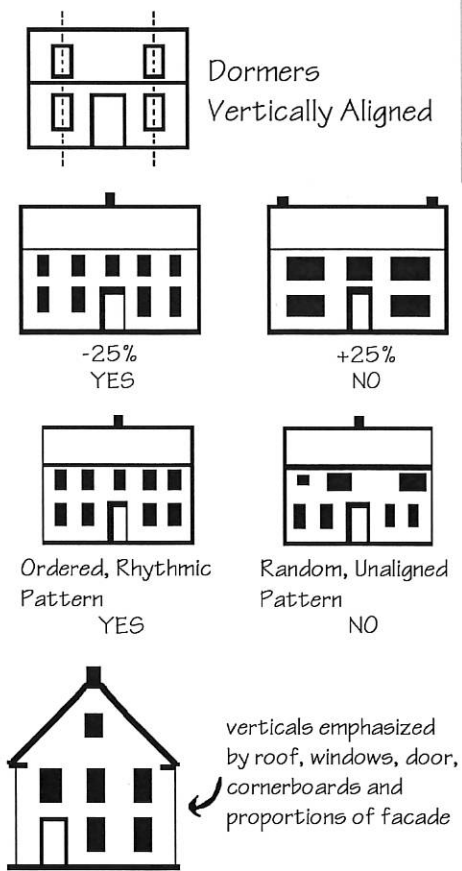
3.1.1 Architectural Style



Late 1800s and early 1900s Victorian styles predominate in the Ferry Hill and Central Residential Architectural Control Districts. It is not intended that new buildings strictly replicate historic styles; however, new construction must be designed with sensitivity to nearby historic buildings. New buildings which are custom-designed and compatible with the architectural style of neighbouring buildings are preferred over standard modern designs that can be seen anywhere.

- Buildings **shall** be designed and constructed in an architectural style which reflects and responds to the historical style of the Architectural Control District.
- Building design should reflect characteristics of one of the following architectural styles (see Appendix 'A'):
 - New England Colonial/Federal (Figure A)
 - Greek Revival (Figure B)
 - Modified Gothic (Figure C)
 - Italianate (Figure D)
 - Second Empire (Figure E)
 - Queen Anne Revival (Figure F)
 - Four Square (Figure G)

3.1.2 Façade Design

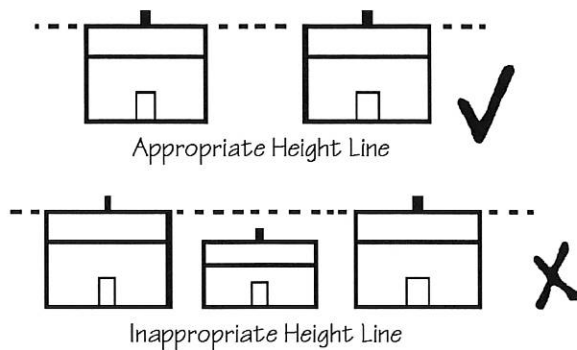


Façade elements such as doors, windows and dormers of houses in the Ferry Hill and Central Residential Architectural Control Districts tend to be aligned in a regular pattern which does not overwhelm the building façades.

The public façade(s) **shall** be designed with reference to the following factors:

- (a) window to wall area ratio: the area of the public façade occupied by window and door openings **shall** be no greater than 25 percent, excluding sunrooms and sun porches; and
- (b) rhythm and alignment: windows and doors **shall** be arranged in a simple rhythmic pattern, and should be aligned both vertically and horizontally. Where small dormers are set in a roof, they should be aligned with window or door openings in the façade below.

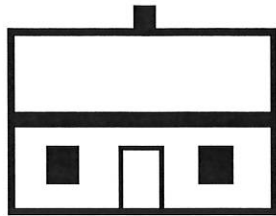
3.1.3 Height



The existing buildings in the both the Ferry Hill and Central Residential Architectural Control Districts range in height from 1 to 2½ storeys, with the majority being between 1½ and 2½ storeys. Modern one-storey ranch and bungalow styles are not characteristic.

- Building height **shall** be between 1½ and 2½ storeys.
- Height lines of adjacent structures should be respected. A common height line should be selected so that the new building blends into the existing streetscape.

3.1.4 Proportion and Orientation



YES

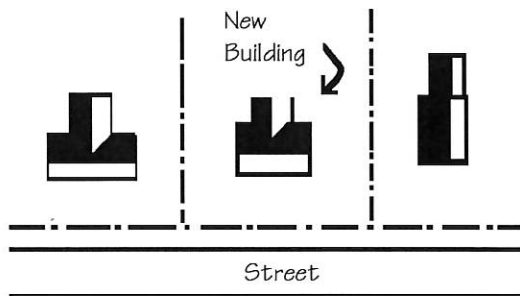


NO

The majority of the traditional building styles in the Ferry Hill and Central Residential Architectural Control Districts have a general width to length ratio of 1:2 and are constructed with their long axis perpendicular to the street. Other traditional styles more closely resemble a width to length ratio of 1:1. Regardless of architectural style, the Town of Windsor discourages new buildings being oriented with their long axis parallel to the street.

- Buildings **shall** have a width to length ratio no greater than 1:2.
- Buildings **shall not** be constructed with their long axis parallel to the street.
- Notwithstanding the foregoing, multiple unit residential and institutional buildings may be constructed with their long axis parallel to the street provided the design incorporates an articulated façade or other architectural elements which appear to break the building into parts.

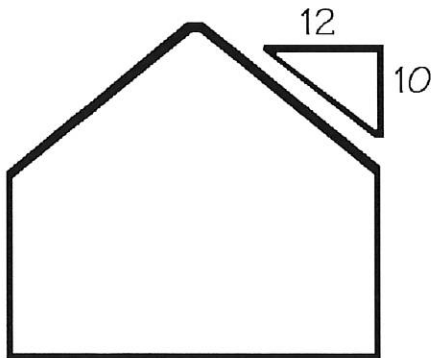
3.1.5 Setbacks



The building setbacks in the Ferry Hill and Central Residential Architectural Control Districts range from 10 to 30 feet (3 to 9 meters). Each streetscape has an average common front yard setback which contributes to the "feel" of the Architectural Control District.

- The front yard **shall** be equal to or an average of the front yards of neighbouring buildings on the same block, provided that the front yard is at least 10 ft (3.05 m) and no more than 30 ft (9.14 m).

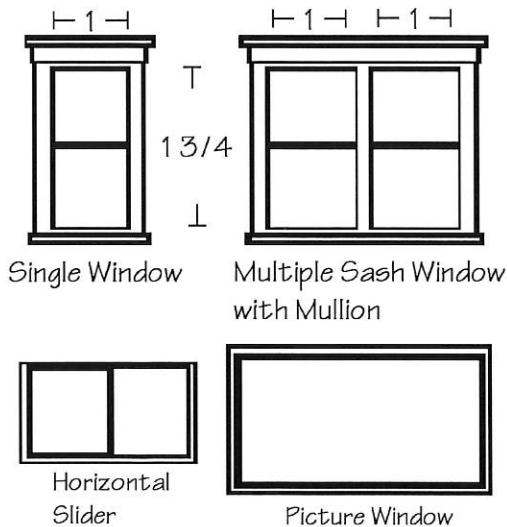
3.1.6 Roof Pitch and Style



The majority of the houses in the Architectural Control Districts have steeply pitched roofs and exhibit gable roof styles, with a few examples of hipped and mansard roofs.

- Roof pitch **shall** be medium to steep, with a minimum roof pitch of 8:12.
- One, or a combination, of the following roof styles **shall** be used:
 - (a) gable
 - (b) hipped
 - (c) mansard

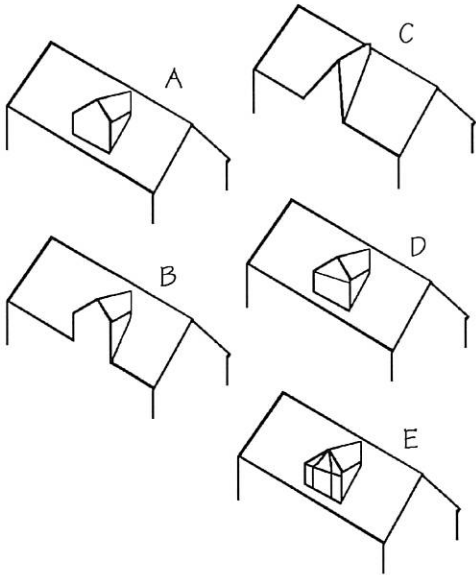
3.1.7 Windows



Houses in the Ferry Hill and Central Residential Architectural Control Districts are characterized by vertical elements, rather than horizontal. Vertically oriented windows and steeply pitched roofs are typical. Horizontally oriented windows are not characteristic.

- Windows on the public façade **shall** be vertically oriented in the façade and should be vertical sliding sash.
- Horizontally proportioned slider windows, picture windows and curved bow windows **shall not** be permitted on public façades.

3.1.8 Dormers



Generally houses in the Architectural Control Districts favour two or three small dormers rather than large shed dormers.

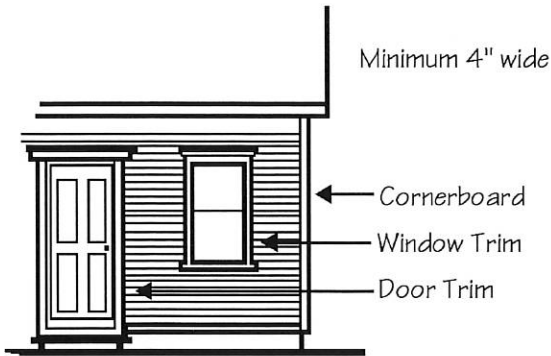
- No building **shall** have more than three dormers per roof side.
- Large shed dormers **shall not** be permitted. Smaller dormers are preferred.
- The following dormer styles are typical of existing houses and are preferred:
 - (a) Gable style (Figures A and B)
 - (b) Gothic (Figure C)
 - (c) Hipped (Figure D)
 - (d) Scottish (5-sided) (Figure E)

3.1.9 Cladding

The majority of the homes in the Ferry Hill and Central Residential Architectural Control Districts have wood cladding. The average width of the clapboard ranges between 5 ½ and 6 inches (13.97 to 15.24 cm). Because of the overlap, the actual exposure of cladding is between 3 ¾ and 4 ¼ inches (9.52 to 11.43 cm). In some instances aluminum or vinyl siding has been added, but where the original trim has been maintained, it does not detract from the historic character of the building or the Architectural Control District. Most of the houses in the Architectural Control Districts are painted or sided, rather than stained, and few of the homes are of brick or mortar construction.

- Exterior cladding **shall** be horizontally aligned clapboard or wood shingling having a maximum exposure of 4 ½ in (11.43 cm), or double 4 ½ in (11.43 cm) siding, except where the building style is Modified Gothic in which case vertical board and batten cladding may be used.
- Wood-coloured wood stains **shall not** be used on buildings with wood cladding.

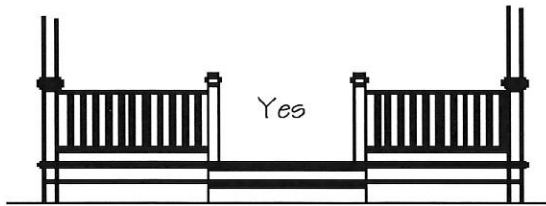
3.1.10 Trim



Historic building styles are often defined by their trim alone, thus making trim an important architectural feature. Buildings in the Ferry Hill and Central Residential Architectural Control Districts exhibit a range of plain to elaborate wooden trims. The Town of Windsor encourages decorative window and door trims, corner boards, frieze boards, cornices, brackets and the like on new buildings. Decorative details can contribute greatly to the overall character of the building.

- At a minimum, corner boards and trims around windows and doors **shall** be required.
- All trims **shall** have at least a 4 in (10.16 cm) width. The use of wider trim boards along with more elaborate trim treatments is encouraged.

3.1.11 Porches, Porticos and Verandas

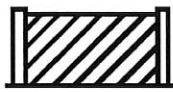


Traditional Railing Emphasizes Vertical



Horizontal Emphasis

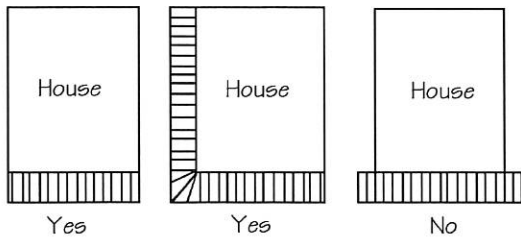
No



Diagonal Emphasis

Building styles which incorporate verandas and porches are typical of the Ferry Hill and Central Residential Architectural Control Districts. For example, Greek Revival homes commonly have a front veranda or porch which spans the width of the public façade. Larger homes of Four Square or Queen Anne styles tend to have larger verandas that extend along more than one side of the building. Contemporary railing designs which emphasize diagonal or horizontal elements are not characteristic.

- Verandas and porches **shall not** have a width greater than the public façade of a building except where larger verandas are typical of the architectural style.
- Railings and staircases on verandas and porches **shall** be constructed with an upper and lower railing, vertical balusters and capped end posts.



3.1.12 Exterior Staircases and Fences



Exterior fire escape staircases have been added to a number of the multiple dwelling buildings in the Architectural Control Districts. These staircases, in general, have been located at the rear of the building and do not detract from the architectural style of the public façade. Some properties have fences in their front yards. Where traditional styles such as picket fences have been used they add to the character of the homes.

- Exterior staircases **shall not** be permitted on the public façade of a building except for steps associated with a porch, veranda, portico or entranceway.
- Chain link or plastic fences **shall not** be permitted in front yards.

3.1.13 Barrier-Free Access

In some buildings, it may be necessary to provide ramps to allow for barrier-free access. Nothing in this Manual is intended to prohibit a property owner from providing such barrier-free access.

- Where possible, barrier-free access ramps should be provided at the side or rear of buildings.
- When a ramp must be located at the front of a building, its design **shall** include railings with vertical balusters and capped end posts.

3.2 Additions or Alterations

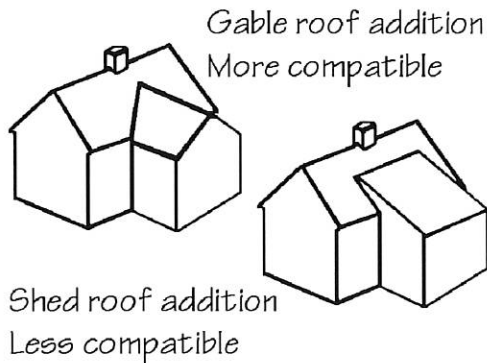
Turn of the century houses were both well designed and well constructed. The detailing in these early homes is extensive and many steps were taken in the original architectural design to protect the decorative features from the elements. It is the detailing in these Victorian homes that contributes most to their historical value and style.

The requirements of this section apply to existing buildings in the Ferry Hill and Central Residential Architectural Control Districts. The objective is to preserve original architectural features and to ensure that any additions or alterations are sensitive to the style and character of the original structure and neighbouring buildings. Therefore, any and all alterations or additions to the public façade of buildings within the Ferry Hill and Central Residential Architectural Control Districts **shall** be designed and constructed in accordance with the following:

3.2.1 Architectural Style

- At a minimum, building style **shall** comply with 3.1.1.
- No alteration or addition **shall** exceed the height of the principal structure.
- The area of any addition **shall not** exceed the existing area of the principal structure.

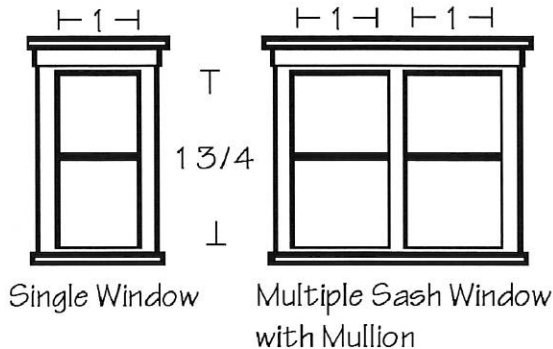
3.2.2 Roof Pitch and Style



Roof style is one of the main defining characteristics of architectural style. Unsympathetic alterations or additions to the original roof pitch or style can negatively affect the entire character of the building.

- The original roof style **shall not** be altered in a manner which is incompatible with the architectural style of the building.
- Any addition constructed on a public façade should have a roof shape and roof pitch which is similar to the principal structure.

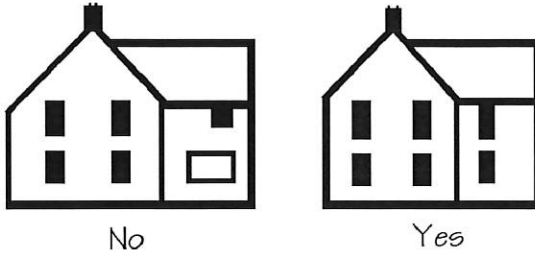
3.2.3 Window Alterations



Most windows found in the Architectural Control Districts are vertically oriented. Horizontally oriented windows are not characteristic. There are, however, several examples of Craftsman style architecture in Ferry Hill which have horizontal windows more typical of that architectural style.

- Where original windows are to be replaced or altered, the new windows **shall** have proportions the same as or similar to the original windows, and **shall not** alter the established window pattern in the façade in terms of visual balance or directional emphasis.
- Where original windows have been altered in size and/or shape, owners are encouraged to replace them with traditional windows which are more in keeping with the architectural style of the building.
- Traditional windows **shall not** be replaced by picture windows or horizontal sliders.

3.2.4 Windows on Additions



To maintain continuity throughout a building, it is important to continue the pattern and orientation of windows onto any new additions.

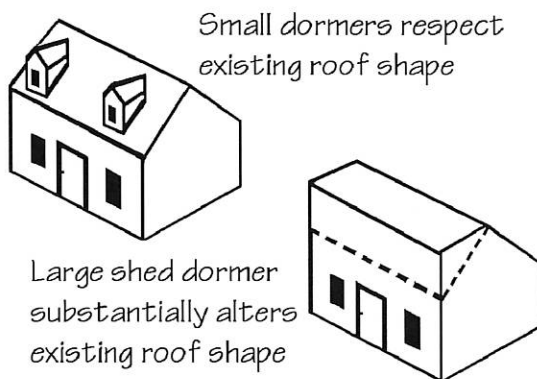
- Windows on additions **shall** have proportions and alignment which complement the existing windows on the principal structure.
- At a minimum, window orientation and style **shall** comply with 3.1.7. There are, however, a few cases where the original window orientation is horizontal rather than vertical. In such cases, the above regulation **shall not** apply.

3.2.5 Skylights

Skylights and solar panels are not considered to be complementary to the style of homes located in the Ferry Hill and Central Residential Architectural Control Districts.

- Skylights and solar panels are not encouraged in the public façade.
- Bubble skylights **shall not** be permitted in the public façade.

3.2.6 Dormers



Roof style is an important architectural characteristic. Dormers play an important part in the roof style. The existing dormers in the Ferry Hill and Central Residential Architectural Control Districts tend to be quite small and do not detract from the roof style.

- New dormers **shall not** substantially alter the established shape or form of the roof. Where small dormers are set in a roof, they should be aligned with window or door openings in the façade below.
- The requirements for dormers as contained in 3.1.8 **shall** apply.

3.2.7 Doors

The buildings in the Architectural Control Districts generally have one front entrance, a single door. Double patio doors or sliding doors at the front of the house are not characteristic. Expanding a door frame in the public façade to include double doors or sliding doors is not permitted.

- Where an existing door is to be replaced, the dimensions of the new door **shall** be reasonably consistent with the dimensions of the original door.
- Double patio doors or sliding doors **shall not** be permitted on the public façade.

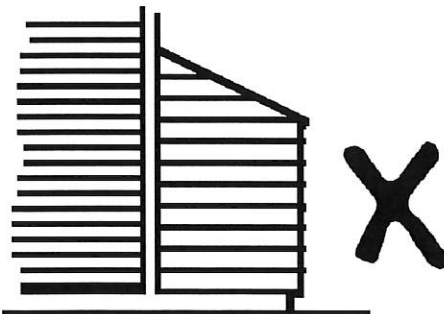
3.2.8 Replacement of Cladding Materials

- The requirements for cladding in 3.1.9 **shall** apply, except that existing buildings with brick or masonry cladding may replace it with the same or similar material.

3.2.9 Cladding and Trim on Additions



Same Overlap



Different Overlap

- The cladding on an addition **shall** match the cladding on the principal structure and should have the same overlap.
- The trim on an addition **shall** be of similar width and style as the trim on the principal structure.
- The requirements for trim as contained in 3.1.10 **shall** also apply.

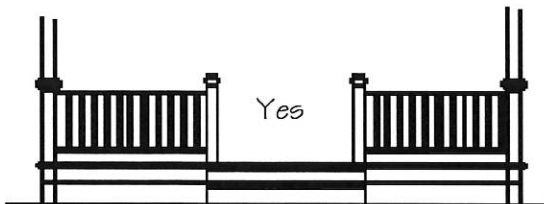
3.2.10 Trim Alterations

Trim is one of the most important characteristics of historic buildings as it is often the single defining feature of building age and style. Many buildings in the Architectural Control Districts still have their original wooden trims, corner boards and frieze boards. These features are characteristic of Victorian style homes and should be preserved where possible.

- Existing historical trim such as corner boards, frieze boards, baseboards, window and door trim, brackets, dentils, etc., **shall** be retained, except where it has passed the point of repair.
- Where trim cannot be repaired and is to be removed, new trim **shall** be replaced in accordance with the regulations contained in 3.1.10.

3.2.11 Porches, Porticos and Verandas

The majority of the porches, verandas and porticos in the Architectural Control District were built at the time of the original building. Any new structure built on the public façade will dramatically affect the appearance of the building. It is important to build porches or verandas in a traditional style so as not to detract from the original architectural style of the primary structure. Modern porch, deck and veranda styles are not appropriate for the public façade of any building.

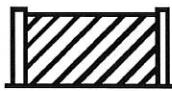


Traditional Railing Emphasizes Vertical



Horizontal Emphasis

No



Diagonal Emphasis

- New or replacement porches, porticos and verandas **shall** be designed and constructed in a manner which reflects the historical style of the main structure and/or the surrounding structures or is historically documented through photographs.
- At a minimum, porches, porticos and verandas **shall** comply with 3.1.11.

3.2.12 Exterior Staircases and Fences

- Any exterior staircases and fences **shall** comply with 3.1.12.

3.2.13 Barrier-Free Access

In some buildings, it may be necessary to enlarge doorways and provide ramps to allow for barrier-free access. Nothing in this Manual is intended to prohibit a property owner from providing such barrier-free accesses.

- The requirements of 3.1.13 **shall** apply.
- The requirements for door dimensions set out in 3.2.6 **shall** be waived when the increased door size is required to provide barrier-free access.

3.3 Non-Conforming Buildings

A number of buildings in the Architectural Control Districts do not exhibit characteristic architectural features, either because they were built later or because they have been extensively altered. These buildings are listed as non-conforming structures in Table 1. Although the Town encourages the owners of such buildings to design any alterations or additions in a style which respects the historic nature of neighbouring structures, as-of-right alterations or additions will not be required to comply with the Architectural Design Manual.

Table 1 Non-Conforming Structures in the Central Residential and Ferry Hill Districts

Civic Address	PID	Style
175 Albert St	45058278	Bungalow
415 Avon St	45048295	Bungalow
30 Cedar St	45240421	Modern Duplex
32 Cedar St	45240439	Modern Duplex
111 Gray St/158 Stannus St	45058476	Modern multiple unit building
123 Gray St	45058468	Small local commercial
175 Gray St	45058377	Modern multiple unit building
370 Hawthorne St	45048345	Bungalow
207 Munro St	45241700	Modern Semi-detached
209 Munro St	45282365	Modern Semi-detached
208 Stannus St	45236973	Bungalow
122 Victoria St	45241734	Modified Ranch (residential care facility)

-
-
- 3.3.1** As-of-right alterations and additions to existing buildings, as listed in Table 1, which do not conform to the architectural style of the Architectural Control Districts **shall** be exempt from Section 3.2 of this Manual.

Developments involving the conversion of an existing non-conforming building to a multiple residential, institutional, commercial or industrial use will be considered by Council through a development agreement or Land Use By-law amendment in accordance with the relevant policies of the Municipal Planning Strategy. It may be impossible to comply with all aspects of the Architectural Design Manual when converting an existing non-conforming building; however, Council will use the Architectural Design Manual as a reference guide for the design review of such projects.

- 3.3.2** Developments involving the conversion of an existing non-conforming building (listed in Table 1) to a multiple residential, institutional, commercial or industrial use **shall** be designed in a manner that is reasonably consistent with the Architectural Design Manual.

The *Municipal Government Act* allows for special provisions in cases of fire or damage to a non-conforming building. Council does not wish to create undue costs for a building owner who has lost a home in such circumstances.

- 3.3.3** In the case of a non-conforming building listed in Table 1 being destroyed by fire or other damage, as described in the Municipal Government Act (Part 239 (1) a), the owner will not be required to build according to the requirements for new buildings as contained in Section 3.1 but may rebuild the structure provided the public façade is substantially the same as before. If the owner wishes to construct a building of a different style than the original structure, the requirements of Section 3.1 must be met.

3.4 New Accessory Structures

- 3.4.1** In the Ferry Hill and Central Residential Architectural Control Districts, cladding materials on new accessory buildings greater than 200 ft² (18.58 m²) in total area **shall** match the principal structure.

Attachment D – Public Information Meeting Notes

November 2 –16, 2023

**Development Agreement: 172, 179, 180, 187 & 188 Wagners Court, Windsor
(PIDs 45058310 and 45058344); File # 23-35**

Meeting date and time	A Public Information Meeting was held on November 2, 2023 beginning at 6:22 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: One (1) Chair: <ul style="list-style-type: none">• Mayor Zebian One (1) Councillor: <ul style="list-style-type: none">• Councillor Francis Four (4) members of staff: <ul style="list-style-type: none">• Planner Dunphy• Planner Fredericks• Planning Assistant Lake• Director Poirier Approximately 30 members of the public.
Applicant Edward Edelstein, Geome Properties Limited Property 172, 179, 180, 187 & 188 Wagners Court, Windsor (PIDs 45058310 and 45058344)	Planner Dunphy outlined the application to allow 5 proposed two-unit dwellings grouped on two subject lots by development agreement. Edward Edelstein provided a presentation on the proposal and answered questions from the public.
Comments	Comments from the public could be submitted by mail, e-mail and telephone between November 2 –16, 2023. No comments were submitted from the public during the comment period. 4 members of the public and the applicant spoke during the Public Information Meeting. Staff and applicant responses are in purple. <ul style="list-style-type: none">• David Morison asked how it would be possible to increase the number of units on a lot that was zoned Two Unit Residential (R-2). Alex responded by explaining the development agreement process.

	<p>Edward also commented that the bedroom count would not be changing and provided some background on the existing and proposed uses.</p> <ul style="list-style-type: none"> • Marty Butler commented that they were in favour of the proposal and asked about the affordable housing grant. Edward responded by explaining that the development would receive a portion of funding from Housing Nova Scotia to rent the units at the median market rate for a period of 10-15 years. • Margarett Morison asked about the traffic and the effect on the property value. Edward responded that traffic is not a concern based on the consultation with a traffic engineer and that nearby property value would increase. Margarett was concerned with the parking. Mayor Zebian responded that parking would be dealt with through the development agreement. • Richard Levy asked if the buildings would be complete new builds. Edward responded that the framework would remain, however all the other building components would be new.
Adjournment	The Public Information Meeting ended at 6:52 p.m.



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 Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Mark Fredericks, Senior Planner

Date: December 14, 2023

Subject: WHLUB Map Amendment: PID 45215290, Riverview Drive, Brooklyn; File #23-26

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To enable the rezoning of the subject lot to the Single Unit Residential (R-1) zone, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

"...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A: V-1 of the West Hants Land Use By-law to rezone PID 45215290 on Riverview Drive, Brooklyn, from the Open Space (OS) zone to the Single Unit Residential (R-1) zone as shown in the report #23-26 to the Planning and Heritage Advisory Committee dated December 14, 2023."

BACKGROUND

The subject lot was conveyed to the Municipality of West Hants when the Hillview Estates subdivision was created by Orno Holdings Limited in 1988. The original survey is included as *Figure 4* which labels the subject property as a 'proposed park area'.

The Parks and Open Space plan was adopted by West Hants Council in 2016 with two goals: (1) to direct the operations, maintenance, acquisition, divestment, funding, and programming of the Municipal parks and open space network; and (2) To ensure that the local network of parks

and open space will continue to meet recreational needs and protect unique, natural, and cultural resources for the next ten years. This plan recognized several parcels that were suitable for divestiture. On October 26, 2021, Council approved the motion to:

APPROVE THE DIVESTMENT OF 17 MUNICIPALLY OWNED PARKLAND PROPERTIES AS RECOMMENDED IN THE WEST HANTS PARKS AND OPEN SPACES PLAN AND FURTHER THAT THE PROCEEDS OF SALE BE RECORDED IN A CAPITAL RESERVE ACCOUNT AND TO BE DIRECTED TO THE COMMUNITY FOR WHICH THE PROPERTY RESIDED OR THE PROCEEDS CAME FROM.

Municipal Council directed the CAO to submit planning applications to rezone a select list of these surplus lands by passing the following motion on September 11, 2023:

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN COUNCIL THAT THE CHIEF ADMINISTRATIVE OFFICER BE DIRECTED TO SUBMIT AN APPLICATION TO THE PLANNING AND DEVELOPMENT DEPARTMENT TO CONSIDER REZONING LANDS PREVIOUSLY IDENTIFIED AS SURPLUS, PID 45226636, 45045952, 45215290, 45221868, 45222254, 45218658, 45222049, 45236601 AND 45225018 TO PROVIDE OPPORTUNITY FOR RESIDENTIAL DEVELOPMENT.

A completed application was received on September 20, 2023, from Mark Phillips, Chief Administrative Officer (CAO) of West Hants Regional Municipality, on behalf of the landowner, West Hants Regional Municipality. The application was needed for Council to consider rezoning of the subject lot from the Open Space (OS) zone to the Single Unit Residential (R-1) zone.

DISCUSSION

The subject lot is approximately 2.75 acres in size with approximately 295 feet of road frontage. The lot is currently designated Village (V) on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (*Figure 1*). The subject lot is zoned Open Space (OS) on Schedule A: V-1 of the West Hants Land Use By-law (WHLUB) (*Figure 2*).

Surrounding Context

All properties surrounding the subject lot are also designated Village (V) and zoned Single Unit Residential (R-1) zone. The immediately surrounding properties are vacant, and there are two single unit residences at the end of Riverview Drive, with other single unit dwellings located along Hazelwood Drive and Etter Road. This neighborhood is a low-density rural subdivision with large lot sizes that provide significant separation between dwellings and most of the properties have abundant private outdoor space.

Parks and Open Space

Staff from the Community Development Department reviewed the subject property in November 2023 and came to same conclusion as was outlined in the 2016 Parks and Open Space Plan, which was that the site did not represent a high value for recreation space as it has limited opportunities for parking, trail development and water access due to steep slopes.

There are also several other recreation opportunities available in the community of Brooklyn including the Brooklyn District Elementary School trail, and Brooklyn Fire Hall trail, along with a playground and provincial park nearby. Staff from the Community Development Department recognized that some time had passed since Council’s adoption of the Parks and Open Space Plan and indicated that if Council wanted to reconsider divesting this parcel and instead develop it as a park, they could return with a park development plan for Council’s consideration. In September of 2023, Council requested the CAO to apply to rezone the subject lot to provide opportunities for residential development.

Public Information Meeting

During the Public Information Meeting for this file and comment period that followed, staff heard from a few residents in the area about the value they placed on open space, and their desire to maintain this parcel as publicly owned land that could be developed into a park space. One resident offered to form a community group to support the maintenance of the property if it were kept in Municipal ownership and made available as a park space. More information is included in Attachment B – Public Information Meeting Notes.

Subdivision By-law

The West Hants Subdivision By-law outlines the parkland dedication required as part of any subdivision process. This process is the method that resulted in the Municipality owning this lot during a subdivision process in 1988. The details of parkland dedication are outlined in the Subdivision By-law, and an excerpt of this is shown below:

PART 14: PARKLAND DEDICATION

- | | |
|--|---|
| Transfer of land | <p>71. Prior to approval by the Development Officer of the final plan of subdivision, the subdivider shall either:</p> <p>(a) transfer to the Municipality, free of encumbrances, for parks, playgrounds, and similar public purposes, an area of useable land within the area being subdivided equal to five percent (5%) of the area of the lots to be approved, as shown on the final plan of subdivision, exclusive of streets, easements, and the residue of the land of the subdivider; or</p> |
| Transfer of cash in lieu | <p>(b) provide to the Municipality a sum of money equivalent to five percent (5%) of the market value, as determined by an assessor, of the lots to be approved, as shown on the final plan of subdivision, exclusive of streets, easements, and the residue of the land of the subdivider; or</p> |
| Transfer of equivalent value | <p>(c) where the Council agrees, provide to the Municipality equivalent value, in any combination as determined by the Municipality; or</p> |
| Transfer of land outside area being subdivided | <p>(d) where the Council agrees, transfer to the Municipality, free of encumbrances, an area of useable land of equal value outside the area being subdivided but within the boundaries of the Municipality, in lieu of the land in the subdivision required to be transferred under subsection 71(a).</p> |
| Transfer of land with water frontage | <p>72. Where the area of land being subdivided has frontage on the ocean, a river or a lake, any land transferred in accordance with subsection 71(a) shall include either useable land with frontage on the ocean, river or lake or land suitable for public access to the ocean, river or lake.</p> |

The subject lot was a transfer of land to comply with the criteria in subsection 71 of the West Hants Subdivision By-law, as it represented five percent (5%) of the area of the lots to be

approved. The subject lot also met the criteria in subsection 72 regarding land with water frontage. The property has water access to the Herbert River.

West Hants Municipal Planning Strategy - Document Review

Section 13.2 of the West Hants Municipal Planning Strategy (WHMPS) describes the Council's intention with the Open Space zone to "...*apply primarily to parkland and publicly-owned outdoor recreational uses which generally do not require main buildings. The main purpose of the zone is to preserve and protect open space for the use of residents of West Hants.*"

MPS Policy 13.2.1 *It shall be the intention of Council to establish an Open Space (OS) zone which applies to parks and other public outdoor recreation uses, cemeteries, historic sites and similar uses. Generally, open space uses do not involve main buildings, but the zone may also be applied to certain institutional uses, such as museums and interpretive centres, which are located on large parcels of land used as parkland.*

MPS Policy 13.2.2 *It shall be the policy of Council to zone only public lands for open space purposes.*

The subject property has been zoned Open Space since it was created, as it was publicly owned parkland over the past 35 years. However, this parcel was never developed into a park and the 2016 Parks and Open Space Plan identified it as a property for the Municipality to consider divesting. This determination considered the steep site conditions and the availability of other recreation opportunities within the larger community of Brooklyn.

West Hants Municipal Planning Strategy - Specific Criteria

Section 6.2 of the WHMPS allows Council to consider rezoning land to the Single Unit Residential (R-1) within the Village designation. The criteria are evaluated in Attachment A and discussed here.

MPS Policy 6.2.3 *It shall be the policy of Council to consider rezoning land within the Village designation to Single Unit Residential (R-1) or Two Unit Residential (R 2) subject to the following:*

- (a) the proposed use will not conflict with adjacent existing uses;*
- (b) any other matter which may be addressed in a Land Use By law; and*
- (c) Policy 16.3.1.*

If the subject property is rezoned to the Single Unit Residential (R-1) zone, as shown in *Figure 3* (proposed zoning), it is not expected that the resulting low density residential development would create conflicts with the existing uses. The adjacent properties on either side are vacant and the land on the opposite side of Riverview Drive is also vacant. The property sizes are large in this neighborhood, which results in considerable separation between dwellings and adequate private open space for each property.

West Hants Municipal Planning Strategy - General Criteria

WHMPS Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the Land Use By-law (Attachment A). In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Development Officer, Community Development Department staff and the Provincial Road authority have no concerns with the proposed rezoning which have not been addressed in this report.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

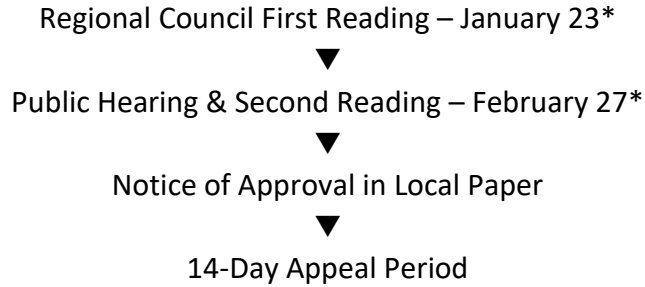
The West Hants Municipal Climate Change Action Plan (MCCAP) Simulated Flooding Extent from Storm Surge and Maximum Flood extent from Climate Change do not show a risk of storm surge or climate change related flood risk on the subject lot. The steep slope of the subject property elevates most of the lot above any potential flood risk from the Herbert River. Most of the lot does not appear within the potential sea level rise floodplain that is shown on the sea level modeling/coastal flooding map in the West Hants MCCAP report.

If the property is sold, any new property owners would be responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of both the specific and general policies of the WHMPS and are consistent with the intent, objectives, and policies of the WHMPS. The amendment meets the specific and general criteria for amendment to the WHLUB or WHMPS. As a result, it is reasonable to amend the zoning of PID 45215290 to the Single Unit Residential (R-1) zone.





*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report. However, the possible future sale of the subject property, following the rezoning could generate Municipal revenue.

ALTERNATIVES

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

- recommend that Council hold First Reading and authorize a Public Hearing to approve the WHLUB map amendment as drafted or as specifically revised by direction of PAC/HAC;
- recommend Council not support this application to rezone the property and maintain the open space zoning and municipal ownership; or
- provide alternative direction such as requesting further information on a specific topic.

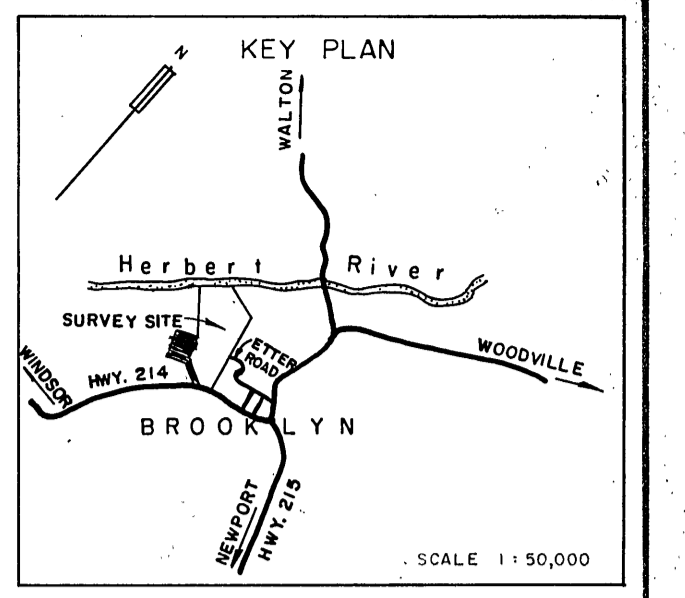
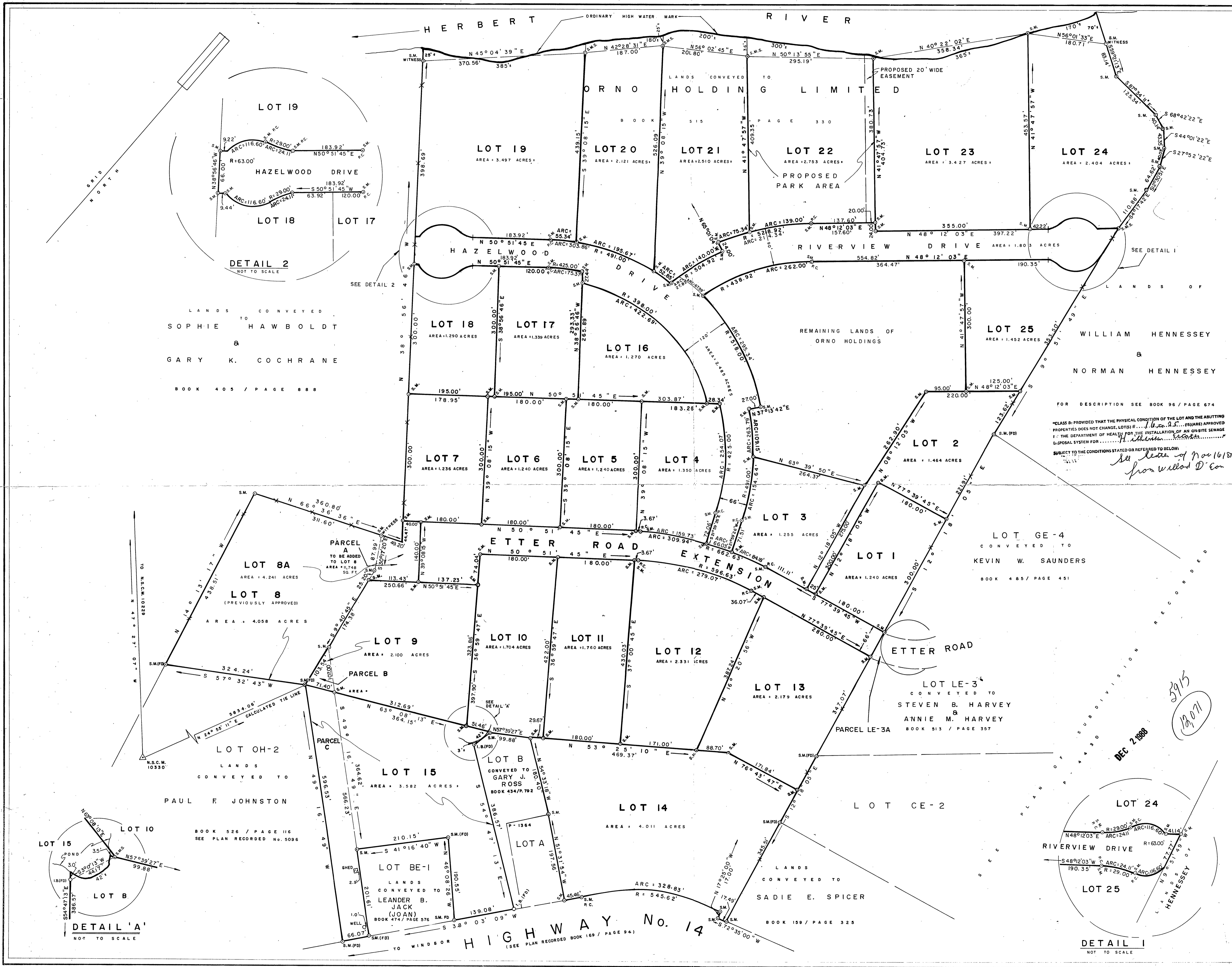
ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract - Current
Figure 3	West Hants Zoning Map Extract – Proposed
Figure 4	Survey of Hillview Estates Subdivision 1988
Attachment A	Policy Summary for WHLUB Amendments
Attachment B	Public Information Meeting Notes

Report Prepared by: _____
Mark Fredericks, Senior Planner

Report Reviewed by: _____

Sara Poirier, Director of Planning and Development



- LEGEND**
- ⊙ S.M. Survey Marker (Placed)
 - ⊙ S.M.(F) Survey Marker (Found)
 - ⊙ I.P.(F) Iron Pipe (Found)
 - ⊙ N.S.C.M. Nova Scotia Coordinate Monument
 - ⊙ I.B.(F) Iron Bar (Found)

NOTES

Bearings shown hereon are referred to a 3° Transverse Mercator Projection, Zone 5 having a Central Meridian of 64°30' W Longitude.

Field Transverse adjusted by Compass Rule.

Scale factor not applied.

LOT 8 Road design by Ronald Hiltz, P.Eng.

Plan References -

1. LOT 8 by Bruce Lake, N.S.L.S. dated June 5, 1987.
2. Etter Road Extension by Bruce Lake, N.S.L.S. dated November 18, 1987.
3. LOTS 1-15 by Bruce Lake, N.S.L.S. dated November 30, 1987.

All LOTS to be single family residential serviced by on site water & disposal fields.

FOR DESCRIPTION SEE BOOK 96 / PAGE 674

CLASS B: PROVIDED THAT THE PHYSICAL CONDITION OF THE LOT AND THE ABUTTING PROPERTIES DOES NOT CHANGE, LOTS 1-15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 HAVING THE DEPARTMENT OF HEALTH FOR THE INSTALLATION OF AN ONSITE SEWAGE DISPOSAL SYSTEM FOR: H. Hennessey & Norman Hennessey

SUBJECT TO THE CONDITIONS STATED OR REFERRED TO BELOW:

See letter of Nov 16/87 from Willard D. Co.

The following streets and highways are owned and maintained by the Department of Transportation:

- Riverview Drive
- Hazelwood Drive
- Etter Road Extension

MUNICIPALITY OF WEST HANTS

FINAL PLAN APPROVED

PLAN No. 114/88

APPROVAL OF LOT 16 TO 25

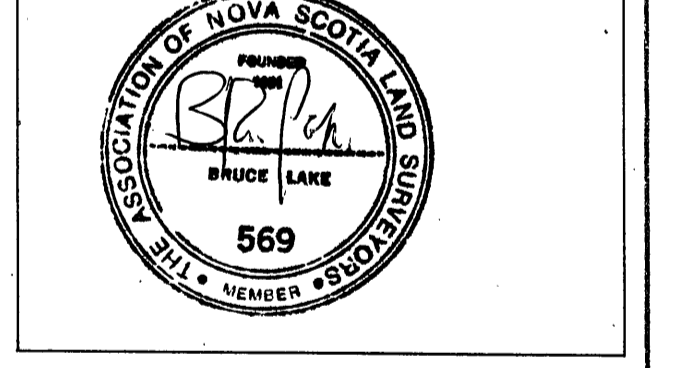
REMARKS:

I certify that this plan of subdivision has been duly approved in accordance with the provisions of the Planning Act.

Date: DEC 2 1988

Signed: N. Harvey

WEST HANTS MUNICIPAL DEVELOPMENT OFFICER



CERTIFICATE

I, BRUCE LAKE, Nova Scotia Land Surveyor, hereby certify that the survey represented by this plan was conducted under my supervision and that the survey and plan were made in accordance with the Nova Scotia Land Surveyor's Act and the Regulations made thereunder.

This 9th day of OCTOBER 1988

B.L.

N.S.L.S. No. 569

FINAL PLAN OF SUBDIVISION

LOTS 16-25

HILLVIEW ESTATES

HANTS COUNTY, BROOKLYN, NOVA SCOTIA

REDDEN & LYON SURVEYS LIMITED

97 WATER STREET

WINDSOR

HANTS COUNTY, NOVA SCOTIA

SCALE: 1" = 100'

PLAN No. 2102B/87

DATE OF SURVEY: SEPTEMBER 8, 1988 to OCTOBER 19, 1988

Figure 1 - West Hants GFLUM Extract

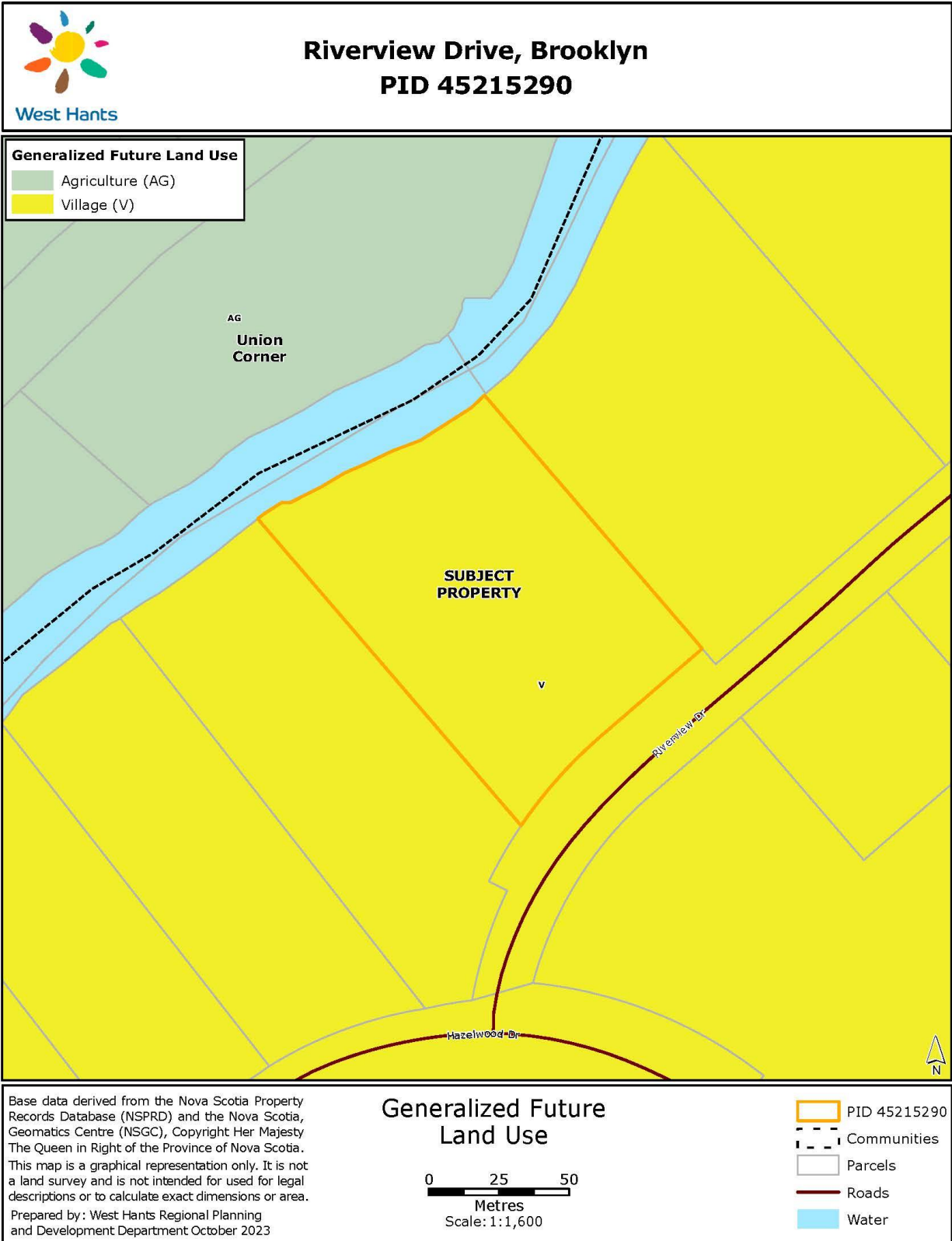


Figure 2 - West Hants Zoning Map Extract - Current

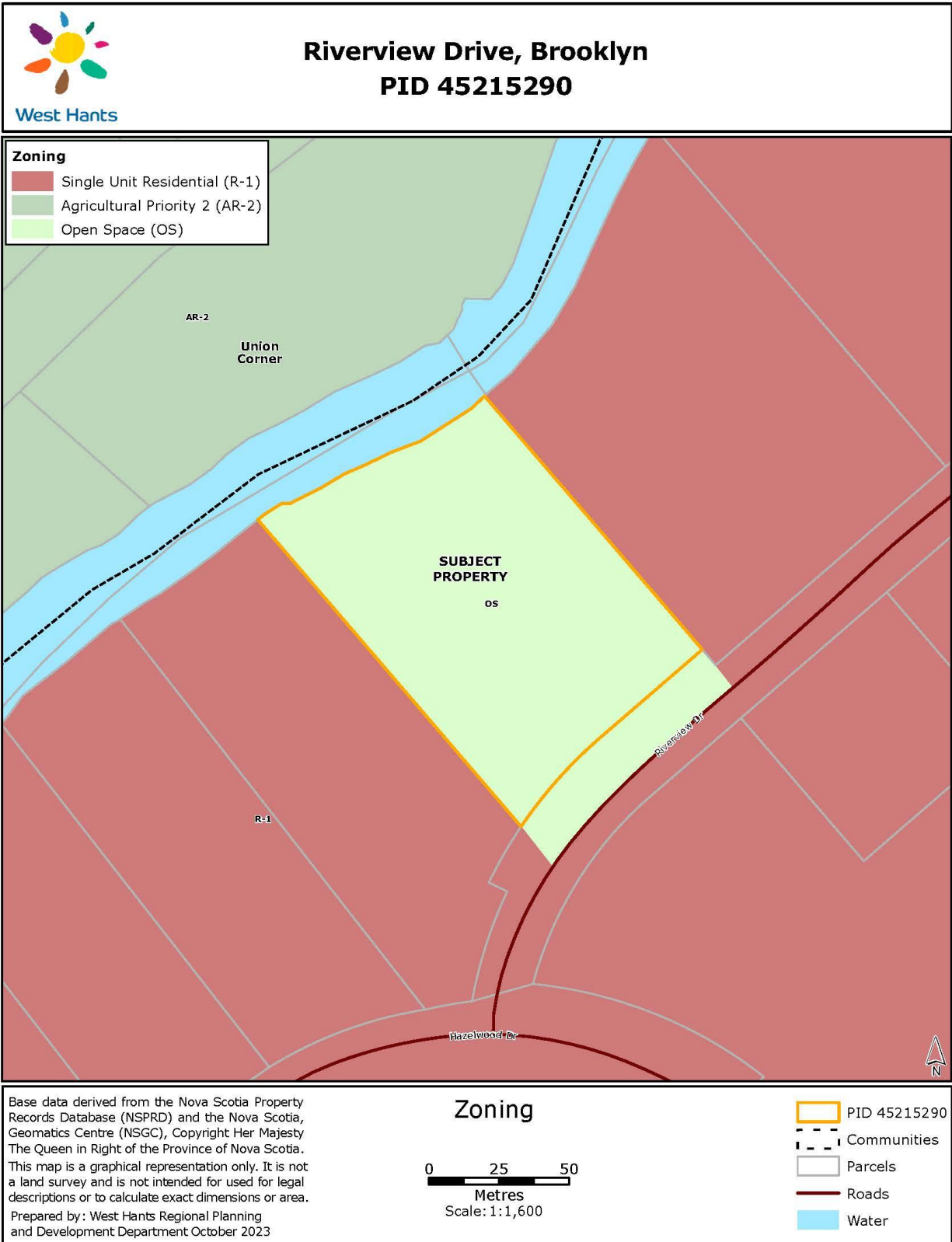


Figure 3 - West Hants Zoning Map Extract - Proposed

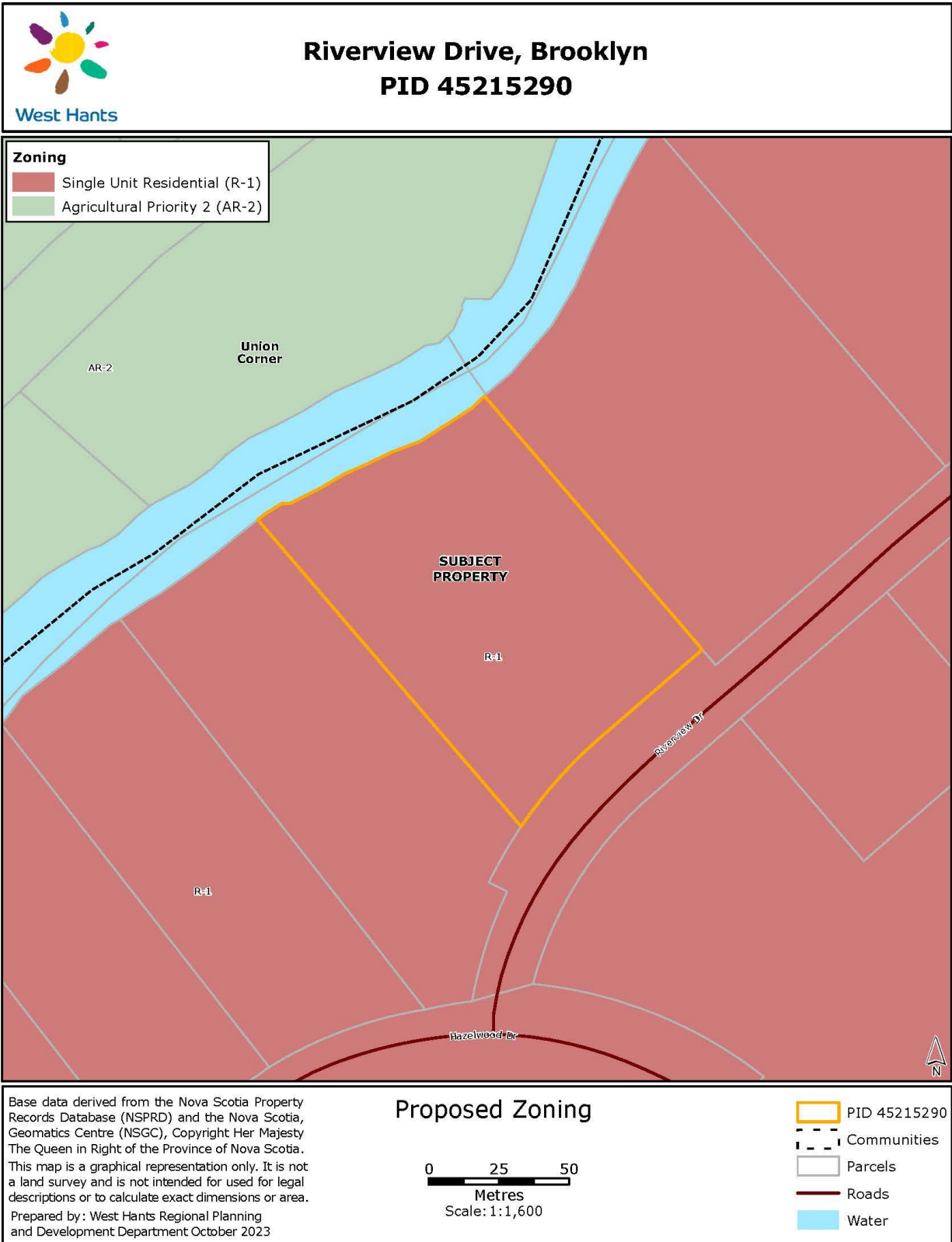


Figure 4 - Survey of Hillview Estates Subdivision 1988

Attachment A - Policy Summary for WHLUB Amendments

Policy 6.2.3 *It shall be the policy of Council to consider rezoning land within the Village designation to Single Unit Residential (R-1) or Two Unit Residential (R-2) subject to the following:*

CRITERIA	COMMENT
<i>(a) the proposed use will not conflict with adjacent existing uses;</i>	The proposed use is not expected to conflict the adjacent uses. The properties immediately adjacent and across the street are all vacant, undeveloped lots that are also zoned Single Unit Residential (R-1).
<i>(b) any other matter which may be addressed in a Land Use By law; and</i>	Not applicable.
<i>(c) Policy 16.3.1.</i>	Reviewed below.

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

<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	No central sewer or water services are available in this community. The subject property has more than adequate lot area to meet the minimum standard of the Single Unit Residential (R-1) zone for un-serviced lots. This indicates the lot should be capable of accommodating an on-site well and septic system, that would be designed and installed at the time of permitting. The approval for these on-site services is the jurisdiction of Nova Scotia Department of Environment and Climate Change.
<i>(ii) the adequacy of school facilities;</i>	Brooklyn District Elementary School and West Hants Middle School are both located approximately 2km from the subject lot. The proposed rezoning represents a very small potential increase in school population which is expected to be accommodated by these schools.

<p><i>(iii) The adequacy of fire protection and other emergency services;</i></p>	<p>The Brooklyn Fire Department is approximately 2km away from the subject property. Staff reached out to the Fire Chief but have not yet received any feedback. It is likely that the proposed Single Unit Residential (R-1) zoning would not create any new issues with adequacy of emergency equipment or response time.</p>
<p><i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>The Provincial Department of Public Works (DPW) indicated the road network was adequate for the proposed rezoning. They stated that the existing roads of Hazelwood and Riverview Drive are local gravel roads owned and maintained by DPW, the roads should be able to support low density single unit dwellings if rezoned.</p>
<p><i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality regarding this development. However, the possible future sale of the subject property, following the rezoning, could generate Municipal revenue.</p>
<p><i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on site sewage disposal system;</i></p>	<p>No central sewer or water services are available in this community. The subject property has more than adequate lot area to meet the minimum standard of the Single Unit Residential (R-1) zone for un-serviced lots. This indicates the lot should be capable of accommodating an on-site well and septic system, that would be designed and installed at the time of permitting. The approval for these on-site services is the jurisdiction of Nova Scotia Department of Environment and Climate Change.</p>
<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Provincial DPW indicated they had no concerns with the suitability of the proposed rezoning and would only request further analysis of traffic impacts if 20 or more units were being proposed. There is no active rail transportation in the vicinity. There is no sidewalk or other pedestrian infrastructure in the vicinity.</p>
<p><i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The shape of the lot is consistent with the surrounding residential lots and presents no</p>

	<p>concerns for the intended use as a low density residential use.</p> <p>The Development Officer commented that the shape and dimensions of the subject lot would not create any issues for residential use.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The arrangement of properties in this area would be consistent with typical rural residential lots, and the rezoning would not create any unusual development patterns.</p> <p>The Development Officer has no concerns regarding the pattern of development.</p>
<p><i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i></p>	<p>The site and surrounding area appear suitable for the proposed residential development. While the lot was recognized as being too steep for park development, a residential dwelling could be located closer to the road and be less impacted by the slope than a park that covered more of the lot or had trail access to more of the lot.</p> <p>The Development Officer commented that there were no concerns with respect to suitability of the site for residential purposes and noted a 50-foot setback from the watercourse would be required for any structure.</p>
<p><i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p><i>(h) any other matter required by relevant policies of this Strategy.</i></p>	<p>All relevant matters have been addressed in this report.</p>

Attachment B - Public Information Meeting Notes

November 2 –16, 2023

WHLUB Amendment – Riverview Drive, Brooklyn; File 23-26

Meeting date and time	A public information meeting was held on November 2, 2023 beginning at 8:15 p.m. in Council Chambers, 76 Morison Drive in Windsor.
Attending	In attendance: <ul style="list-style-type: none">• Councillor Ivey• Mayor Zebian• Councillor Francis• Chief Administrative Officer, Mark Phillips• Senior Planner, Mark Fredericks• Director of Planning and Development, Sara Poirier• Planning Administrative Assistant, Vanessa Lake• 1 member of the public
Municipal application Riverview Drive, Brooklyn, PID 45215290	Planner Fredericks outlined the request from the CAO to rezone a surplus Municipal property on Riverview Drive in Brooklyn from the Open Space (OS) zone to the Single Unit Residential (R-1) zone.
Comments	<p>One member of the public present at the meeting stated the subject property is the only public open space in their neighborhood and was opposed to the Municipality rezoning and selling it.</p> <p>Staff responded that the property was identified as surplus, and that Council provided direction to rezone the property. A previous study had determined the area has adequate open space and recreation facilities available nearby.</p>
Adjournment	The meeting adjourned at 8:30 p.m.

Phone Calls

Staff received one phone call from Sheila Mcgray, who is a property owner on Highway 14. Sheila was looking for more information about the location of the subject property and whether it backed onto her wood lot property behind her house. The subject lot does not share a boundary with the lot owned by the caller and no concerns were raised. A follow up email was sent to the caller to illustrate the location of the subject property relative to her house.

From: Mark Fredericks
To: Sheila Mcgray
October 31, 2023

Hi Sheila, nice speaking with you today.

As I mentioned, the application to rezone PID 45215290 will soon be available on our website here:
<https://www.westhants.ca/staff-reports.html>

The *attached* map shows where the property is located on Riverview Drive, with a yellow reference star on the property and on your house.

If you drive to the location, you should see a sign posted on the side of the road.

Please let me know if you have any questions.

Thanks

Map attachment:



Public Email Responses Submitted after the PIM

Staff responses appear as **purple text**.

From: Sandra Watson
To: Mark Fredericks
November 7, 2023

Hello Mark Fredericks,

My name is Sandy Watson and I live on Etter Road in Brooklyn. I spoke my concerns at the Public Information Meeting on Nov. 2 ,2023. I would like to put my concerns in writing as well add a few points. I am against rezoning this lot from open space to R1 as well as other lots that were discussed at the public meeting. Concerning the lot on Riverview Drive and the fact that it is unused Open Space space, I can see why the municipality looked at it. My question is why were the the residents of my subdivision never made aware that the space was available to them? I have been living on Etter road for the past 26 years and there is no mention of said open space in my deed. Nor was it ever brought to my or my neighbour's attention. Now that we are aware please do not take this space away. It is the only Open Space in our area of about 30 homes and 30 children. I would like to help develop a walking trail on this lot, perhaps add a bench, making a usable space for community health and

https://urldefense.proofpoint.com/v2/url?u=http-3A_happiness.in&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=LfJ4kWqz0t7RR-gPKXzufVGmOyyXKByasImPnHCu6Nw&m=l-OhUejLZfzi8S6gU9s2dm5UCQqctyqB46ahHbEVsVxQjF2QEw3UitwoNt1oFV7&s=xXHajEWx6rfiSjmlLIGHG29O7oAKJNyIUP6IFhSqARo8&e= addition maintaining the habitat for the native plants and trees and also for the birds, butterflies and other wildlife. There is no other walking space in this area other than on the street. Going for walks outside improves both physical and mental health, reduces stress and gives people a burst of energy. Rezoning community Open Spaces is taking a step back in time and we should instead be preserving Open Space for the environment, for exercise, for mental health and for community social interaction.

Sincerely,

Sandra Watson
184 Etter Road Extension, Brooklyn
watsonsn58@gmail.com
902-790-1816

From: Mark Fredericks
To: Sandra Watson
October 31, 2023

Hi Sandra,
Thanks for reaching out regarding this change in your community. I appreciate and understand the desire to have access to public open space for recreation and wildlife habitat.

The subject property on Riverview Drive was identified as being suitable for divestiture during the 2015 Parks and Open Space Plan. <https://www.westhants.ca/recreatoin/482-parks-and-open-space-plan-main-body-1/file.html>

This plan reviews the available park sites and outlines the process used to determine suitability of public parks based on usability, suitability, and need. Part of this review process considered the surrounding sites in Brooklyn, which are listed on page 33 and include the Brooklyn Fire Hall Trail, the Brooklyn District Elementary School and Brooklyn Municipal Cemetery and mentions of Smileys Provincial park being nearby. On page 80 of the Parks and Open Space plan, the subject property on Riverview Drive is recognized as having "Little potential for water access or recreation use due to steep slope" and it is recommended to "Divest from Municipal holdings and invest in other parks or open space in the area."

I hope this helps explain how the Municipality reached this point. I would encourage you to review the Parks and Open Space Plan if you are looking for recreation opportunities as there are several sites available. More information about recreation sites throughout the municipality can be found on the website here:

<https://www.westhants.ca/recreation-sites.html>

Thanks

Let me know if you have any questions.

Mark Fredericks
Senior Planner

West Hants Regional Municipality
PO Box 3000,
76 Morison Drive, Windsor NS
T 902-798-8391 Ext. 148

From: Katerine Wadden
To: Mark Fredericks
November 9, 2023

Good morning, Mark,

My name is Katherine Wadden and I am reaching out about the Municipality's proposal to rezone PID 45215290 Riverview Drive Brooklyn from open space to R1.

I purchased a lot on Etter Road about two years ago, Lot 10, and I am planning to build a home there soon. I am currently renting on Etter Road and have two small children and cats, and we enjoy the outdoors together.

My family has lived on Etter Road for almost 30 years and we were not aware that PID 45215290 was zoned open space. Does this mean that we could have been going for walks on this property without it being considered trespassing? I asked several residents on the road if they were aware of the open space and no one I spoke to was.

I recently became aware that the subject property on Riverview Drive was identified as being suitable for divestiture during the 2015 Parks and Open Space Plan: <https://www.westhants.ca/recreatoin/482-parks-and-open-space-plan-main-body-1/file.html>. Nobody I spoke to was aware of this either. As you know, this plan reviewed the available park sites and outlined the process used to determine the suitability of public parks based on usability, suitability, and need. Part of this review process considered the surrounding sites in Brooklyn, which are listed on page 33 and include the Brooklyn Fire Hall Trail, the Brooklyn District Elementary School, and Brooklyn Municipal Cemetery, and mentions of Smileys Provincial Park being nearby. Although these are areas nearby for residents to access, getting to them requires a short drive or requires to cross the busy main road in Brooklyn which has no sidewalks or crosswalks in place. I took my children for a bike ride recently down to the cemetery and the Brooklyn firehall. I felt uncomfortable getting them across the street. There were so many cars and trucks coming they said they did not want to try to cross that street again and neither did I.

On page 80 of the Parks and Open Space plan, the subject property on Riverview Drive is recognized as having "Little potential for water access or recreation use due to steep slope" and it is recommended to "Divest from Municipal holdings and invest in other parks or open space in the area." I would like to comment that the property itself is not sloped and it is mainly flat. There is a steep slope going down to the river which should be avoided without proper infrastructure in place. There is ample opportunity to enjoy the view of the river from the property which brings peace and tranquility into people's lives. A water view like this is certainly not available at other sites within walking distance of Etter Road.

Another question I have is about development plans for subdivisions and the recommendation in West Hants Municipality to have 5% maintained as open space for residents. It seems as though when Etter Road was being developed this lot was set aside for this purpose. And now some years later the municipality is recommending against their own best practices for residential development.

There is such a need for community connectedness and I see open space lots as a catalyst for fostering community collaboration. With an anticipated high residential growth rate in West Hants, our municipality will be welcoming new residents who will be navigating the world of fitting into their new community. Having community projects available for residents to participate in brings people together and this is something we need now more than ever.

I would be happy to help coordinate a non-profit community group to adopt this parcel of land to provide stewardship to it. The benefits in the community would be passed down from generation to generation. People will gain a feeling of ownership, and connection to the land and each other. I could see this model being adopted in communities as a way to bring people together and to get them outside and active as the property is just outside their doors. Are you aware of other subdivisions or residential areas in West Hants that provide stewardship to designated green spaces?

Learning that this property was an designated as open space has a lot of people excited about its potential on Etter Road and I know as a collective we would adopt it and great opportunities for our community.

Looking forward to your thoughts and hope to hear from you soon,

Katherine

From: Mark Fredericks
To: Katerine Wadden
November 9, 2023

Thanks for sharing your thoughts, Katherine,

I am out of the office for the next few days and will get back to you next week after I have a chance to discuss your idea with our director of Parks and Recreation regarding a community group arrangement for this property.

Thanks again

From: Katerine Wadden
To: Mark Fredericks
November 9, 2023

Hi Mark,

Thanks for letting me know and I'm looking forward to hearing from you soon :)

Katherine

From: Mark Fredericks
To: Katerine Wadden
November 27, 2023

Hi Katherine,

I have spoken with staff from the Parks and Recreation Department, who also visited the site last week. The feedback I received was that the slope of the lot makes it difficult to develop into a park space. They believe finding space for parking and maintaining trails would be challenging due to the slopes on the property. These comments are consistent with the findings of the 2015 Parks and Open Space plan.

The municipality is expecting to continue processing the rezoning request, with your comments and the feedback from others in the neighborhood included in our report, to give the members of the Planning Advisory Committee and Municipal Council the opportunity to review all the public feedback before making their decision.

Thanks

From: Mandy Singleton

To: Mark Fredericks, Mark Phillips, Mark McLean, Abraham Zebian

November 9, 2023

Resending with the correct email address for Mark Fredericks -

I am contacting you to discuss the Municipality's proposal to rezone PID 45215290 Riverview Drive Brooklyn from open space to R1.

My husband and I moved to Hazelwood Drive, which joins Riverview Drive, 18 years ago. We have created a home, raised our children, and formed many cherished friendships in this neighbourhood. We consider it a fantastic place to raise a family and live a simple, rural life.

Our rear driveway, which runs off a garage on our property, is connected to Riverview Drive. When I walk from the end of that driveway to the current Municipality Rezoning sign on Riverview Drive, it might take me all of 40 steps.

I am sure you can imagine my dismay when I found out we could have been using that piece of property, with a river view, for almost 20 years with our children and pets to connect with nature and explore. How much would we have loved to go on nature walks when they were young without having to load our children in the car and drive to Smiley's Park? Or to take the dogs for a walk somewhere that isn't on a twisty, turny, road that is in a state of disrepair? Or to have access to a green space during Covid lockdowns? This would have been an excellent way for my children and the other children in the neighbourhood to have a break from being home, day after day.

If I were to guess, there are over 20 school-aged children currently living in our subdivision, as well as many dogs and cats who are known and loved by everyone within our little community. I am speaking for our family, and I'm sure for several others that we would appreciate keeping the green space we didn't know we had. It would be a great place to go for a walk in nature and sit and watch the river that flows through our community. And once you turn a lot from a green space to a residential lot, that isn't something you can get back.

Selling off access land for the sake of annual tax revenue from one residence hardly seems worth the cost of selling off a green space that would be well used in our community now that we have been made aware that we are able to use it. It has not been used over the years as we felt we would be trespassing, as many of us have indicated to you and the Municipality.

While making this decision, please keep in mind that Riverview runs off of Etter Road, which I am sure is well-known within the Municipality. It is in an embarrassingly horrid state, and as far as I can tell without having official confirmation, we have missed the window to have it paved within the J-Class Paving program between the Municipality and the Provincial Government, which brings us back to square one as far as the paving goes. We have no Municipal sewer and or water. I sincerely hope that the Municipality will consider the current and future residents of Etter Rd, Hazelwood & Riverview Drive before it is recommended to and voted upon by Council to take away a green space that will be used now that we know we have access to it, without the risk of trespassing.

Please feel free to reach out if you would like to discuss the matter further.

Mandy & Chad Singleton

From: Denise Forand

To: Mark Fredericks, Mark Phillips, Jim Ivey, Laurie Murley

November 23, 2023

Dear Planner Mark, CAO Mark and Councillors Laurie and Jim,

I am writing to address the issue of what you consider Your surplus land .

To sell these lots is detrimental to the citizens of our communities and of its intended purpose and uses. Some are subdivisions, some would allow access to lakes for fishing and most were the least desirable lots for developing, hence donated for the community in lieu of other incentives.

In regards to development downtown Windsor I strongly feel that the small area of the architectural district should hold the height restrictions of 3 stories especially with the view plains of the Very historical Fort Edward. Have you walked Chestnut Street? Do you know you can stand on that street and see the Fort. We have so many different historic homes with our rich long history standing in our quaint township and can help with tourism versus destroying the feel and look of this very small distinct district.

Hopefully you will look at some of my requests and at least physically observe these locations with the best intentions for the community and citizens you're serving.

Sincerely, Denise Forand



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Director of Planning and Development

Date: 2023-12-14

Subject: WHMPS and WHLUB Amendment Request: Wind Farm Policies; File# 23-43

LEGISLATIVE AUTHORITY

Part VIII, *Planning and Development, Municipal Government Act*

DECISION REQUEST

Staff require direction from Council on whether amendments to the West Hants Municipal Planning Strategy (WHMPS) and West Hants Land Use By-law (WHLUB) should be drafted in response to this application and the extent of those amendments.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input checked="" type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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On November 7, 2023, Steven Hart of Vaughan applied for amendments to the WHMPS Section 4.24 to further evaluate wind farm development proposals within the Municipality.

DISCUSSION

Application

The application that was received by staff specified the following:

“I am writing to make a formal request to amend policy 4.22.4 of the West Hants Municipal Planning Strategy. The requested amendment is to ensure that no large wind

turbine or wind farm shall be considered inside a 20km radius from an existing or under construction large wind turbine or wind farm, or an approved development agreement for a large wind turbine or wind farm until all large wind turbines or wind farms falling within the 20km radius have operated at project capacity for a minimum of 24 months. Protect Vaughan's is requesting this amendment due to the potential environmental consequences that could arise from such projects, including but not limited to: bird migration, sight and sound effects, property values, localized weather pattern changes, and general quality of life for affected residents. It is important to ensure that these factors are considered prior to the commencement of any new projects."

To provide a visual representation of the request, staff developed a map showing the operational or approved wind farms within West Hants Regional Municipality (WHRM) with a 5 km, 10 km, and 20 km buffer around them (Figure 1). Three wind farms have been approved in WHRM through the development agreement process. Two wind farms are currently fully operational, Martock and Ellershouse, and one wind farm was approved by Council earlier in 2023, Benjamins Mill. More details about these wind farms can be found in Table 1.

Table 1: Wind Farms within WHRM

Wind Farm Name	Martock	Ellershouse	Benjamins Mill
Development Agreement Registration (year)	2014	2014	2023
Number of Turbines Permitted	3	10	24
Total Project Capacity	6 MW	16.1 MW	150 MW
Status	Operational	Operational	Under Construction; Operational by 2025

Provincial Environment Goals

In October 2023 the Province of Nova Scotia released a Clean Energy Plan. This plan outlines the Provincial government’s goal to phase out coal power and reach 80% renewable energy within the Nova Scotia electrical grid by 2030 and reduce greenhouse gas emissions from electricity by more than 90% from 2005 levels by 2030. The Clean Energy Plan identifies wind power as a major factor in allowing the Province to reach its energy goals. The Province anticipates increasing onshore wind generation from 20% to 50%+ of the overall proposed renewable energy mix. This will include 12% to be produced from wind farms that are currently under construction (370 MW) and 25-30% of energy to be produced by new wind farms in 2030 (1000+ MW).

A staff member from the Department of Natural Resources and Renewables discussed the main considerations for wind turbine siting in Nova Scotia. These include available land that is cleared and accessible by road (commonly forestry land), proximity to transmission lines, proximity to load centre (i.e., HRM), and availability of consistent, non-turbulent wind. These considerations position WHRM as an attractive location for further development of wind turbines.

Wind Farm Regulations

The Department of Energy developed a one-page document on the role of each level of government in regulating wind farms (Attachment A). The Municipal role is to regulate the use of land. This authority is provided to municipalities through Part VIII, *Planning and Development*, of the *Municipal Government Act*. In relation to wind farm developments this could mean determining which zones may be appropriate for wind farms and determining setback requirements for the wind turbines from other types of land uses (i.e., residential).

The Province assumes the role of primary regulator for environmental matters through the *Environment Act*. The *Environment Act* outlines the process for Environmental Assessment. All wind energy projects over 2MW in size must go through the Provincial Environmental Assessment process. The Province has a “Guide to Preparing an EA Registration Document for Wind Power Projects in Nova Scotia” (Attachment C) and a “Citizens Guide to Environmental Assessments” available online. These documents outline the specific information that is required and evaluated by the Department of Environment and Climate Change in relation to Environmental Assessments. For wind projects that require an Environmental Assessment, proponents must describe the biophysical environment (i.e., geology, surface water, habitat, etc.) and socioeconomic conditions (i.e., property values, human health, etc.) within the project submission. A checklist of the general requirements for Environmental Assessment submission is included in Attachment B.

The Environmental Assessment submission is evaluated by experts with the Department of Environment and Climate Change and a final decision is made by the Minister. Previous Environmental Assessment approvals are available for review on the Department of Environment and Climate Change website. Numerous terms and conditions are included in an Environment Assessment approval including timelines for commencement, shadow flicker assessments and noise modeling requirements, setbacks from watercourses, a wildlife management plan, a bat study and monitoring program, an adaptive management plan, a complaint resolution plan, a contingency plan, and a decommissioning and site reclamation plan two years prior to the end of operation. Any concerns with non-compliance with an Environmental Assessment approval should be directed to the Department of Environment and Climate Change for investigation.

During a discussion with staff from the Department of Environment and Climate Change, they noted that the Provincial Environmental Assessment process is currently under review for modernization which is anticipated to be completed by the end of 2024. This will include review of items such as the evaluation of cumulative effects of wind farms.

West Hants Municipal Planning Strategy

Section 4.24 of the WHMPS discusses the policies for wind turbines (Attachment D). The policies require the WHLUB to distinguish between a small wind turbine and large or utility-scale wind turbine. The policies require standards to be established in the WHLUB for the development of small wind turbines including minimum lot size, setback, height and similar requirements to ensure public safety and minimize the potential for land use conflicts. Temporary large wind turbines for exploration or test purposes are permitted outside the Growth Centre, Village and Hamlet designations as-of-right, and permanent or long-term installations of large wind turbines or wind farms outside the Growth Centre, Village and Hamlet designations are considered by development agreement. A development agreement application for a wind farm is only considered by staff once the Provincial Environmental Assessment approval has been received by the proponent.

West Hants Land Use By-law

Section 35.0 of the WHLUB defines wind turbines as the following:

“Wind Turbine includes a windmill used for pumping water and a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics;

(a) Small Wind Turbine means a wind turbine which has a rated capacity of not more than 100 kW and which is intended primarily to reduce on-site consumption of utility power;

(b) Large Wind Turbine means a wind turbine with a production capacity greater than 100 kW;”

A wind farm is defined as *“an array of two or more large wind turbines connected directly to the utility grid”*.

Section 5.52 of the WHLUB outlines the regulations for wind turbines which includes zones where wind turbines are permitted, required setbacks, and maximum height and minimum lot area for small wind turbines (Attachment E). For large-scale turbines, or wind farms, the regulations outlined in the WHLUB, the Provincial Environmental Assessment approval and previous development agreements are used by Planning staff to negotiate the parameters of a proposed development agreement to consider a wind farm in a particular area. For example, where the WHLUB requires a minimum setback of 200 ft. (60.96 m.) for a small-scale turbine from a dwelling on an adjacent lot, all approved development agreements for wind farms within WHRM require a minimum setback of 1,000 m. (3,280.84 ft.) from the base of the tower

to any dwelling, hotel, motel, or apartment hotel existing as of the date of the agreement, and a minimum setback of 550 m. (1,804.46 ft.) from the base of the tower to any woods camps existing as of the date of the agreement.

Other Jurisdictions

Staff reviewed the regulations for wind turbines in a few other jurisdictions nearby to provide additional details to the Committee and Council.

East Hants

East Hants allows micro-scale and small-scale wind turbines as-of-right. Large-scale wind turbines are to be approved through the site plan approval process and are permitted outside growth areas. The large-scale wind turbines are to comply with setbacks at least 4 times the height of the turbine from grade to the highest extent of the blade. The East Hants Land Use By-law allows a reduction of this setback requirement to 1.5 times the height of the turbine from grade to the highest extent of the blade if an adjacent property owner agrees in writing to the reduced setback.

The site plan application requires the following information to be submitted:

- A site plan showing the proposed location of wind turbine(s) and related structure(s), as well as existing structures, proposed wind test tower sites, proposed and existing roads, adjoining property lines, utility lines, topography and contours, proposed landscaping, environmentally sensitive lands, and watercourses, direction of prevailing winds, noise levels at adjoining property lines, the type, size and location of any proposed security fencing, location of any proposed public safety signage, and possible future site expansion.
- An impact study examining how the proposed wind turbine or wind farm will affect neighbouring properties and community, including an assessment on visual impact (e.g., shadow flicker, wind patterns, lighting, ice throws), noise impact including existing background noise levels, expected noise levels associated with construction and operation of the wind development, and decibel ratings for all equipment required in the wind development.
- Manufacturer's details such as the turbine rated output in Kilowatts, sound characteristics, type of material used in tower, blade, and/or rotor construction, suggested footing construction with engineered plans, and safety features.
- A plan for decommissioning and reclamation of the land.

The East Hants Land Use By-law requires the site plan to be circulated to all properties within 1000 m of the property.

Kings County

Kings County permits accessory wind turbines as an accessory use in all zones and permits small-scale wind turbines as an accessory use in all rural zones. The Kings County Land Use By-

law identifies a “Large Scale Wind Turbine Overlay” area which is where large-scale wind turbines would be permitted. The overlay consists primarily of Crown lands and the boundaries of the overlay are a minimum of 3 km from dwellings existing on November 15, 2018.

There are specific requirements for wind turbines within the Kings County Land Use By-law including that climbing apparatuses are secured to a minimum height of ten (10) feet above grade or are contained within the tower structure and secured by means of a lockable door, that all wind turbines be painted or finished in a matte, non-reflective finish, that no lighting is permitted on any wind turbine except as required by relevant transportation authorities, and that signs and advertising are not permitted on any wind turbines, with the exception of paint or decals indicating the manufacturer of the wind turbine.

A development permit application for a wind turbine is to include:

- Manufacturer’s information, including the type of wind turbine, total height, rotor diameter, maximum rated output capacity, colour, and Canadian Standards Association (or equivalent);
- Authorization documents from Transport Canada and NavCan, or successor bodies; and
- Tower and base designs certified by an engineer licensed to practice in Nova Scotia, and applicable letters of undertaking.

Colchester County

Colchester County has a separate Wind Turbine Development By-law which applies to all large-scale wind turbine applications within the Municipality. The By-law requires the following information to be provided at the time of application to the Development Officer:

- A site plan showing the proposed location of wind turbines and accessory structures, as well as identifying all dwellings, structures and public roads within 2 km of any proposed wind turbine;
- The results of a wind turbine noise modeling study or equivalent, which demonstrates that the project will have an ambient degradation noise standard compliant with the By-law;
- A copy of an Environmental Assessment and notice of the issuance of any Federal and/or Provincial approvals including but not limited to the Department of National Defense, Natural Resources Canada, Transportation Canada, NAV Canada and any other applicable department or agency;
- A copy of the manufacturer’s specifications for the proposed wind turbines;
- A copy of the applicant’s decommissioning plan with confirmation that decommissioning will commence within 1 year after the license has been terminated, that it will be completed within 12 months after commencement, and written confirmation that a decommissioning bond will be issued upon request, to the Municipality;

- Written acknowledgement from the owners of the parcels of land which form part of the project site that the Municipality shall not be liable for any costs, fees or expenses of any kind which may be incurred by the owner in relation to the decommissioning of the project in the event that the decommission plan is not completed to the owners satisfaction or in accordance with any agreement that may have been entered into between the landowner and the applicant;
- Demonstration that public notification has been, and will be, complied with as required by the By-law.

The minimum setback requirement for a large-scale wind turbine from an external property line is 1 time the height of the turbine and 1 km from an existing dwelling on a neighbouring property if the wind turbine is 100 meters in height or less, or 2 km for wind turbines greater than 100 meters. If a wind turbine exceeds 200 meters an increased setback of 7.5 meters is required for every 1 meter of additional height if the increased minimum setback is necessary to satisfy the maximum ambient degradation noise standard of the By-law.

Similarly to the Kings County Land Use By-law there are specific requirements for wind turbines within the Colchester County Wind Turbine Development By-law. These include that all wind turbines have a non-reflective matte finish in an unobtrusive colour, that the turbine does not include any advertising, other than the wind turbine owner or operator displayed on the nacelle, and that turbines will not have artificial lighting, except for lighting that is required by Transport Canada or other Provincial or Federal regulatory authorities. There are other requirements regarding access and safety, as well as temporary test tower facilities and outdoor storage.

The By-law requires the applicant to host a community meeting in the community where the project is proposed. The meeting is to be advertised at least three weeks prior to the meeting. Individual letters are to be sent by the applicant to any land owner within 2 km of the boundaries of the proposed project by mail and two advertisements are to be placed in the newspaper at least 14 days prior to the meeting date.

Staff Considerations

As Provincial environmental goals are to increase the amount of wind energy powering the electrical grid by 2030 staff anticipate that WHRM will continue to receive requests for wind farm developments. Based on the request submitted to amend WHMPS Section 4.24 there are a few items staff would like to highlight for consideration:

1. The 20 km distance specified in the request excludes almost three quarters of the Municipality (Figure 1). If it is the wish of Council to make changes to the wind turbines policies, amending the policies for the entire Municipality would be more feasible to interpret and administer, than a distance from existing wind farms.

2. The second part of the request is to evaluate any wind farm after it has operated for a minimum of 24 months prior to approving a new wind farm. Based on previously approved Environmental Assessments the Province will outline items that will require a monitoring plan to be evaluated by the Department of Energy and Climate Change prior to turbine operation such as a bat monitoring program and a wildlife management plan. Any concerns with non-compliance with an Environmental Assessment approval would then be directed to the Department of Environment and Climate Change for investigation. The Environmental Assessment process is being modernized to include additional consideration of the cumulative effects of proposals. On the Municipal level it would be difficult to evaluate and enforce these items based on current staff capacity and training.

If it is the wish of Council, staff could review the current planning documents in more detail including:

- the zones where wind farms are permitted;
- the setback requirements for wind farms;
- application requirements for wind farms;
- the approval process for wind farm developments; and
- the criteria required to be evaluated when considering an application for wind farm developments.

When considering amendments to the planning documents, the Committee and Council should consider the expertise needed to evaluate any requirements for wind farm applications and enforcement capabilities within the current staff compliment. There may be financial implications associated with proposed amendments to the WHMPS and WHLUB if additional staff resources, training or specialized equipment is required to evaluate wind projects on a municipal level.

The Committee and Council should also consider jurisdiction as outlined in the Department of Energy document (Attachment A). As Municipal jurisdiction is related to land use, this could include identifying zones where wind farms are considered, or setback requirements for wind turbines from property lines and residential uses. Upon the review of other jurisdictions, it seems there is the potential ability to regulate other items unrelated to land use such as requirements for a decommissioning fund or the community benefits to be included in a project proposal in a separate By-law. This would have to be reviewed further by staff.

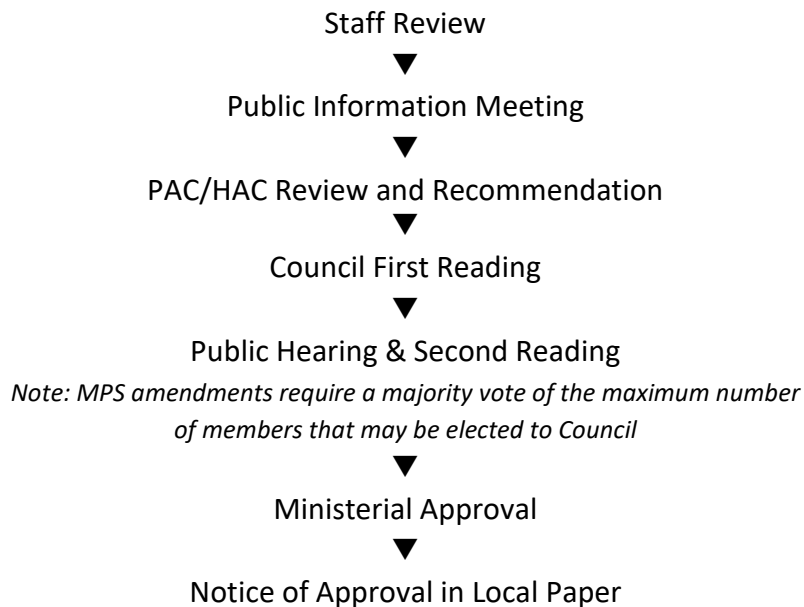
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for West Hants was developed in 2013. There is no mention of wind development in the MCCAP as the document focuses more on the

impacts of climate change on the Municipality versus options to reduce greenhouse gas emissions.

NEXT STEPS

If Council provides direction for staff to draft amendments to the West Hants Municipal Planning Strategy (WHMPS) and West Hants Land Use By-law (WHLUB) in response to this application, the process for the amendments would be as follows:



FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report. There may be financial implications associated with proposed amendments to the WHMPS and WHLUB if additional staff resources, training or specialized equipment is required to evaluate wind projects.

ALTERNATIVES

In response to this report, the PAC/HAC may:

- request Council direct staff prepare a draft WHMPS and WHLUB amendments based on direction from PAC/HAC;
- recommend Council not move forward with this application or any amendments associated with the request; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

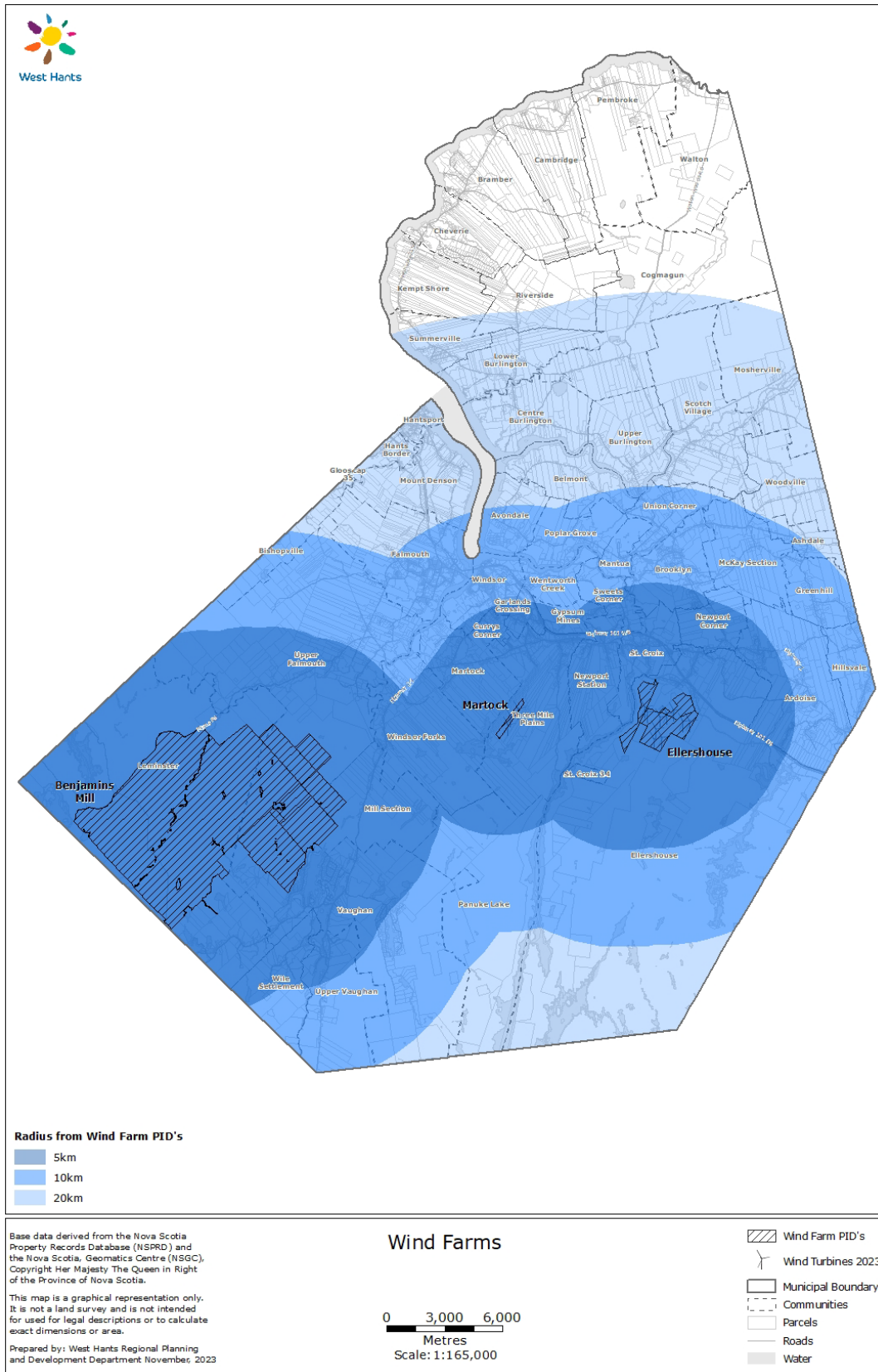
- Figure 1 Existing or Approved Wind Farms with Buffers
- Attachment A Department of Energy Jurisdiction for Wind Farm Regulations
- Attachment B Department of Energy and Climate Change Wind Farm Environmental Assessment Checklist
- Attachment C Department of Energy and Climate Change Guide to Preparing an EA Registration Document for Wind Power Projects
- Attachment D WHMPS Excerpt
- Attachment E WHLUB Excerpt

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

Report Reviewed by: _____
Mark Fredericks, Senior Planner

Report Reviewed by: _____
Alex Dunphy, Planner

Figure 1



Attachment A
Department of Energy Jurisdiction for Wind Farm Regulations

Regulation: How does government regulate wind energy projects?

Before any wind energy project in Nova Scotia can be built it must meet, at a minimum, the requirements of the municipal and provincial governments:

Municipal

Primarily, a wind project must conform to the zoning by-laws established by the municipality in which the wind energy project is being built, where such by-laws exist.

Municipalities have the authority to require minimum setbacks between the wind project and residences, businesses, roads, etc.

Municipalities can adjust these requirements to meet with the differing needs of the various regions of their jurisdiction.



For more information view a report by the Union of Nova Scotia Municipalities on [wind turbine guidelines for municipalities](#).

Provincial

All wind energy projects over 2MW (megawatts) in size must undertake a provincial Environmental Assessment (EA), administered by the Department of Environment.

The EA requires proponents to register required information on the environmental effects of any proposed project. EA registration information submitted by the proponent is made available for public review, and all stakeholders have the opportunity to submit comments on the project. Registration information is then reviewed by experts within the provincial and federal government.

Evaluation by these experts, along with issues raised by the public, is considered by the Minister when making a decision. Decision options of the Minister include: granting approval with conditions, request for more details/analysis, or rejection.

The Nova Scotia Department of Environment has prepared a [Proponent's Guide to Wind Power Projects](#).

Federal

Any projects that receive funds from the federal government, are on federal lands, or require a federal permit or authorization may be required to undergo to the federal Environmental Assessment process in addition to the provincial EA.

In some cases, both federal and provincial assessments may be required.

Attachment B
Department of Environment and Climate Change Wind Farm Environmental Assessment
Checklist

Environmental Assessment for Wind Projects

Wind energy projects that generate 2 MW of energy or more require a Class I environmental assessment (EA). Early engagement with the EA Branch will allow time to address questions and provide clarity and support on minimum requirements. It is strongly recommended that you set up an EA scoping meeting early.

Minimum Requirements

To officially register a project for an EA, Registration Documents submitted for review must include the information listed in Section 9(1A) of the Environmental Assessment Regulations.

This information ensures that the reviewers have a fair understanding of the project, its purpose, the impact on the area surrounding the proposed undertaking, as well as the socio-economic implications. More information on the legislated requirements can be found in the *Guide to Preparing an EA Registration Document for Wind Power Projects in Nova Scotia* available at <https://novascotia.ca/nse/ea/docs/EA.Guide-Proponents-WindPowerProjects.pdf>

Wind Environment Baseline Studies Checklist

Environment baseline studies are essential in evaluating the impact of a project. It is expected that proponents have completed and present the results of the following environmental baseline studies as part of their environmental assessment registration document (EARD). By doing so, the risk of delays and/or redesign is lowered.

The following table is intended to be a guide and is not a comprehensive list of studies required for wind power projects. Please contact the EA Branch to set up a meeting to discuss your renewable energy project.

Fillable pdf of baseline studies checklist can be found on EA resources page. Use QR code on front page.

Type of Study/Survey	Details	Completed
Noise Levels	Noise modelling that incorporates baseline noise, per Wind Guide, and mitigations.	
Shadow Flicker	Shadow flicker modelling per Wind Guide and mitigations.	
Visual Impact Assessment	Visual impact assessment per Wind Guide and mitigations.	
Cultural and Heritage Resources	Archaeological Resource Impact Assessment (ARIA): summary of accepted Communities Culture, Tourism and Heritage report. Mi'kmaq Ecological Knowledge Study (discuss if not complete)	
Public Engagement	Summary of public sessions and engagement and discussion of how comments/issues were addressed.	
Mi'kmaq Engagement	Summary of engagement actions and discussion of how comments/issues were addressed.	
Birds	At least one year of complete bird surveys (four seasons) including radar and acoustic monitoring, with adequate coverage of the entire site. Discuss second year of bird monitoring (if not complete)	
Bats	At least one full year of complete bat acoustic monitoring (spring and fall) and field habitat assessment, with adequate coverage of the entire site. Discuss second year (if not complete).	
Wetlands	Identification and functional assessments of wetlands that may be impacted (directly or indirectly), per Wind Guide and ECC's Wetland Policy. Discussion of how wetlands, including wetlands of special significance, will be avoided to the extent possible and mitigations.	
Flora and Fauna Species and Habitats	ACCDC data, and core and critical habitat mapping included, and supported by field survey data, including targeted field surveys for species at risk with adequate site coverage. Discussion of mitigations. Duration and seasonality per Wind Guide.	
Fish and Fish Habitat	Fish habitat assessment following Fisheries and Oceans Canada advice.	
Surface Water	Field identification of watercourses and baseline water quality data. Discussion of impacts to water quality and mitigations.	
Groundwater	Identification of groundwater users and baseline or general description of groundwater quality, any interactions with groundwater and impacts, and mitigations.	
Weather Conditions	Description of ecoregion and climate norms	
Climate change	Description of greenhouse gas emissions, mitigations, and adaptation (planning and preparation for a changing climate) within relevant sections of the assessment.	
Air Quality	Discussion of air emissions (e.g., dust) and mitigations. Description of any monitoring programs.	
Geology	Description of geological setting, including surficial and bedrock, and known geohazards (PAG rock, karst topography)	

Short Guide: Environmental Assessment Registration for Wind Projects



Environment and Climate Change

EA Branch Contact:

Phone: 902-424-3600

Email: ea@gov.ns.ca

<https://novascotia.ca/nse/ea/pubs.asp>



Class I Environmental Assessment Process

Applies to projects like
mines, waste facilities and developments in wetlands



Crown consultation with the Mi'kmaq of Nova Scotia on a particular project can also occur on other government permits in addition to the Environmental Assessment process.



Attachment C
Department of Environment and Climate Change Guide to Preparing an EA Registration
Document for Wind Power Projects

Guide to Preparing an EA Registration Document for Wind Power Projects in Nova Scotia

May 2007

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Policy Division
Environmental Assessment Branch

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About this Guide

The purpose of this guide is to help proponents of wind power projects understand the Environmental Assessment (EA) process and prepare the EA Registration Documents required for EA.

EA is a planning and decision-making tool used to promote sustainable development. By predicting and evaluating the environmental effects of a project before it begins, there is an opportunity to mitigate potential impacts of the project on the environment.

For the public, this process ensures that resources and ecosystem functions are protected. For the proponent of a wind power project, this guide promotes better project planning, which will ultimately save time and money.

More specifically, this guide will help proponents:

- consider all issues associated with wind power projects before submitting the EA Registration Document;
- avoid delays in the EA process; and
- reduce the risk that the Minister will decide that additional information is required or reject a project (note: if the Minister decides additional information is required, the proponent must obtain the missing information and then re-register the updated project for EA).

Project-specific information varies according to the project's scale, location, and the surrounding environment. It is your responsibility, as the proponent, to ensure that the information you submit in your registration materials accurately reflects the circumstances of your particular project. The advice in this guide can help you prepare an accurate and comprehensive submission.

Before registering a project for EA, proponents are encouraged to refer to "*A Proponent's Guide to Environmental Assessment*" for general information about EA and their role during an assessment. Contact the EA Branch or visit the EA Branch website at <http://www.novascotia.ca/nse/ea/> to obtain a copy of this guide. Proponents should also contact the EA Branch for verbal and written guidance on the EA process. Contact information is provided in Appendix II.

Once your EA Registration Document is accepted, it is posted on the EA webpages of the Nova Scotia Environment and Climate Change (NSECC) website. It becomes public information and is available for review by the Mi'kmaq of Nova Scotia and the public. When the Minister makes a decision on the Registration, this is also posted on our website. You can review registrations and decisions at <http://www.novascotia.ca/nse/ea/>.

Does the Wind Project Require Environmental Assessment?

If you are unsure whether the proposed project requires EA, please contact the EA Branch for a determination. Proponents should be prepared to provide the EA Branch with a detailed project description that can be used to evaluate whether the project triggers Part IV (Environmental Assessment) of the *Environment Act*.

Generally speaking, wind projects that can produce at least 2 MW of energy will require a Class I Environment Assessment, as per *Schedule A - Designated Class I and Class II Undertakings* of the *Environmental Assessment Regulations*, noting that these regulations are subject to change from time to time.

Planning for Environmental Assessment

Before starting work on the EA Registration Document, proponents are encouraged to discuss the scope of the assessment with the EA Branch.

The scope of the assessment should include each valued environmental component (VEC) that applies to the project circumstances — consider each one in the EA Registration Document.

When describing the scope of the undertaking, include both temporal and spatial boundaries.

Before undertaking any field work, proponents are advised to contact other government regulatory agencies such as Nova Scotia Department of Natural Resources and Renewables and the Canadian Wildlife Service to help define priorities. The EA Branch can assist proponents in identifying which government agencies should be contacted.

Engagement with the Mi'kmaq of Nova Scotia

The Province is committed to meeting its legal obligations to consult with the Mi'kmaq of Nova Scotia, and within that process, believes there is an important role for proponents in engaging the Mi'kmaq. Under the Environmental Assessment Regulations, proponent must identify all steps taken to identify, list and address concerns of the public and indigenous people about the adverse effects or the environmental effects of the proposed project.

This Guide provides practical assistance to proponents considering development or other activities that may impact Mi'kmaq interests in Nova Scotia. In addition, The Proponents' Guide: The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia provides advice on how to fulfill this obligation under the EA Regulations, and is available at: [ea-proponents-guide-to-mikmaq-consultation.pdf \(novascotia.ca\)](https://www2.gov.bc.ca/gov2/eng-proponents-guide-to-mikmaq-consultation.pdf)

Meaningful engagement and consultation processes support clearer communication, more efficient and improved decision-making, and lasting outcomes that benefit all Nova Scotians. Appropriate and meaningful consultations with the Mi'kmaq are key to promoting collaboration and strong relationships.

Public Engagement

Conducting public consultation offers citizens the opportunity to inform projects and decisions which may have an impact on their lives. Early and effective public consultation are key components for establishing successful partnerships with local communities and maintaining public support. Benefits of early and effective consultation by proponents include building relationships, increased mutual understanding, added perspective and feedback on potential impacts of decisions and projects.

The Minister considers concerns expressed by the public about the adverse effects or the environmental effects of the proposed undertaking, and the steps taken by the proponent to address those concerns when making a decision.

It is important to note that the Minister also considers the effectiveness of the consultation when making a decision. The method used should suit the type of project and particular community in which it is being conducted. Methods used in the past include organizing open house events, distributing newsletters, conducting door-to-door surveys, advertising in newspapers and establishing 1-800 numbers.

What to include in your EA Registration Document

At a minimum, Registration Documents must include the information listed in Section 9(1A) of the *Environmental Assessment Regulations*.

In addition, EA Registration Documents for wind projects should:

- describe what exists on-site and what is being proposed (during construction and the completed development);
- identify potential impacts — environmental, economic, and social;
- include off-site impacts on the neighbouring environment, such as visual effects, noise, dust, and water run-off;
- explain and document any actions being proposed to minimize impacts on the environment; and
- include maps and digital data showing details, such as property IDs, turbine locations, proposed grid route, transmission corridors, locations of rare species and those potentially at risk, access roads, residences, parks and protected areas, sensitive receptors and structures, wetlands, watercourses and drinking water wells.

The outline of a comprehensive EA Registration Document includes:

- Proponent Description
- Project Information
- Mi'kmaq of Nova Scotia
 - Mi'kmaq Engagement
 - Effects of the Undertaking on the Mi'kmaq of Nova Scotia
- Public Engagement
- Description of the Undertaking
 - Geographical Location
 - Physical Components
 - Site Preparation and Construction
 - Setbacks and Separation Distances
 - Operation and Maintenance
 - Decommissioning
- Valued Environmental Components (VECs) and Effects Management
 - *Biophysical Environment*
 - Weather Conditions
 - Climate Change
 - Geology
 - Surface Water
 - Groundwater
 - Wetlands
 - Flora and Fauna Species and Habitat
 - Project Risk Categories
 - Native Vegetation/Biodiversity
 - Bird Strike/Bird Migration
 - Bats
 - Fish and Fish Habitat
 - Visual Impact Assessment
 - Noise Levels
 - Shadow Flicker
 - Other Issues
 - *Socio-Economic Conditions*
 - Economy
 - Land Use and Value
 - Transportation
 - Recreation and Tourism
 - Human Health
 - Cultural and Heritage Resources
 - Other Undertakings in the Area

Guide to Preparing an EA Registration Document for Wind Power Projects

- Effects of the Undertaking on the Environment
- Effects of the Environment on the Undertaking
- Other Approvals Required
- Funding
- Additional Information
- Appendices

The following sections of this guide will provide details on what information should be considered under each of the headings listed above.

Proponent Description

Describe the project proponent in the following detail:

- Name of the proponent
- Signed statement by the company*
- Mailing address
- Street address
- Telephone number
- Fax number (if available)
- Email address (if available)
- Website (if available)

*Include a signed statement by the company president or chief executive officer that shows they accept the contents of the EA Registration Document with the following details:

- Name of company president/CEO
- Address of company president/CEO
- Signature

Project Information

Outline your project in the following detail:

- Name of Undertaking: Give your project a distinct name.
- Location: Briefly describe the location of the project.
- Maps: Show the location of the project on maps at regional and local scales, with the Universal Transverse Mercator (UTM) grid and the UTM coordinates showing the centre of the site. This map should also include the location of each turbine and any other structures on or near the site.
- Credentials: Include the names and credentials of all primary and secondary qualified professionals and their contribution — attach their CVs in an appendix.

Mi'kmaq of Nova Scotia

While strongly encouraged, it is within the proponent's discretion to proactively engage the Mi'kmaq of Nova Scotia and Indigenous organizations to identify and address any concerns, where appropriate, before registering the project.

In the EA Registration Document, the proponent should include the following:

- Documentation on steps taken to engage the Mi'kmaq.
- A description of any potential adverse impacts to the Mi'kmaq of Nova Scotia, as identified by both the proponent and in any correspondence with Mi'kmaq communities.
- The details of any proposed mitigation or avoidance measures of potential adverse impacts and any feedback received on mitigation or avoidance measures from Mi'kmaq communities.
- Predictions of any residual effects of the project on the Mi'kmaq after mitigation and avoidance measures are implemented and rationale for predictions.
- A discussion on future engagement with the Mi'kmaq to understand the efficacy of mitigation and avoidance measures and to support ongoing engagement.

Mi'kmaq Engagement

Early engagement with the Mi'kmaq of Nova Scotia is strongly encouraged as it enables comprehensive, accurate, and relevant information to be provided to the community. When deciding to involve the Mi'kmaq, you should identify and contact Mi'kmaq communities and Indigenous organizations.

For more information on engagement with the Mi'kmaq of Nova Scotia, refer to *Proponents' Guide: The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia*: <http://0-nsleg-edeposit.gov.ns.ca.legcat.gov.ns.ca/deposit/b10655268.pdf>.

Effects of the Undertaking on the Mi'kmaq of Nova Scotia

The identification of potential adverse impacts should be undertaken in collaboration with Mi'kmaq communities. To understand potential adverse impacts of a proposed project on the rights of the Mi'kmaq of Nova Scotia, early and meaningful engagement is required.

- Prior to submitting an EA Registration Document, the Province may recommend proponents undertake a Mi'kmaq Ecological Knowledge Study (MEKS). A MEKS identifies areas of historical and current use in the project area pertaining to lands, water and natural resources.

- MEKS are generally recommended for large scale projects or those that are proposed on Crown land or sited close to Indigenous land, or in areas of known high archaeological significance or that have particular cultural significance for the Mi'kmaq.
- An MEKS Protocol has been prepared on behalf of the Assembly of Nova Scotia Mi'kmaw Chiefs. Proponents are encouraged to review this protocol carefully to gain a better understanding of MEKS, including seasonal limitations that may impact proposed planning.
- The Protocol can be found at:
<https://novascotia.ca/abor/aborlearn/docs/mek%20protocol%20second%20edition.pdf>

Public Engagement

For Class I undertakings, proponents are not required to involve the public beyond the official notification through two newspaper advertisements (one with circulation in the vicinity of the undertaking and one with province-wide circulation). However, when making a decision on the proposed undertaking the Minister will consider all public input about the proposed undertaking, whether positive or negative, including concerns about the adverse effects or the environmental effects of the proposed undertaking and the steps taken by the proponent to address those concerns.

The Department strongly recommends that proponents work proactively with the public to address any concerns prior to registering the undertaking in the EA process. When deciding to involve the public, the proponent should consider identifying and contacting local community representatives, government representatives (municipal, provincial and federal), First Nations, and other stakeholders who may have an interest in the proposed undertaking.

Within this section of the EA Registration Document, proponents should include the following:

- Identify the methods used to notify the general public and stakeholder groups, the number of people contacted, and the number of people that responded. Also, provide copies of the information and materials distributed to the public.
- Describe the opportunities that have been or will be provided to allow the public and stakeholder groups to express their concerns and receive information on the various phases of project development including planning, design, environmental assessment review, construction, operation, decommissioning and reclamation.
- Include all comments brought to the attention of the proponent, both written and verbal, during the public information program(s).
- Describe how the public and stakeholder groups' comments were addressed during and following the public information program(s), including any commitments made by the proponent. Anticipated public concerns can be addressed as well.

Description of the Undertaking

This section of the EA Registration Document describes the project as it is planned to proceed through the construction, operation, and decommissioning phases of the wind power development.

Geographical Location

- Identify the site location and its relation to each of the following:
 - existing communities, including Mi'kmaq communities;
 - other developments;
 - transportation facilities;
 - the proposed routes of access;
 - parks and protected areas; and
 - water supplies, etc.

- Submit site plans that show the location of the major components of the proposed project and each of the following details:
 - location of the proposed development in the province;
 - scaled site map of the main project components;
 - Project components may include but not limited to:
 - alignment of power lines connecting the wind power project to the electricity grid;
 - turbine to turbine connections;
 - proposed internal road access routes and transmission line corridors.
 - Watercourse crossing and ditching infrastructure property map including the Property Identification Number(s) (PID); boundaries;
 - large-scale original base map(s) (1:10,000 - 1:12,500 scale preferred);
 - recent aerial photos;
 - proximity to existing and pending protected and conservation areas within provincial, federal, and municipal jurisdictions or protected by land trusts (for example, show existing and pending provincial wilderness areas, nature reserves and provincial parks; federal migratory bird sanctuaries and wildlife management areas; land trust lands; conservation easements; and municipal protected water supply areas)¹;

¹ Mapping for existing and pending protected areas can be found at <https://www.novascotia.ca/parksandprotectedareas/plan/interactive-map/>. Pending protected areas are lands that government has committed to designating as a protected area but for which designation has not yet occurred.

Guide to Preparing an EA Registration Document for Wind Power Projects

- proximity to administratively conserved sites on Crown lands such as provincial Old Forest Policy set-asides and lands recognized as “protected” through forest certification programs.
- proximity of the development to significant features, such as:
 - housing
 - water bodies and watercourses
- location of the proposed development within secondary and tertiary watersheds, and

The proponent is also encouraged to:

- Contact the municipality to determine if the proposed project will be affected by any land use by-laws, specifically, setback regulations.
- Consult with the utility or grid system operator to ensure connection to the electricity grid is feasible.

Physical Components

- Describe and provide maps and figures for major physical components of the undertaking, such as:
 - site and adjacent areas;
 - the positions of the proposed wind turbine(s) (generator, rotor blades and supporting structure);
 - native vegetation;
 - existing roads to be used for site access;
 - internal access roads to be constructed;
 - watercourse crossings, ditching, diversions;
 - site grading and earth works;
 - proximity to residences; and
 - existing and proposed buildings and structures (including control rooms and electrical substations), etc.
- Describe the proposed wind turbines in detail:
 - how many;
 - rated generation capacity;
 - make and model number;
 - dimensions of the tower;
 - dimensions of the overall design;
 - turbine blade speed in revolutions per minute;
 - lighting requirements, if applicable;
 - materials;

- colour; and
- the alignment of guy wires, if any.

Site Preparation and Construction

- Describe in detail the proposed:
 - construction activities;
 - location;
 - techniques; and
 - schedules.
- Identify the size of the area affected by each respective activity.
- Consider addressing the following aspects and activities:
 - site orientation;
 - stripping of vegetation;
 - clearing and grubbing;
 - erosion and sediment control;
 - proximity distances (including from public or common highways, watercourses, existing and pending parks and protected areas and property boundaries);
 - site access roads (including gradient), location of receiving areas, material storage, and parking areas;
 - drilling and blasting requirements (during turbine installation process);
 - permanent structures (towers, and other structures that will be needed onsite);
 - temporary structures;
 - temporary or permanent watercourse crossings, diversions, or ditching;
 - utilities;
 - risk management, such as contingency plans for malfunctions, accidents, and emergency response plans;
 - the duration of construction work and explanation of the various development phases including the impacts of each phase on the landscape;
 - environmental monitoring and reporting; and
 - other relevant aspects and activities.

Setbacks and Separation Distances

Check if the municipality has setback requirements or separation distances. Many municipalities have development land use by-laws to deal with the setback requirements and separation distances for wind power projects. It is the proponent's responsibility to be aware of and to comply with municipal by-laws.

Locate wind turbines far enough away from domestic dwellings so that the turbines do not unreasonably affect the amenity of such properties through sound, shadow flicker, visual domination, or reflected light.

The advisable distance between residences and a proposed wind development to avoid any disturbance of neighbours depends on a variety of factors including local topography, climate, character and level of background noise, and overall size of the development.

It is best not to locate projects close to parks and protected areas, as nearby wind energy development and disturbance can negatively impact those areas. Proponents with projects occurring within 500m of existing or pending protected areas are encouraged to seek guidance from NSECC's Protected Areas Branch (protected areas) and DNRR (parks) in the early stages of project development to screen for potential impacts and determine whether siting is compatible with ensuring the integrity of nearby parks and protected areas.

Operation and Maintenance

- Include a detailed description of the proposed activities, locations, and schedules during the operational phase of the undertaking. The proponent should consider the following:
 - water management (surface water, groundwater, storm water, withdrawal, drainage, erosion and sediment control, water recycling opportunities, ability of the water source to meet requirements taking into consideration other users in the vicinity);
 - hazardous waste management (for example, fuels, lubricants, hydraulic oil, asphalt, paints, solvents, de-icing agents);
 - waste management;
 - transportation (modes, routes, load size and frequency, maintenance, refueling, load coverings, speed restrictions, tire cleaning);
 - noise management;
 - viewscape protection (such as tree screens and buffer zones);
 - utilities;
 - risk management (for example contingency plans, emergency response plans, and accidents); and
 - environmental monitoring and reporting.

Decommissioning

Include goals and objectives for decommissioning the site, including removal of roads, equipment, and structures, and the long-term objective for future use of the property following decommissioning.

Include comprehensive details with the goal of restoring the site to its natural state with native plants such that impacts of habitat loss (i.e., connectivity) and invasive species are mitigated.

Valued Environmental Components (VECs) and Effects Management

Within the Nova Scotia EA Regulations, VECs are broadly interpreted as environmental (including rare species and those at risk), human health, socio-economic, cultural, historical, archaeological, paleontological and architectural features that may be impacted, whether positive or negative, inside or outside the province, by the proposed undertaking.

To reiterate, the VEC sections of the EA Registration Document should address the following:

- existing environmental conditions and climate change projections — consider both biophysical environment and socio-economic conditions;
- identified VECs;
- predicted environmental effects — both positive and negative effects, both inside and outside the province;
- proposed mitigation to address environmental effects; and
- proposed monitoring programs for the undertaking.

Please note, if proponents predict that there will be no impacts to a certain VEC within the proposed wind power site or within any other area of the wind power project, they must provide an explanation of the prediction in the Registration Document.

The following two broad categories comprise the VECs: Biophysical Environment and Socio-economic conditions. The following section provides a detailed description of the information to be provided in the Registration Document related to these two broad categories of VECs.

Guidance on Information Requirements for Valued Environmental Components

Biophysical Environment

Weather Conditions

- Describe the weather conditions at the site including presentation of methods and/or data used to assess the site suitability for wind generation. This should include some consideration of the climate change projections.
- Demonstrate that conditions are adequate for power generation.
- Demonstrate that the design will accommodate extreme winds and ice loads.

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- Provide rationale for 1) site selection and 2) consideration of alternatives.

Climate Change

- Climate change should be addressed in terms of greenhouse gas emissions (reduction of GHGs) and adaptation (planning and preparation for a changing climate).
- This section will focus on GHGs mitigation while adaptation is integrated into the data analysis and design decisions throughout the document.

GHG Emissions

- Identify and quantify all direct emission sources and sinks by individual GHG (carbon dioxide, methane, nitrous oxide, sulphur hexafluoride, and hydrofluorocarbons and perfluorocarbons by individual species, where applicable) during the construction, operation and decommissioning phases.
- Clearly state all quantification methodologies, emissions factors, and assumptions used.
- Refer to ISO standard 14064-1: Specification with guidance at the organization level for quantification and reporting of greenhouse gas emissions and removals, for general inventory preparation guidance, requirements, and presentation.

Air Quality

Discuss how dust from road construction, etc., and other air emissions will affect the existing atmospheric conditions and what will be done to avoid or mitigate negative impacts. Describe any monitoring programs that may be necessary to identify effects on air quality and the success of any mitigation measures employed.

Geology

- Describe the geological features of the wind power site including:
 - surficial geology — soil types, permeability, porosity, risk of erosion; and
 - bedrock geology — acid producing/consuming rocks, sulfides, carbonates, host rock.
- Conduct geotechnical investigations and include details of the investigations to help assess whether construction of the foundations for the wind turbines, the erection of the machines, and the provision of access roads is practical and economic.

- Include geological maps in your EA Registration Document.

Surface Water

- Qualified professionals (e.g., hydrologist, water resources engineer, limnologist, etc.) should be retained to complete the assessment of this VEC.
- Describe existing environment:
 - Describe the location of the project within the primary, secondary, and tertiary watersheds.
 - Describe the general hydrological conditions and water quality and quantity for all surface waters in the vicinity of the wind power project.
 - Describe the field investigations undertaken to support this description and bibliography of reference material as appropriate.
- Based on understanding the existing environment and the project description, clearly identify the area which may be impacted by the proposed undertaking.
 - Provide rationale for this delineation including upstream and downstream interaction.
 - Consider each phase of the project, including construction, operation, and decommissioning.
- For the assessment area, discuss and quantify the predicted effects (with rationale) the undertaking may have on existing surface water in the surface water assessment area.
 - Consider each phase of the project, including construction, operation, and decommissioning.
- Describe the proposed methods to avoid or mitigate such effects.
 - Consider each phase of the project, including construction, operation, and decommissioning.
 - This may include siting considerations, work seasons, erosion and sediment control measures, consideration for climate change impacts in the design of project elements, or maintenance etc.
- Describe any monitoring programs that will be designed to provide information on the effects of the project on surface water.
 - This may include monitoring programs cross identified in multiple VECs, or specific quantity or quality monitoring.

Groundwater

- Describe the general hydrogeological conditions in the vicinity of the wind power project. This is to include descriptions of hydrogeological properties (hydraulic conductivity, recharge/discharge conditions, hydrostratigraphic units, groundwater flow directions and so on), interaction between groundwater and surface watercourses (including wetlands), groundwater use for water wells and general groundwater quality conditions.
- Describe the appropriate reference sources used to support this description, including any groundwater field investigations conducted, and include these all in a bibliography.
- Identify and field verify the locations of water wells within 2 km of the project boundaries. Provide a site map showing these locations.
- Provide a description of any water supply sources to be used on the site, including groundwater or surface water.
- Provide detailed information on how potential water quantity or water quality impacts to groundwater due to site activities will be avoided or mitigated both on and off the site during the site construction, operations and decommissioned site phases.

Wetlands

- Identify the location, size, and class of any wetland on-site or downstream that may be impacted by the wind power project.
 - Please refer to “The Nova Scotia Wetland Conservation Policy” which identifies what legislation, regulations, and policies are currently relevant to wetland conservation (<https://www.novascotia.ca/nse/wetland/conservation.policy.asp>).
- If there are any wetlands at the project site, include the following in your EA Registration Document:
 - wetland delineation (location, size, boundaries) and functional assessment information, including a description of the methodologies used;
 - maps and photos clearly indicating the location of the project in relation to the wetland and other natural features;
 - description of the wetland’s ecological character;
 - presence of fish in the wetland;
 - existing hydrological characterization;
 - existing hydrogeological characterization;
 - a bibliography of reference materials used in developing the evaluation; and
 - a listing of the expertise retained in preparing the evaluation.

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- Refer to “The Nova Scotia Wetland Conservation Policy” purpose and provide a detailed description of the proposed alteration including:
 - reason for the alteration;
 - nature of the proposed alteration;
 - alternatives that have been considered;
 - all identifiable impacts to the wetland (e.g., percent of wetland to be altered, species at risk present and/or species of conservation concern, terrestrial & aquatic flora and fauna species to be affected). This includes potential indirect effects;
 - past impacts to the wetland (if applicable);
 - expertise retained and resources referenced in determining the existing conditions and potential impacts; and
 - opportunities for mitigation of impacts and/or compensation.

Flora and Fauna Species and Habitat

- Qualified professionals (biologists, botanists, etc.) should be engaged by the proponent to conduct surveys to identify flora and fauna species that exist or that may exist throughout the wind power site and throughout any other areas which may be impacted by the development.
- Priority species and habitats for field inventory work should be identified through a desktop analysis using the process described in “A Guide to Addressing Wildlife Species and Habitat in an EA Registration Document”. A 100km radius around the project area is to be used as the minimum area for review of known occurrences of species of conservation concern.
- As part of the assessment the proponent should consider all species ranked S1-S3, all species assessed by COSEWIC, and all species listed under the federal *Species at Risk Act* and the *Nova Scotia Endangered Species Act*.
- The proponent must apply standards and protocols for bird monitoring specified for the given “Category” of project as defined by Environment and Climate Change Canada and the Canadian Wildlife Service.
- With respect to species listed as Endangered or Threatened under either the federal SARA or provincial NSESA, proponents should be aware of any identified or designated Core Habitat and federally identified Critical Habitat that may be affected by the project.

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- The Province of Nova Scotia is committed to further enhancing land protection and nature conservation by various means. Prior to developing project proposals, proponents are encouraged to contact the Department of Natural Resources and Renewables (DNRR) and the Protected Areas and Ecosystems Branch of NSECC to review if project proposals may overlap with lands of special concern or are under consideration for conservation or land protection.
- Proponents are encouraged to avoid relatively intact natural area. These are lands that, while not necessarily pristine, have relatively low levels of anthropogenic disturbance at the landscape scale and are therefore critical to biodiversity conservation at the landscape level. These areas have a lower density of roads and other linear corridors such as power lines compared to other lands in the region and are generally comprised of more mature and less fragmented forests.
- Proponents are also encouraged to avoid lands that are important for regional ecological connectivity. These are lands that, due to their location on the landscape and ecological condition, play a critical role in biodiversity conservation by sustaining the long-term flow of ecological processes and native species (terrestrial species, birds, bats, etc.) across the landscape, including between relatively intact natural areas and between protected areas.
- Proponents are encouraged to contact the EA Branch, Nova Scotia Department of Natural Resources and Renewables, and the Canadian Wildlife Service early in the planning stages to ensure that all relevant issues have been identified and all required components of the EA are understood and considered.

Project Risk Categories:

- The project risk category is determined by a combination of site sensitivity, project size and turbine height. The category is used to qualify potential risk to wild species and/or their habitats. With this qualification, the project can be planned and monitored such that impacts resulting from its construction or operation can be minimized and/or mitigated.

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Project Size	Potential Sensitivity			
	Very High	High	Medium	Low
Very Large	Category 4	Category 4	Category 3	Category 2
Large	Category 4	Category 3	Category 2	Category 2
Medium	Category 4	Category 3	Category 2	Category 1
Small	Category 4	Category 2	Category 1	Category 1

- The Project Risk Category can be determined using the tables below.
- Please note all projects using turbines greater than 150 m in height are considered Category 4 projects. For projects with turbines < 150 m use the tables below to determine project category.

Site Sensitivity:

Potential Sensitivity	Determining factor
Very high	<p>Species identified are:</p> <ol style="list-style-type: none"> 1. Listed as “at risk” federally or provincially under the SARA or NSESA 2. Assessed as “at risk” by COSEWIC or S1, S2 and S3 listed species (under the Atlantic Canada Conservation Data Center) occurring within, or being negatively affected by the development <p>Site identified as:</p> <ol style="list-style-type: none"> 3. habitat for a large or important bird colony, such as herons, gulls, terns, common eider and seabirds 4. a known bat hibernacula (25 km radius) 5. a significant migration staging or wintering area for bats, waterfowl or shorebirds 6. an area recognized as internationally, nationally or provincially important for birds (e.g., by being located in or adjacent to a provincial Wildlife Management Area or Wildlife Sanctuary, National Wildlife Area, Migratory Bird Sanctuary, Important Bird Area, National Park, Western Hemisphere Shorebird Reserve Network (WHSRN) and/or Ramsar sites, or similar area specifically designated to protect birds) 7. providing habitat for large concentrations of raptors (e.g. wintering, migration) 8. a known, or reasonably inferred migration or connectivity corridor 9. having potential to reduce functional quality/quantity of habitat (e.g., relatively intact natural areas) and/or cause significant land

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	<p>fragmentation with loss of connectivity</p> <p>10. having identified or designated provincial Core Habitat (including areas identified in Section 15(4)(h) of the <i>Endangered Species Act</i> to be considered for core habitat in a recovery plan), or federal Critical Habitat.</p> <p>11. an area recognized as provincially or nationally significant for habitat conservation of a listed “at risk” species (e.g., Significant Mainland Moose Concentration Areas)</p>
High	<p>Site identified as:</p> <p>12. having landform factors that concentrate species (e.g., shoreline, ridge, peninsula or other landform that may funnel bird movement) or significantly increase the relative height of the turbines</p> <p>13. a coastal island, or less than 5 km inland from coastal waters</p> <p>14. an area of large local bird movements (between habitats) or is close to significant migration staging or wintering area for waterfowl or shorebirds</p> <p>15. an area recognized as provincially or nationally significant for habitat conservation and/or protection.</p> <p>16. having increased bird activity from the presence of an area recognized as nationally and/or provincially important habitat for birds (e.g., a National Wildlife Area, Migratory Bird Sanctuary, Important Bird Area, National Park, or similar area protected provincially or territorially because of its importance to birds).</p> <p>17. containing non-listed species of high conservation concern (e.g. S1)</p>
Medium	<p>18. Site is recognized as regionally or locally important to birds, or contains provincially significant habitat types.</p>
Low	<p>19. Site does not contain any of the elements listed above.</p>

Project Size:

Size	Definition
Very large	Total local area projected to contain more than 100 turbines
Large	Total local area projected to contain 41- 100 turbines
Medium	Total local area projected to contain 11-40 turbines
Small	Total local area projected to contain 1-10 turbines

Turbine Height:

Turbines > 150 m	Wind turbines greater than 150m in height are categorized as Very High site sensitivity because they are within a known migratory corridor
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The following describes the level of monitoring typically required with each Project Category. Please note that field surveys including type, timing and duration should be designed in consultation with the appropriate regulatory agencies:

Category 1: Projects in this category represent the lowest level of potential risk to wild species and/or their habitats. Note: reference to required basic/baseline surveys do not include avian and bat radar or acoustic surveys; these survey requirements are addressed separately.

- **Basic field surveys:** Most Category 1 projects need some basic field surveys before an approval is granted to:
 - assess the occurrence of significant habitats and species within the proposed area for the turbines; and
 - confirm that no conservation issues were previously overlooked.
- **Carcass searches for bats and birds:** After the project is in operation, carcass searches are usually required to document unexpected mortality events.

Category 2: Projects in this category represent a moderate level of potential risk to wild species and/or their habitats.

- **Basic surveys:** Most require basic surveys, usually spread over a one-year period, to: obtain quantitative information on wild species and habitats on the site and identify any potential mitigation measures to minimize environmental impacts during construction.
- **Follow-up surveys:** Depending on the species and numbers detected, some follow-up surveys may be required to assess impacts. These follow-up surveys may not need to commence until one year after construction is completed.
- **Carcass searches** for bats and birds will usually be required after the project is in operation to document unexpected mortality events.

Category 3: Projects in this category represent an elevated level of potential risk to wild species and/or their habitat(s).

- **Comprehensive baseline surveys:** These will normally need to be done over the course of one calendar year unless additional concerns are identified in the process (e.g., an unexpected species at risk is found to be present), which could extend the time period. You must apply standards and protocols for bird monitoring specified for “Category 3” projects as defined by Environment and Climate Change Canada and the Canadian Wildlife Service.

- **Pre-construction surveys:** need to quantify what species are using the area and obtain measures of their relative abundance.
- **Detailed studies:** If the site contains concentrations of birds, or species thought to be particularly vulnerable to colliding with turbines, or that have potential to be negatively affected by the presence of turbines, more detailed studies may be required. Such information may help to inform placement of turbines, or to determine the need for other mitigation measures.
- **Post-construction follow-up surveys,** spread over at least two years, are required to determine changes in wildlife use of the area associated with installation of the turbines.
- **Regular carcass searches** will normally be required to monitor the impact to breeding and migrating bats and birds. Given the potential for fragmenting habitat and the resulting loss of landscape connectivity, by large (41-100 turbines) and very large (101 or more turbine) projects, these sites will require consideration and analysis of potential landscape scaled impacts.

Category 4: Projects in this category represent the highest level of potential risk to wildlife, and/or their habitats.

- **Comprehensive baseline surveys:** These will normally need to be done over the course of one calendar year unless additional concerns are identified in the process (e.g., an unexpected species at risk is found to be present), which could extend the time period. Proponents must apply standards and protocols for bird monitoring specified for “Category 4” projects as defined by Environment and Climate Change Canada and the Canadian Wildlife Service. Proponents are strongly encouraged to design and initiate baseline surveys as far in advance as possible.
- All projects using turbines greater than 150 m in height are considered Category 4 projects.

If the project is approved, detailed follow-up will normally be required as a condition of the approval:

- **Post-construction follow-up surveys,** spread over at least two years and sometimes more, are required to determine changes in wildlife use of the area associated with construction of the turbines.
- **More detailed studies,** if warranted: If the site contains concentrations of birds, Species at Risk, Species of Conservation Concern, species thought to be particularly vulnerable to

colliding with turbines, or that have potential to be negatively affected by the presence of turbines, then more detailed studies may be required.

- **Regular carcass searches** around turbines over at least 2 years will likely be required during seasons when there is an elevated collision risk (e.g., when concentrations of birds are present, seasonal patterns for migratory bats, or during the migration season).
- **Data gathering** for more than two years would normally be targeted to answer very specific questions or conservation concerns.
- **Long-term monitoring** extended over five years or more, for example, may in some cases be required to document potential negative effects of functional habitat loss. Given the potential for fragmenting habitat and the resulting loss of connectivity, by large (41-100 turbines) and very large (101 or more turbine) projects, these sites will require consideration and analysis of potential landscape scaled impacts.

Refer to:

- *Guide to Addressing Wildlife Species and Habitat in an EA Registration:*
<https://novascotia.ca/nse/ea/docs/EA.Guide-AddressingWildSpecies.pdf>
- The Wildlife Division of the Nova Scotia Department of Natural Resources and Renewables online database for the population status of flora and fauna taxonomic groups throughout Nova Scotia:
<http://www.gov.ns.ca/natr/wildlife/genstatus/ranks.asp><https://novascotia.ca/natr/wildlife/genstatus/>
- Endangered Species Act of Nova Scotia — and regulations — to identify species at risk:
<http://nslegislature.ca/legc/statutes/endspec.htm>
<http://www.novascotia.ca/just/regulations/regs/eslist.htm>
- The Nova Scotia Museum of Natural History and Department of Communities, Culture, Tourism and Heritage for information on significant habitat and species at risk and distribution data.
- Significant habitat data relative to endangered species can also be obtained from the Atlantic Canada Conservation Data Centre:
<http://www.accdc.com/>
- The Canadian Wildlife Service:
 - *Wind Turbines and Birds: A Guidance Document for Environmental Assessment*
 - *Recommended Protocols for Monitoring Impacts of Wind Turbines on Birds*

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- Significant habitat data relative to endangered species can also be obtained from the Atlantic Canada Conservation Data Centre:
<http://www.accdc.com/>

Native Vegetation/Biodiversity

- Conservation and preservation of native vegetation, including rare species and species-at-risk, is a major objective. Generally, the appropriate siting and design of wind power projects ensures that native vegetation is maintained. However, transmission lines may traverse a much greater area than the turbines, making it more difficult to avoid damage to native vegetation.
- Consult early with Nova Scotia Department of Natural Resources and Renewables, Wildlife Division, to develop botanical inventory standards before undertaking any field work.

Bird Migration

- Select a wind power site that avoids negative impacts on bird species. Be aware of the paths for travel, roosting, nesting, and spring and autumn migrations, so that they can be avoided when choosing a wind power site.
- Existing data, supplemented with field surveys, should be used to support site selection.
- Negative impacts on bird species occur through the careless removal or disturbance of the native vegetation that supplies them with a food source and nesting places, and through the placement of wind turbines directly in a flight path.
- Migratory birds, their eggs, their nest, and their young are protected under the *Migratory Birds Convention Act* and the *Nova Scotia Wildlife Act*. Depending on the at-risk status of the species, additional protection may also be provided under the federal *Species at Risk Act* and *Nova Scotia Endangered Species Act*.
 - For more information, see the *Migratory Birds Convention Act*, *Nova Scotia Wildlife Act*, and Environment Canada's *Wind Turbines and Birds: A Guidance Document for Environmental Assessment* (Appendix).
- Before undertaking any field work, contact the Canadian Wildlife Service (Sackville, New Brunswick) and the Nova Scotia Department of Natural Resources and Renewables. Pre-development inventories and post-development monitoring will be required; specific requirements will be developed in consultation with regulators and will depend on project parameters (size of site, number of turbines, turbine type/size, location, etc.).

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- Avian radar study is required for projects that include turbines greater than 150 m in height. Radar baseline studies should be designed in consultation with the Canadian Wildlife Service and the Department of Natural Resources and Renewables. Please refer to the following Canadian Wildlife Service guidance documents for additional information:
 - *Wind Turbines and Birds: A Guidance Document for Environmental Assessment*
 - *Recommended Protocols for Monitoring Impacts of Wind Turbines on Birds*

Bats

- Bats serve an important ecological role. Locating wind turbines in bat migration areas can result in strikes and disruption of migration patterns. Proponents must:
 - Determine if the project within 25 km of any known bat hibernacula.
 - Determine whether significant numbers of bats migrate through the area.
 - Assess the possible impacts of wind turbines on migratory bats.
- Sites will require pre-development inventory for bats and post-development monitoring; specific requirements will be developed in consultation with regulators and will depend on project parameters (size of site, number of turbines, turbine type/size, location, etc.).
- Contact the Nova Scotia Department of Natural Resources and Renewables Wildlife Division early in the planning phases to establish whether inventory for bats will be required, inventory standards and requirements, and to establish post-development monitoring standards.
- If appropriate for the project site, also refer to Canadian Wildlife Service of Environment and Climate Change Canada (responsible for all migratory birds and for all wildlife on federally owned land).

Fish and Fish Habitat

The principles and information sources that apply to flora and fauna species and habitat also apply to fish and fish habitat.

Fisheries and Oceans Canada (DFO) will be reviewing the EA Registration Document. DFO ensures compliance with relevant provisions under the *Fisheries Act*, the *Species at Risk Act*, and the *Aquatic Invasive Species Regulations*, and reviews proposed developments that may impact fish and fish habitat. If the Project is taking place in or near water, the proponent responsible for understanding and describing the impacts the project will likely have on fish and fish habitat (including aquatic species at risk and their habitat); measures that can be implemented to avoid

and mitigate those impacts; and ensuring the project will not result in the introduction of aquatic species into regions or bodies of water frequented by fish where they are not indigenous.

It is important for the proponent to include information related to the number of watercourse crossings associated with access road upgrades and/or new access road construction. Details on fish presence and habitat quality for each watercourse is required along with the crossing type and construction methods. The proponent must provide sufficient information to allow DFO to assess the environmental effects of the Project on fish and fish habitat.

Hire a qualified professional to determine whether any fish or fish habitat exists in all watercourses located within the wind power site, along access road crossings, or any other receiving watercourse that may be impacted by the development. If the development has the potential to impact fish habitat, have the qualified professional describe the habitat, fish species present, and any measures that will be implemented to avoid and mitigate impacts to fish and fish habitat associated with the development.

The appropriate survey(s) should be conducted in a manner that is acceptable to DFO. If you need more information, contact DFO directly.

Visual Impact Assessment

- Describe the visual effect of the proposed wind turbines on the locality, taking into account each of the following:
 - the various perspectives of the “visual user” groups represented in the local community;
 - the degree to which turbines modify landscapes;
 - the visibility of the proposal from public viewpoints;
 - the proximity of the project to sites of significance such as conservation areas, parks and wilderness areas; and
 - the provincial significance of the landscape in question.
- Include evidence to support the description, such as illustrations, photographs and other graphic representations of the appearance of the wind projects and transmission lines (where applicable) from all significant vantage points including views from both the land, the beach and the sea, where relevant.
- A landscape analysis is likely required for locations of high landscape quality. The existing landscape should be described, and the potential visual impacts of the proposal assessed.

Noise Levels

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- The proponent is expected to determine acceptable setback distances between wind turbines and receptors. Acceptable wind turbine setback distances depend on specific climatic conditions and the number and layout of turbines at the site.
 - In circumstances where municipal by-laws respecting wind turbines exist, the most stringent limits will apply.
- The appropriate setback distance varies depending on:
 - the type and number of turbines used;
 - topography;
 - vegetative cover across the landscape
 - proximity to the ocean; and
 - location of receptors.
- For the purpose of noise level measurements, a receptor is defined as an adjacent dwelling including, but not limited to, a building or structure that contains one or more dwellings, educational facility, daycare/nursery, place of worship, hospital, seniors residence and could also include a vacant lot where appropriate zoning or permits to build such dwellings have been approved.
- In establishing separation distances, a proponent must ensure that the wind farm design and turbine siting does not cause sound levels to exceed 40 dBA (A-weighted decibels) at the exterior of receptors.
- Through the EA process the proponent is expected to demonstrate through computer modelling data how the noise from the operational wind farm travels across the landscape. All noise modelling data, results, and assumptions should be included in the EA Registration Document.
- In the Registration Document, the proponent must:
 - identify all receptors within 2 km, including sensitive receptors (i.e. schools, campgrounds, care homes, etc.);
 - identify existing wind turbines within 3 km;
 - provide information on existing (background) noise levels and the expected levels of all potential noise sources associated with the construction and operation of the wind power project, including wind turbines, traffic movements, and substation;
 - discuss the predicted effects (with rationale), if any, the increased noise levels will have on wildlife and receptors near the wind power project;
 - include the sound power level for the turbine(s) to be used;
 - discuss the predicted effects (with rationale) of infra sound (or low frequency sound) on receptors;

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- describe the extent to which these noise emissions can be reduced and contained to minimize effects upon the wider locality and receptors, including potential future development; and
- discuss the methods to be used to monitor noise levels throughout the life of the development.
- discuss the methods to be used to mitigate noise levels throughout the life of the development should noise modelling be inaccurate or noise levels be greater than 40 dBA

Shadow Flicker

- Shadow flicker is the alternating periods of shadow and light that occur when a wind turbine is between the sun and a receptor. The sun shining through the spinning turbine blades causes this effect.
- Proponents must demonstrate through modelling that no receptor will receive 30 minutes or more per day, and/or 30 hours or more per year of shadow flicker.
 - discuss the methods to be used to monitor shadow flicker throughout the life of the development.
 - discuss the methods to be used to mitigate shadow flicker should modelling be inaccurate or shadow flicker be in excess of 30 minutes per day, and/or 30 hours or more per year.

Other Issues

- Consider whether any of the following other issues need to be addressed:
 - blade glint;
 - ice throw;
 - coastal erosion and/or inundation;
 - sites of cultural significance;
 - electromagnetic interference;
 - site access;
 - ecological impacts;
 - cumulative effects; and
 - geo-technical/ground stability.
- Consider the net benefits of the project, such as reduction of greenhouse gas emissions.

Socio-Economic Conditions

Economy

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- Describe the economic conditions for the region and surrounding communities. Information should be provided on the available labour supply and rates of employment for the region and surrounding communities.
- Detail the number of full and part-time jobs during the construction, operation, and decommissioning phases of the undertaking. Specify whether these will be new jobs or existing jobs that will be maintained.
- Predict the positive and negative effects that the proposed wind power project will have on the local economy. Explain your rationale.
- Discuss how any negative impacts to the economy will be avoided or mitigated.

Land Use and Value

- Identify the past land uses of the site and describe any potential contamination that may have resulted from past land use.
- Describe the planned and existing land uses within the wind power site and any other area that may be impacted by the proposed wind power project.
- Describe the predicted impacts that the proposed wind power project will have on the existing and planned land uses, such as property values, land use conflicts, architecture. Explain the rationale.
- Discuss the methods that will be used to avoid or mitigate impacts to land uses and existing structures.

Transportation

- Describe the existing conditions of the proposed modes and routes of transportation that will be used throughout the wind power project, such as provincial highways, arterial highways, and on-site access roads. Include information on the existing types and volumes of traffic.
- Discuss the predicted impacts to traffic volumes and road conditions. Explain the rationale. Include the proposed methods for avoiding or mitigating impacts to the existing transportation infrastructure.
- Discuss the impact on the air navigation system and specifically on civil and military air traffic control radars, navigation aids, and airports in the vicinity of the wind farm. This information is available from NAV CANADA's Land Use Office and from the Department

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of National Defence. Find contact information for NAV CANADA and Department of National Defence in the Appendix.

- Attach copies of assessment letters from NAV CANADA and Department of National Defence to the EA Registration Document.

Recreation and Tourism

- Discuss the existing and planned recreation and tourism activities for the surrounding area, such as hunting, fishing, hiking, parks.
- Describe the predicted effects the wind power project will have on recreation and tourism and how those effects will be avoided or mitigated. Explain the rationale.
- Include a discussion of the impacts of the wind power project's architecture on the landscape aesthetics and viewplanes.

Human Health

- According to the EA Regulations, an environmental effect in respect of an undertaking includes an effect on environmental health, which is defined as those aspects of human health that are or can be affected by contaminants or changes in the environment.
- Discuss the predicted effects that the undertaking will have on the health of people in the surrounding area and what will be done to avoid or mitigate any negative impacts. Explain the rationale.

Cultural and Heritage Resources

- Notify the Department of Communities, Culture, Tourism and Heritage of the proposed wind power project so that any areas of historical, archaeological, and paleontological importance can be identified.
- Obtain preliminary information and advice regarding the likelihood of archeological, historical, or paleontological (fossil) remains through the Heritage Division.
- Refer to the *Special Places Protection Act* if any of the above areas are identified.
- Conduct site investigations if it is determined that areas of historical, archaeological, and paleontological importance may exist.
 - Site investigations should be conducted in a manner that is acceptable to the Heritage Division, including obtaining the necessary permits.

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- If any artifacts are discovered during a site investigation, you must notify the Heritage Division, Department of Communities, Culture, Tourism and Heritage. If the discovery is of known or suspected Mi'kmaw origin, the Kwilmu'kw Mawklusuaqn Negotiation Office Archaeology Research Division, Sipekne'katik First Nation, and Millbrook First Nation should be notified.

Other Undertakings in the Area

- Indicate the type, size, location and any other relevant information of other undertakings or developments in the area of the site.
- Describe the predicted effects that the proposed wind power project will have on other undertakings in the area, including any effects that are cumulative in nature, such as through water withdrawal, wildlife habitat fragmentation or additional trucking traffic. Explain the rationale.
- Discuss how the predicted negative effects to other undertakings will be avoided or mitigated.

Effects of the Undertaking on the Environment

- Present an evaluation and summary of the benefits and drawbacks to the environment, including the VECs, during the construction, operation, and decommissioning phases of the undertaking.

Effects of the Environment on the Undertaking

- The variability in local conditions and natural hazards can have an immediate effect on a project's operations and may contribute to further environmental impacts.
- This section should describe the predicted effects of the environment (extreme storms, erosion, floods, wildlife, fire, drought, etc.) on the proposed undertaking.
- The analysis should consider a combination of existing conditions, project effects on the immediate area, as well as climate change data for the proposed timeframe.
- In addition, please provide a short summary of how the proposed undertaking will adapt or put in place measures to address these risks.

Other Approvals Required

- The project may also require an approval under Part V of the *Environment Act*. The activities that require authorization by ECC under this section of the act can be found in the *Activities Designation Regulations*. It includes activities such as watercourse alterations (crossings), wetland alterations, water withdrawal and various other industrial activities.
- It is the proponent's responsibility to identify any other approvals (provincial, federal and municipal) required for the proposed project.
- List the other permits, licenses, approvals, and other forms of authorization required for the undertaking to proceed, together with the names of the authorities responsible for issuing them — federal, provincial, and municipal government departments.

Funding

- Identify any public source of funding that will be used to finance any part of the undertaking.
- Include the contact information for any government department or agency from which the funds have been requested.

Additional Information

- Include any other information that you believe is necessary or relevant for the EA.

Reference Documents

Endangered Species Act of Nova Scotia

<http://www.gov.ns.ca/legislature/legc/statutes/endspec.htm>

Migratory Birds Convention Act (MBCA)

<http://laws.justice.gc.ca/eng/>

Nova Scotia Environment and Climate Change - Environmental Assessment Regulations

www.novascotia.ca/just/regulations/regs/envassmt.htm

Nova Scotia Environment and Climate Change - Fee Schedule for Environmental Assessment

<https://novascotia.ca/nse/ea/pubs.asp>

Nova Scotia Environment and Climate Change - Guide to Considering Climate Change in Project Development in Nova Scotia.

<https://www.novascotia.ca/nse/ea/docs/EA.Climate.Change.Guide.pdf>

Nova Scotia Environment and Climate Change - Nova Scotia Wetland Conservation Policy

www.novascotia.ca/nse/wetland/conservation.policy.asp

Nova Scotia Environment and Climate Change - Regulatory Time Frames for Environmental Assessment

<http://www.gov.ns.ca/enla/ea/docs/EATimeFrames.pdf>

Nova Scotia Environment and Climate Change - Requirements for Submitting Electronic Copies of Environmental Assessment Documents

<http://www.gov.ns.ca/nse/pubs/>

Nova Scotia Environment and Climate Change – Activities Designation Regulations - [Activities Designation Regulations - Environment Act \(Nova Scotia\)](#)

Nova Scotia Office of L'nu Affairs – Proponent's Guide: The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia.

<https://novascotia.ca/nse/ea/docs/ea-proponents-guide-to-mikmaq-consultation.pdf>

Assembly of Nova Scotia Mi'kmaq Chiefs – Mi'kmaq Ecological Knowledge Study Protocol 2nd Edition

<https://novascotia.ca/abor/aborlearn/docs/mek%20protocol%20second%20edition.pdf>

Proponent's Guide to Environmental Assessment

www.gov.ns.ca/enla/ea/docs/EAProponentsGuide.pdf

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Species at Risk Public Registry

<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>

Special Places Protection Act of Nova Scotia

<http://www.gov.ns.ca/legislature/legc/statutes/specplac.htm>

Wildlife Division of the Nova Scotia Department of Natural Resources and Renewables online database for the population status of flora and fauna taxonomic groups throughout Nova Scotia:

<https://novascotia.ca/natr/wildlife/genstatus/>

"Wind Turbines and Birds - A Guidance Document for Environmental Assessment" and "Recommended Protocols for Monitoring Impacts of Wind Turbines on Birds":

<http://publications.gc.ca/site/eng/458437/publication.html>

DFO Projects Near Water

<https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>

Fisheries Act

<https://laws-lois.justice.gc.ca/eng/acts/f-14/>

Species at Risk Act

<https://laws.justice.gc.ca/eng/acts/S-15.3/>

Aquatic Invasive Species Regulations

<https://laws-lois.justice.gc.ca/eng/regulations/sor-2015-121/FullText.html>

Appendix I

List of Abbreviations

ACCDC	Atlantic Canada Conservation Data Centre
COSEWIC	Committee on the Status of Endangered Wildlife in Canada
EA	Environmental Assessment
DFO	Fisheries and Oceans Canada
NSESA	Nova Scotia Endangered Species Act
PID	Property Identification Number
SARA	Species at Risk Act
UTM	Universal Transverse Mercator
VEC	Valued Environmental Components

Definitions

Adaptation

Climate adaptation is often described as “In *human systems*, the process of adjustment to actual or expected *climate* and its effects, in order to moderate harm or exploit beneficial opportunities.” – Intergovernmental Panel on Climate Change (IPCC), ([link: Intergovernmental Panel on Climate Change](#))

Bird Strike

A collision between a bird and a wind turbine.

Blade glint

The regular reflection of the sun off rotating blades. When turbines are situated near roads (depending on road alignment and the orientation of turbines), blade glint can potentially distract drivers.

Broadband

This is noise characterized by a continuous distribution of sound pressure with frequencies greater than 100 Hz. It is often caused by the interaction of wind turbine blades with atmospheric turbulence. It is often described as a characteristic "swishing" or "whooshing" sound.

Class 1 Undertaking

Class 1 undertakings include, but are not limited to, mines, certain highways and waste/dangerous goods handling facilities and are listed in Schedule A of *the Environmental Assessment Regulations*, which can be found at: [Environmental Assessment Regulations - Environment Act \(Nova Scotia\)](#)

Cumulative Effects

The combined impacts that may occur when wind power projects or other types of projects are located in the same region.

Decommissioning

Preparing facilities for abandonment at the end of project life.

Electromagnetic impacts

The potential for turbines to cause interference to television and radio reception, etc.

Environment

As defined in the Environment Act:

The components of the earth and includes:

- (i) air, land and water;
- (ii) the layers of the atmosphere;
- (iii) organic and inorganic matter and living organisms;
- (iv) the interacting systems that include components referred to in subclauses (i) to (iii); and
- (v) for the purposes of Part IV, the socio-economic, environmental health, cultural and other items referred to in the definition of environmental effect.

Environmental Assessment

The process by which the environmental effects of an undertaking are predicted and evaluated and a subsequent decision is made on the acceptability of the undertaking.

Environmental Effect

In respect of an undertaking,

- (i) any change, whether positive or negative, that the undertaking may cause in the environment, including any effect on socio-economic conditions, on environmental health, physical and cultural heritage or on any structure, site or thing including those of historical, archaeological, paleontological or architectural significance and (ii) any change to the undertaking that may be caused by the environment, whether the change occurs inside or outside the Province.

Erosion

Detachment of soil particles by agents such as water, wind, and ice.

Fauna

Animals

Fish Habitat

The spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly to carry out their life processes.

Flora

Plants

Groundwater

All water naturally occurring under the surface of the province.

Habitat

The environment in which the life needs of a plant or animal are supplied.

Hazardous Materials

Any prohibited, restricted, or controlled product.

Heritage Resource

Includes archaeological resources, heritage structures, designated historic sites, sacred sites, burial sites, and areas of historical importance.

Hibernacula

The places in which an animal hibernates or overwinters during winter months.

Impact

An observable and measurable response of a population, individual, or abiotic factor to an external source of disturbance.

Impulsive (noise)

A noise that can be described as short acoustic impulses or thumping sounds that vary in amplitude with time. It is caused by the interaction of wind turbine blades with disturbed air flow around the tower of a downwind machine.

Low Frequency

Noise with frequencies in the range of 20 to 100 Hz. This is mostly associated with downwind turbines, which are turbines with the rotor on the downwind side of the tower. It is caused when the turbine blade encounters localized flow deficiencies due to the flow around a tower.

Migration (birds)

Movement of birds, usually in large numbers, with the purpose of reaching areas used for breeding.

Mitigation

With respect to an undertaking, the elimination, reduction or control of the adverse effects or the significant environmental effects of the undertaking and may include restitution for any damage to the environment caused by such effects through replacement, restoration, compensation, or any other means.

Tonal Noise

Tonal noise is defined as noise at discrete frequencies. It is caused by wind turbine components such as meshing gears, non-aerodynamic instabilities interacting with a rotor blade surface or unstable flows over holes or slits or a blunt trailing edge.

Paleontology

The study of the forms of life existing in prehistoric or geologic times, as represented by the fossils of plants, animals, and other organisms.

Proponent

Any person who carries out or proposes to carry out an undertaking, or is the owner or person having care, management, or control of an undertaking.

Property Identification Numbers

A unique number assigned to each piece of real estate.

Protected Areas

Include but are not limited to: National Parks, National Wildlife Areas, Wilderness Areas, Nature Reserves, larger Provincial Parks, land trust lands and lands subject to conservation easements.

Most parks and protected areas are illustrated on this web map:
<https://www.novascotia.ca/parksandprotectedareas/plan/interactive-map/>

Rotor Blades

The aerodynamic surface that catches the wind.

EA Registration Document

A document that identifies the proponent and outlines the general characteristics of the undertaking, including location, nature, purpose, schedules, etc. Proponents have the option to include other information that they feel is necessary.

Setback

The distance a structure must be set back from the property lines in accordance with local zoning ordinances or deed restrictions.

Shadow Flicker

This occurs when the sun is low on the horizon and the blades pass between the sun and an observer, creating a flickering. This issue needs to be considered as it could cause irritation and visual impairment.

Site Plan

A plan, prepared to scale, showing accurately and with complete dimensions the boundaries of a site, and the location of all buildings, structures, uses, and principal development features proposed for a specific parcel or parcels of land.

Significant

With respect to an environmental effect, an adverse impact in the context of its magnitude, geographic extent, duration, frequency, degree of reversibility, possibility of occurrence, or any combination of the foregoing.

Species

A self-perpetuating population of animals or plants that is more or less genetically isolated.

Species of Conservation Interest

Any species with a ranking of S1-S3 as identified by the Atlantic Canada Conservation Data Centre (ACDC).

Species at Risk

A species that is determined to be Endangered, Threatened, or Vulnerable/Special Concern by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), Nova Scotia Endangered Species Act (NESA), or the federal Species at Risk Act (SARA).

Surface water

Water on the ground or in a stream, river, lake, sea, or ocean as opposed to groundwater.

Topography

The configuration of the Earth's surface, including the shape, elevation, and position of its natural and man-made features.

Undertaking

An enterprise, activity, project, structure, work, or proposal. May include, in the opinion of the Minister, a policy, plan, or program that has an adverse effect or an environmental effect. May include, in the opinion of the Minister, a modification, extension, abandonment, demolition, or rehabilitation of an undertaking.

Universal Transverse Mercator

A system of plane coordinates based upon 60 north-south trending zones, each 6 degrees of longitude wide, that circle the globe.

Valued Environmental Component (VEC)

A resource or environmental feature that is important (not only economically) to a local human population, or has a national or international profile, or if altered from its existing status will be important for the evaluation of environmental impacts of industrial developments.

Visual impact assessment

An assessment of potential impacts to visual amenity and landscape character, predictions of their magnitude, and significance to local “viewsheds” and landscape features.

Watercourse

The bed and shore of every river, stream, lake, creek, pond, spring, lagoon, or other natural water body, and the water therein, within the jurisdiction of the province, whether it contains water or not, and all groundwater.

Wetland

Land commonly referred to as marshes, swamps, fens, bogs, and shallow water areas that are saturated with water long enough to promote wetland or aquatic processes. Salt marshes are also wetlands.

Wind Power Project

Wind turbines connected to a common utility system through a system of transformers, distribution lines, and (usually) one substation. Operation, control, and maintenance functions are often centralized through a network of computerized monitoring systems, supplemented by visual inspection.

Appendix II

Contact Information

Nova Scotia Environment and Climate Change

Environmental Assessment Branch

Suite 2085 1903 Barrington Street

Halifax, NS

B3J 2P8

Phone: 902-424-3600

Fax: 902-424-0503

Email: EA@novascotia.ca

Website: www.novascotia.ca/nse/ea/

Nova Scotia Environment and Climate Change

Protected Areas and Ecosystems

Suite 2085 1903 Barrington Street

Halifax, NS

B3J 2P8

Phone: 902-424-3600

Fax: 902-424-0503

Email: protectedareas@novascotia.ca

Website: www.novascotia.ca/nse/protectedareas

Nova Scotia Department of Natural Resources and Renewables

Wildlife Division

136 Exhibition Street

Kentville, NS

B4N 4E5

Phone: 902-679-6091

Fax: 902-679-6176

Email: BIODIVERSITY@novascotia.ca

Website: www.gov.ns.ca/natr/wildlife

Nova Scotia Department of Communities, Culture, Tourism and Heritage

Heritage Stewardship Section

Heritage Division

1747 Summer Street

Halifax, NS

B3H 3A6

Phone: 902-424-7370

Fax: 902-424-0560

Website: <http://museum.gov.ns.ca/mnh/>

Nova Scotia Office of L'nu Affairs (OLA)

Consultation Division

5251 Duke Street, 5th Floor
PO Box 1617, Halifax, NS B3J 2Y3
E-mail: LnuAffairs@novascotia.ca

Atlantic Canada Conservation Data Centre

PO Box 6416
Sackville, NB
E4L 1G6
Fax: 506-364-2656
Website: www.accdc.com

Impact Assessment Agency of Canada

Atlantic Region

Suite 200, 1801 Hollis Street
Halifax, NS
B3J 3N4
Phone: 902-426-0564
Fax: 902-426-6550
Website: <http://www.ceaa-acee.gc.ca/>

Fisheries and Oceans Canada (DFO)

Fisheries Protection Program

1 Challenger Dr., 6th Floor Polaris, BIO
Dartmouth, NS
B2Y 4A2
Phone: 902-426-8015
Fax: 902-426-1489
Email: info@dfo-mpo.gc.ca
Website: <http://www.dfo-mpo.gc.ca>

Environment Canada and Climate Change

Canadian Wildlife Service

PO Box 6227
17 Waterfowl Lane
Sackville, NB
E4L 1G6
Phone: 506-364-5044
Fax: 506-364-5062
Email: FCR_Tracker@ec.gc.ca
Website: <http://www.cws-scf.ec.gc.ca/>

Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO)

75 Treaty Trail
Millbrook, NS
B6L 1W3
Phone: 902-843-3880
Fax: 902-843-3882
Toll Free: 1-888-803-3880
Email : info@mikmaqrights.com
Website: <http://mikmaqrights.com/>

Native Council of Nova Scotia

Mi'kmaq Environments Resource Developments Secretariat (MERDS)

172 Truro Heights Road
Truro Heights, N.S. B6L 1X1
Phone: 902-895-7050
Fax: 902-895-8182
Email: merds@ncnsnetcomm.ns.ca
Website: www.ncns.ca

NAV CANADA

AIS Data Collection Unit and Land Use Office

P.O. Box 9824, Station T, 1601 Tom Roberts Road
Ottawa, ON
K1G 6R2
Phone: 866-577-0247
Fax: 613-248-4094
Email: landuse@navcanada.ca
Website: www.navcanada.ca

Department of National Defence

Wind Turbines

ATESS/CCISF
Box 1000 Stn Forces, 8 Wing Trenton
Astra, ON
K0K 3W0
Email: +windturbines@forces.gc.ca
Website: www.forces.gc.ca

Attachment D

WHMPS Excerpt

4.24 Wind Turbines

Council wishes to encourage the use of technologies that reduce dependence on non-renewable resources and do not contribute to greenhouse gas emissions. Wind energy systems are a clean, renewable source of electric power. Residential-scale wind turbines will be permitted in most zones, subject to lot size, setback and height requirements.

Utility-scale wind turbines have a rated production capacity greater than 100 kW. Much larger than those used for residential energy generation, utility-scale turbines may have towers ranging from 165 to 400 feet (50 to 120 meters) in height. These large wind turbines may be used in wind farms, where a number of turbines feed electricity directly into the utility grid, or as stand-alone installations. As Council wishes to facilitate the development of wind energy systems, the installation of exploration or test turbines will be treated as a temporary use and permitted as-of-right outside of the Growth Centres, Village and Hamlets subject to setbacks, minimum lot size standards, and requirements for removal within specified time limits. More permanent installations, including the establishment of wind farms, will be considered only by development agreement. Where these facilities have a production rating of two megawatts or more, they are also subject to the Nova Scotia Environmental Assessment Regulations as a Class I Undertaking. Most wind farms also require a federal Environmental Assessment under the Canadian Environmental Assessment Act (CEAA).

Policy 4.24.1 It shall be the intention of Council to include provisions in the Land Use By-law distinguishing between small wind turbines for residential or small business use, which are intended primarily to reduce on-site consumption of utility power, and large or utility-scale wind turbines with a production capacity greater than 100 kW.

Policy 4.24.2 It shall be the intention of Council to include standards in the Land Use By-law for the development of small wind turbines including minimum lot size, setback, height and similar requirements to ensure public safety and minimize the potential for land use conflicts.

Policy 4.24.3 It shall be the intention of Council to include standards in the Land Use By-law for the temporary establishment of large wind turbines for exploration or test purposes outside the Growth Centre, Village and Hamlet designations, including requirements for removal within specified time limits.

Policy 4.24.4 It shall be the policy of Council to consider the development of permanent or long-term installations of large wind turbines or wind farms outside the Growth Centre, Village and Hamlet designations by development agreement, having regard to the following:

- (a) any required provincial and/or federal government environmental assessment processes have been completed;
- (b) adequate separation distances are maintained from adjacent land uses to minimize impacts of noise and shadow and to ensure public safety;
- (c) the development is not visually intrusive in the landscape, taking into account the location and distance from which it is visible, and the significance and sensitivity of the landscape, topography, vegetation and built form in the surrounding area;
- (d) safe roadway access can be provided;
- (e) any other matter which may be addressed in a development agreement; and
- (f) Policy 16.3.1.

Attachment E
WHLUB Excerpt

Wind Turbines

5.52 Small wind turbines shall be permitted subject to the following:

- (a) not more than one turbine shall be permitted per lot except where the lot is at least 2 acres (0.81 ha) in area;
- (b) turbines with towers under 50 ft (15.24 m) in height shall be permitted in any zone provided the lot is at least 0.5 acres (0.20 ha) in area;
- (c) turbines with towers 50 ft (15.24 m) in height or greater shall be permitted only in zones outside the Growth Centre designation provided the lot is at least 1 acre (0.40 ha) in area;
- (d) the minimum setback from any lot line for the tower shall be the greater of:
 - (i) the minimum yard requirement for a main building; or
 - (ii) the height of the tower plus the distance from the top of the tower to the highest extended tip of the rotor blades;
- (e) the minimum setback for the tower from any dwelling on the same lot shall be the height of the tower plus the distance from the top of the tower to the highest extended tip of the rotor blades;
- (f) the minimum setback for the tower from any dwelling on an adjacent lot shall be 200 ft (60.96 m);
- (g) no ladder or permanent tower access device shall be located less than 12 ft (3.66 m) above grade;
- (h) there shall be no restriction on the height of the tower provided the property owner has received Aeronautical Clearance approval from Transport Canada.

5.53 For the purposes of Section 5.52 (b) and (c), height shall be measured as the distance above grade of the fixed portion of the tower, excluding the wind turbine itself.

5.54 The erection of a single large wind turbine for exploration or test purposes shall be permitted subject to the following:

- (a) the turbine shall not remain in place for more than two years;
- (b) turbines shall be permitted only in zones outside the Growth Centre, Village and Hamlet designations provided the lot is at least 10 acres (4.05 ha) in area; and
- (c) the requirements of Section 5.52 (d), (e), (f) and (g).